

ORDINANCE NO. 2022 - 335

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEVERS, TEXAS, REGULATING ANIMALS AND DANGEROUS DOGS WITHIN THE CITY

WHEREAS, the City of Devers (the “City”) is a Type B, general law municipality that has the authority to regulate animals within the city limits; and

WHEREAS, Chapter 822 of the Texas Health and Safety Code governs dangerous animals within the state; and

WHEREAS, the City Council of the City of Devers finds it to be in the best interest of the citizens of Devers to regulate dangerous dogs within the city.

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

SECTION 1. The statements provided in the caption and the recitals are true and correct and are incorporated herein and made a part of this Ordinance.

SECTION 2. The City of Devers hereby adopts an animal control ordinance to regulate dangerous dogs as set forth below.

DIVISION 1. GENERAL

- I. **Definitions** – The following words and phrases shall have the definitions set forth below.

Adequate shelter means a sturdy structure:

(A) that provides the dog protection from inclement weather; and

(B) with dimensions that allow the dog while in the shelter to stand erect, sit, turn around, and lie down in a normal position.

Animal includes all living non-human creatures, domestic or wild, including livestock.

Animal control officer means the individual appointed by the Devers City Council to act in that capacity, any peace officer with jurisdiction within the City of Devers, or any officer the city contracts with to provide animal control services.

Animal shelter means a licensed animal shelter that the City of Devers contracts for usage of.

At large means not under restraint.

Attack means an unprovoked attack in an aggressive manner on a human in which the victim suffered a scratch, abrasion, bruise, or other physical injury; or on a domestic animal that causes death or injury that requires veterinary treatment.

Confined means securely confined indoors, or within an automobile or other vehicle solely for transportation and transported in a humane manner or confined in a securely enclosed and locked pen or structure or fence, electronic or otherwise, upon the premises of the owner of such animal. However, under no circumstances is an electronic or similar fence sufficient to confine an animal in heat or a vicious dog.

Dangerous dog means an animal that:

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

Dog means a domesticated animal that is a member of the canine family.

Guard or attack dog means a dog trained to attack on command or to protect persons or property by attacking or threatening to attack, and who will cease to attack upon command.

Impoundment means the taking into custody of an animal by any police officer, animal control officer, or any authorized representative thereof.

Kennel means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, puppies, cats, kittens or any other animal typically kept on such premises.

Muzzle means a device constructed of strong, soft material or metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or animal. Such device shall not interfere with the animal's ability to breathe.

Owner means any person having a right of property in an animal, or who keeps or harbors an animal or who has it in his or her care, or acts as its custodian, or who permits an animal to remain on or about the person's premises. If an animal has more than one owner, all owners are jointly and severally liable for the acts or omissions of an owner.

Quarantine means the humane confinement of an animal for the observation of symptoms for rabies, or other disease, in a secure enclosure that prevents the animal from coming into unplanned contact with any other animal or human being.

Secure enclosure means a fenced area that is: