

**CITY OF EL PASO,
TEXAS AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**



DEPARTMENT: Animal Services

AGENDA DATE: January 6, 2026

PUBLIC HEARING DATE: January 20, 2026

CONTACT PERSON NAME: Michael D. Wachsmann,
Animal Services Interim Director

PHONE NUMBER: (915)212-8742

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: Goal 8 - Nurture and Promote a Healthy, Sustainable Community

SUBGOAL: 8.3 Enhance animal services to ensure El Paso's pets are provided a safe and healthy environment

SUBJECT:

Request that the Mayor of the City of El Paso sign an ordinance amending Title 7 (Animals), Chapter 7.04 (Definitions and Administration), Section 7.04.010 (Definitions), to amend the definition of "Animal," amend the order of definitions, and add new definitions.

BACKGROUND / DISCUSSION:

This ordinance updates the definitions section of Title 7 to align terminology with the new provisions in Chapter 7.12 regarding Aggressive and Vicious Dogs. The ordinance:

Updates the definition of "Animal" and reorganizes the structure of Chapter 7.04.010 to maintain alphabetical order and consistency. Adds new definitions, including: Aggressive Dog, Vicious Dog, Responsible Pet Owner Course, and terms related to enforcement and investigations. Ensures consistency between code terminology and the new enforcement ordinance (Sections 7.12.070 & 7.12.080). Supports uniform application of regulations and legal clarity during investigations, hearings, and judicial review.

This is a companion ordinance to the Aggressive/Vicious Dog ordinance and must be adopted prior to enforcement.

COMMUNITY AND STAKEHOLDER OUTREACH:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

Amount: N/A

Funding Source: N/A

Account: N/A

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

N/A

NAME	AMOUNT (\$)
NA	NA

*******REQUIRED AUTHORIZATION*******

DEPARTMENT HEAD: Michael Wachsmann
Michael D. Wachsmann, Animal Services, Interim Director

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 7 (ANIMALS), CHAPTER 7.04 (DEFINITIONS AND ADMINISTRATION), SECTION 7.04.010 (DEFINITIONS) TO AMEND THE DEFINITION OF ANIMAL, AMEND THE ORDER OF DEFINITIONS, AND ADD NEW DEFINITIONS.

WHEREAS, Section 822.041 the Texas Health and Safety Code only addresses animal attacks to humans, as such, the city of El Paso has seen a gap in the law for animal-on-animal attacks; and

WHEREAS, the city of El Paso Animal Services in order to provide a safer community for both the public and pets are adding new definitions to coincide with the creation of two new municipal code categories “Vicious dogs” and “Aggressive dogs”, which align with the city of El Paso’s broader goals of reducing animal related injuries, preventing repeat incidents, and fostering a safer community for the people and pets of the city of El Paso; and

WHEREAS, the city of El Paso Animal Services is committed to protecting public safety, promoting responsible pet ownership, and safeguarding the health and welfare of animals within the community by promoting consistent enforcement across the city of El Paso, and support evidence-based decision making in dog related investigations; and

WHEREAS, the El Paso City Council wishes to amend Title 7, Chapter 7.04.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1. That Title 7 (Animals), Chapter 7.04 (Definitions and Administration), Section 7.04.010 (Definitions) of the El Paso City Code is hereby amended to read:

- A. “Abandon” means to give up with the intent of never again claiming a right or interest in.
- B. “Aggressive dog” means a dog that menaces, interferes with public movement (e.g., chasing pedestrians or vehicles), or displays threatening behavior toward a person or animal while at large.
- C. “Animal” includes every living nonhuman creature.
- D. “Animal establishment” means any established place conducting business dealing with animals for a profit including, but not limited to, kenneling, showing and exhibiting animals and excluding veterinary offices, clinics, hospitals or emergency rooms. An individual providing care for an animal in the absence of its owner, in the owner's home, will not be considered an “animal establishment.”
- E. “Animal training course” means a course of study approved by the Director and designed to provide basic instruction on reasonable precautions to ensure animals are not abused, mistreated, neglected or endangered or in any manner made to suffer during grooming. The

animal training course shall include instruction on cardiopulmonary resuscitation (CPR) for dogs.

- F. “Animal welfare organization” means a tax-exempt nonprofit organization founded for the purpose of providing humane sanctuary, a shelter for abandoned or unwanted animals, or recognized animal rescue organization, that is registered and permitted by the department pursuant to Sections [7.14.010](#) and [7.14.090](#) of this Code.
- G. “At large” means a dog off the owner’s property, not under the immediate control of a capable person via leash or other restraint.
- H. “Bite” or “scratch” means any abrasion, scratch, puncture, tear or piercing of the skin actually or suspected of being caused by an animal.
- I. “Bovine” is used in its general sense and includes all domesticated bovine regardless of age, sex or breed.
- J. “Canvassing” means periodic verification of compliance with this title by the city utilizing personnel trained to go door-to-door within the incorporated city limits.
- K. “Cat” means a domesticated animal that is a member of the felidae family.
- L. “Center” means any premises designated by the city for the purpose of impounding and caring for animals coming into the custody of the department of animal services and in which the program is housed.
- M. “City owned” means any animal that has passed its respective disposition period, as set forth in this title, and that is in the possession or under the control of the department, or an animal that has not yet passed its disposition date as set forth in this title, but that is within the department's control.
- N. “Collar” means a band of nylon, leather or similar material, chain, harness or other suitable device specifically designed to be used by the type of animal wearing the collar around its neck and to which a current rabies vaccination and registration tag can be affixed.
- O. “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; or
 - 2. Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.
- P. “Dangerous wild animal” includes but is not limited to:
 - 1. Lion;
 - 2. Tiger;
 - 3. Ocelot;
 - 4. Cougar;
 - 5. Leopard;
 - 6. Cheetah;
 - 7. Jaguar;
 - 8. Bobcat;

9. Lynx;
 10. Serval;
 11. Caracal;
 12. Hyena;
 13. Bear;
 14. Coyote;
 15. Jackal;
 16. Baboon;
 17. Chimpanzee;
 18. Orangutan;
 19. Gorilla;
 20. Wolf; or
 21. Any hybrid of an animal listed in this definition.
- Q. “Director” means the director of the department of animal services, or designee.
- R. “Department” means the department of animal services.
- S. “Dog” means a domesticated animal that is a member of the canidae family.
- T. “Dog” or “cat”, unless otherwise specifically set forth with an age limit, shall include a “puppy” or “kitten” and the terms are interchangeable.
- U. “Ear tipped cat” means a cat upon which a surgical process is performed during neutering as part of the trap-neuter-return protocol overseen by a licensed veterinarian, in which a one-quarter-inch diagonal cut is made to remove the point of a cat's ear, and is preferably, but not exclusively, on the cat's left ear, to identify the cat as being sterilized and lawfully vaccinated for rabies.
- V. “Established fee” means a fee that is authorized within this title, which is set in the amount identified in the adopted budget resolution for the current fiscal year or by other appropriately adopted resolution of the city council.
- W. “Exotic animal” means any animal not commonly domesticated by man.
- X. “Exposed to rabies” means that an animal has been bitten by or in contact with any animal known to be, or suspected of being, infected with rabies.
- Y. “Fowl” means domestic birds to include chickens, ducks, geese and pigeons.
- Z. “Groomer” means person engaged in the cleaning, styling and appearance maintenance of animals or the handling of animals in preparation for these services and who is responsible for complying with the provisions of this chapter; hereafter referred to as groomer.
- AA. “Grooming” means the cleaning, styling and appearance maintenance of animals or the handling of animals in preparation for these services.
- BB. “Hunting” means the act of chasing and killing a wild animal or fowl for food, sport, or profit.
- CC. “Inclement weather” includes rain, hail, sleet, snow, high winds, extreme low temperatures, or extreme high temperatures.

- DD. “Kennel,” for purposes of this title, means any premises on which animals are kept or housed for conducting the business of buying, selling, grooming, training or boarding of animals for compensation.
- EE. “Livestock” means domesticated equine or bovine regardless of age, sex or breed or any small ruminant, including domesticated sheep, goats, and animals of the same approximate size and weight.
- FF. “Low risk” means an animal identified in Texas guidelines for rabies prevention as not requiring rabies testing. Includes mice, rats, squirrels, nutria, rabbits, opossums, armadillos, shrews, prairie dogs, beavers and gophers.
- GG. “Neglected” means to fail to provide an animal with one or more of the necessities of life, including air, food, water, veterinary care, exercise or protection from the sun and other elements of nature.
- HH. “Officer” means any employee of the program, an employee in the code enforcement division, or a commissioned peace officer.
- II. “Owner” means a custodian, caretaker or person who feeds or harbors the subject animal for more than seventy-two hours without said animal being identified as a trap-neuter-return cat. Persons caring for an animal at the specific request of an owner are not included in the definition of owner, but are required to keep the animal in compliance with this Code.
- JJ. “Permit official” means the person or persons designated by the city manager as being responsible for issuing permits, licenses or making any other authorization provided for in this Code or any ordinance.
- KK. “Person” means any person, firm, partnership, association, corporation, company or organization of any kind.
- LL. “Program” means the department's animal services program.
- MM. “Properly fitted” means, with respect to a collar, a collar that measures the circumference of a dog's neck plus at least one inch.
- NN. “Public playground” means that area of a public park designated and intended for use by children and containing equipment suitable for play (i.e., swings, slides, merry-go-rounds).
- OO. “Qualified animal” means (1) a pure-breed animal which is currently registered with an applicable registry which has been established for the purposes of breed registration with the primary or intended purpose of exhibiting, showing, competing, or certifying the animals at local, national, international or breed club-sanctioned events or shows, and which is also eligible for registry with one or more additional agencies, and which may be bred or placed for the specific goal of exhibition or competition, or (2) an animal which is bred solely for the intended purpose of being trained and certified as service animals, for search and rescue use, or for official use by law enforcement and governmental agencies.
- PP. “Rabbit” is used in its general sense and includes animals of the same approximate size and weight, which require similar husbandry.
- QQ. “Responsible pet owner course” is a course intended for pet owners, which outlines best practices for pet ownership, and has been previously approved for Texas courts.

- RR. “Restraint” means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.
- SS. “Retail establishment” means an establishment that, in whole or in part, offers as allowed under this title dogs and/or cats for sale or resale to consumers or wholesalers, excluding a permitted breeder.
- TT. “Secure enclosure” means a fenced area or structure that is capable of preventing the dog’s escape, and prevents unauthorized entry.
- UU. “Service animals” means any guide dog, signal dog, or other animal individually trained to provide assistance to a person with a disability, or any animal recognized as a service animal pursuant to the Americans with Disabilities Act of 1990, as amended.
- VV. “Severe injury” for animals means bite wounds or tearing of tissue requiring medical intervention even if none is taken or causing death.
- WW. “Shade” means a place giving protection from the heat and light of the sun.
- XX. “Shelter” means an enclosure that is structurally sound and in good repair, provides convenient access to clean food and water, enables the animal to remain dry and clean, is constructed and maintained so that it is impervious to moisture and can be readily sanitized, is constructed so as to protect the animal from injury, and provides sufficient space to allow each animal to turn around fully, stand, sit and lie in a comfortable position.
- YY. “Shop” means a building or portion of a building, designated by a registration holder and located and occupied in accordance with applicable local zoning and building codes where grooming is performed, completely separated from living quarters; hereafter referred to as “shop,” and includes a motor vehicle or location that is identified or permitted as a temporary location under state law.
- ZZ. “Transfer” or “offer to transfer” means to convey or offer to convey by all methods of conveyance.
- AAA. “Trap-neuter-return” means the process of humanely trapping, sterilizing, vaccinating for rabies, ear tipping, and returning a cat to the location where it was trapped.
- BBB. “Unprovoked attack” means an attack by a dog on a person in a place, other than the property where the dog’s owner resides or where the dog is being kept including, but not limited to, the secure enclosure in which the dog was being kept at the time of the attack, that is not:
1. In response to being tormented, abused, or assaulted by the person attacked;
 2. In response to pain or injury;
 3. In response to an assault or attempted assault upon another person by the person attacked; or
 4. To protect itself, its food, or its nursing offspring.
- CCC. “Veterinarian” means a doctor of veterinary medicine who holds a valid license to practice his profession in one or more of the fifty United States.
- DDD. “Veterinary clinic” means a facility or hospital for diagnosis and treatment of animals.

- EEE. “Veterinary officer” means the veterinarian or other person determined to be qualified to perform the duties established in this title, officially designated by the director.
- FFF. “Vicious dog” means a dog that causes severe injury to or kills a domestic animal, livestock, or fowl (except dogs acting in a hunting capacity) while at large.

SECTION 2. Except as herein amended, Title 7 (Animals) of the El Paso City Code shall remain in full force and effect.

ADOPTED this ____ day of _____, 2026.

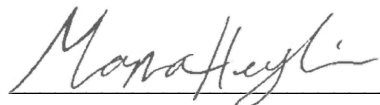
CITY OF EL PASO

Renard U. Johnson
Mayor

ATTEST:

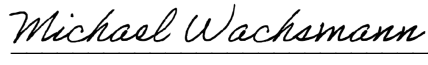
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Mona M. Heydarian
Assistant City Attorney

APPROVED AS TO CONTENT:



Michael D. Wachsmann, Interim Director
Animal Services Department