

ORDINANCE NO. 535

AN ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF WEST COLUMBIA, TEXAS, BY AMENDING ARTICLE II ENTITLED "LICENSE AND RABIES TAG"; PROVIDING FOR THE LIMITATION ON NUMBER OF COMPANION ANIMALS AND EXCEPTIONS; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ANY AND ALL KINDS OF ORDINANCES, REGULATIONS, RULES OR POLICIES WHICH ARE IN ANY MANNER INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE; PROVIDING THAT THE VIOLATION OF THIS ORDINANCE SHALL CONSTITUTE AN OFFENSE PUNISHABLE BY A FINE OF NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of West Columbia, Texas, is a Type A general law municipality as defined in Chapter 6 of the Texas Local Government Code; and

WHEREAS, the City Council of West Columbia, Texas, has determined and does hereby now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of the City.

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

Section One

Article I., Chapter 3 of the Code of Ordinances of the City West Columbia, Texas, entitled "In General" shall be and is hereby amended as follows:

Section 3-1 Definitions

- (1) through (7) Unchanged
- (8) COMPANION ANIMAL shall mean any animal kept or maintained by the owner on residential premises, expressly excluding a commercial animal establishment, but including single and multiple family homes, apartment complexes, duplexes, or any other structure used as a residence.
- (9) GROOMING SHOP shall mean a commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

- (10) KENNEL shall mean any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs or cats.
- (11) LIVESTOCK shall mean any domesticated animal (expressly excluding dogs) commonly used for transportation or maintained on farms or ranches, including but not limited to, horses, cattle, sheep, goats, swine, donkeys, and mules.
- (12) NUISANCE ANIMAL shall mean any animal or animals that unreasonably annoy humans, endanger the life, health or property of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to the enjoyment of life or property. The term “nuisance animal” shall mean and include, but it is not limited to, animals that fall within any one or more of the following categories:
- [a] Is repeatedly at large or stray;
 - [b] Damages the property of anyone other than its owner;
 - [c] Molests or intimidates pedestrians, passers by or passing vehicles;
 - [d] Trespasses on school grounds;
 - [e] Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other noises or utterances causing unreasonable annoyance, disturbance or discomfort to any person or persons other than its owners;
 - [f] Causes fouling of the air by odor;
 - [g] Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
 - [h] Is offensive or dangerous to the health, safety or welfare by virtue of the number and/or type of animals maintained on the premises;
 - [i] Attacks other domestic animals;
 - [j] Any female animal at large within the City while in season.

- (13) OWNER shall mean any person, firm or corporation having title to any animals or who has, harbors, keeps, maintains, permits or otherwise exercises control over an animal which remains on or about his premises for a period of twenty-four (24) consecutive hours.
- (14) OWNER'S PREMISES shall mean any property owned, leased, or otherwise subject to the right of exclusive use and possession by the Owner of an animal.
- (15) PERFORMING ANIMAL EXHIBITION shall mean any spectacle, display, act or event other than circuses in which performing animals are used.
- (16) PET shall mean any animal, other than livestock, kept for pleasure rather than utility.
- (17) RESTRAINT shall mean any animal secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.
- (18) RIDING SCHOOL OR STABLE shall mean any place which has available for hire, boarding and/or riding instruction any horse, pony, donkey, mule or burro.
- (19) STRAY ANIMAL shall mean any animal, other than livestock, for which there is no identifiable owner or harbinger, which is found to be running at large within the corporate limits of the City of West Columbia.
- (20) VETERINARY HOSPITAL shall mean any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of animals.
- (21) VICIOUS ANIMAL shall mean any individual animal or any species that has, without provocation, attacked or bitten any person or other animal, or any individual animal which the local authorities have reason to believe has a dangerous disposition, or any species of animal which the local authorities have reason to believe has a dangerous disposition likely to be harmful to humans or other animals.
- (22) WILD ANIMAL shall mean and include any wild mammal, amphibian, reptile or fowl which is not naturally tame or gentle but

is of a wild nature or disposition and which because of its size, vicious nature or other characteristics would constitute a danger to human life or property if not kept or maintained in a safe manner or in secure quarters. Such animals shall include but not be limited to tigers, lions, bobcats, ocelots, wildcats, cougars, leopards, panthers, bears, wolves, alligators, crocodiles, apes, foxes, elephants, rhinoceri, hippopotami, monkeys, skunks in their natural state, all forms of poisonous reptiles and other like animals, or any other animal usually confined to cages.

- (23) ZOOLOGICAL PARK shall mean any facility, other than a pet shop or kennel, displaying or exhibiting one (1) or more species of nondomesticated animals operated by a person, partnership, corporation or government agency.

Section Two

Article II., Chapter 3 of the Code of Ordinances of the City West Columbia, Texas, entitled "License and Rabies Tag" shall be and is hereby amended as follows:

ARTICLE II. License and Rabies Tag

Sec. 3-40. Limitation on Number of Companion Animals and Exceptions

(a) Single Family Residential Premises. It shall be unlawful for any person to keep, harbor, possess, maintain, or allow to be kept, harbored, possessed, or maintained on premises which consist of and include a single family dwelling more than four companion animals, including dogs and/or cats, over three months old, upon or within any premises owned, occupied, or under the control of such person within the City except as provided below.

(b) Multiple Dwellings. It shall be unlawful for any person to keep, harbor, possess, maintain, or allow to be kept, harbored, possessed, or maintained more than two companion animals, including dogs and/or cats, over three months old, upon or within any residential premises which include more than one single family dwelling, including, but not limited to, duplexes, apartments, or any other multiple dwelling structure.

(c) Litters. Only one litter of animals permitted under (a) and (b) of this section shall be allowed at any given time.

(d) Exemptions. The provisions of this section limiting the number of animals shall not apply to the following:

- (1) Veterinary hospitals;
- (2) Pet shops;
- (3) Kennels;
- (4) Circuses;
- (5) Animal shelters;
- (6) Hobby breeding activities conducted on tracts of land of not less than five acres, provided that the total number of animals shall not exceed two per acre or 12, whichever is less. Provided further, all enclosures of other kennel facilities utilized by hobby breeders operating pursuant to this paragraph shall be located and constructed so as to protect adjacent property owners from noise and air pollution which may result from such breeding activities;
- (7) Grooming shop;
- (8) Auction;
- (9) Riding school or stable;
- (10) Zoological park;
- (11) Performing animal exhibition
- (12) Any other commercial animal establishment.

Section Three

It is hereby declared to be the intention of the City Council that the several provisions of this ordinance are severable, and if any court of competent jurisdiction enters a final order which holds that any section, sub-section, sentence, clause, phrase, or other portion of this ordinance is invalid, illegal, or otherwise unenforceable, then any such portion shall be deemed a separate, distinct and independent provision, and any such ruling shall not affect any other provision of this ordinance which are not specifically designated as being illegal, invalid or unenforceable.

Section Four

Any rules, ordinances, police regulations, resolutions, and/or policies of the City of West Columbia, whether written, or otherwise, which are in any manner in conflict with or inconsistent with this ordinance, shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

Section Five

Violation of this ordinance shall be punishable by a fine not to exceed \$500.00, and each day any violation of any provision of this ordinance shall continue shall constitute a separate offense.

Section Six

This ordinance shall be effective and applicable immediately from and after the date of its passage and approval by the City Council of the City of West Columbia, and the publication of its caption as provided by law.

PASSED AND APPROVED this the 9th day of January,
2006.

David E Foster
DAVID FOSTER, Mayor

ATTEST:

Deborah Sutherland
DEBORAH SUTHERLAND
City Secretary