

ORDINANCE NO. 09-2948

AN ORDINANCE AMENDING CHAPTER 18 – ANIMALS, ARTICLE V OF THE CITY OF BEDFORD CODE OF ORDINANCES BY REPEALING IT IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 18 – ANIMALS, ARTICLE V, PROVIDING A PENALTY CLAUSE, SEVERABILITY CLAUSE AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bedford is committed to ensuring public health, welfare, and safety by encouraging individuals to be responsible pet owners; and,

WHEREAS, the City Council recognizes the need to help to ensure the proper care and safety of animals; and,

WHEREAS, the Bedford Animal Shelter Advisory Board voted unanimously in support of recommendations brought forth by city staff that would repeal and replace Chapter 18 – Animals, Article V in its entirety.

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

That Chapter 18 – Animals, Article V of the City of Bedford Code of Ordinances is hereby amended in its entirety by replacing said chapter and article with a new Chapter 18 – Animals, Article V, to read as follows:

SECTION 1. Section 18-141

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:

Domestic Animal means any animal whose physiology has been determined or manipulated through selective breeding and does not occur naturally in the wild and any animal which can be vaccinated against rabies with an approved rabies vaccine, and any animal which has an established rabies quarantine observation period as established by the Texas Department of Health, and shall include dogs, cats, gerbils, guinea pigs, hamsters, ferrets, rabbits, rodents, non-poisonous reptiles, or non-poisonous snakes of a species which does not reach a length greater than six feet and other species of animal which are sold or retained as a household pet, not including birds, fish, skunks, non-human primates, and any other species of wild, exotic, or carnivorous animals, and others that may be further restricted by this chapter.

Fowl means a bird of the order Gailliformes, which can be used as food. This term includes but is not limited to the common domesticated chicken, duck, geese, turkey, quail, dove, and pheasant.

Livestock includes domesticated animals of the Family Bovidae (cattle, sheep, goats), and Family Equidae (horses, donkeys, mules)

Prohibited Animal means any animal which is now or historically has been found to be wild by nature and not customarily domesticated in the City of Bedford. Any animal which by definition falls into this category is prohibited from being kept, harbored, or maintained within the city limits of Bedford. This term includes:

Class Mammilia

Order Carnivora

Family Candidate (dog), excepting Canis Familiarus (domestic dog), and including but not limited to the wolf, coyote, jackal, fox .

Family Felidae (cat), excepting Felix Catus (domestic cat) and including but not limited to the bobcat, tiger, jaguar, leopard, lion, cougar, mountain lion or panther.

Family Hyenidae (hyena).

Family Ursidae (bear).

Order Proboscidea (elephant.)

Family Hippopotamidae

Order Primata (primates), including but not limited to the chimpanzee, baboon, orangutan, gibbon, and gorilla (Old World and New World) excepting the Family Hominidae (man).

Family Giraffidae

Order Marsupialia (including, but not limited to, kangaroos, opossums, koala bears, wallabies, bandicats and wombats)

Order Edentata (including, but not limited to, sloths, anteaters and armadillos)

Order Rodentia (such as beavers and porcupines and squirrels).

Subdivision Raptae (including but not limited to the ostrich, rhea, cassowarie, and emu)

Class Reptilia

Order Squamata

Sub-Order Serpentes. All front and rear fanged venomous snakes and all species of the Families Boidae and Pythonidae.

Sub-Order Lacertilla, both venomous species of the Family Helodermatidae (Gila monster and Mexican beaded lizard)

Order Crocodilia (crocodile and alligator)

Order Falconiformes (such as hawks, eagles, falcons and vultures)

Order Strigiformes (owls)

Family Suidae (swine) domestic pigs, pot-bellied pigs, hogs or wild pigs and hogs

Family Procyonidae (raccoons)

Hybrids of all domestic and non-domestic species

Wild Fowl

Any other species of the animal kingdom (as opposed to vegetable or mineral) which is venomous to human beings whether it's venom is transmitted by bite, sting, touch or other means, except the honey-producing bee, which does not include any strain of killer bee.

Permit-Eligible Non-Domestic Animal means any animal, which is now or historically, has been found to be wild by nature and not customarily domesticated in the City of Bedford. This term includes, animals such as:

Order Artiodactyla, even-toed hoofed mammals, excluding the domesticated species
of the Family Bovidae (cattle, sheep, goats).

Family Camelidae (llama).

Order Perissodactyla, odd-toed hoofed mammals, excluding the domesticated species of the Family Equidae (horses, donkeys, mules)

Family Callithricidae (marmosets)

Cebus appela (capuchins)

Pet Bird means any tame, warm blooded vertebrate distinguished by having the body more or less completely covered with feathers and the forelimbs modified as wings that was bred in captivity for the sole purpose of being kept for pleasure rather than utility. These birds include, but are not limited to, such birds as commonly sold in local pet stores (such as parrots and cockatiels).

Swine means any stout-bodied, short-legged omnivorous mammal with a long, mobile snout and small tail belonging to the family Suidae: the domestic pig, pot-bellied pig, hog and its wild relatives are included.

Wild Fowl means a bird of the order Galliformes, used as food or hunted as game that is living in a state of nature, growing or produced without the aid and care of man and not ordinarily tame or domesticated.

Section 18-142

Number of Domestic Animals per dwelling or property.

- (a) No person shall keep, allow, maintain, or harbor more than five Domestic Animals on a single-family residentially zoned property. Puppies and kittens under six months of age shall not be counted for purposes of this section.
- (b) No person shall keep, allow, maintain, or harbor more than three Domestic Animals for each duplex or multi-family zoned property, or for other zoning classifications except as authorized by the city's comprehensive zoning ordinance. Puppies and kittens under six months of age shall not be counted for the purposes of this section.

Section 18-143

Livestock restrictions and regulations.

- (a) It shall be unlawful for any person to keep, allow, maintain, or harbor any Livestock within the corporate limits of the city in any pen, stable, shed, structure or other enclosure at a distance of less than 50 feet from any residence or dwelling used for human habitation, business, commercial establishment, office, school, hospital or nursing home. This 50-foot

requirement does not apply to the livestock owner's residence, business, commercial establishment or office;

- (b) It shall be unlawful for any person to keep, allow, maintain, or harbor any Livestock within the corporate limits of the city, where there is less than one acre for each head of Livestock. Newborns under six months of age, born on the property, shall not be counted for the purposes of this section;
- (c) The feeding of vegetables, meat scraps or garbage to Livestock shall be done only in impervious containers or on an impervious platform;
- (d) Watering troughs or tanks, containing clean water shall be provided and at all times accessible to Livestock. Watering troughs and/or watering tanks shall be equipped with adequate facilities for draining the overflow so as to prevent the breeding of flies, mosquitoes or other insects; and
- (e) No putrescible material shall be allowed to accumulate on the premises; and all such material used to feed which is unconsumed shall be removed and disposed of by burial or other sanitary means.

Section 18-144

Restrictions and regulations.

- (a) ***Animals eligible for permits.*** Thirty days after the effective date of this ordinance, no person shall have, keep, allow, maintain or have in his/her possession or under his/her control any Prohibited Animal. Only those animals listed under Permit-Eligible Non-Domestic Animal are eligible for a permit.
- (b) ***Application and fee for Permit-Eligible Non-Domestic Permit.*** An application for any permit to keep, allow or maintain a Permit-Eligible Non-Domestic Animal shall be made by any person who desires to keep, allow or maintain a Permit-Eligible Non-Domestic Animal as described in this chapter, to the animal control warden for the city. Each Permit-Eligible Non-Domestic Animal must obtain a permit. This application shall be in writing and upon a form furnished by the animal control warden or his/her designated representative. Said application shall be verified by the person who desires to have, keep, allow, maintain, or have in his/her possession, or under his/her control, in the city, the animal for which a permit is allowed, and shall set forth the following:
 - (1) Name, address, and telephone number of the applicant.
 - (2) The applicant's ownership interest in such a Permit-Eligible Non-Domestic Animal.
 - (3) The proposed location of the Permit-Eligible Non-Domestic Animal, and the name, address, and telephone number of the owner of such location, and of the lessee, if any.
 - (4) The general description as well as the date of birth and/or age of the Permit-Eligible Non-Domestic Animal, for which the permit is sought.
 - (5) Any information known to the applicant concerning vicious or dangerous propensities of such Permit-Eligible Non-Domestic Animal.

- (6) The housing arrangements for such Permit-Eligible Non-Domestic Animal with particular details as to safety of structure, locks, fencing, and other satisfactory devices which shows a compliance with USDA requirements, or other applicable requirements, and with Sub-section (c) of this chapter.
 - (7) Noises and/or odors anticipated in keeping of such Permit-Eligible Non-Domestic Animal.
 - (8) Prior history of incidents affecting the public health or safety involving said Permit-Eligible Non-Domestic Animal.
 - (9) Any additional information required by the animal control warden at the time of filing such application or thereafter; and
 - (10) Simultaneous with the issuance of the permit for which application has been made, the applicant shall pay a fee in accordance with the City of Bedford Fee Schedule, per Permit-Eligible Non-Domestic Animal requesting to be permitted.
 - (11) Total number of acreage available for such animal in conjunction with the total number of animals currently or expected to be on the property.
 - (12) Simultaneous with the issuance of the permit, the owner of the Permit-Eligible Non-Domestic Animal must provide proof of liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages, injury, or death resulting from a Permit-Eligible Non-Domestic Animal, to be in effect the duration of the permit.
- (c) ***Confinement regulations.*** The animal control warden, in consultation with the police chief, or his/her designee, and the director of planning and zoning, or his/her designee, may set regulations in connection with the issuance of permits regarding the size and type of cage or other means of confinement, the distance from the place of confinement to adjoining property, and any other regulations deemed reasonably necessary by the animal control warden to ensure the maintenance of humane and sanitary conditions for the animal and safety of persons and property. In applying the regulations to a given situation, the animal control warden shall take into consideration the type, nature, disposition and training of the specific Permit-Eligible Non-Domestic Animal involved.
- (d) ***Other laws.*** In applying for a permit under section 18-144 of this article, the applicant must provide assurance that he is in compliance with all applicable local, state, and federal laws and regulations regarding such Permit-Eligible Non-Domestic Animal.
- (e) ***Review of application for permit.*** Copies of any application for permit under Section 18-144 of this chapter shall be sent by the animal control warden to the police department and planning and community development department for their review, and to the animal control board for their consideration of approval. Approval of a permit is within the sole discretion of the animal control board. The filing of an application constitutes agreement by the applicant to allow inspection of the premises

where the animal is kept or will be kept, for the purposes of determining approval or disapproval of the permit application as well as the continued compliance with the provisions of this ordinance by all participating agencies.

- (f) ***Permit Restrictions.*** No permit shall be granted except with such conditions attached as shall, in the opinion of the animal control board, reasonably insure the health, safety, and general welfare of the public and said animal referred to in the permit application. The applicant must show knowledge and ability to properly care for said animal, and no permit shall be issued to any person who has been found guilty of cruelty to animals. The permit shall be non-transferable; it shall apply only to the animal described therein, which is confined at the location stated therein, and shall be valid only to the person named as owner of said animal therein.
- (g) ***Term and renewal of permits.*** No permit required by Section 18-144 of this article shall be granted for a period in excess of one year. An application for new permit shall be the responsibility of the permit holder and made not less than forty five days prior to the expiration of the prior permit. Any application for a new permit shall be considered by the animal control board.
- (h) ***Inspections.*** Unannounced inspections of permitted sites may be conducted anytime with the first inspection being completed before the initial permit being issued and a mandatory six-month inspection following. Photographs of the premises will be kept on file with the permit.
- (i) ***Revocation.*** The animal control warden may request the revocation of any permit granted under this chapter. The animal control board may, for good cause, revoke any permit or provisions thereof. The permit may be revoked by the animal control board if upon investigation it is determined that the permit holder has failed to adhere to any one of the above provisions listed in this chapter. In the event it is reasonably necessary to protect against an immediate threat or danger to the public health or safety, the animal control warden may request that the animal control board suspend any permit or permits, and in such case the animal referred to in said permit will be taken into protective custody by the animal control warden. A person whose permit or permits has been revoked, may not reapply for a permit or permits, for a period of one year from the date of revocation.
- (j) ***Any animal not classified or defined.*** Any person wishing to keep, allow, maintain, or harbor or an animal not covered by the classifications or definitions of this section may apply to the animal control warden. Upon review the animal control warden shall classify or define the animal. Any person desiring to appeal the animal control warden's classification must do so in writing within ten (10) days of said classification. The appeal will be heard by the animal control board whose decision shall be final.

Section 18-145

Number of Fowl per dwelling or property.

- (a) It shall be unlawful for any person to keep, allow, maintain, or harbor outside of the residential structure, any Fowl in any pen, shed, coop or structure, if any part of such pen, shed, coop or structure is within 50 feet of any residence, business or commercial establishment or office (other than the owner's), school, hospital, or nursing home.

- (b) No person shall keep, allow, maintain, or harbor more than five Fowl on a single-family residentially zoned property. Chicks under six weeks of age born on the property or born from an animal legally existing on the property, shall not be counted for the purposes of this section.
- (c) No person shall keep, allow, maintain, or harbor any Fowl on a duplex or multi-family zoned property, or for other zoning classifications except as authorized by the city's comprehensive zoning ordinance.

Section 18-146

Number of Pet Birds per dwelling or property.

- (a) No person shall keep, allow, maintain, or harbor more than five Pet Birds on a single-family residentially zoned property. Chicks under six weeks of age born on the property or born from an animal legally existing on the property, shall not be counted for the purposes of this section.
- (b) No person shall keep, allow, maintain, or harbor more than three Pet Birds for each duplex or multi-family zoned property, or for other zoning classifications except as authorized by the city's comprehensive zoning ordinance.

Section 18-147

Number of total animals per dwelling or property without a multi-pet permit.

- (a) No person shall keep or harbor more than ten total animals on a single-family residentially zoned property. Puppies and kittens under six months, chicks under six weeks and Permit-Eligible Non-Domestic Animals shall not be counted for the purposes of this section. All previously listed species relevant caps, excluding Livestock, apply towards this total.
- (b) No person shall keep or harbor more than six total animals on a duplex or multi-family residentially zoned property, or for other zoning classifications except as authorized by the city's comprehensive zoning ordinance. Puppies and kittens under six months that are born on the property or are born from an animal legally existing on the property, and chicks under six weeks that are born on the property or are born from an animal legally existing on the property, shall not be counted for purposes of this section. All previously listed species relevant caps, excluding Livestock, apply towards this total.

Section 18-148

Multi-pet ownership.

- (a) *Issuance.* Any person, firm, or corporation wishing to keep more than the above mentioned number of Domestic Animals and who does not possess a commercial business permit, may apply for a multiple pet permit. The multi-pet permit will be applicable for all classes of animals other than Livestock or Permit-Eligible Non-Domestics, and Prohibited Animals. The multi-pet permit shall be issued provided the applicant meets all of the provisions of this section and of this ordinance.

In considering each request, the animal control warden will make a determination for granting a permit, granting a limited number or conditional permit, or denying a permit based on the individual applicant's ability to adequately care for the animals listed on the permit application. The animal control warden may utilize all available local, state, federal

regulations, or other data or guidelines to assist him in determining whether to approve or deny the permit application.

Once a permit has been granted, the permit holder will be allowed to exceed the maximum number stipulated on the permit only to temporarily shelter a Domestic Animal. The maximum number cannot exceed two Domestic Animals over the permit limit for that residence, nor can the permit limit be exceeded for more than two weeks.

- (b) **Conditions.** Upon inspection of the premises by animal control officers, the permit may be issued if the following conditions are met:
- (1) Facilities shall be of sufficient size as to be allow each animal to sit, stand and lie in a normal manner and to turn about freely. The size of the facility shall be in proportion to the length and height of the animal and in accordance with federal animal health and welfare regulations.
 - (2) Adequate food and water must be provided so that all animals being kept shall be maintained in good health and free of malnutrition and/or dehydration.
 - (3) The premises shall be kept in a sanitary condition and reasonably free of feces animal waste, parasites, insects and flies that could be harmful to the animal's health and/or the health of the public.
 - (4) The animals and facility must be kept free of odor or stench which is offensive to a person of normal sensibilities.
 - (5) The animals must be maintained in a way that does not pose a danger to the health of the animals themselves or adjacent animals.
 - (6) The animals must be compatible with each other and shall not cause noise which is offensive or disturbing to a person of normal sensibilities on adjoining, adjacent, or neighboring premises.
 - (7) The applicant or holders of the permit have not been issued citations for violation of this section on two or more separate occasions within the past 12 months, or animals covered by the permit have not been impounded on two or more separate occasions within the last 12 months.
 - (8) The payment of the appropriate fee for the multi-pet permit has been received.
 - (9) All animals must be licensed and vaccinated and must wear current tags at all times in accordance with article IV, section 18-103 of this chapter.
- (c) **Inspections.** Unannounced inspections of sites may be conducted anytime with the first inspection being completed before the initial permit being issued and a mandatory six-month inspection following. Photographs of the premises will be kept on file with the multi-pet permit.
- (d) **Revocation.** The multi-pet permit may be revoked by the animal control warden if upon investigation it is determined that the permit holder has

failed to adhere to any one of the above provisions listed in this section. Once the permit has been revoked, the person whose permit has been revoked, may not reapply and will be denied a permit for a period of one year from the date of revocation.

- (e) **Violation.** It shall be unlawful for any person to violate any provisions of this section.
- (f) **Appeal.** Any person, firm, or corporation wishing to appeal the decision of the animal control warden in either denying or revoking a multi-pet permit, may do so by filing an appeal with the city animal control board within three business days from the date of the granting of a permit, denial, or revocation. Such appeal should be in writing and filed with the animal control warden or his designee.

Section 18-149

General provisions.

- (a) Any person who owns or is responsible for the care, custody, and control of any Domestic Animal or Pet Bird in the City shall make clean water available to the Domestic Animal or Pet Bird at all times to prevent dehydration. Food, of sufficient nutritional value, shall be regularly provided so that all Domestic Animal or Pet Bird being kept shall be maintained in good health and free from malnutrition.
- (b) All domestic dogs and cats must be licensed and vaccinated and must wear current tags at all times in accordance with Article IV, section 18-103 of this chapter.
- (c) Any person who owns or is responsible for the care, custody, and control of any Domestic Animal or Pet Bird in the City shall provide for adequate shelter for any Domestic Animal or Pet Bird kept out-of-doors. For the purpose of this article, adequate shelter is defined as shelter that would allow the Domestic Animal or Pet Bird to remain dry and protected from the elements at all times, while providing sufficient ventilation within the shelter.
- (d) Any person who owns or is responsible for the care, custody, and control of any Domestic Animal or Pet Bird in the City shall seek reasonable medical treatment for any Domestic Animal or Pet Bird suffering from tick or flea infestation, or any other obvious illness, injury, or communicable disease. For the purpose of this section, reasonable medical care is defined as over-the-counter medicine, prescription medicine, or veterinary care necessary to reduce or eliminate prolonged suffering by any Domestic Animal or Pet Bird, due to a medical condition that can be treated or cured.
- (e) An animal control officer or police officer shall have the authority to issue a written warning notice to any person violating a provision of this section of the ordinance. The warning shall include the nature of the violation, the corrective action required, and a time frame for compliance.
- (f) Any Bedford animal control or police officer shall have the authority to issue a citation for each day that the owner, or the person with care, custody, and control of a Domestic Animal or Pet Bird, fails to comply with the provisions of this ordinance.

Section 18-150

Domestic Animal or Pet Bird in Vehicles.

- (a) No person shall leave any Domestic Animal or Pet Bird in any standing or parked vehicle in such a way to endanger the Domestic Animal or Pet Bird's health, safety, or welfare.
- (b) An animal control officer or police officer is authorized to use reasonable force to remove the Domestic Animal or Pet Bird from the vehicle whenever it appears the Domestic Animal or Pet Bird's health, safety, or welfare is, or will be endangered if the owner of the vehicle cannot be located after reasonable attempts have been made.
- (c) Any Domestic Animal or Pet Bird removed from a vehicle under sec 18.150 (b) of this article shall be taken to the shelter, or to a veterinarian if the Domestic Animal or Pet Bird is in distress and appears to need immediate medical care.
- (d) A written notice bearing the name of the officer removing the Domestic Animal or Pet Bird, a telephone number where the officer can be contacted, and the location where the Domestic Animal or Pet Bird may be claimed by the owner shall be attached to the vehicle.
- (e) Any person violating this section shall bear the full cost and expense incurred by the city in the care, medical treatment, impoundment cost, and disposal of said Domestic Animal or Pet Bird, including removal from and damage done to the vehicle.
- (f) No person shall transport any Domestic Animal or Pet Bird in an open bed or open trunk of a vehicle upon any roadway or parking lot where the Domestic Animal or Pet Bird is either unsecured or restrained in a manner that presents a significant risk of harm to the Domestic Animal or Pet Bird.

SECTION 2. PENALTY

Any person violating this chapter may be issued a citation and upon conviction thereof, the person shall be deemed guilty of a misdemeanor and punished as provided in subsection 1-7 of the Code of Ordinance of the City of Bedford. Each 24-hour period of violation, and each separate animal or condition in violation of this chapter, shall constitute a separate offense.

SECTION 3. SEVERABILITY

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

SECTION 4. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

PRESENTED AND PASSED this 13th day of October 2009, by a vote of 7 ayes, 0 nays and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Shanae Jennings, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney