

ORDINANCE NO. O-22-06

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING CHAPTER 10, ANIMALS, OF THE MISSOURI CITY CODE AMENDING THE DEFINITION OF A WILD ANIMAL; PROVIDING FOR REPEAL; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, pursuant to Section 822.101(4) of the Texas Health and Safety Code, a ferret is not considered a dangerous wild animal; and

WHEREAS, a survey of several neighboring and similarly-sized cities found that most do not consider ferrets wild animals in their respective codes of ordinances; and

WHEREAS, the City Council of the City of Missouri City finds it to be in the best interest of the residents of the City of Missouri City to include only a black-footed ferret in its definition of "wild animal"; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Missouri City Code is hereby amended by deleting Section 10-1 of Article I of Chapter 10 thereof and substituting therefor, a new Section 10-1 of Article I of Chapter 10 to provide as follows:

"Chapter 10 – ANIMALS

ARTICLE I. – IN GENERAL

Sec. 10-1. - Definitions.

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

Animal means any living vertebrate creature or invertebrate creature, including, but not limited to, mammals, reptiles, fish and fowl, but specifically excluding human beings.

Animal services means the animal services division of the city.

Animal services officer means any person designated by the supervisor of animal services to enforce the provisions of this chapter.

Cattery means any authorized commercial establishment where three or more cats over four months of age or 11 or more cats under four months of age are kept for boarding or breeding purposes, except veterinary facilities.

Commercial stable means any facility where a fee is charged to house, pasture or rent horses or other livestock.

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;
- (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; or
- (3) Commits unprovoked acts at any location within the city that causes a person to reasonably believe that the dog will attack and cause bodily injury to that person even though the dog was being kept in an enclosure or otherwise was restrained by a leash or other mechanism that is not reasonably certain to prevent the dog's escape.

Domestic animal means animals that are habituated to live in or about habitations of men, or that contribute to the support of the family.

Kennel means any authorized commercial establishment where three or more dogs over the age of four months or 11 or more dogs under the age of four months are kept for breeding or boarding purposes, except veterinary facilities.

Large livestock means any member of the domesticated equine family, including horses, ponies, mules, donkeys and burros, and all members of the domesticated bovine family, including, but not limited to, bulls, cows and steers.

Owner means any person or group of persons living in the same household, firm or corporation having title to or custody of any animal, or any person who has, harbors, keeps, or causes or permits to be harbored or kept an animal in his care or custody, or any person who feeds an animal for seven days, or who allows an animal to remain on or about his premises for ten days.

Restraint. An animal shall be deemed restrained when it is:

- (1) Confined on the premises of the owner within a building or walled or fenced enclosure.
- (2) Fastened or picketed by a lead or chain, not more than 20 feet in length, so as to keep the animal on the owner's premises.
- (3) Under the control of a person by a leash.
- (4) On or within a vehicle being driven or parked.
- (5) At heel beside a competent person 16 years of age or older and obedient to that person's command.

Running at large means not completely confined by a building, wall or fence of sufficient strength or construction to restrain the animal, except when such animal is on a secured leash or chain not more than 20 feet in length, or held in the hands of the owner or keeper, or under the direct supervision of the owner or keeper within the limits of the owner's private property.

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;
- (4) Clearly marked as containing a dangerous dog; and
- (5) In conformance with the requirements for enclosure established by the city.

Serious bodily injury means an injury characterized by severe bite wounds or severe ripping and 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.

Small livestock means all types of domesticated swine, sheep and goats.

Supervisor of animal services means the person designated by the city manager to supervise all aspects of animal services.

Wild animal means 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, raccoons, leopards, panthers, cougars, tigers, lions, lynx, black-footed ferrets, and opossums, unless certified for medical, biological, herpetological or other scientific research or study."

Section 3. Repeal. All ordinances or parts of ordinances in conflict herewith, if any, shall be and are hereby repealed only to the extent of such conflict.

Section 4. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof, other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this 7th day of March, 2022.

PASSED, APPROVED and ADOPTED on second and final reading this 21st day of March, 2022.

Robin J. Elackatt, Mayor

ATTEST:

APPROVED AS TO FORM:

Crystal Roan, City Secretary

E. Joyce Iyamu, City Attorney