

ORDINANCE NO. O-23-51

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING CHAPTER 10, ANIMALS, OF THE MISSOURI CITY CODE AMENDING REGULATIONS REGARDING THE DEFINITION OF A DANGEROUS DOG, INSURANCE REQUIREMENTS FOR DANGEROUS DOGS, AND NUISANCE ANIMALS; PROVIDING FOR REPEAL; PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, according to a 2022 study on perceptions of dog breed bans, dog aggression and breed specific laws published by the National Institute of Health (the “Study”), available at: [US Adults’ Perceptions of Dog Breed Bans, Dog Aggression and Breed-Specific Laws - PMC \(nih.gov\)](#), 43% of participants in the study had been bitten by a dog and 22% of those bitten required medical attention; and

WHEREAS, the Study found that approximately 51% of respondents reported feeling that dog aggression against other dogs is a serious community/societal problem; and

WHEREAS, 87% of the participants in the Study agreed that owners of aggressive or dangerous dogs should be held legally accountable if their dogs attack or bite other dogs and 91% agreed that owners of aggressive or dangerous dogs should be held legally accountable if their dogs attack or bite a person; and

WHEREAS, the City Council of the City of Missouri City strives to create a great place to live pursuant to its strategic plan; and

WHEREAS, according to the Animal Services Division, in 2022 there were 61 total dog bite cases in Missouri City, including 39 cases in which a dog bit a person and 22 cases in which a dog bit another dog; and

WHEREAS, according to the Animal Services Division, in 2023 there have been 50 total dog bite cases in Missouri City, including 38 cases in which a dog bit a person and 12 cases in which a dog bit another dog; and

WHEREAS, the City Council of the City of Missouri City finds that enacting this ordinance is necessary for the protection of public health, public safety, public property and public peace; and

WHEREAS, the City Council of the City of Missouri City now deems it appropriate to amend regulations regarding certain animals; 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:

- (1) A dog that makes an unprovoked attack causing bodily injury on a human;
- (2) A dog that makes an unprovoked attack on another domestic animal causing serious bodily injury as determined and documented by a veterinarian and occurs in a place other than an enclosure in which the dog was confined;
- (3) A dog that makes an unprovoked attack on another domestic animal causing death;

- (4) A dog that has been declared to be a dangerous animal previously by a director or supervisor of animal services in the city or in any other municipality.

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 competent person 18 years of age or older by a leash.
- (4) On or within a vehicle being driven or parked.

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.

Unprovoked means action by a dog that is not:

- (1) In response to being teased, tormented, abused, or assaulted by any person;
- (2) In response to pain or injury;
- (3) In protection of itself, its puppies, or its kennel mates;
- (4) In response to a person trespassing or committing a crime on the owner's property;
- (4) Protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault.

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. The Missouri City Code is hereby amended by deleting Section 10-69 of Article III of Chapter 10 thereof, and substituting therefor, a new Section 10-69 of Article III of Chapter 10 to provide as follows:

“ CHAPTER 10 - ANIMALS

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ARTICLE III. – CARE AND CONTROL GENERALLY

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Sec. 10-69. – Nuisance animals.

The following shall be considered a public nuisance and shall be unlawful:

- (1) Any animal that molests or chases pedestrians, passersby or passing vehicles, including bicycles;
- (2) Any animal that makes unprovoked attacks on other animals of any kind;
- (3) Any dog that is repeatedly at large, specifically three or more times per 12-month period;
- (4) Any animal that damages private or public property;
- (5) Any animal that barks, whines, howls, crows, cackles or makes any noise excessively and continuously, and such noise disturbs a person of ordinary sensibilities;
- (6) The keeping of an animal in such a manner as to cause foul or offensive odors; or
- (7) Any person who keeps bees or allows bees to colonize on his property in such a manner as to interfere with the peaceful enjoyment of adjacent property or otherwise endangers the health and safety of others.”

Section 4. The Missouri City Code is hereby amended by deleting Section 10-212 of Division 2 of Article VI of Chapter 10 thereof, and substituting therefor, a new Section 10-212 of Division 2 of Article VI of Chapter 10 to provide as follows:

“ CHAPTER 10 - ANIMALS

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ARTICLE VI. – DANGEROUS, VICIOUS OR FIERCE ANIMALS

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DIVISION 2. – DANGEROUS DOGS

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Sec. 10-212. - Requirements for owner of dangerous dog.

(a) Owner requirements.

(1) Not later than the 30th day after a person learns that the person is the owner of a dangerous dog, the person shall:

- a. Register the dangerous dog with animal services;
- b. Restrain the dangerous dog at all times by muzzling the dog and keeping the dog on a leash in the immediate control of a person or by keeping the dog in a secure enclosure;
- c. Obtain liability insurance coverage or show financial responsibility in an amount of at least \$500,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person, provide proof of the required liability insurance coverage or financial

responsibility to animal services, and notify the city within 30 days if liability insurance coverage is changed or canceled;

- d. Ensure that the dangerous dog properly wears the collar issued by animal services at all times;
 - e. Immediately notify animal services of any attacks made by the dangerous dog on people or domestic animals;
 - f. Post sign on each side of public-facing fence advising that dangerous dog is on premises;
 - g. When transporting dangerous dog, post sign advising that dangerous dog is in vehicle; and
 - h. Follow any other requirements of animal services that will prevent the likelihood of future acts by the dangerous dog that would characterize the dog as a dangerous dog under this chapter, including, but not limited to, ordering the dog removed from the city limits.
- (2) The owner of a dangerous dog who does not comply with subsection (a)(1) of this section shall deliver the dog to animal services not later than the 30th day after the owner learns that the dog is a dangerous dog.
- (3) If, on application of any person, the municipal court finds, after notice and hearing, that the owner of a dangerous dog has failed to comply with subsection (a)(1) or (a)(2) of this section, the court shall order animal services to seize the dog and shall issue a warrant authorizing the seizure. Animal services shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions.
- (4) The owner shall pay any cost or fee assessed by the city related to the seizure, impoundment and destruction of the dog.
- (5) The court shall order animal services to humanely destroy the dog if the owner has not complied with subsection (a)(1) of this section before the 11th day after the date on which the dog is seized or delivered to animal services. The court shall order animal services to return the dog to the owner if the owner complies with subsection (a)(1) of this section before the 11th day after the date on which the dog is seized or delivered to animal services.
- (6) The court may order the humane destruction of a dog if the owner of the dog has not been located before the 15th day after the seizure and impoundment of the dog.
- (7) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:
- a. The owner knows of an attack described in the definition of dangerous dog in section 10-1;
 - b. The owner receives notice that the municipal court has found that the dog is a dangerous dog under this chapter; or

- c. The owner is informed by animal services that the dog is a dangerous dog pursuant to this chapter.
- (b) *Registration.* Animal services shall annually register a dangerous dog if the owner:
- (1) Presents proof of:
 - a. Liability insurance or financial responsibility, as required by this section;
 - b. Current rabies vaccination of the dangerous dog;
 - c. The secure enclosure in which the dangerous dog will be kept; and
 - (2) Pays an annual registration fee as set out in the schedule of fees adopted by resolution by the city council.”

Section 5. Repeal. Any ordinance or any part of an ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 6. Penalty. Any person who violates, or any person who causes or allows another person to violate, any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.

Section 7. 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 4th day of December, 2023.

PASSED, APPROVED and ADOPTED on second and final reading this 18th day of December, 2023.

Robin J. Elackatt, Mayor

ATTEST:

APPROVED AS TO FORM:

Crystal Roan, City Secretary

E. Joyce Iyamu, City Attorney