Dangerous Animals

Section 8.01 Animals Chapter of the City of Arlington Code
Section 822.041 Texas Health and Safety Code
(Paraphrased)

Dangerous Animal

- An animal that makes an unprovoked attack on a human, causing bodily injury. Attack occurs away from the animal's normal secure enclosure.
- An animal committing unprovoked *acts* away from its secure enclosure which cause a person to *reasonably believe* the animal will attack and cause bodily injury.
- An at-large dog that makes an unprovoked attack on a domestic animal or domestic fowl that causes bodily injury or death.

Secure Enclosure

- Fenced area or structure.
- Locked
- Capable of preventing entry of the general public, including children.
- Prevents the escape or release of the animal.
- Clearly marked as containing a dangerous animal.
- Conforms with the requirements established by the Supervisor or the Animal Chapter.

Knowledge of Dangerous Animal

A person knows that they own a dangerous animal when they know of an attack as described above or they are notified by the Supervisor.

Reporting a Dangerous Animal

Reports of dangerous animals must be made in writing and notarized. The Supervisor shall investigate all reports filed under this section.

Notification and Appeal

- If the Supervisor determines the animal is a dangerous animal, the owner is notified.
- The notice shall be in writing and advises the owner that they have a right to appeal.
- Notice shall be mailed by certified mail, receipt requested or hand delivered in person by the Supervisor. The notice is deemed received five (5) days after it is placed in a mail receptacle of the U.S. Postal Service.
- The owner has ten (10) days to appeal the determination to the Arlington Municipal Court. If the dangerous animal determination is upheld by the municipal court, the owner may appeal this determination to the county court at law.

Requirements for Owners of Dangerous Animals

- The owner must comply with the dangerous animal requirements no later than ten (15) days after being notified, *even if the case is under appeal*. A (30) day written extention may be granted if more time is needed to come into compliance.
- The animal must be registered as a dangerous animal with the Supervisor.
- The animal must be restrained *at all times* in a secure enclosure.
- The owner must acquire one hundred thousand ($100,000) dollars in liability insurance specifically for the purpose of covering damages resulting from attacks by the dangerous animal.

Registration

- Each year, the owner shall: 1) present proof of the required liability insurance, 2) present proof of current rabies vaccination 3) present proof and receive approval from the Supervisor that the animal's enclosure is secure, and 4) pay a registration fee of fifty ($50) dollars.
- The Supervisor shall: 1) issue a dangerous animal tag to the owner that is brightly colored, 2) engrave the current year of the registration on the tag.
- The tag must be worn by the animal at all times.
- Upon selling or giving the animal away, the owner must notify the Supervisor of the new owner's name and address no later than fourteen (14) days after the date of the sale or gift.
- If the new owner resides in Arlington, they must register the animal with the Supervisor no later than fourteen (14) days after receipt of the animal.
- If an owner of an animal that has been deemed dangerous in another jurisdiction moves to Arlington, they must register the animal with the Supervisor no later than fourteen (14) days after becoming a resident of the City of Arlington.
- The Supervisor will reregister a dangerous animal with a new owner or a new resident if: 1) proof of liability insurance is presented, 2) satisfactory proof is presented to the Supervisor that the animal's enclosure is secure, 3) the animal's unexpired dangerous animal tag is relinquished to the Supervisor and, 4) the owner pays a reregistration fee of twenty-five ($25) dollars.
- If the dangerous animal's registration is expired, the new owner or new resident must register the animal as stated in the first item of this section.
- Reregistrations are valid for the remaining period of time of the old license.
- When notified of a dangerous animal relocating to another jurisdiction or entering Arlington and previously registered in another jurisdiction, the Supervisor should notify the animal control authority for such jurisdiction.

Owner Notification of Attacks

The owner of a dangerous animal must notify the Supervisor of all attacks the animal makes on humans, domestic animals, or domestic fowl.

Offenses

The owner commits an offense if:

- The dangerous animal makes an unprovoked attack and causes bodily injury to a human while outside its secure enclosure, or to a domestic animal or a domestic fowl while at large.
- They do not keep the animal in a secure enclosure or comply with insurance requirements.
- They do not register the dangerous animal.
- They do not notify the Supervisor when the animal is given away or sold.
- They do not register the dangerous animal under new ownership.
- They are new residents and do not register a dangerous animal.
- They do not notify the Supervisor of attacks by said dangerous animal.
- They sell or give away the animal and do not inform the new owner that the animal is a dangerous animal.
- They do not attach the dangerous animal tag on the animal.

Defenses

It is a defense to prosecution if:

- The person is a veterinarian, a peace officer, or an animal control officer and has temporary ownership, custody, or control of the dangerous animal in connection with their official position.
- The person is a corrections or law enforcement officer utilizing dogs for that purpose.
- The person is a dog trainer or an employee of a licensed guard dog company and is not the actual owner of the dog.

Penalties

- A fine may be assessed by the court at a minimum amount of $1.00 and a maximum amount of $2,000 dollars plus court costs.
- Each day a violation exists constitutes a new violation.

Destruction of Animal

- If an owner of a dangerous animal is found guilty of the following offenses: 1) the dangerous animal makes an unprovoked attack on another person outside the animal's enclosure and the attack causes bodily injury to the other person, or 2) the dangerous animal makes an unprovoked attack on a domestic animal or domestic fowl while said animal is at large and the attack causes bodily injury or death to the domestic animal or domestic fowl, the court may order the animal impounded and destroyed immediately.
- If on application by the animal control authority to the court, the owner of a dangerous dog failed to comply with the requirements for owners of dangerous dogs, the court shall order the animal control authority to seize the dog and shall issue a warrant authorizing the seizure.
- The court shall order the animal control authority to humanely destroy the dog if the owner has not complied with the requirements for owners of dangerous dogs before the 11th day after the date on which the dog was seized or delivered to the animal control authority.
- The court shall order the animal control authority to return the dog to the owner if the owner complies with the requirements for owners of dangerous dogs prior to the 11th date after the date on which the dog was seized or delivered to the animal control authority.