

**CITY OF LUMBERTON, TEXAS
ORDINANCE NO. 22-1262**

AN ORDINANCE AMENDING CHAPTER 4 OF THE CITY OF LUMBERTON, TEXAS CODE OF ORDINANCES, PROVIDING REGULATION OF ANIMALS; AMENDING DEFINITIONS FOUND IN SECTION 4-19 AND DEFINING EXOTIC ANIMALS; FURTHER PROHIBITING THE OWNING, KEEPING OR HARBORING OF EXOTIC AND WILD ANIMALS WITHIN THE CITY LIMITS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND PENALTY OF NOT LESS THAN \$500.00 NOR MORE THAN \$1,000.00 PER DAY FOR EACH ANIMAL POSSESSED IN VIOLATION OF CHAPTER 4, ARTICLE II.

WHEREAS, the City of Lumberton, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council has previously adopted regulations governing animals, codified as Chapter 4 of the Lumberton City Code; and

WHEREAS, the City Council of the City of Lumberton has determined that it is in the best interest of the public to prohibit the owning, keeping or harboring of exotic and wild animals within the city limits; and

WHEREAS, for the purpose of promoting the health, safety, and general welfare of the City of Lumberton, the City Council desires to amend the regulations related to animals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUMBERTON, TEXAS:

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Code Amendment. That the City of Lumberton Code of Ordinances, Chapter 4, Animals, shall include the following amendments to the definitions found in Section 4-19:

Chapter 4 ANIMALS

Sec. 4-19. Definitions.

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

Harboring means the act of keeping, providing care, shelter, protection, restrain, refuge, food or nourishment in such a manner as to control an animal's activity on the property one owns, occupies or controls, whether or not on a temporary or permanent basis.

Owner means any person who has right of property in an animal or who harbors any animal or allows an animal to remain about his premises.

Pet animal includes dogs, cats, rabbits, rodents, birds, non-venomous reptiles, and any other species of non-venomous animal which is sold or retained as a household pet, but shall not include any species of wild, exotic, or carnivorous animal that may be further restricted in this chapter.

Exotic animal means any nondomesticated animal, other than livestock not specifically included in this definition, that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad (excluding non-venomous reptiles and fish). The term "exotic animal" specifically includes, but is not limited to, animals such as lions, tigers, jackals, dingoes, leopards, giraffes, elephants, pandas, camels, antelope, anteaters, kangaroos, chimpanzees, gorillas, orangutans, water buffalo, exotic fowl of avian species not indigenous to the state of Texas and species of foreign domestic livestock requiring state or federal permits.

Wild animal refers to any mammal native to North America, except the domestic species dog, cat, horse, cow, pig, sheep, and goat, which now or historically have been found in the wild, or in the wild state including, but not limited to the following:

- (1) Venomous reptiles, any type of crocodile or alligator;
- (2) Piranha;
- (3) Condors, eagles, hawks, falcons, owls;
- (4) Non-human primates, ocelots, lions, tigers, jaguars, leopards, cougars, wolves, or wolf hybrids, dingoes, coyotes and coyote mixes, jackals, weasels, martens, minks, badgers, skunks, raccoons, pandas, bears, kangaroos, opossums, sloths, anteaters, armadillos, monkeys, chimpanzees, gorillas, orangutans, porcupines, antelope, deer, fox, elephant, lynx, camel, squirrels; or
- (5) Any species of animal illegal to own under federal, state or local law;
- (6) The term "wild animal" shall not include gerbils, hamsters, guinea pigs, mice, rabbits and ferrets.

Section 3. Code Amendment. That the City of Lumberton Code of Ordinances, Chapter 4, Sections 219 and 221 shall be amended and a new Section 4-222 shall be added as follows:

Chapter 4 ANIMALS

Division 8. – Prohibited Animals

Sec. 4-219. Unlawful import, sale, etc., in city.

It is hereby prohibited and it shall be unlawful for any person to import, offer for sale, keep, maintain, harbor or permit venomous animals, exotic animals, or wild animals in the city.

Sec. 4-220. Endangered species prohibited.

It is hereby prohibited and it shall be unlawful for any person to import, offer for sale, keep, maintain, harbor or permit in the city any endangered species of animal as defined by the United States Department of the Interior or the state department of parks and wildlife.

Sec. 4-221. Exemption.

This division shall not apply to:

- (1) A permittee holding a special use permit issued by the city council. The permittee must have suitable confinement to prevent escape. If conditions are not met, the permit is automatically revoked and the animal must not be kept in the city limits. Sec. 4-222. Penalty.**

Violation of any provision of this article is a misdemeanor punishable by a fine of not less than \$500.00, nor more than \$1,000.00. Each animal harbored in violation of this article and each day on which it is possessed shall constitute and be punishable as a separate offense.

Section 4. This ordinance shall be cumulative of all provisions of ordinances of the City of Lumberton, except where the provisions of this ordinance are in direct conflict therewith, in which case the prior ordinance or parts thereof are hereby repealed to the extent of the conflict.

Section 5. All rights and remedies of the City of Lumberton are expressly saved as to any and all violations of the provisions of any ordinances affecting the regulations found in Chapter 4 which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 6. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph or section.

Section 7. It is the intention for the City Council that this ordinance shall become a part of the Lumberton City Code of Ordinances and it may be renumbered and codified therein accordingly.

Section 8. It is hereby found and determined that the meeting at which this ordinance was passed was open to the public, as required by Chapter 551.001, *et seq.*, of the Texas Government Code, and that advance public notice of the time, place and purpose of said meeting was given.

Section 9. This ordinance shall go into effect immediately after approval and publication as required by law.

CERTIFICATE

I hereby certify that the foregoing was presented to the City Council for the City of Lumberton, Texas during a meeting on the 14th day of February, 2022 for a first reading and again on the 28th day of February, 2022 for a second reading. A quorum of the City Council being then present at both readings, it was then duly moved and seconded that the ordinance be adopted, and such ordinance was then adopted.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL FOR THE CITY OF LUMBERTON, TEXAS, on the 28th day of February, 2022.

By: _____
Don Surratt, Mayor
City of Lumberton, Texas

ATTEST:

Susan Collins, City Secretary