

ORDINANCE NO. 2005-48

AN ORDINANCE AMENDING ORDINANCE NO. 2004-48 OF THE CITY OF MIDLOTHIAN RELATING TO ANIMAL CONTROL AND ENACTING NEW REGULATIONS REGARDING ANIMAL CONTROL ENFORCEMENT; REMOVING "INSECTS" FROM SECTION 1: DEFINITIONS, AND AMENDING SECTION 5: ANIMAL NUISANCE / LIMITATION BY REMOVING THE SQUARE FOOTAGE LIMITATIONS; ESTABLISHING A SEVERABILITY CLAUSE AND EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLOTHIAN, TEXAS.

That Ordinance No. 2004-48 of the City of Midlothian be hereby amended, and the following animal control regulations are adopted in lieu thereof.

SECTION 1: DEFINITIONS

ANIMAL. Any living creature, including, but not limited to, dogs, cats, cows, horses, birds, fish, mammals, reptiles, fowl and livestock.

ANIMAL CONTROL OFFICER. Any person designated by the supervisor of animal control to enforce the provisions of this chapter.

HARBORING. The act of keeping and caring for an animal or providing a premises to which the animal returns for food, shelter or care for a period of three days or more.

KENNEL. Any building, lot or premises on or in which any combination of cats and dogs total five (5) or more (at least eight (8) weeks of age) are kept, or any building, lot, or premises where dogs or cats are housed or accepted for boarding, for which remuneration is received. This term does not include a veterinary clinic, animal hospital, or pet store in the normal course of business.

LIVESTOCK. All types of sheep, goats, swine, fowl, horses or any member of the domesticated equine family, including but not limited to mules, donkeys, ponies; and all members of the bovine family, including but not limited to cows, bulls, buffalo and bison.

OWNER. Any person, firm or corporation having title to any animal, or a person who has, harbors or keeps, or who causes or permits to be harbored or kept, an animal in his care, or who permits an animal to remain on or about his premises.

POLICE DEPARTMENT. The reporting agent for the purposes of this chapter, whose duties consist of the following:

- (A) Receiving all reports of animal bites and scratches to humans;
- (B) Receiving all reports of suspect rabid animals;
- (C) Other duties as entailed by the text of this chapter.

RABIES VACCINATION. The vaccination of a dog, cat or other domestic animal with an anti-rabies vaccine approved by the United States Department of Agriculture and administered by a veterinarian licensed by the state.

RUNNING AT LARGE. An animal not completely confined by a building, wall or fence of sufficient strength or construction to restrain the animal, except when such animal is either on a leash, or held in the hands of the owner or keeper with sufficient strength to control the animal, or under direct supervision of the owner within the limits of the owner's private property.

STRAY ANIMAL. Any animal for which there is not an identifiable owner or harbinger.

UNPROVOKED ATTACK. Relating to an attack by an animal, shall mean that the animal was not hit, kicked or struck by a person with any object or part of a person's body, nor was any part of the animal's body pulled, pinched or squeezed by a person.

VICIOUS ANIMAL shall mean:

- (D) Any animal that, when unprovoked, inflicts severe injury or death to a person, or bites or attacks a person on public or private property; or
- (E) Any animal that has killed or severely injured a domestic animal without provocation while off the owner's property; or
- (F) Any animal which, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public or private property in an apparent attitude of attack such that the person reasonably believes that the animal will cause physical injury to the person; or
- (G) Any individual animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of persons or domestic animals.

WILD ANIMAL. Any poisonous or dangerous reptile, or any other animal which can normally be found in the wild state, not normally capable of being domesticated including, but not limited to skunks, foxes, leopards, panthers, tigers, lions, and lynx, unless certified for medical, biological, herpetological or other scientific research or study.

SECTION 2. ENFORCEMENT OF ARTICLE; AUTHORITY TO ISSUE CITATIONS; INTERFERENCE WITH ANIMAL CONTROL OFFICER.

Enforcement of this article shall be the responsibility of the animal control officer.

- (A) Any animal control officer shall have the authority to issue citations for any violation of this article. If the person being cited is not present, the environmental control officer may send the citation to the alleged offender by certified mail.

- (B) It shall be unlawful for any person to interfere with, molest, hinder or prevent the police, Animal Control Officer or their authorized representatives in the discharge of their duties as herein prescribed, or to violate any of the provisions of this chapter.
- (C) No person shall remove, alter, damage, or otherwise tamper with a trap set out by the Animal Control Supervisor or his deputies or any of their equipment.

SECTION 3. IMPOUNDMENT.

Animals subject to impoundment:

The Following animals may be impounded:

- (A) cats and dogs not exhibiting evidence of being vaccinated, as described in Section 10;
- (B) any animal infected or kept under conditions which could endanger the public or animal health;
- (C) any animal that creates a nuisance, as defined by Section 5;
- (D) any animal running at large, as provided in Section 4;
- (E) any animal treated in a manner determined by the supervisor of animal control to be cruel or inhuman, as defined in Section 8;
- (F) any animal that has bitten a human shall be placed under observation for rabies, as determined by the animal control officer;
- (G) any animal that needs to be placed under observation for rabies , as determined by the animal control officer;
- (H) any animal violating any provision of this article.

Animals Under Rabies Quarantine

- (A) Any dog or cat, which has bitten a person, shall be observed for a period of ten days from the date of the bite. The Police Department or Animal Control Officer shall designate the procedure and place of observation. Any confinement shall be at the expense of the owner. Stray dogs or cats whose owners cannot be located shall be confined in a local veterinary hospital or animal shelter at the discretion of the Animal Control Officer. The owner of the dog or cat that has been reported to have inflicted a bite on any person shall on demand produce said dog or cat for impoundment as prescribed in this section. Refusal to produce the dog or cat constitutes a violation of this section, and each day of such refusal shall constitute a separate and individual violation.
- (B) It shall be unlawful for any person to remove from any place of confinement any dog or cat, which has been confined as, authorized in this section without consent of the police or animal control officer, until the designated term of confinement is met.

- (C) If any animal is being held under quarantine or observation for rabies, the owner shall not be entitled to possession until the Animal Control Officer has released it from quarantine.

Disposition of Other Impoundments

- (D) If any of the animals named in this section are found upon the premises of any person, the owner or occupant of the premises shall have the right to confine or trap such animal in a humane manner as approved by the animal control officer until he can come and impound such animal. When so notified, it shall be the duty of the animal control officer to have such animal impounded as herein provided.
- (E) Reasonable effort shall be made by an animal control officer to contact the owner of any animal impounded which is wearing a current vaccination tag; however, final responsibility for location of an impounded animal is that of the owner.
- (F) The owner can resume possession of an impounded animal upon payment of impoundment fees, handling fees and any veterinarian bills incurred by animal control or its contracted agent for animal shelter for the welfare of the animal, and upon compliance with vaccination provisions of this Code.
- (G) Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by the court of jurisdiction.
- (H) The Police Department or Animal Control Officer shall select and establish a place for impounding animals under provision of this article.
- (I) Any animal not reclaimed by the owner, may be humanely euthanized or given up for adoption after being impounded for seventy-two (72) hours, except dangerous, vicious or wild animals.
- (J) Unless there is reason to believe that it has an owner, immediate disposal may be deemed appropriate by the animal control officer.
- (K) Any nursing baby animal impounded without the mother, or where the mother cannot or refuses to provide nutritious milk, may be immediately euthanized to prevent further suffering.
- (L) An owner who no longer wishes to maintain responsibility for an animal may sign a waiver, supplied by animal control, provided that no warm-blooded animal that has bitten a human being shall be euthanized before expiration of the quarantine period. The Animal Control Officer may also, upon his discretion, euthanize or authorize the adoption of said animal.
- (M) Any impounded animal that appears to be suffering from extreme injury or illness may be euthanized immediately or given to a nonprofit humane

organization for the purpose of veterinary medical care, as determined by the animal control officer.

SECTION 4. RUNNING AT LARGE PROHIBITED; AUTHORITY TO IMPOUND

- (A) It shall be unlawful for any person or owner who possesses, has, harbors, or keeps an animal, to permit or to allow the animal to run at large, as defined in Section 1 of this article.
 - (1) It shall be unlawful for any person to allow any chickens, turkeys, geese, ducks or pigeons or other fowls owned by him or under his control to be or run at large upon the highways, streets or alleys or the city or upon premises owned or occupied by other persons, without the consent of such other persons, within the city limits.
- (B) The animal control officer is authorized to impound such animals running at large, other than a cat, and may impound a cat under conditions specified in Section 3 of this article and /or when he has received a complaint that the cat causes a nuisance or hazard to the health or welfare of human or animal population.

SECTION 5. ANIMAL NUISANCE / LIMITATION

- (A) It shall be unlawful for any person to knowingly harbor or keep any animal, which makes loud or continuous noise with provocation and thereby disturbs the peace or the calm and repose of any person of ordinary sensibilities, after having been given notice of the violation. Proof shall be in the form of testimony from no fewer than two neighbors from two different households or one neighbor and an Animal Control Officer or police officer.
- (B) It shall be unlawful for any person to keep or maintain any animal on his premises in such a manner as to endanger the public health, to annoy neighbors by the accumulation of animal wastes which cause foul and offensive odors or are considered to be a hazard to any other animal or human being, or by continued presence on the premises of another.
- (C) It shall be unlawful for any person to keep or maintain for possession any combination of dogs and cats that total more than four (4) on any residential lot of two (2) acres or less.

SECTION 6. LIVESTOCK

It is unlawful for any person, firm or corporation to own, keep or harbor any livestock on any premises, except for conditions listed below:

NUMBER OF ANIMALS

MINIMUM AREA

1

20,000 sq. ft. (app. ½ acre)

2

40,000 sq ft. (app. 1 acre)

Each Additional Animal

½ acre

- (A) Any stable, corral, animal enclosure and containment structures, feed and bedding shall be located a minimum 100 feet from private residence, in order to minimize odor and nuisance problems.
- (B) Premises must be maintained in such a manner as not to create a health nuisance. Corral and stables shall be maintained in clean, sanitary conditions at all times.
- (C) It shall be unlawful for any person or owner who possesses, has, harbors, or keeps livestock, to permit or allow the animal to run at large, as defined in Section 1 of this article.

SECTION 7. BEEKEEPING, LOCATION RESTRICTED

It shall be unlawful for any person to own, keep or raise bees within the limits of the city in any district where there are at least four occupied dwelling houses within 600 feet of the place where such bees are owned, kept or raised.

SECTION 8. INHUMANE TREATMENT

- (A) *Cruelty to animals.* It is prohibited and it shall be unlawful for any person to knowingly or intentionally commit or cause to be committed any act of cruelty, harassment, or torture of any animal or cause such animal to be mutilated or inhumanely killed. Ownership, or the commission of such acts of cruelty on private property, shall not be justifiable defense for violation of this section. It shall be unlawful for any person to unreasonably withhold food, water or shelter from any animal such that the animal's health is endangered or it is caused to unduly suffer.
- (B) *Poisoning.* It is prohibited and it shall be unlawful for any person to poison any domestic animal or to distribute poison or toxicant on public or private property in any manner whatsoever with the intent of poisoning any domestic animal.
- (C) *Abandoning animals, alive or dead.* It is prohibited and shall be unlawful for any person to intentionally release, abandon or discard a dog, cat or any other animal in their custody, alive or dead, in the city limits.

SECTION 9. SELL OR GIVING AWAY, CHANGING NATURAL COLOR OF CERTAIN ANIMALS.

- (A) It shall be unlawful for any person to sell, offer for sale, barter or give away as toys, premium or novelties, baby chickens, ducklings or other fowl under three (3) weeks old or rabbits under two (2) months old, unless the manner or method of display is first approved by animal control.
- (B) It shall be unlawful to color, dye, stain, or otherwise change the natural color of any chickens, ducklings, other fowl, or rabbits, or to possess, for the purpose of sale or to be given away, any of the above mentioned animals which have been so colored.

SECTION 10. RABIES CONTROL.

All dogs and cats over four (4) months of age must be vaccinated annually for rabies with an anti-rabies vaccine administered by a duly licensed veterinarian. A metal certificate of vaccination with the year of vaccination, a certificate number and the name, address and phone number of the vaccinating veterinarian must be securely attached to a collar or harness that must be worn by the dog or cat while off their premises.

Any person having knowledge of the existence of any animal known to have been or suspected of being exposed to rabies must immediately report such knowledge to the Police Department giving such information as may be required. For any animal known to have been or suspected of being exposed to rabies, the following rules must apply:

- (A) *Unvaccinated animals, which have been bitten or directly exposed by physical contact with a rabid animal or its fresh tissues, shall be:*
 - (1) Humanely killed; or
 - (2) If sufficient justification for preserving the animal exists, the exposed animal shall be immediately vaccinated against rabies, placed in strict isolation for 90 days, and given booster vaccinations during the third and eighth weeks of isolation. Any cost incurred during confinement shall be at the owners' expense. For young animals, additional vaccinations may be necessary to ensure that the animal receives at least two (2) vaccinations at or after the age prescribed by the United States Department of Agriculture for the vaccine administered.
- (B) *Vaccinated animals that have been bitten or otherwise significantly exposed to a rabid animal shall be:*
 - (1) Humanely killed; or
 - (2) The exposed vaccinated animal should be given a booster rabies vaccination and placed in strict isolation for 45 days. Any cost incurred during confinement shall be at the owner's expense.

Authority to direct disposition of suspected rabid animals.

The animal control officer shall direct the disposition of any animal suspected of being rabid or having any other zoonotic disease considered to be a hazard to any other animal or human.

Surrender of carcasses of dead animals suspected of rabies.

The carcass of any dead animal exposed to rabies or suspected of having been rabid shall, upon demand, be surrendered to animal control.

Refusal to surrender animal, on demand, for rabies control purposes.

No person shall fail or refuse to surrender an animal for supervised quarantine or humane destruction, as required herein for rabies control, when the animal control officer therefore makes demand.

SECTION 11. ANIMAL QUARANTINE.

Authority to quarantine.

The animal control officer shall have the authority to order quarantine of animals responsible for bite incidents, or suspected of having any zoonotic disease considered to be a hazard to the human population or other animals.

Animals subject to quarantine; conduct of quarantine.

Every animal that bites a human or attacks another animal or is suspected of having rabies or any other zoonotic disease, shall be immediately confined by the owner, who shall promptly notify animal control of the place where such animal is confined and the reason for the confinement. The owner shall not permit such animal to come in contact with any other person or animal. The owner shall surrender possession of such animal to animal control on demand for supervised quarantine. Supervised quarantine shall be at the animal shelter designated by the animal control officer, or a veterinary hospital. The quarantine shall be for not less than ten (10) days. Any cost incurred during confinement shall be at the expense of the owner. A release from quarantine may be issued if no signs of rabies or other diseases have been observed during the quarantine period.

Violation of quarantine, cause for seizure and impoundment.

The violation of quarantine by any person shall be just cause for seizure and impoundment of the quarantined animal by animal control. It shall be unlawful for any person to interrupt the observation period.

Investigation of animal bite reports; killing of biting animal prohibited.

All animal bite reports shall be investigated by animal control. Without permission of the animal control officer, it shall be unlawful for any person to kill or remove from the city limits any animal that has bitten a person or other animal, or that has been placed under quarantine, except when it is necessary to kill such animal to protect the life of any person or other animal.

Notification to animal control upon escape, sickness or death of quarantined animal.

Any person having possession of, or responsibility for, any quarantined animal shall immediately notify animal control if such animal escapes, or becomes or appears to become sick, or dies, and in case of death of the animal while under quarantine, shall immediately surrender the dead animal to animal control for diagnostic purposes.

SECTION 12. DECLARATION OF "VICIOUS" DOG.

An animal is automatically declared to be a "vicious animal" under Section 1 (D) and 1 (E).

The Animal Control Division may find and declare an animal to be a vicious animal if the Division has evidence before it to believe that an animal is a vicious animal under Section 1(F) or 1 (G).

Upon receipt of an Affidavit of Complaint signed by one or more individuals, made under oath before an individual authorized by law to take sworn statements, setting for the nature and the date of the act, the location of the event, the owner of the animal, the address of the owner, and the description of the animal doing such act, the Animal Control Division shall investigate the Complaint and may determine that an animal is vicious under Section 1(F) or 1 (G).

SECTION 13. NOTIFICATION OF DECLARATION OF A VICIOUS ANIMAL.

- (A) Within five (5) working days of declaring an animal vicious, the Animal Control Division will notify, by certified mail, return receipt requested, the person owning the animal of its designation as a vicious animal.
- (B) If the animal is declared to be vicious under Section 1(F) or 1 (G), the notice shall inform the owner of the animal that a Determination Hearing may be requested to contest the declaration. The request for a Determination Hearing must be in writing and must be received by the Animal Control Division no later than five (5) working days from receipt by the owner of the vicious animal declaration.

SECTION 14. DETERMINATION HEARING.

- (A) Upon the written request for a Determination Hearing by the owner of an animal declared vicious under Section 1 (F) or 1 (G), the animal control officer shall schedule said hearing before the Chief of Police or his designee. The Determination Hearing shall be conducted within twenty (20) working days of receipt of the request for such hearing.
- (B) The owner shall be notified of said hearing by regular mail. Failure of the owner of the animal to appear at the Determination Hearing shall result in the Animal Control Division's declaration as final. Pending the outcome of the Determination Hearing, the animal must be securely confined in a humane manner set forth by the Animal Control Officer. The costs of securing such animal shall be borne by the owner.
- (C) Failure to appeal the declaration of vicious animal within twenty (20) days after notification of the findings of the Determination Hearing to a District Court of Ellis County under the "substantial evidence rule" shall result in the Animal Control Division's declaration as final.
- (D) The Chief of Police or his designee shall determine whether to declare the animal to be a vicious animal under this chapter based upon evidence, affidavits, and testimony presented at the time of the hearing by the owner, witnesses to any incident which may be germane to such a determination, animal control personnel, police or any other person possessing information pertinent to such determination.

The Chief of Police shall issue findings within five (5) working days after the Determination Hearing. In the event that the animal is determined to be vicious, the Chief of Police shall order the animal euthanized in a safe and humane manner by a veterinarian or by the Animal Control Officer.

SECTION 15. DEFENSE TO DECLARATION OF VICIOUS ANIMAL.

It is a defense to the determination of an animal as vicious and to the prosecution of the owner of an animal previously declared to be vicious:

- (A) If the threat, injury, or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the animal; or,
- (B) If the person was teasing, tormenting, abusing, or assaulting the animal or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal; or,
- (C) If the person was committing or attempting to commit a crime; or,

- (D) If a domestic animal killed was at the time, teasing, tormenting, abusing or assaulting the animal; or,
- (E) If the animal was protection or defending a person within the immediate vicinity of the animal from an unjustified attack or assault; or,
- (F) If the animal was injured and responding to pain.

SECTION 16. VICIOUS ANIMALS.

- (A) No person shall own or harbor a vicious animal within the city limits of the City of Midlothian; such an animal shall be impounded as a public nuisance. If impoundment of said vicious animal is being attempted away from the premises of the owner and the impoundment cannot be made with safety, the animal may be destroyed without notice to the owner or harborer. If an attempt is made to impound a vicious animal from the premises of the owner or harborer and the impoundment cannot be made with safety, the owner or harborer will be given notice that if the said animal is not surrendered to the Animal Control Division for impoundment within twenty-four (24) hours, then the animal will be destroyed wherever it is found. After this notice, the vicious animal may be destroyed during an attempt to impound, if impoundment cannot be made with safety, wherever the impoundment is attempted. Notice under this section may be verbal or in writing. A written notice left at the entrance to the premises where the vicious animal is harbored will be considered valid notice under this section.
- (B) If an animal is declared to be vicious under this ordinance, and if the animal is not in the possession of Animal Control Division, the owner must surrender said animal to the Animal Control Division when ordered to do so by any Animal Control Officer. The order may be verbal or in writing. If the owner fails to immediately surrender the animal, the Animal Control Officer shall have the right to take the animal into its possession from the premises of the owner or elsewhere, wherever the animal may be found within the city. If the animal cannot be taken into custody under the Animal Control Division, it may be taken into custody under a search warrant for contraband issued by the Municipal Judge or other Magistrate having Jurisdiction.

SECTION 17. POTENTIALLY DANGEROUS ANIMALS.

- (A) The Chief of Police or his designee may find the animal in question is "potentially dangerous," but not vicious. If the animal is declared "potentially dangerous," the owner must adhere to each of the following requirements, which are ordered by the Chief of Police.
 - (1) The potentially dangerous animal must be kept in a proper enclosure, which is defined as:
 - (a) A concrete foundation;
 - (b) A 6 foot high chain link fence with a chain link top, or other approved top;

- (c) 2-inch corner post; and
 - (d) A locked gate.
- (2) The owner must present to the City Secretary a Certificate of Public Liability Insurance in the amount of One Hundred Thousand Dollars (\$100,000) to cover any damages caused by the potentially dangerous animal. The insurance shall be for a twelve (12) month period, renewable each year, and shall not be cancelled unless the animal is no longer kept in the City by the owner; and
- (e) The potentially dangerous animal, when taken outside the enclosure, must be securely muzzled in a manner that will not cause injury to the animal nor interfere with its vision or respiration, but shall prevent it from biting any person or other animal; and the potentially dangerous animal must be restrained by a substantial chain or cable leash having a minimum tensile strength of one thousand (1,000) pounds and not to exceed six (6) feet in length; and
 - (f) The owner shall post a sign on his/her premises warning that there is a potentially dangerous animal on the property. This sign shall be visible and capable of being read from the public street or highway; and
 - (g) The potentially dangerous animal must be spayed or neutered and verifiable documentation provided to the Animal Control Officer of such action and
 - (h) Further identification may be required and designated by order of the Chief of Police.
- (B) If the owner of an animal declared to be potentially dangerous under this article is unable or unwilling to comply with the ownership requirements listed above, the animal shall be euthanized by a licensed veterinarian or Animal Control Officer.
- (C) In the event the Chief of Police or his designee rule that the animal in question is neither vicious or potentially dangerous, said animal shall be returned to or released to its owner provided that the owner has paid all costs involved in the impoundment, holding, and medical treatment of said animal, as well as any other requirements set down in this ordinance.
- (D) Any appeal may be taken from the order of the Chief of Police, issued under this article, by filing suit in a District Court of Ellis County, Texas within twenty (20) days of the order. Hearing before the District Court shall be under the "substantial evidence rule."

SECTION 18. NOTIFICATION OF CHANGE OF STATUS.

The owner/keeper shall notify the Chief of Police or his/her designee within twenty-four (24) hours if a potentially dangerous animal is loose, unconfined, has attacked another animal, or has attacked a person, or has died, or has been sold or given away. The owner/keeper shall provide the Chief of Police with the name, address, and telephone number of the new owner/keeper. The new owner/keeper, if they reside in the City of Midlothian, must sign a sworn statement that he/she will comply with all of the requirements of owners of potentially dangerous animals. The

new owner/keeper must comply with the requirements of owners of potentially dangerous animals within ten (10) days of ownership of potentially dangerous animals.

SECTION 19. VIOLATIONS.

- (A) It shall be a violation of this chapter for a vicious or potentially dangerous animal to kill or wound, or assist in killing or wounding any domestic animal belonging to or in the possession of any person, or for a vicious animal to attack, assault, bite or otherwise injure any person or assist in attacking, assaulting, biting, or otherwise injuring any person while out of or within the enclosure of the owner, whether such vicious or potentially dangerous animal was on a leash and securely muzzled or whether the vicious or potentially dangerous animal escaped without fault of the owner. The Animal Control Division is empowered to confiscate and destroy such vicious or potentially dangerous animal in an expeditious and humane manner.
- (B) It shall be a violation of this chapter for the owner of a potentially dangerous animal to:
 - (1) Have a potentially dangerous animal outside the enclosure unless muzzled and restrained on a leash or chain; or,
 - (2) Fail to have a proper enclosure, as defined in Section 17A(1), to confine the potentially dangerous animal; or,
 - (3) Fail to post signs around the premises with clear visible warning signs that there is a potentially dangerous animal on the premises; or,
 - (4) Fail to secure and maintain public liability insurance of at least \$100,000.00; or,
 - (5) Fail to have the potentially dangerous animal neutered or spayed; or,
 - (6) Fail to notify the Environmental Control Division of a change in status as set out in section 18.
- (D) *Exemptions.* The provisions under this section shall not apply to any law enforcement agency where an animal is being used for law enforcement.

SECTION 20. WILD ANIMALS

It shall be unlawful to keep any wild animal inside the City of Midlothian.

SECTION 21. PENALTY

Any violation of the terms of this ordinance is declared to be a misdemeanor, and any person found to be guilty thereof shall be punishable by a fine of not less than \$1.00 and not more than \$2,000.00. Each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

SECTION 22. SEVERABILITY CLAUSE

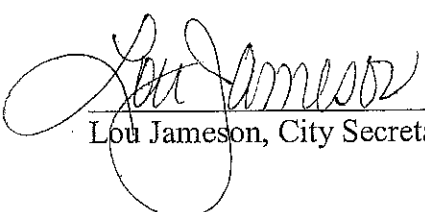
Should any section or provision of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.


SECTION 23. EFFECTIVE DATE

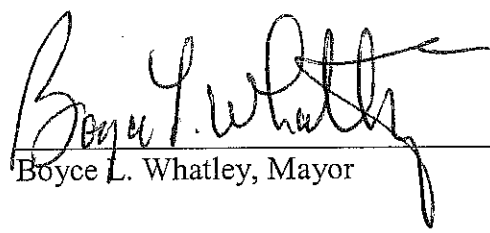
This ordinance shall be in force upon publication.

PASSED AND APPROVED this 25th day of October, 2005.

ATTEST:


Lou Jameson, City Secretary




Boyce L. Whatley, Mayor

APPROVED AS TO FORM:


Donald R. Stout, City Attorney