

**ORDINANCE NO. 240-21**

**AN ORDINANCE OF THE CITY OF COLUMBUS, TEXAS, AMENDING CHAPTER 2 ANIMAL CONTROL, ARTICLE 2.02 DOGS AND CATS; RABIES CONTROL, DIVISION 2 DANGEROUS DOGS, SECTION 2.02.041 DEFINITIONS, AND ARTICLE 2.03 LIVESTOCK AND FOWL OF THE CODE OF ORDINANCES OF THE CITY OF COLUMBUS, TEXAS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PROPER NOTICE AND MEETING..**

**WHEREAS**, pursuant to Texas Local Government Code § 51.001, the City Council of the City of Columbus, Texas (“City Council”) has the authority to adopt, publish, amend or repeal an ordinance that is for the good government, peace or order of the City of Columbus (“City”); and

**WHEREAS**, pursuant to Title 10 of the Texas Health and Safety Code, the City Council has the authority to adopt regulations regarding animals; and

**WHEREAS**, the City currently has regulations regarding dangerous dogs; and

**WHEREAS**, the City Council desires to amend the definition of a dangerous dog; and

**WHEREAS**, the City Council desires to adopt regulations concerning the health and safety of horses, donkeys, mules and similar livestock; and

**WHEREAS**, the City Council is of the opinion and finds that the adoption of these regulations will promote the public health, safety, or general welfare;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Columbus, Texas that:

**I. AMENDMENTS**

Chapter 2 Animal Control, Article 2.02 Dogs and Cats; Rabies, Division 2 Dangerous Dogs, Section 2.02.041 Definitions of the Code of Ordinances of the City of Columbus, Texas is hereby amended in its entirety to read as follows:

**Sec. 2.02.041 Definitions**

The following definitions shall apply in the interpretation and enforcement of this division:

*Dangerous dog*. A dog that:

- (1) Makes an unprovoked attack on a person or another dog that causes bodily injury and that 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.
- (3) Makes an unprovoked attack on an animal that causes injury or death to the animal 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.

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

Owner. A person who owns or has custody or control of the dog.

Secure enclosure. A fenced area that is:

- (1) Locked;
- (2) Capable of preventing the entry of the general public, including children;
- (3) Capable of preventing the escape or release of a dog;
- (4) Clearly marked as containing a dangerous dog; and
- (5) In conformance with the requirements for enclosures established by the city.

Unprovoked. With respect to an attack or attempt to attack by a dog, the dog was not hit, kicked, or struck by a person with any object or part of the attacked person's body nor was any part of the dog's body pulled, pinched, or squeezed or in any other manner provoked by the person attacked.

Chapter 2 Animal Control, Article 2.03 Livestock and Fowl of the Code of Ordinances of the City of Columbus, Texas is hereby amended by adding Sec. 2.03.003 to read as follows:

#### **Sec. 2.03.003 Staking/Tethering Livestock**

It shall be unlawful for any person to stake/tether a horse, mule, donkey, or similar livestock, using a rope, chain, or the like by which the livestock is fastened to a fixed object so as to limit its range of motion. Staking/tethering is allowed only during the cleaning or repair of pens and in no instance shall livestock be staked or tethered overnight. Any person who shall violate any of the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction shall be fined as provided in Sec. 1.01.009 of this code. Each day such violation exists shall constitute a separate offense and shall be punished as such.

## II. REPEALER

All provisions of the ordinances of the City of Columbus in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Columbus, not in conflict with the provisions of this Ordinance, shall remain in full force and effect. The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

## III. SEVERABILITY

It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

## IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and publication as required by law.

## V. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED THIS THE 12<sup>th</sup> DAY OF APRIL, 2021.**



Hon. Lori An Gobert, Mayor  
City of Columbus, Texas

ATTEST:



Bana Schneider, City Secretary