

## 2.02 Definitions.

As used in this Chapter, the following terms are defined as follows:

“*At Large*” means and includes off the premises of the owner and not under the control of the owner or by a person or persons authorized by the owner to care for said Dog or Cat by either cord, leash or chain.

“*Cat*” means both male and female feline animal.

“*Dog*” means both male and female canine animal.

“*Enclosure*” means a house or a building; or a fence, pen or other substantial structure at least six (6) feet in height with minimum dimensions of five (5) feet by ten (10) feet that forms an enclosure suitable to prevent entry by young children and is locked and secured at all times such that an animal cannot climb, dig, jump, or otherwise escape of its own volition.

“*Owner*” means any person(s), firm, association or group, unincorporated or not, owning, keeping or harboring a Dog, Cat, livestock or fowl. A Dog, Cat, Livestock, or Fowl shall be deemed to be harbored if it is fed, sheltered, allowed, or permitted to remain on a person’s property or property under the control of said person for three (3) or more days.

“*Public nuisance*” shall mean a condition, which injures or endangers the public health, safety, and welfare, gives offense to the senses, gives material annoyance, inconvenience, or discomfort to a person of ordinary sensibilities, or interferes with the reasonable use and enjoyment of public or private property.

“*Fowl*” shall mean and include chickens, turkeys, guineas, ducks, pigeons, peacocks, emus, and other similar birds.

“*Livestock*” for the purposes of this Chapter shall be defined to include the following domestic animals:

1. Horses;
2. Goats;
3. Sheep;
4. Cattle;
5. Pigs;
6. Donkeys;
7. Jackasses.

“*Wild Animal*” means any live animal, other than a common domestic species, that is protected by international, federal or state regulations, including those listed in Section 822.101 of the Texas Health and Safety Code, and the following if not so listed:

1. All poisonous animals including rear-fang snakes;
2. Apes (Pongidae); chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus);
3. Baboons (Papio; Mandrillus);
4. Bears (Ursidae);
5. Bison (Bison);
6. Cheetahs (Acinonyx jubatus);
7. Crocodilians (Crocodylus), thirty (30) inches in length or more;
8. Constrictor snakes, five (5) feet in length or more;
9. Coyotes (Canis latrans);
10. Deer (Cervidae) including whitetailed deer, elk, antelope or moose;
11. Elephants (Elephantidae);
12. Gamecocks and other fighting birds;
13. Hippopotami (Hippopotamidae);
14. Hyenas (Hyaenidae);
15. Jaguars (Panthera [Felis] onca), leopards (Panthera [Felis] pardus), lions (Panthera [Felis] leo) or tigers (panthera [Felis] tigris);
16. Lynxes (Lynx);
17. Monkeys, old world (Cercopithecidae);
18. Ostriches (Struthio), but not including emus (Dromiceius novae hollandiae);
19. Piranha fish (Characidae);
20. Pumas (Felis concolor), also known as cougars, mountain lions or panthers;
21. Rhinoceroses (Rhinocerotidae);
22. Sharks (class Chondrichthyes);
23. Wolves (Canis lupus);
24. Ocelot;
25. Bobcat;
26. Serval;
27. Caracal;
28. Jackal; or
29. Any hybrid of any animal listed.

## 2.05 Public Nuisance.

A. *Failure to exercise proper care prohibited.* It is unlawful for any owner to fail to exercise proper care and control over any animal owned or in the custody of such owner, or to fail to exercise proper care and control over the premises where any such animal is kept, so as to prevent such animals, or the conditions of such premises, from becoming a public nuisance.

B. *Conditions constituting a nuisance.* All of the following conditions, situations or occurrences are hereby declared to be a public nuisance and constitute a failure of the owner to exercise proper care and control of his animal and/or the premises where said animal is or has been kept:

1. Any animal which turns over garbage containers or scatters garbage or which otherwise damages private or public property.
2. Any Dog, Cat or Livestock At Large.
3. Any animal that barks, whines, howls, crows, or makes other sounds or noise in an excessive, continuous, or untimely fashion; or
4. Any building, room, cage, kennel, yard, run, stable, shed, pen, fenced pasture, or any other place or facility where animals are kept or harbored which is not maintained in a clean and sanitary condition so as to prevent obnoxious odors, the attraction, breeding or potential breeding of flies, the attraction, harboring or breeding of rodents or potential breeding of rodents, or the creation of any other public health nuisances.

C. *Running at large.* A person commits an offense if the person allows or permits an animal owned by him/her, other than a cat, to run at large. A culpable mental state is not required as an element of this offense.

It is an affirmative defense to prosecution if the animal was running at large due to the act of some person other than the owner of the animal or an occupant of the premises where such animal is possessed, or due to some factor not reasonably foreseeable by the owner or person having possession of said animal.

Animals, other than cats, running at large are subject to impoundment by an officer of the animal control department. It shall be the duty of every animal control officer to apprehend any dog found running at large and to impound such dog found running at large and to impound such dog at the city animal shelter.

D. *Wild animals prohibited.* A person commits an offense if the person intentionally or knowingly keeps or has in his/her possession or under his/her control, within the city, any wild animal.

It is a defense to prosecution under this subsection that the owner or possessor is a governmental entity, operates a zoo that is open to the public, is a research institution, or owns or operates an animal exhibition, rodeo, or circus in which the animal is an integral part, if the animal is restrained from inflicting injury upon persons, property or other animals, and adequate provision is made for the care and protection of the animal.

## Article II. Dogs and Cats

### 2.04 Keeping of Dogs; Number of Dogs or Cats allowed.

A. Any dog shall be confined on premises of the owner by either (1) a building, substantial fence or other structure or enclosure; or (2) by a chain, fastener, or