

**City of Houston, Texas, Ordinance No. 2022-44**

**AN ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO ANIMALS AND FOWL, CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

Chapter 6 ANIMALS AND FOWL  
ARTICLE I. IN GENERAL  
DIVISION 1. MATTERS OF GENERAL APPLICABILITY

Sec. 6-1. Scope; definitions; penalty.

(a) This chapter shall apply to animals or property found or located within the corporate limits of the city.

(b) The following words, terms and phrases, when used in this chapter, shall have the same meanings as provided in this section, except where the context clearly indicates a different meaning:

*Adoption* means the sale of an animal that is owned by and in the custody of BARC animal services to a member of the general public in exchange for cash or other financial consideration.

*Animal enforcement officer* means an individual employed by the city who meets the definition and training requirements of Chapter 829 of the Texas Health and Safety Code.

*BARC adoptions, education and outreach* means the section of BARC animal services responsible for the processing of animal adoptions and education and outreach related to animal health, safety, and care.

*BARC animal enforcement* means the section of BARC animal services responsible for the enforcement of animal regulations.

*BARC animal services* means the division of the department of administration and regulatory affairs responsible for the city's animal shelter, animal adoptions, enforcement of animal regulations, and education and outreach related to animal health, safety, and care.

*BARC animal shelter* means the section of BARC animal services responsible for the operation of the city's animal shelter.

*Commercial breeder* means any person who:

- (1) Breeds dogs or cats for the purpose of selling; or
- (2) Sells or offers for sale unneutered or unspayed offspring of dogs or cats to another person.

*Commercial pet service facility* means any lot, enclosure, premises, residence, structure, or building where dogs or cats over the age of four months are kept or maintained for any commercial purpose. This term includes a mobile commercial pet service business. Provided, however, for purposes

of article IV of this chapter only, commercial pet service facility shall not include commercial breeders, hobby/conformation breeders, non-commercial breeders, veterinarians, or veterinary hospitals.

*Community cat* means any unowned, socialized, or feral free-roaming domestic cat that may be cared for by one or more residents. Community cats that are ear-tipped have been sterilized and have received at least one vaccination against rabies. Community cats shall not be subject to provisions of this chapter that are directed at owned animals.

*Community cat caretaker* means a person, group, or humane organization approved by the director that provides services to community cats. Services may include, but are not limited to: food, shelter, and medical care. Community cat caretakers shall follow guidelines approved by the director.

*Community cat program (CCP)* means a program that allows community cat caretakers to manage free roaming community cats with the goal of improving the lives of and reducing the overall number of community cats. The program shall include the trap, neuter, and return program or any substantially similar type of program.

*Current rabies vaccination* means a rabies vaccination that was administered in compliance with the requirements of Chapter 826 of the Texas Health and Safety Code and Title 25 of Chapter 169 of the Texas Administrative Code and that has not expired under the terms thereof.

*Department* means the department of administration and regulatory affairs.

*Direct physical control* means the use of a tether or other bodily restraint by a person capable of controlling the animal to restrict the movements of an animal.

*Director* means the director of the department of administration and regulatory affairs or his designee.

*Disposition* means the relocation of an animal or termination of ownership of an animal by BARC animal shelter through adoption, transfer to a humane organization, or humane euthanasia.

*Domestic animal* means any beast or bird in common use that has been bred or trained to need and accept the care of humans and to live in a tame condition, including, but not limited to, livestock, goat, swine, dog, cat, fowl, or other beast or bird.

*Domestic cat* means *Felis catus*, *Felis domesticus*, or any domesticated member of the genus *Felis*.

*Domestic fowl* means birds of a breed developed or kept for the purpose of meat production, egg laying or purely for ornament or show, including, but not limited to, chickens, turkeys, geese, ducks, peafowl, and parakeets, canaries, parrots, cockatoos, macaws or similar birds.

*Ear-tipping* means a surgical procedure performed under anesthesia by a veterinarian that removes approximately 20 percent of a cat's left ear at the apex, and is a universally recognized method of identifying sterilized and vaccinated community cats in the field.

*Extreme weather conditions* means conditions in which the actual or effective outdoor temperature is below 32 degrees Fahrenheit or above 90 degrees Fahrenheit, or a hurricane, tropical storm, flood, flash

flood, severe thunderstorm or tornado warning has been issued for the jurisdiction by the National Weather Service.

*Feral animal* means any untamed or free-roaming animal other than a domestic cat.

*Hobby/conformation breeder* means a person who:

- (1) Breeds personally-owned dogs or cats for the purpose of improving a breed, showing in a competitive venue, use in a sporting activity or working purposes, or other personal reasons;
- (2) Is a member in good standing with an organized national, regional, or local club established for the purposes listed above in item (1), as evidenced by a membership card or other proof of membership; and
- (3) Sells, trades, barter, distributes, or otherwise exchanges consideration for dogs or cats to other hobby/conformation breeders or conducts private sales to individuals. For purposes of this chapter, this term shall not include sales, trades, barter, distribution or the exchange of consideration to wholesalers or brokers.

*Hearing officer* means an individual employed by the municipal courts department of the city designated to conduct administrative hearings and enter orders in the manner provided by this chapter, and who shall have no prior knowledge of the facts or circumstances regarding the matter at issue, except that he may receive a copy of the notice of the hearing prior to the hearing and may have conducted a prior hearing regarding a lesser penalty involving the same party.

*Humane organization* means any not-for-profit organization that rescues and places animals into permanent homes. *Humane organization* does not include an entity that breeds animals; or in exchange for payment or compensation, obtains any dog or cat from a person who either breeds dogs or cats or facilitates the sale of dogs or cats that were obtained from a person who breeds dogs or cats.

*Livestock* shall mean any sheep, llama, or any equine or bovine species.

*Microchip* means a chip encoded with a unique identification number that can be implanted in an animal for identification purposes, and is obtained from a manufacturer, a veterinary clinic, a pet services facility or BARC animal services.

*Neuter* refers to permanent sterilization to render male animals incapable of impregnating female animals by means of:

- (1) Surgery performed to remove the testicles; or
- (2) Chemical sterilization utilizing a drug approved by the United States Food and Drug Administration.

*Non-commercial breeder* means any person who allows a dog or cat in his possession to produce offspring.

*Owner* means any person who owns, harbors, or has custody or control of an animal but shall not include a person providing commercial or veterinarian services to an animal.

*Police officer* means any peace officer employed by the city's police department.

*Rabies quarantine facility* means a veterinary hospital or clinic that is able to properly confine and observe animals that have or may have been exposed to rabies.

*Registration* means the record in the BARC animal services office of the identification number of a microchip and the associated documentation of its implantation in an animal.

*Running at large* or *to run at large* means an animal that is allowed to go on public or private property without its owner or a person having direct physical control over the animal; the terms include any animal that is staked, tied or hobbled in any manner as to allow the animal to access public streets or sidewalks.

*Spay* refers to permanent sterilization to prevent female animals from having estrus (heat) cycles and eliminating the ability to become pregnant by means of:

- (1) Surgery performed on an animal to remove the ovaries and uterus; or
- (2) Chemical sterilization utilizing a drug approved by the United States Food and Drug Administration.

*Sterilized* refers to a spayed or neutered dog or cat.

*Sterilized pet registration* means a current and valid registration for a microchip issued under this chapter for a dog or cat that has been spayed or neutered.

*Trap, neuter, and return program* means a program approved by the director in which community cats are humanely trapped, evaluated, vaccinated, sterilized, and marked by tipping of the left ear by a veterinarian and returned to the trap location.

*Unsterilized* refers to a dog or cat that has not been spayed or neutered.

*Unsterilized pet registration* means a current and valid registration for a microchip issued under this chapter for a dog or cat that has not been spayed or neutered.

*Veterinarian* means any person licensed to practice as a doctor of veterinary medicine by the state of Texas.

*Veterinary hospital* means any place where medical and surgical treatment is administered to animals by or under the supervision of a veterinarian.

## **Sec. 6-118. Pet and live animal sales**

(a) It is unlawful for any person to sell, trade, barter, lease, rent, give away, or display for a commercial purpose a live animal on a roadside, public right-of-way, commercial parking lot, or at an outdoor special sale, swap meet, indoor or outdoor flea market, parking lot sale, or similar event.

(b) This section does not apply to:

(1) An agent of a business that has a valid permit for a commercial pet service facility under section 6-121 of this Code;

(2) An event primarily for the sale of agricultural livestock such as hoofed animals or animals or fowl commonly raised for food, dairy, or fiber products; or

(3) A tax-exempt non-profit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals.

(c) Notwithstanding anything to the contrary in this section, it is unlawful for anyone to sell or offer for sale in commercial or retail pet store, feed store, or other related retail establishment, any canine or feline of any age that is not sourced from a municipal or county animal shelter, or a humane organization as defined in section 6-1 of this Code.

(1) Commercial or retail establishments selling canines or felines shall keep a record of the animal shelter or humane organization that any canine or feline sold was sourced from. Such records must be kept for a minimum of one year from the date of the sale, and be available for inspection by BARC animal enforcement upon request.

(2) It shall be an affirmative defense to this section, during the period from \_\_\_\_\_ 1 until \_\_\_\_\_ 2 , that such an establishment was fully permitted under this division and in operation prior to \_\_\_\_\_ 3 . Thereafter, commencing on \_\_\_\_\_ 4 , this affirmative defense shall no longer apply. Anytime such an establishment allows for its permit to lapse or it is no longer compliant with section 6-111 of this Code, it must then comply with section 6-118(c) of this Code.

**Sec. 6-119. Penalty.**

A violation of this division shall constitute a Class C misdemeanor.