

AN ORDINANCE AMENDING SECTION 18-1 (DEFINITIONS) OF CHAPTER 18 – ANIMALS, OF THE CITY OF BEDFORD CODE OF ORDINANCES, TO DEFINE MINIATURE PIGS AND AUTHORIZING THE SAME FOR PERMIT ELIGIBLE; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

WHEREAS, the City Council of Bedford, Texas has determined the need to ensure the proper care and safety of animals located within the city limits.

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

SECTION 1. That Chapter 18 – Animals, of the City of Bedford Code of Ordinances, Section 18-1

Definitions, is hereby amended in its entirety by replacing said Chapter with a new Section 18-1, to read as follows:

CHAPTER 18 - ANIMALS

ARTICLE I. IN GENERAL

Sec. 18-1. Definitions

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

Adequate Shelter for domestic animal or pet bird 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.

Adoption is defined as the transfer of ownership from the City of Bedford to a person or organization deemed suitable for the care, custody and control of the animal.

Animal is defined as one or more of the following classifications contained within this Chapter: domestic animal, fowl, livestock, permit eligible non-domestic animal, pet bird, prohibited animal, swine, and wildfowl.

Animal Control Authority is defined as a municipal employee assigned to the Animal Control Division whose duties include those as defined in Article II, Animal Control Division.

Animal Shelter Advisory Board (Board) is defined as a seven member committee consisting of City Council appointees and municipal employees for the purposes of serving as an advisory committee to the Animal Control Authority and the City and also to assist in the permitting processes as outlined in this Chapter.

At Large is defined as any animal not confined to the premises or property of the owner by a structure of adequate construction as to prevent escape or unsolicited contact with humans or animals, or animals not under the control of the owner or other person authorized by the owner to care for the animal, either by leash, cord, chain or similar restraining device.

Domestic Animal is defined as 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. Domestic Animal 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 animals 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 other that may be restricted by Ordinance.

Enclosure for the purpose of Article XII "Fierce or Dangerous Animals" is defined as a container or contraption specifically designed for the temporary confinement of a dog, while restricting or limiting human and animal contact. Such structure is not designed for the long term housing of the animal. This definition includes, but is not limited to dog runs, kennels, transportation crates, etc. For all other purposes of this Chapter, the term 'Enclosure' shall be defined as pen, stable, shed or similar type structure.

Educational Exhibit or Program is defined as a temporary display or program designed to promote interest and education in wildlife where a permit has been issued by the City authorizing the exhibit or program, including those classified as a prohibited animal, permit-eligible non-domestic animal, or livestock.

Fierce or Dangerous Animal is defined as:

- (1) Any animal that makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own; or
- (2) Any animal that commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own, and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to that person; or
- (3) Any animal that makes an unprovoked attack on another domestic animal that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own.

Fowl is defined as a bird of the order Galliformes, 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.

Home Observation Period is defined as the Animal Control Authority permitting an owner to retain custody of an animal suspected of rabies or under investigation as a fierce or dangerous animal for a period of time as set forth in this Chapter, as long as all requirements of the Animal Control Authority are met.

Hybrid is defined as the off-spring of two different breeds or species; excepting where both parenting breeds or species are defined as domestic animals.

Livestock is defined as domesticated animals of the Family Bovidae (cattle, sheep, goats), and Family Equidae (horses, donkeys, mules).

Local Rabies Control Authority is defined as the supervisor over the Animal Control Division is hereby designated as the local rabies control authority in accordance with requirements listed in the Texas Health and Safety Code. In the absence of the Animal Control Supervisor, the officer temporarily serving in that capacity shall assume the duties and responsibilities of the Local Rabies Control Authority.

Miniature pig includes the terms Micro pig or Teacup pig and is defined as a miniature pig that, through selective breeding, will not attain a height, weight, or length greater than the following: height no greater than 20 inches from the bottom of the hoof to top of the shoulder; weight no greater than 75 pounds; and length no greater than 26 inches from the tip of the snout to the base of the tail. Any miniature pig exceeding one or more of these limitations shall be immediately reclassified under the definition of swine and is prohibited. For the purposes of this section, no animal shall be classified as a miniature pig without meeting all the requirements of this section and passing an examination and certification by the Bedford Animal Control Supervisor. The determination and/or certification of the Bedford Animal Control Supervisor is final and is not subject to appeal.

Muzzled is defined as the placement of a wire or leather device over an animal's snout which prevents the animal from biting.

Obnoxious Odor is defined as an odor that unreasonably disturbs or interferes with the peace, comfort and repose of neighboring persons of normal sensibilities.

Owner is defined as any person owning, keeping, or harboring an animal, or who has custody or control of an animal.

Permit-Eligible Non-Domestic Animal is defined as any animal which is now or historically has been found to be wild by nature and not customarily domesticated in the City. This term includes but is not limited to:

(1) *Cebus Appela* (capuchin monkeys).

(2) Family *Callithricidae* (marmosets).

(3) Family *Camelidae* (llama).

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

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

(6) **Miniature pig, Micro pig, or Teacup pig as defined in this section. Conditional requirements for permitting include: any miniature pig must be spayed or neutered and must be current with vaccinations as determined by a veterinarian consulted by the City. A maximum of two miniature pigs are permitted at a property.**

Pet Bird is defined as 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 for utility. This includes, but is not limited to, birds commonly sold in local pet stores.

Prohibited Animal is defined as any animal which is now or historically has been found to be wild by nature and not customarily domesticated in the City. Any animal which by definition falls into this category is prohibited from being kept, harbored, or maintained within the city limits, except for those temporarily permitted under this Chapter. This term includes:

A. Class *Mammalia*. (1) Order *Carnivora*.

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

b. 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.

c. Family *Hyenidae* (hyena).

d. Family *Ursidae* (bear).

e. Family *Procyonidae* (raccoons).

(2) Order *Proboscidea* (elephant).

a. Family *Hippopotamidae*.

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

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

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

(6) Order Rodentia, including, but not limited to, beavers porcupines and squirrels.

(7) Order Antiodctyla.

a. Family Suidae – swine including, but not limited to, domestic pigs, pot-bellied pigs, hogs and wild pigs.

(8) Order Artiodactyla.

a. Family Giraffidae.

B. Class Aves

(1) Order Struthioniformes, including, but not limited to, ostrich, rhea, cassowary and emu.

(2) Order Falconiforms, including, but not limited to, hawks, eagles, falcons and vultures.

(3) Order Stigiformes – owls.

(4) Wildfowl as defined in Section 18-1 of this Chapter.

C. Class Reptilla.

(1) Order Squamata.

a. Sub-order Septentes – all front and rear fanged venomous snakes and all species of the Families Boidea and Pythonidae.

b. Sub-order Lacertilla – both venomous species of the Family Helodermatidea (Gila Monster and Mexican Bearded Lizard).

(2) Order Crocodilia – crocodile and alligator.

D. Hybrids as defined in Section 18-1 of this Chapter.

E. Any class, order, species of the Animal Kingdom which is venomous to human beings, whether its venom is transmitted by bite, sting, touch or other means, excepting the honey-producing bee, which does not include any strain of killer bee.

Rabies Exposure is defined as any bite, scratch, or other situation in which saliva or nerve tissue of a potentially rabid animal enters an open or fresh wound, or comes in contact with mucous membranes by entering the eye, mouth or nose of a human or another animal.

Reasonable Medical Care for a domestic animal or pet bird is defined as appropriate over the counter or veterinary care necessary to treat the applicable medical condition, including veterinary care, prescription medicine, over the counter medicine, or other appropriate or recognized treatment.

Secure Enclosure is defined as a fence or structure of at least six feet in height, forming or causing an enclosure, suitable to prevent the entry of young children and suitable to confine a fierce or dangerous animal in conjunction with other measures which may be taken by the owner, such as tethering of the fierce or dangerous animal. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom, and shall be designed to prevent the animal from escaping the enclosure. Any such enclosure shall be inspected and approved by the Animal Control Authority and by the Building Inspection Department before its use as an enclosure for a fierce or dangerous animal.

Swine is defined as any stout-bodied, short-legged omnivorous mammal with a long, mobile snout and small tail belonging to the Family Suidae. This includes, but is not limited to, the domestic pig, pot-bellied pig, hog and its wild relatives. **This definition does not include an animal that is currently certified under the provisions of this section as a miniature pig.**

Quarantine for the purposes of this Chapter is defined as the sequestering and isolation of an animal in a controlled setting.

Unprovoked with respect to an attack by an animal on a person, is defined as the animal was not hit, kicked or struck by a person with any object or part of a person's body, nor was any part of the animal's body pulled, pinched or squeezed by a person. In the case of an attack on another animal, "unprovoked" is defined as the animal that was attacked was not, at the time of the injury or damage was sustained, teasing, tormenting, abusing or assaulting the animal, or protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

Vaccination is defined as an injection of a vaccine, approved by the state veterinarian, administered by a legally licensed veterinarian.

Wildfowl is defined as a bird of the Order Galliformes, used as food or hunted as game, that is living in a state of nature, growing or producing without the aid and care of man, and not ordinarily tame or domesticated.

Secs. 18-2 – 18-09. Reserved.

SECTION 2. PENALTY

That any person violating any provision of 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

That 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

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

PASSED AND APPROVED this 11th day of February 2014, 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 Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

_____ **Stan Lowry, City Attorney**