

ORDINANCE NO. 2025- ____

AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 6, ANIMALS, ARTICLES I, III, IV AND V, TO UPDATE DEFINITIONS, DANGEROUS DOG PROCEDURES, RABIES AND QUARANTINE PROVISIONS; TO ADD DANGEROUS AND AGGRESSIVE DOG REGULATIONS; TO ESTABLISH RELATED PROCEDURES FOR ENFORCEMENT, HEARINGS AND APPEALS; REPEALING ALL LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

Whereas, the City Council of the City of New Braunfels, Texas finds that these regulations are a proper exercise of its authority as a home-rule municipality, and further finds that these amendments are necessary to protect the health and safety of its citizens.

Whereas, the City Council of the City of New Braunfels, Texas, as authorized under the Texas Local Government Code, has adopted and employed ordinances establishing the New Braunfels Animal Services Advisory Board; and

Whereas, the City Council amends its ordinances from time to time to ensure they are achieving community and citizen goals; and

Whereas, the City Council has directed that ordinance dealing with the care of pets be reviewed by the Animal Services Advisory Board to make recommendations concerning improving those regulations; and

Whereas, the Animal Services Advisory Board at a public meeting on July 20, 2024 recommended approval of the proposed amendments; and

Whereas, the City Council heard a presentation and held a public hearing on this topic at their February 10, 2025 meeting at which time they directed staff to bring forward for consideration amendments that would update the local ordinances and address citizen concerns; and

Whereas, the City Council considered the first reading on said amendments on April 28, 2025, and a second reading on May 12, 2025.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION1: That the Code of Ordinances, Chapter 6-Animals, Article I be amended as indicated below:

ARTICLE I. IN GENERAL

Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means left without the needed protection, care, or support by the owner, a person, partnership, or corporation.

Aggressive dog means a dog that:

- (1) is at large and is found to be a nuisance, or displaying threatening or aggressive behavior; including chasing people, or
- (2) while at large, causes an injury that is severe in the opinion of the Animal Welfare Authority, to any domestic animal or livestock except poultry; or
- (3) while at large, kills or causes the death of any domestic animal or livestock except poultry.

Altered or sterilized means the surgical removal of the reproductive organs of a dog or cat or the use of nonsurgical methods and technologies approved by the United States Food and Drug Administration or the United States Department of Agriculture to permanently render the animal unable to reproduce.

Animal means every nonhuman species of animal, both domestic and wild.

Animal at large means any animal not under the restraint (as defined in this section) of a person capable of controlling the animal on or off the premises of the owner.

Animal care means the responsible practice of good handling, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when deemed necessary by an animal control officer to prevent suffering or impairment of health.

Animal shelter means any facility operated by a humane society, or municipal agency or its authorized agents, for the purpose of impounding stray, homeless, abandoned or unwanted animals under the authority of this chapter or state law for care, confinement, return to owner, adoption or euthanasia.

Animal welfare authority means a municipal office with authority over the area where the dog is kept.

Animal Welfare & Rescue Division / animal control officer or humane officer means any person designated by the city ~~as a law enforcement officer~~ who is qualified to perform such duties as required by this chapter and/or state law.

Animal welfare organization means any non-profit organization that has tax-exempt status under United States Internal Revenue Code Section 501(c)(3) and takes unwanted, abandoned, abused, or stray animals and places them into permanent or foster homes. Animal welfare organization does not include an entity who breeds animals; or in exchange for payment or compensation, obtains any cat or dog from a person or entity who either breeds cats or dogs or facilitates the sale of cats or dogs that were obtained from a person or entity that breeds cats or dogs.

Animal Welfare & Rescue Division means the division of the city designated by the city manager to administer this chapter and the associated state laws for the purposes of enforcement, protection, welfare and overall disposition of animals within the city limits.

Attack means to cause punctures with teeth or an aggressive and violent action against a person or animal.

Auction means any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter. This definition does not apply to individual sales of animals by owners.

Bite means puncturing or tearing of the skin by an animal's teeth.

Bodily injury means specific kinds of harm done to the body after an incident, such as bruises, cuts, fractured bones, and nerve damage.

Bullhook means a tool or device, also known as an elephant goad or an ankus, used in handling and training elephants, consisting of a spike, hook or combination thereof, attached to a shaft or handle.

Cat means any live or dead felis catus.

Circus means a commercial variety show featuring animal acts for public entertainment.

Commercial animal establishment means any retail pet shop, grooming shop, guard dog or obedience training center, animal auction, riding school or stable, zoological park, circus, performing animal exhibition, or boarding or breeding kennel.

Cruel manner includes a manner that causes or permits intentional pain or suffering.

Currently vaccinated means vaccinated and satisfying the following criteria:

- (1) The animal must have been at least four months of age at the time of vaccination;
- (2) At least thirty days have elapsed since the initial vaccination; and
- (3) The time elapsed since the most recent vaccination has not exceeded the recommended interval for booster vaccination as established by the manufacturer.

Designated custodian means a person who has possession or control or responsibility of an animal in their direct supervision and is performing veterinary treatment, grooming, training, law enforcement activity, or any other animal related service where the owner and the custodian have agreed to the animal related service or activity.

Dangerous dog means a dog that:

- (1) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Dog means any live or dead canis familiaris.

Domestic animal means tame, domesticated, of or pertaining to the family or household.

Ear tipping means the painless removing of the tip of the left ear of a cat while the cat is anesthetized by a licensed veterinarian.

Enclosure means a structure that contains a dog/ cat for the purpose of preventing the animal from being at large.

Feral cat means any unowned, homeless, wild, or untamed cat which is too poorly socialized to be handled (and therefore must be trapped and sedated for examination) and which cannot be placed into a typical home as a domestic pet.

Feral cat colony means a group of cats that congregate together, more or less as a unit, who are fed and cared for by a feral cat colony caregiver.

Feral cat colony caregiver means a person who is approved by a sponsor who feeds feral cats, performs trap-neuter-return, and provides long-term care and monitoring for adult feral cats.

Food means access to food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, except as prescribed by a veterinarian.

Fowl means a bird of any kind; domestic cock or hen (*gallus gallus*).

Grooming shop means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

Guard dog means any professionally trained dog that will detect and warn its handler that an intruder is present in or near an area that is being secured.

Identification means any acceptable method such as micro-chipping, registration tag, or tattoo readily traceable to the current owner.

Kennel or cattery means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats; and/or a facility for keeping more than four animals of the same species.

Licensed veterinarian means a veterinarian licensed to practice veterinary medicine in one or more of the 50 states.

Livestock means domestic animals used or raised on a farm, especially those kept for a profit; specifically, horses, ponies, mules, donkeys, cattle, goats, sheep and swine, regardless of age, sex or breed.

~~Local health authority or Local~~ *Rabies Control Authority means officer.* the city sanitarian, [neighborhood services manager or their designee](#) shall be designated as the rabies control officer and shall handle all duties required under the Rabies Control Act of 1981 (V.T.C.A., Health and Safety Code § 826.001 et seq.).

Microchip implant means a passive electronic device that is injected into an animal by means of a hypodermic-type syringe device. Each microchip shall contain a unique and original number that is read by an electronic scanning device for the purposes of animal identification and recovery by the animal's owners.

Observation period means the ten days following a bite incident during which the biting animal's health status must be monitored. The ten-day observation period will begin on the day of the bite incident (day one).

Owner means any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more, or if it returns to a residence or business on three separate days.

Performing animal exhibition means any spectacle, display, act, or event, in which performing animals are used. This shall include animal amusement vendors such as, but not limited to, pony-go-round rides, commercial horseback pictures, etc.

Pet or companion animal means any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Retail pet shop means a for-profit retail establishment or place of business, where cats or dogs are sold, leased, offered for sale, traded, or given away for consideration. This does not include a private residence not generally open to the public, an animal shelter, or a facility operated by an animal welfare organization.

Possible exposure to rabies means the receipt of a bite or scratch from any warm-blooded animal, animal to human or animal to animal, is reason to suspect exposure to rabies.

Properly fitting means, with respect to a collar or harness used for a dog, a collar or harness that does not impede the dog's normal breathing or swallowing, and is attached to the dog in a manner that does not allow for escape and does not cause injury to the dog.

Provocation means any purposeful act that causes an animal to bite, scratch, or attack in protection of self, owner, or owner's premises. Entrance, in any manner, into an area where an animal is properly under restraint in compliance with city ordinances would be considered provocation, irrespective of the reason for such entrance.

Public nuisance means any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" means and includes, but is not limited to, any animal that:

- (1) Is repeatedly at large or stray;
- (2) Damages the property of anyone other than its owner;
- (3) Molests or intimidates pedestrians or passersby;
- (4) Trespasses on school grounds;
- (5) Chases vehicles;
- (6) Excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (7) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (8) Causes insanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (9) Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained; or
- (10) Attacks other domestic animals.

Quarantine means strict confinement, for the purpose of preventing the spread of disease, under restraint by closed cage, isolation, kennel, rabies chamber, paddock, or in any other manner approved by the local health authority on the private premises of the owner or at a facility approved by the state department of health.

Quarantine period means that portion of the observation period during which a biting animal is physically confined for observation as provided for under section 6-109.

Rabies means an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.

Registered feral cat colony means a managed feral cat colony registered with a sponsor and meeting all requirements of this chapter.

Releasing agency means a public or private animal pound, shelter, or humane organization. The term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.

Restraint means that an animal is secured by a leash or lead and under the control of a responsible person and obedient to that person's commands. At all other times, a dog or other such animal shall be confined to the realty or premises of the owner of such dog or other animal by a substantial fence of sufficient strength and height to prevent such dog or other animal from escaping therefrom; or inside a house on such premises; or secured on such premises by a leash consisting of a material of sufficient strength to prevent such dog or other animal from escaping from such premises. It shall be unlawful for the leash to be arranged in a manner that allows the dog or other animal to get on or across or within eight feet of any street, park, or other public land or within eight feet of any sidewalk, public way, place or building when such leash is stretched to its full length. Any animal so arranged

shall be ~~considered dangerous to the public in general and~~ declared a nuisance and shall be impounded. Although cats shall be exempt from the leash requirement while on the premises of the owner, any cat straying on the property of anyone except its owner shall be deemed a public nuisance animal and will be subject to impoundment.

Riding school or stable means any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule, or burro; or any place that regularly buys, sells, or trains the above animals, including a racetrack, trotting track, or rodeo.

Scratch means a scrape left by the claws or nails of an animal and of sufficient severity to break the skin and draw blood.

Secure enclosure means a fenced area or structure that is:

- (1) locked;
- (2) capable of preventing the entry of the general public, including children;
- (3) capable of preventing the escape or release of a dog; and
- (4) in conformance with the requirements for enclosures established by the animal welfare authority.

Serious bodily injury means an injury characterized by bite wounds or ripping or tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

Shelter means provision of and access to housing that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry; during hot weather, is properly shaded and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of hay, cedar shavings, or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat; and, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

Sick animal means any animal that appears to be suffering from an infectious, contagious, or communicable disease; or that is showing evidence of a physical injury, physical disorder, or traumatic injury; or that has an elevated temperature.

Sponsor is any animal welfare group partnered with and approved by the city that agrees to comply with the requirements of the ordinance from which this definition derives for sponsors and provides written notice to the city that it will serve as a sponsor.

Stray means animal running free or at large, with no physical or verbal restraint.

Tether means any leash, chain, cord, rope, or other means of restraining an animal or the act of chaining, tying, fastening or otherwise securing an animal to a fixed point so that it can move, lie down or range only within certain limits.

Traceable identification means a type of identification, such as a tag, microchip, or tattoo that can be readily used by an animal control officer or animal welfare personnel to identify the current ownership of an animal.

Trap, neuter and return (TNR) program shall mean a nonlethal, humane alternative to deal with the feral cats which are captured, vaccinated, altered and returned back to their location in order to encourage the stabilization of the free-roaming feral cat population in the city.

Unowned animal means any animal for which an owner has not been identified.

Unprovoked Attack is an attack to a person or animal that has not tried to harm them in any way.

Vaccinated means properly injected with a rabies vaccine licensed for use in the subject species by the United States Department of Agriculture and administered by or under the direct supervision of a licensed veterinarian.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

Vicious animal means any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals; or an individual animal which the local health authority has reason to believe has a dangerous disposition, likely to be harmful to humans or other animals.

Water means provision of and access to clean, fresh, drinkable water that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian.

Wild animal means any animal except the common domestic species (including, but not limited to, dogs, cats, horses, cattle, swine, sheep, and goats), regardless of the state or duration of captivity.

Wild state means living in its original, natural condition; not domesticated.

Wildlife means any animal that occurs naturally in the wild state.

Zoological park means any facility operated by a person, partnership, corporation, or government agency, other than a pet shop or kennel, displaying or exhibiting one or more species of no domesticated animals.

(Code 1961, § 3-1; Ord. No. 2006-51, § 1, 6-12-06; Ord. No. 2014-58, § 2, 8-11-14; Ord. No. 2019-54, § 2, 8-13-19; Ord. No. 2021-20, § 2, 3-22-21; Ord. No. 2022-77, § 2, 10-24-22; Ord. No. 2023-64, § 1, 9-11-23)

Cross reference(s)—Definitions generally, § 1-2.

State law reference(s)—Definitions pertaining to rabies, V.T.C.A., Health and Safety Code § 826.002.

Sec. 6-2. Animal control/animal welfare officer.

An animal control officer~~(s)~~ /animal welfare officer shall be appointed to enforce all provisions of this chapter, including gathering and impounding or quarantining any livestock, fowl, cats, dogs, or other domestic and nondomestic animals found running at large (stray) within the city limits.

(Code 1961, § 3-2; Ord. No. 2021-20, § 3, 3-22-21)

Cross reference(s)—Administration, ch. 2.

Sec. 6-3. Enforcement of chapter.

The civil and criminal provisions of this chapter shall be enforced by those persons or agencies designated by municipal authority. It shall be a violation of this chapter to interfere with an animal control officer or humane officer in the performance of the officer's duties.

(Code 1961, § 3-27)

Sec. 6-4. Fee schedule for services rendered under this ordinance are listed in Appendix D to the Code of Ordinances.

~~(a)—Standard licensing fee. The licensing fee for dogs and cats, as required under this chapter, shall be as follows:~~

~~——(1)—Unneutered dog or cat: Annual fee of \$5.00.~~

~~(2) — Neutered dog or cat: Lifetime of animal fee of \$5.00.~~

~~(b) — *Permits.* A permit shall be issued after payment of the applicable fee:~~

~~(1) — Kennel authorized to house fewer than ten dogs or cats 50.00~~

~~(2) — Kennel authorized to house ten to 49 dogs or cats 100.00~~

~~(3) — Kennel authorized to house 50 or more dogs or cats 150.00~~

~~(4) — Pet shop 100.00~~

~~(5) — Riding stable 100.00~~

~~(6) — Auction 100.00~~

~~(7) — Zoological park 200.00~~

~~(8) — Circus 200.00~~

~~(9) — Performing animal exhibition 50.00~~

~~(10) — Grooming shop 50.00~~

~~(11) — Petting zoo 150.00~~

~~(12) — Guard dog training center 200.00~~

~~(13) — Obedience training center 50.00~~

~~(c) — *Impoundment fee.*~~

~~(1) — Unneutered dog or cat \$ 35.00~~

~~(2) — Neutered dog or cat 20.00~~

~~(3) — Fowl or other small animals 25.00~~

~~(4) — Livestock 50.00~~

~~(5) — Zoological and/or circus animal 100.00~~

~~(6) — Puppies and kittens under three months of age 20.00~~

~~(7) — A feral cat that is otherwise in a sponsor-approved trap, neuter, and return feral cat colony shall not be subject to impoundment fees under this section.~~

~~(d) — *Boarding fee.* A boarding fee must be paid for each animal confined by the animal shelter, as follows:~~

~~(1) — Dog or cat, per day of confinement: Set by the animal shelter.~~

~~(2) — Fowl or other small animal, one-time charge \$ 10.00~~

~~(3) — Livestock animal, per day of confinement 25.00~~

~~(4) — Zoological and/or circus animal, per day of confinement 300.00~~

~~(Code 1961, § 3-28; Ord. No. 95-13, § 1(3-28), 3-27-95; Ord. No. 2014-58, § 3, 8-11-14)~~

Sec. 6-5. Penalty for violation of chapter; schedule of fines.

Secs. 6-6—6-25. Reserved.

SECTION 2: That the Code of Ordinances, Chapter 6-Animals, Article III-Animal Control, be amended as indicated below:

ARTICLE III. ANIMAL CONTROL

Sec. 6-51. Restraint.

- (a) All dogs, cats and other animals shall be kept under restraint and not allowed to run at large or stray. This section shall not be so construed as to prohibit trained dogs that are a part of a canine unit operated by a law enforcement agency from being unrestrained while in the performance of their law enforcement and public safety functions within the city limits.

It shall be unlawful for a person having charge, care, or ownership of a cat to fail to keep the cat from roaming beyond the boundaries of the person's premises. It shall be an affirmative defense to prosecution under this section that the cat is a feral cat in a sponsor approved trap, neuter, and return feral cat colony program.

- (b) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.
- (c) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

~~(d) Any animal within the city that shall bite, scratch, or otherwise attack a person who is not at the time trespassing upon the property of the owner or person having control of such animal, nor provoking or teasing such animal, shall be deemed vicious or dangerous to persons or other animals and the city may order, following the procedures listed in this section, that such animal be kept muzzled, or that such animal be kept within a sufficient enclosure, or that such animal be permanently removed from the corporate limits of the city, or that such animal be delivered to the animal control officer or humane officer to be humanely euthanized.~~

~~(e) The local health authority may receive a complaint from any animal control officer, humane officer, police officer, or any other responsible person concerning an animal which has bitten a human being or attacked and killed another animal. The local health authority may also be the complainant concerning an individual animal which he has reason to believe has a dangerous disposition likely to be harmful to humans or other animals. A complainant must file with the local health authority a written sworn complaint which contains the following information, as applicable:~~

~~(1) Name, address, and telephone number of complainant and any other witnesses to the incident;~~

~~(2) Date, time and location of the incident;~~

~~(3) Description of the animal;~~

~~(4) Name, address and telephone number of the animal owner;~~

~~(5) A statement that the animal attacked and killed another animal;~~

~~(6) A statement that the animal attacked or bit a human being (refer to definitions of "vicious" and "provocation" in section 6-1);~~

~~(7) A statement that the animal has exhibited vicious propensities in past conduct, if known; and~~

~~(8) Other facts or circumstances of the incident.~~

~~(f) — After a sworn complaint is filed with the local health authority, he shall investigate the complaint and if there is sufficient evidence he may request the chief of police or designee to set a time and place for a hearing. The chief of police or designee shall give notice of the hearing to the animal's owner by personal service or certified mail, return receipt requested, at least ten days prior to the hearing date.~~

~~(g) — The chief of police or designee shall hold the hearing under this section and shall determine at the hearing if the animal specified in the complaint should be ordered to be kept muzzled, kept within a sufficient enclosure, removed from the city limits, or destroyed for the protection of the public health, safety and welfare of the community. The chief of police or designee shall receive testimony at the hearing concerning the incident under investigation.~~

~~(1) — To order the removal or destruction of the animal for the public health, safety and welfare, the chief of police or designee must find all of the following facts to be true:~~

~~a. — The animal attacked or bit a human being or attacked and killed another animal;~~

~~b. — The animal is the same animal which committed the acts described in subsection (g)(1)a of this section;~~

~~c. — Destruction of or removal of the animal is necessary to preserve the public health, safety, and welfare of the community.~~

~~(2) — To order the muzzling or keeping of an animal in a sufficient enclosure for the public health, safety and welfare, the chief of police or designee must find all of the following facts to be true:~~

~~a. — The animal attacked or bit a human being or another animal; or the animal has a known propensity to attack, bite, or injure human beings or domesticated animals because of temperament, conditioning, or training; or it is demonstrated by the local health authority that the animal has a dangerous disposition, likely to be harmful to humans or other animals;~~

~~b. — The animal is the same animal which committed the acts described in subsection (g)(2)a of this section;~~

~~c. — Muzzling or keeping of the animal in a sufficient enclosure is necessary to preserve the public health, safety, and welfare of the community.~~

~~If the chief of police or designee orders muzzling, keeping within a sufficient enclosure, destruction or removal of the animal and the owner is not present at the hearing, he shall notify the owner of the decision by personal service or certified mail, return receipt requested. If the chief of police or designee does not order destruction of or removal of the animal, the animal control officer shall, if the animal was impounded and if any required rabies observation quarantine period has been completed, return the animal to the owner upon payment of any fees due, with the understanding that any orders requiring muzzling or keeping within a sufficient enclosure must be followed as long as the animal remains within the city limits.~~

~~(h) — An owner of an animal may appeal a destruction or removal order to a court of competent jurisdiction within five days of the decision. If the chief of police or designee receives written notice of the intent to appeal within five days of the decision, he shall suspend the destruction or removal order pending final determination of the court. If such appeal is perfected by the filing of a petition in a court of competent jurisdiction within ten days of the order of destruction or removal, he shall suspend the destruction or removal pending the outcome of the appeal. In such event the owner will have 48 hours' notice to pick up the animal if it was impounded and if any required rabies observation quarantine period has been completed, and hold the animal pending the appeal. All fees due must be paid before the animal is released to the owner and the animal must be kept muzzled or within a sufficient enclosure if so ordered. Failure to claim the animal within 48 hours of such notice will result in the execution of the removal or destruction order.~~

~~(i) — If any animal is discovered in violation of any removal or destruction order described in subsection (g) of this section, the animal shall be immediately seized and humanely euthanized. Any animal discovered in violation~~

~~of any order requiring muzzling or keeping within a sufficient enclosure shall be seized and impounded, and the owner shall be prosecuted under the provisions of subsection (j) of this section.~~

~~(j) It shall be unlawful for any person to harbor or keep on his premises, or in or about his premises, or premises under his control, any vicious animal except as directed by this chapter.~~

~~(k) No part of this chapter shall preclude at any time the filing of a complaint in the court of competent jurisdiction under the provisions of the dangerous dog law (V.T.C.A., Health and Safety Code § 822.041 et seq.).~~

(Code 1961, § 3-6; Ord. No. 2014-58, § 5, 8-11-14)

State law reference(s)—Restraint, V.T.C.A., Health and Safety Code § 826.033 et seq.

Sec. 6-52. - Impoundment and violation notice.

Sec. 6-53. - Authority to slay animals running at large.

Sec. 6-54. - Sale of impounded animals, except dog or cat; records; redemption by owner.

Sec. 6-55. - Safety of animals in motor vehicles.

Sec. 6-56. - Feral cat colony management.

Sec. 6-57. Dangerous Dog

- (a) Any person may report an incident as described in the definition of “dangerous dog” in Sec. 6-1, to the City Animal Welfare & Rescue Division.
- (b) Upon the receipt of a sworn statement by the victim, witnesses or Animal Welfare & Rescue Division staff, the Animal Welfare & Rescue Division shall investigate to determine if the dog is dangerous. The complaint must contain the following information:
 - (1) Name, address, phone number, and email of complainant and any other witnesses to the incident;
 - (2) Date, time and location of the incident;
 - (3) Description of the animal in question;
 - (4) A statement of the incident;
 - (5) Name, address, phone number, and email of the animal owner, if known; and
 - (6) Other facts or circumstances of the incident.
- (c) The municipal court shall order the Animal Welfare & Rescue Division to seize and impound a dog and shall issue a warrant authorizing the aforementioned:
 - (1) on the sworn complaint of any person that the dog has caused the death of, or serious bodily injury to, a person by attacking, biting, or mauling the person; and
 - (2) on a showing of probable cause to believe that the dog caused the death of or serious bodily injury to the person as stated in the complaint.
 - a. The Animal Welfare & Rescue Division shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions until the municipal court orders the disposition of the dog. If, with due diligence, the Animal Welfare & Rescue Division cannot locate the owner of the dog before the fifteenth day after seizure and impoundment, the dog shall become the

property of the City of New Braunfels, all ownership rights for the animal shall transfer to the City of New Braunfels, and the Animal Welfare & Rescue Division may have the dog humanely euthanized.

- (d) The Animal Welfare & Rescue Division shall have authority to determine whether any dog has engaged in the behaviors specified in section 6-1 definition of "dangerous dog". At the conclusion of the Animal Welfare & Rescue Division investigation, the Animal Welfare & Rescue Division shall either:
 - (1) Determine that the dog is not dangerous, and if the dog is impounded, waive any impoundment fees incurred and release the dog to its owner; or
 - (2) Determine that the dog is dangerous and order its owner to comply with the requirements for ownership of a dangerous dog set forth in section 6-57-1 (a), and, if the dog is impounded, release the dog to its owner after compliance with all applicable requirements of section 6-57-1(a).
- (e) If a dog is determined to be dangerous, the Animal Welfare & Rescue Division shall notify the dog owner in writing, in person, or by certified mail; return receipt requested:
 - (1) That the dog was determined to be a dangerous dog;
 - (2) What the owner must do to comply with requirements for ownership of a dangerous dog in the City limits and to reclaim the dog, if impounded; and
 - (3) That the owner has a right to appeal the determination of dangerous dog.
- (f) An impounded dog determined by the Animal Welfare & Rescue Division to be dangerous must remain impounded and will not be released to the owner until the owner pays all fees incurred for impoundment of the dog and complies with all requirements for ownership of a dangerous dog set forth in this Article.
- (g) If the Animal Welfare & Rescue Division has reason to believe that an owner of an impounded dog has not complied with section 6-57.1 within thirty days after the official determination is made that the dog is dangerous, then a hearing will be conducted to determine compliance. For the purposes of the , official determination means the date on which the Animal Welfare & Rescue Division notified the owner of its determination that the dog is dangerous.

Sec. 6-57.1. Dangerous Dog - Requirements for keeping a dangerous dog.

- (a) Not later than the thirtieth day after a person learns of the official determination that the person is the owner of a dangerous dog, the person shall:
 - (1) Register the dog as a dangerous dog with City of New Braunfels Animal Welfare & Rescue Division on an annual basis, and pay an annual registration fee;
 - (2) Obtain liability insurance coverage or show financial responsibility in the amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the Animal Welfare & Rescue Division;
 - (3) Provide a secure enclosure that will prevent the dog from leaving the enclosure on its own and will reasonably prevent anyone except the owner of the dog from entering the enclosure. Such enclosure must be inspected and approved by the Animal Welfare & Rescue Division before the dog is registered with the Animal Welfare & Rescue Division;
 - (4) Obtain and maintain a current city pet registration;
 - (5) Post a clearly visible sign on the premises in which the dog is kept identifying the presence of a dangerous dog on the property. The sign shall be readable from any public street, highway, public sidewalk, or street adjacent to the property;
 - (6) When removed from its secure enclosure, muzzle the dog in a way to not cause injury to the dog, nor interfere with the dog's vision or breathing, but to prevent the dog from biting another animal or a person

and restrain the dog at all times on a leash capable of restraining the dog without breaking and not more than six feet in length;

- (7) If the dog does not have a registered microchip, the owner shall be required to have one implanted for positive identification of the dog; and
- (8) The owner will allow an annual inspection of the residence where the dog is kept in order for the Animal Welfare & Rescue Division staff to verify continued compliance with all requirements of this section. More frequent inspections may be conducted in response to specific complaints regarding non-compliance with this section.
- (b) Prior to selling or moving a dog registered with the Animal Welfare & Rescue Division as a dangerous dog, the owner must notify the Animal Welfare & Rescue Division of the intention to move the dog and provide the Animal Welfare & Rescue Division with a clear description of the location of where the dog is to be moved.
- (c) Any person bringing a dog into the City limits that has been determined dangerous by another animal control agency must notify the Animal Welfare & Rescue Division of the presence of the dangerous dog and must comply with all the requirements for the keeping of a dangerous dog set out in this Article.
- (d) The owner of a dangerous dog who does not comply with the requirements of section (a) shall deliver the dog to the Animal Welfare & Rescue Division no later than the thirtieth day after the owner learns that the dog is a dangerous dog.

Sec. 6-57.2. Dangerous Dog - Appeals; hearing.

- (a) If the Animal Welfare & Rescue Division determines that the dog is dangerous that decision is final unless the owner of the dog files a written appeal with the Municipal Court within fifteen days after the date that written notification was provided to the owner of the dangerous dog determination.
 - (1) To file an appeal the owner must:
 - a. File a notice of appeal in writing with municipal court
 - b. Attach a copy of the determination from the Animal Welfare & Rescue Division
 - c. Serve a copy of the notice of appeal on the Animal Welfare & Rescue Division by mailing the notice through the United States Postal Service.
 - (b) The Municipal Court shall set a date, time and place for a hearing on the appeal not later than ten days after receipt of the appeal, and provide written notification of the hearing to the owner and the Animal Welfare & Rescue Division.
 - (c) At the conclusion of the hearing, the Court may:
 - (1) Uphold the determination by the Animal Welfare & Rescue Division that the dog at issue is a dangerous dog and order:
 - a. The owner of the dog at issue to permanently remove the dog at issue from within the City limits of New Braunfels;
 - b. The owner of the dog at issue to comply with the requirements for keeping of a dangerous dog set forth in Sec. 6-57.1; or
 - c. Order the Animal Welfare & Rescue Division to humanely euthanize the dog.
 - (2) Find the dog is not a dangerous dog and order the dog released to its owner or a person authorized to take possession of the dog.

Sec. 6-57.3. Dangerous Dog - Status of dog pending appeal.

- (a) If the Animal Welfare & Rescue Division has possession of the dog at the time the owner files an appeal of the dangerous dog determination, the Animal Welfare & Rescue Division will maintain possession of the dog and

keep it in a secure and humane manner until final determination is made, unless the owner of the dog requests custody of the dog in question and complies with Sec. 6-57.1.

- (b) If the owner of the dog has possession of the dog in question at the time the owner files an appeal of the dangerous dog determination:
 - (1) The owner may keep possession of the dog until final determination has been made provided that the owner satisfies the requirements of Sec. 6-57.1 (3 & 6):
 - (2) The owner may keep the dog confined at a licensed veterinary clinic, cost of which will be borne by the owner, until final determination is made; or
 - (3) The owner may surrender the dog to the Animal Welfare & Rescue Division, and the Animal Welfare & Rescue Division will maintain possession of the dog and keep it in a secure and humane manner until a final determination is made. The cost of keeping the dog will be borne by the owner, until final determination is made.
- (c) If the owner violates the requirements of Sec. 6-57.1 (3 & 6), while the appeal is pending, an Animal Welfare & Rescue Division representative may seize and impound the dog, and it will be kept by the Animal Welfare & Rescue Division in a secure and humane manner until final determination is made. The cost of which will be borne by the owner, until final determination is made.

Sec. 6-57.4. Dangerous Dog- Violation of requirements for keeping of a dangerous dog.

- (a) On receiving an allegation that the owner of a dangerous dog has failed to comply with the requirements of Sec. 6-57.1, the Municipal Court shall set a time for a hearing to determine whether the owner of the dog has complied with the requirements of Sec. 6-57.1. The hearing must be held not later than the tenth day after receipt of the application.
- (b) Municipal Court shall give written notice of the time and place of the hearing to:
 - i. The owner of the dangerous dog; and
 - ii. The person who made the complaint or report.
- (c) Any interested party, including the City Prosecutor, is entitled to present evidence at the hearing.
- (d) If Municipal Court determines that the owner of a dangerous dog has failed to comply with Sec. 6-57.1, the Court shall issue a warrant ordering the seizure of the dog and the Animal Welfare & Rescue Division shall seize and impound the dog in a secure and humane condition.
- (e) The owner shall pay any cost or fee assessed by the Animal Welfare & Rescue Division related to the seizure, acceptance, impoundment or euthanasia of the dog.
- (f) The Municipal Court shall order the Animal Welfare & Rescue Division to return the dog to its owner if the owner complies with the requirements of Sec. 6-57.1 before the eleventh day after which the dog was seized pursuant to subsection (d), above. If the owner of the dog fails to comply with the requirements of Sec. 6-57.1 by the eleventh day after which the dog was seized, the dog shall become the property of the City of New Braunfels with all ownership rights for the dog being transferred to the City of New Braunfels, and the Court may order that the Animal Welfare & Rescue Division humanely euthanize the dog.
- (g) If, with due diligence, the owner of the dog has not been located by the fifteenth day after seizure and impoundment, the dog shall become the property of the City of New Braunfels, all ownership rights for the animal shall transfer to the City of New Braunfels, and the Municipal Court may order the dog to be humanely euthanized.
- (h) An owner or person filing the action may appeal the decision of the Municipal Court in the manner provided for under state law.

Sec. 6-57.5. Keeping of a Dangerous Dog- Violations.

- (a) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with any section of this Chapter ~~Article~~.
- (b) An offense under this Chapter is punishable by a fine not to exceed \$2,000.00.

Sec. 6-57.6. Keeping of a Dangerous Dog- Affirmative Defense.

- (a) It is a defense to prosecution under this section that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter or person employed by the State or a political subdivision of the State to deal with stray animals and has temporary ownership, custody or control of the dog; provided, however, that for any person to claim a defense under this Section, that person must be acting within the course and scope of his or her official duties with regard to the dangerous dog.
- (b) It is a defense to prosecution under this section that the person is an employee of the Institutional Division of the Texas Department of Criminal Justice or of a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes; provided, however, that for any person to claim a defense under this Section, that person must be acting within the course and scope of his or her official duties with regard to the dangerous dog.
- (c) It is a defense to prosecution under this section that the dog at issue is a trained guard dog in the performance of official duties while confined or under the control of its handler.

Sec. 6-58. Aggressive Dog - Classifications.

The following classifications shall be based upon specific behaviors exhibited by a dog:

- (a) Level 1 behavior is established if a dog, while at large, is found to be a nuisance or displays threatening or aggressive behavior, including the chasing of a person.,
- (b) Level 2 behavior is established if a dog, while at large, causes a severe injury to any domestic animal or livestock other than poultry.
- (c) Level 3 behavior is established if:
 - (1) A dog, while at large, kills or causes the death of any domestic animal or livestock other than poultry; or
 - (2) A dog classified as a Level 2 aggressive dog repeats the behavior in Subsection (b) after the owner or keeper receives notice of the Level 2 classification.

Sec. 6-58.1 Aggressive dog determination and classification.

- (a) Any person may report an incident as described in the definition of “aggressive dog” in section 6-1, to the City Animal Welfare authority, through its Animal Welfare & Rescue Division.
- (b) Upon the receipt of a complaint by the victim, witnesses or Animal Welfare & Rescue Division staff, the Animal Welfare & Rescue Division shall investigate to determine if the dog is aggressive. The complaint must contain the following information:
 - (1) Name, address, phone number, and email of complainant and any other witnesses to the incident;
 - (2) Date, time and location of the incident;
 - (3) Description of the animal in question;
 - (4) A statement of the incident;

- (5) Name, address, phone number, and email of the animal owner, if known; and
- (6) Other facts or circumstances of the incident.
- (c) The Animal Welfare & Rescue Division may seize and impound the dog at the owner's expense pending the determination of whether the dog is aggressive if:
 - (1) The dog has exhibited Level 3 behavior; and
 - (2) If, with due diligence, the owner of the dog has not been located by the fifteenth day after seizure and impoundment, the dog shall become the property of the City of New Braunfels, all ownership rights for the animal shall transfer to the City of New Braunfels, and the Animal Welfare & Rescue Division may humanely euthanize the dog.
- (d) The Animal Welfare & Rescue Division shall have authority to determine whether any dog has engaged in the behaviors specified in section 6-1 definition of "aggressive dog". At the conclusion of the Animal Welfare & Rescue Division investigation, the Animal Welfare & Rescue Division shall:
 - (1) Determine that the dog has not exhibited any of the specific behaviors established in Section 6-58 and, if applicable, release the dog to the dog's owner; or
 - (2) Determine that the dog has exhibited a specific behavior in Section 6-58 and classify the dog with the corresponding aggressive dog level and order the owner to comply with the requirements of ownership of said dog set forth in Section 6-58.4.
- (e) The Animal Welfare & Rescue Division shall have discretionary authority to refrain from classifying a dog as aggressive, even if the dog has engaged in the behaviors specified in Section 6-58. If the Animal Welfare & Rescue Division determines the behavior was the result of the victim abusing or tormenting the dog or was directed towards a trespasser or other similar mitigating or extenuating circumstances; the dog will be returned to the owner.
- (f) The Animal Welfare & Rescue Division shall have the discretion to increase or decrease a classified dog's restrictions based upon relevant circumstances.
- (g) If the dog is classified as aggressive, the Animal Welfare & Rescue Division shall notify the dog owner in writing, in person, or by certified mail; return receipt requested:
 - (1) That the dog was classified as aggressive;
 - (2) The restrictions applicable to the dog based upon the classification; and
 - (3) That the owner has the right to appeal the classification.
- (h) An impounded dog classified by the Animal Welfare & Rescue Division as aggressive must remain impounded and will not be released to the owner until the owner pays all fees incurred for impoundment of the dog and complies with the requirements of Section 6-58.4.
- (i) If the owner of an impounded dog has not complied with the requirements of Section 6-58.4 within thirty days after the official determination is made that an impounded dog is aggressive, the dog shall become the property of the City of New Braunfels, all ownership rights for the animal shall transfer to the City of New Braunfels, and the dog may be humanely euthanized.

Sec. 6-58.2 Appeals; hearing.

- (a) If the Animal Welfare & Rescue Division determines that the dog is aggressive that decision is final unless the owner files a written appeal with the Municipal Court within fifteen days of the date that the aggressive dog determination was mailed to the owner.
 - (1) To file an appeal the owner must:
 - a) File a notice of appeal with municipal court;

- b) Attach a copy of the determination from the animal control authority; and
 - c) Serve a copy of the notice of appeal on the animal control authority by mailing the notice through the United States Postal Service.
- (b) The Municipal Court shall set a date, time and place for a hearing no later than ten days after receipt of the appeal, and provide written notification of the hearing to the owner and Animal Welfare Division.
- (c) At the conclusion of the hearing, the Court may either:
 - (1) Uphold the classification by the Animal Welfare & Rescue Division that the dog at issue is aggressive and order:
 - a) The owner of the dog at issue to permanently remove the dog in question from within the City limits of New Braunfels; or
 - b) The owner of the dog at issue to comply with the requirements for keeping of an aggressive dog set forth in Section 6-58.4; or
 - c) The Animal Welfare & Rescue Division to humanely destroy the dog.
 - (2) Find the dog is not an aggressive dog and order the dog released to the owner of the dog or a person authorized to take possession of the dog.

Sec. 6-58.3 Status of dog pending appeal.

- (a) If the Animal Welfare & Rescue Division has possession of the dog at the time the owner files an appeal of the aggressive dog determination, the Animal Welfare & Rescue Division will maintain possession of the dog and keep it in a secure and humane manner until final determination is made, unless the owner of the dog requests custody of the dog in question and complies with keeping the dog in an enclosure appropriate with the aggressive classification type designated by the Animal Welfare & Rescue Division located in Section 6-58.4.
- (b) If the owner of the dog at issue is in possession of the dog at the time the owner files an appeal of the aggressive dog determination, the owner may either:
 - (1) Keep possession of the dog until final determination has been made provided that the owner keeps the dog in a secure enclosure that the Animal Welfare & Rescue Division deems to be secure enough to prevent the dog from escaping;
 - (2) Keep the dog confined at a licensed veterinary clinic until the final determination is made, the cost of which shall be borne by the owner; or
 - (3) Surrender the dog to the Animal Welfare & Rescue Division, which will maintain possession of the dog and keep it in a secure and humane manner until a final determination is made; the cost of which will be borne by the owner.
- (c) If the owner fails to keep the dog in a secure enclosure while the appeal is pending, an Animal Welfare & Rescue Division representative may seize and impound the dog and it will be kept by the Animal Welfare & Rescue Division in a secure and humane manner until final determination is made; the cost of which will be borne by the owner.

Sec. 6-58.4 Aggressive dog Requirements.

The owner of an aggressive dog shall comply with the following conditions:

- (a) Dogs classified as Level 1 dogs shall be:
 - (1) Confined within an enclosure that doesn't interfere with the public's legal access to the owner's premises whenever the dog is not on a leash; and

- (2) Leashed and under control of a responsible party when not on the dog owner's property; and
- (3) Registered as an aggressive dog with the City of New Braunfels Animal Welfare Division on an annual basis with the annual registration fee paid.
- (b) Dogs classified as Level 2 dogs shall be:
 - (1) Confined within a secure enclosure that doesn't interfere with the public's legal access to the owner's premises whenever the dog is not on a leash; and
 - (2) Insured with proof of public liability insurance in the amount of \$100,000.00, if required by the Animal Welfare & Rescue Division; and
 - (3) Registered as an aggressive dog with the City of New Braunfels Animal Welfare Division on an annual basis with the annual registration fee paid..
- (c) Dogs classified as Level 3 dogs shall be:
 - (1) Confined within an enclosure that doesn't interfere with the public's legal access to the owner's premises whenever the dog is not on a leash; and
 - (2) Insured with proof of public liability insurance in the amount of \$100,000.00; and.
 - (3) Registered as an aggressive dog with the City of New Braunfels Animal Welfare Division on an annual basis with the annual registration fee paid; and.
 - (4) Kept on premises that contains a clearly visible sign that identifies the presence of an aggressive dog on the premises and that is readable from any public street, highway, public sidewalk, or street adjacent to the premises; and
 - (5) Muzzled and restrained by an adequate leash and under the control of a capable person any time that the dog is off the owner's or keeper's premises; and
 - (6) Registered with a microchip that positively identifies the dog.
- (d) The owner of a Level 3 aggressive dog shall not permit the warning sign to be removed from the secure enclosure, and the owner of an aggressive dog shall not permit the dog to be moved to a new address or change owners without providing the Animal Welfare & Rescue Division with ten days prior written notification.

Sec. 6-58.5 Declassification.

- (a) Declassification of Level 1 or Level 2 dogs will occur and the restrictions required by Section 6-58.4 may be removed when the following conditions have been met:
 - (1) Level 1 or Level 2 dogs have been classified for one year without further incident; and
 - (2) There have been no violations of the applicable requirements; and
 - (3) If so ordered by the Animal Welfare & Rescue Division or Municipal Court at the time of classification.
- (b) Declassification of Level 3 dogs may occur, and the restrictions required by Section 6-58.4 may be removed, with the exception that the dog must be confined in a secure enclosure whenever the dog is not on leash when the following conditions have been met:
 - (1) Level 3 dogs have been classified for two years without further incident; and
 - (2) There have been no violations of the specified regulations; and
 - (3) If ordered by the Animal Welfare & Rescue Division or Municipal Court at the time of classification.

Sec. 6-58.6 Violations.

- (a) A person who owns or keeps custody or control of an aggressive dog commits an offense if the person fails to comply with the requirements of this section as applicable.
- (b) An offense under this section is punishable by a fine not to exceed \$2,000.00, with each day of violation being a separate offense.

Sec. 6-58.7 Affirmative Defenses.

- (a) It is a defense to prosecution under this section that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter or person employed by the State or a political subdivision of the State to deal with stray animals and has temporary ownership, custody or control of the dog; provided, however, that for any person to claim a defense under this Section, that person must be acting within the course and scope of his or her official duties with regard to the aggressive dog.
- (b) It is a defense to prosecution under this section that the person is an employee of the Institutional Division of the Texas Department of Criminal Justice or of a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes; provided, however, that for any person to claim a defense under this Section, that person must be acting within the course and scope of his or her official duties with regard to the aggressive dog.
- (c) It is a defense to prosecution under this section that the dog at issue is a trained guard dog in the performance of official duties while confined or under the control of its handler.

Secs. 6-~~57~~59—6-75. - Reserved.

SECTION 3: That the Code of Ordinances, Chapter 6-Animals, Article IV-Care and Keeping, be amended as indicated below:

ARTICLE IV. - CARE AND KEEPING

DIVISION 1. - GENERALLY^[3]

Sec 6-76- Animal Care

DIVISION 2. - ANIMAL SERVICES ADVISORY BOARD^[4]

Sec 6-87 -Definitions

Sec. 6-95—6-105. - Reserved.

SECTION 4: That the Code of Ordinances, Chapter 6-Animals, Article V-Rabies Control, be amended as indicated below:

ARTICLE V. RABIES CONTROL¹

Sec. 6-106. Rabies vaccination; tag.

Sec. 6-107. Reports of contagious disease and exposure to rabies.

(Code 1961, § 3-22)

State law reference(s)—Reports of rabies, V.T.C.A., Health and Safety Code § 826.041.

Sec. 6-108. Quarantine procedures.

- (a) Every animal that has rabies or symptoms thereof, or every animal that a person could reasonably suspect as having rabies, or that bites, scratches, or otherwise attacks any person within the city shall be impounded at once and held for observation and quarantined at an approved Texas Department of Health quarantine facility. The facility must meet the minimum state quarantine facility standards and will be subject to inspection by the state department of health.
 - (b) The owner of any dog or cat that is reported to have rabies or symptoms thereof, or to have been exposed to rabies, or to have bitten, scratched, or otherwise attacked any person, or that the owner knows or suspects to be rabid or to have attacked an individual, shall submit such animal to the animal control officer for a quarantine period of ten days, at the owner's expense. The ten-day observation period shall begin on the day of the bite incident. Any such animal must be immediately surrendered to the animal control officer and taken by such officer to an approved quarantine facility. The owner may choose to have the animal quarantined for the ten-day period at a Texas Department of Health approved quarantine facility.
 - (c) If the owner of an animal described in subsection (a) or (b) of this section refuses to surrender such animal on demand, such action shall constitute a misdemeanor and upon conviction shall be punishable by a fine as provided in section 1-8.
 - (d) If the owner of an animal described in subsection (a) or (b) of this section cannot be identified or located at the time of an investigation by the animal control officer, or if the animal was running stray, the animal control officer shall impound the animal and take it to:
 - (1) The local veterinarian listed on the vaccination tag if such identification tag is worn by the animal, and if the veterinary facility is an approved Texas Department of Health quarantine location. The veterinarian shall be responsible for contacting the owner of the animal and for quarantining the animal for at least the required times for registered or unregistered animals. If the owner cannot be found during this time, the animal may be humanely ~~killed~~ [euthanized](#) for rabies diagnosis, or may be held for the remainder of the quarantine period at the expense of the veterinarian, at which time the animal shall become the property of the veterinarian.
 - (2) A Texas Department of Health approved quarantine facility if the animal has an out-of-city identification or a vaccination tag from an out-of-city veterinarian. The approved quarantine facility and/or the rabies control officer shall be responsible for contacting the out-of-city veterinarian or owner of the animal. All other provisions listed in subsection (d)(1), above, shall apply.
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- (3) A Texas Department of Health approved quarantine facility if the animal has no identification or vaccination tag. If the animal is documented as wild or injured, or under certain other circumstances, the animal must be quarantined from zero to 72 hours, at the discretion of the rabies control officer after consultation with the veterinarian, at which time the animal may be humanely ~~killed~~ euthanized for rabies diagnosis. Other animals will be quarantined for 72 hours. If no owner has claimed the animal at the end of the 72-hour period, the animal may be humanely ~~killed~~ euthanized for rabies diagnosis.
- (e) The owner of an animal quarantined under this section shall pay to the quarantine facility the reasonable costs of the quarantine and disposition of the animal, including the charges for preparation and shipment of the animal's head or brain, if required, to the nearest state department of health certified laboratory for rabies testing. If the owner chooses not to pay for quarantine, the animal shall be humanely ~~killed~~ euthanized and the brain submitted to a state department of health certified laboratory for rabies diagnosis, at the owner's expense. All quarantine related payment arrangements shall be at the discretion of the individual quarantine facility and the facility shall be responsible for the collection of moneys owed.
- (f) The following quarantining procedures shall be observed:
 - (1) Biting animals and animals suspected of rabies that are placed in confinement for observation must be separated from all other animals in such a manner that there is no possibility of physical contact between animals.
 - (2) The quarantined animal must be observed at least daily by a person responsible for notifying the rabies control officer if clinical signs of rabies are noted.
 - (3) At the discretion of the rabies control officer or his designee, an unowned animal may be humanely ~~killed~~ euthanized for rabies diagnosis prior to the end of the quarantine period.
 - (4) The rabies control officer may require a written agreement by the owner or the custodian at the time of quarantine and the animal may be disposed of according to terms of this agreement.
 - (5) If the biting animal cannot be maintained in secure quarantine or if the owner chooses not to pay for quarantine, the animal shall be humanely ~~killed~~ euthanized and the brain submitted to a state department of health certified laboratory for rabies diagnosis, at the owner's expense.

(Code 1961, § 3-23; Ord. No. 97-3, § 1, 2-10-97; Ord. No. 2015-67, § 2, 11-23-15)

State law reference(s)—Quarantine of animals, V.T.C.A., Health and Safety Code § 826.042.

Sec. 6-109. Quarantine method and testing.

- (a) Animals quarantined at a veterinary clinic shall be observed by a licensed veterinarian at least on the first and last days of the quarantine period. If the veterinarian determines that the animal has clinical signs of the disease of rabies, the animal shall be humanely ~~killed~~ euthanized and the head or brain submitted for testing. If the veterinarian determines that the animal does not exhibit the clinical signs of the disease of rabies, the rabies control officer shall provide a form to the veterinarian for his signature certifying that the animal has been found to be free of the clinical signs of rabies at the end of the quarantine period. This form shall be returned to the rabies control officer at the end of the quarantine period.
- (b) The owner of the animal to be quarantined may request permission from the rabies control officer for home quarantine if the following criteria can be met:
 - (1) Secure facilities must be available at the home of the animal's owner, and must be approved by the rabies control officer.
 - (2) The animal is currently vaccinated against rabies and possesses a current city registration ~~ltag~~ (if the licensing requirement of this chapter is applicable).
 - (3) The animal was not in violation of any laws or ordinances at the time of the incident.

- (4) The bite or scratch incident was a provoked attack.
 - (5) The animal welfare officer ~~The victim or victim's parent or legal guardian~~ must approve the granting of a home quarantine if all other requirements have been met. The approval must be in writing on a form provided by the rabies control officer.
 - (6) A licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. For the first observation, the animal will be transported by the animal welfare control officer or the owner to the local veterinarian chosen by the owner, and then returned to the location of the home quarantine by the animal welfare control officer or the owner after the observation. If the animal becomes ill during the home quarantine period, the veterinarian and the rabies control officer must be notified by the person having possession of the animal. At the end of the observation period the owner shall transport the animal by direct route to the veterinarian for the final observation. Both observations by the veterinarian may be made at the location of the home quarantine if requested by the owner or required by the rabies control officer. The release from quarantine must be accomplished in writing.
 - (7) The owner shall be responsible for paying all rabies observation fees to the veterinarian. ~~The fees shall be set by contract between the CCVMA and the city.~~
 - (8) It shall be unlawful to violate the provisions and conditions of the home quarantine as required by the rabies control officer. If the owner of the animal fails to abide by all provisions and conditions required by the rabies control officer when the home quarantine was granted and the animal is found in violation of such conditions, the animal shall be immediately impounded and quarantined for the remainder of the observation period at an approved veterinary facility at the owner's expense.
- (c) No dog or cat shall be released from quarantine unless:
- (1) The owner has an unexpired rabies vaccination certificate and registration for the animal (if the registration requirement is applicable); or
 - (2) The animal is vaccinated against rabies by a licensed veterinarian at the owner's expense and a registration, if required, is obtained at the owner's expense from the veterinarian.
- (d) No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely ~~killed~~ euthanized in such a manner that the brain is not mutilated. The brain shall be submitted to a state department of health certified laboratory for rabies diagnosis.

(Code 1961, § 3-24)

State law reference(s)—Release or disposition of quarantined animal, V.T.C.A., Health and Safety Code § 826.043.

Sec. 6-110. Disposition of domestic animals exposed to rabies.

- (a) Unvaccinated animals which have been bitten or directly exposed by physical contact with a rabid animal or its fresh tissues shall be humanely euthanized ~~killed~~ or, if sufficient justification for preserving the animal exists, immediately vaccinate the animal against rabies, place in confinement for ~~the exposed animal shall be immediately vaccinated against rabies, placed in strict isolation for ninety days six months, and given a booster vaccination during the third and eighth weeks of confinement. For young animals, additional vaccinations may be necessary to ensure that the animal receives at least two vaccinations at or after the age prescribed by the United States Department of Agriculture (USDA) for the vaccine administered. and given a booster vaccination one month prior to release from isolation.~~
- (b) Vaccinated animals which have been bitten or ~~otherwise significantly~~ directly exposed by physical contact with ~~to~~ a rabid animal shall be humanely euthanized ~~killed~~ or, if sufficient justification for preserving the animal exists, the exposed vaccinated animal shall be given a booster rabies vaccination and placed in strict isolation for forty five days ~~three months~~.

- (c) The provisions of this section apply only to domestic animals for which an approved rabies vaccine is available.
- (d) The provisions of this section will be in accordance with current state law.
- (Code 1961, § 3-25)

Sec. 6-111. Rabies control flow chart.

(Code 1961, § 3-26; Ord. No. 87-51, § 2, 10-12-87)

SECTION 5:

THAT Appendix D Fee Schedule; Section A is hereby amended with additions as underlined and deletions as stricken:

APPENDIX D - FEE SCHEDULE

Sec. A. - Schedule of fees.

Animal Fee Schedule	
Standard licensing fee. The licensing fee for dogs and cats, as required under this chapter, shall be as follows:	
Unneutered dog or cat: Annual fee of	\$5
Neutered dog or cat: Lifetime of animal fee of	\$5
The lifetime license will only be valid when accompanied by a current rabies vaccination certificate.	
<i>Permits.</i> A permit shall be issued after payment of the applicable fee:	
Kennel authorized to house fewer than ten dogs or cats	\$50
Kennel authorized to house ten to 49 dogs or cats	\$100
Kennel authorized to house 50 or more dogs or cats	\$150
Pet shop	\$100
Riding stable	\$100
Auction	\$100
Zoological Park	\$200
Circus	\$200
Performing Animal Exhibition	\$50
Grooming Shop	\$50
Petting Zoo	\$150

Guard Dog Training Center	\$200
Obedience training center	\$50
Dangerous Dog Annual Registration	\$100
Aggressive Dog Annual Registration	\$50
<i>Impoundment fee.</i> An impoundment fee must be paid for each animal captured, as follows:	
Unneutered dog or cat	\$35
Neutered dog or cat	\$20
Fowl or other small animals	\$25
Livestock	\$50
Zoological and/or circus animal	\$100
Puppies and kittens under three months of age	\$20
A feral cat that is otherwise in a sponsor approved trap, neuter, and return feral cat colony shall not be subject to impoundment fees under this section.	
<i>Boarding fee.</i> A boarding fee must be paid for each animal confined by the animal shelter, as follows:	
Dog or cat, per day of confinement: Set by the animal shelter.	
Fowl or other small animal, one-time charge	\$10
Livestock animal, per day of confinement	\$25
Zoological and/or circus animal, per day of confinement	\$300

SECTION 6: This Ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to animals within the City of New Braunfels, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this Ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

SECTION 7: That if any provisions of this Ordinance shall be held void, illegal, or unconstitutional, it is hereby provided that all other parts of the same which are not held void, illegal or unconstitutional shall remain in full force and effect.

SECTION 8: EFFECTIVE DATE AND PUBLICATION:

This Ordinance shall become adopted upon its second reading, signature, and filing with the City Secretary's Office; however, it will not take effect until it has been published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this ____ day of _____, 2025.

PASSED AND APPROVED: Second reading this ____ day of _____, 2025.

CITY OF NEW BRAUNFELS, TEXAS

NEAL LINNARTZ, Mayor

ATTEST:

Gayle Wilkinson, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney