

ORDINANCE NO. 2024-_____

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, TEXAS, BY REVISING REGULATIONS GOVERNING THE KEEPING OF ANIMALS; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED FIVE HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE:

Section 1. Chapter 14, “Animals,” Article I “In General”, Section 14-1 “Definitions” of the Code of Ordinances of the City of La Porte, Texas, is hereby adding and/or amending the following definitions, which definitions shall hereinafter read as follows:

“Sec. 14-1. Definitions

...

“*Animal* shall mean any living creature other than a Homo sapiens. Unless indicated otherwise, the term shall include livestock, fowl, reptiles, amphibians, and wildlife, as well as dogs, cats and other creatures commonly owned as pets.

Animal foster home means a residential dwelling that accepts the responsibility for stewardship of animals through an affiliation with a public or private animal shelter or animal welfare organization.

Cat means all domestic species or varieties of the genus Felis catus, male or female.

Dog means all domestic species or varieties of the genus canis familiaris, male or female.

Kennel means any lot, enclosure, premises, structure or building where ~~four~~ five or more dogs and/or cats over the age of four months are kept or maintained for any purpose whatever and licensed in accordance with regulations established in Chapter 22 of this Code, except a veterinary hospital operated by a graduate veterinarian duly licensed by the state board of veterinary examiners, or the impound facility operated by the city.

Livestock shall include, regardless of age, sex, or breed, horses and all equine species, including mules, donkeys, and jackasses; cows and all bovine species; sheep and all bovine species; llamas; goats and all caprine species; poultry; and pigs and all porcine species, and other hoofed animals, including miniature breeds.

Premises means the area owned, leased, or controlled as a distinct portion of real estate. All owned and/or leased properties in the city shall each be defined as a "premise."

Running at large off the premises means any **dog animal** which is not restrained by means of a leash or chain of sufficient strength and not more than six feet in length to control the actions of such animal while off the premises. **or any cat which is off the owner's property.**

Running at large on the premises means any **dog animal, with the exception of a cat**, not confined by the premises of the owner by a substantial fence of sufficient strength and height to prevent the animal from escaping therefrom, or secured on the premises by a metal chain or leash sufficient in strength to prevent the animal from escaping from premises and so arranged that the animal will remain upon the premises when the leash is stretched to full length. An **dog animal** intruding upon the property of another person other than the owner shall be termed at large. Any animal within an automobile or other vehicle of its owner or owner's agent shall not be deemed at large. A female dog in heat that is not enclosed shall be considered at large, whether on or off the premises.”

Section 2. Chapter 14, “Animals,” Article I “In General”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by amending Section 14-3 “Duties of owners and persons in control and protection of animals”, which section shall hereafter read as follows, to wit:

“Sec. 14-3. - Duties of owners and persons in control and protection of animals.

It shall be unlawful for any owner or person to:

- (1) Fail to prevent any animal from running at large within the corporate limits of the city.
- (2) Perform, do or carry out any inhumane treatment against any animal.
- (3) Interfere with or molest any dog used by the police department of the city in the performance of duty of such department.
- (4) Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal which by reason of noise, odor or sanitary conditions become offensive to a reasonable and prudent person of ordinary tastes and sensibilities, or which constitute or becomes a health hazard.
- (5) Keep or harbor any dangerous or vicious animal within the corporate limits of the city.
- (6) Keep, maintain, own or operate a dog kennel or cat kennel in any residential district within the corporate limits of the city, **with the exception of lots in excess of 43,560 square feet, in accordance with Sections 22-176 and 106-743 of this Code.”**

Section 3. Chapter 14, “Animals,” Article III “Dogs and Cats”, Division 1 “Generally”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by adding new Section 14-86, which section shall hereafter read as follows, to wit:

“Sec. 14-86. – Maximum number of dogs and cats.

It shall be unlawful for any person to own, keep, possess or have control of five or more dogs over the age of four months, or five or more cats over the age of four months, or any combination of dogs or cats, exceeding four. It is an exception to this offense that the person 1) was operating a kennel licensed in accordance with Chapter 22 of this Code, or 2) was maintaining foster dogs and/or cats under Section 14-87 of this Chapter in addition to non-foster dogs and/or cats owned or kept by the person in compliance with this section.”

Section 4. Chapter 14, “Animals,” Article III “Dogs and Cats”, Division 1 “Generally”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by adding new Section 14-87, which section shall hereafter read as follows, to wit:

“Sec. 14-87. Animal Foster Home for Dogs or Cats

A person may maintain a foster dog or cat over the age of four months for a period not to exceed three months, up to a maximum of two foster dogs or cats at any one time. However, a litter under the age of four months will be considered one dog or cat. A person maintaining a foster dog or cat must possess a letter issued by a governmental animal control agency or alternatively, an animal organization or rescue group that qualifies for 501(c)(3) status, with such letter specifying the start and end date of the period that the person is eligible to possess the foster dog or cat.

Section 5. Chapter 22, “Businesses,” Article III “Kennels and Pet Establishments”, Division 1 “Generally”, Section 22-156 “Definitions”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by amending the definition of “kennel”, which definition shall hereafter read as follows, to wit:

“Sec. 22-156. Definitions

...

Kennel means any lot, enclosure, premises, structure or building where ~~four~~ five or more dogs and/or cats over the age of four months are kept or maintained for any purpose whatever, except a veterinary hospital operated by a graduate veterinarian duly licensed by the state board of veterinary examiners, or the impound facility operated by the city.”

Section 6. Chapter 22, “Businesses,” Article III “Kennels and Pet Establishments”, Division 2 “License”, Section 22-176 “Required”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended, which section shall hereafter read as follows, to wit:

“Sec. 22-176. - Required.

It shall be unlawful for any person to maintain, keep or possess a kennel or pet establishment without first obtaining a license under the provisions of this article. Breeding kennels are permitted only on lots in excess of 43,560 feet, and all dogs and/or cats must be boarded in enclosures located no closer than 100 feet from any property line.”

Section 7. If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality,

vividness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 8. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 9. Any person who violates a provision of this ordinance, upon conviction in the municipal court of the City of La Porte shall be subject to fine not to exceed five hundred (\$500.00). Each day of violation shall be considered a separate offense.

Section 10. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contacts and posting thereof.

Section 11. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance, in accordance with the City of La Porte Charter.

PASSED AND APPROVED, this the ____ day of _____, 2024.

CITY OF LA PORTE, TEXAS

By: _____
Rick Helton, Mayor

ATTEST:

Lee Woodward
City Secretary

APPROVED AS TO FORM:

Clark T. Askins
City Attorney