

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §

KEITH BONNER, COUNCIL PLACE 1
DAVID LANDS, COUNCIL PLACE 2
HARRY OPLIGER, COUNCIL PLACE 3
ED PERRY, COUNCIL PLACE 4
CRYSTAL SARMIENTO, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6



DAN DAVIS, MAYOR
DAN JOHNSON, CITY MANAGER
TAMMY BELL, CITY SECRETARY

**NOTICE OF A SPECIAL CITY COUNCIL MEETING
OF THE CITY OF MANVEL
July 29, 2024**

**NOTICE IS HEREBY GIVEN
5:00 P.M. WORKSHOP – 6:00 P.M. REGULAR SESSION**

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the Manvel City Council will convene a special meeting at the Manvel City Hall, located at **20031 Hwy 6, Manvel Tx 77578** for the purpose of discussing and if appropriate, take action with respect to the following items:

NOTE: The City Council of the City of Manvel reserves the right to discuss any items in Closed Session whenever authorized under the Texas Open Meetings Act, Chapter 551, of the Texas Government Code. The City Council may discuss the items on this agenda in any order.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpreter services must be made 48 hours prior to this meeting. Please contact the City Secretary at 281-489-0630 x6 for further information.

CITY OF MANVEL MISSION STATEMENT

The City of Manvel is a safe and responsible community, embracing the values of our past, present, and future citizens.

Workshop Session

Discussion on Proposed Animal Ordinance and Animal Control.

Discussion on any item as listed on the agenda.

Regular Session

Call To Order

Pledge

Pledge of Allegiance and Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible.

Public Comments: "Comment Card" Required

o Members of the public with business before the board, NOT scheduled on the agenda as a public hearing (that have submitted a public comment card) may have three (3) minutes to address the board. o The board may not participate in any discussion and cannot vote on the subject you present unless it is listed on the agenda as an action item.

Regular Agenda

Update and Possible Direction to Staff on the Fiscal Year 2024-2025 Budget.

Mayor and Council Comments

Update on current events and city issues.

Additionally, pursuant to Texas Government Code § 551.0415, City Council Members and city staff may make a report about items of community interest during a meeting of the governing body without having given notice of the report.

Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Adjourn

CERTIFICATION

I, Alyssa Deaton, Assistant City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the Manvel City Council is true and correct and that I posted such notice on the bulletin board at the Manvel City Hall; a place convenient and readily accessible to the public on 07/25/2024 in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551.001 et.seq). Said notice remained posted for at least 72 hours preceding the scheduled time of the meeting.



ALYSSA DEATON, ASSISTANT CITY SECRETARY
CITY OF MANVEL, TEXAS



Animal Control Ordinance

Previous Amendments:

1. Ordinance 97-03, passed and approved January 30, 1997.
2. Ordinance 97-25, passed and approved December 4, 1997.
3. Change 1 to Ordinance 97-03, passed and approved February 11, 1999.
4. Change 2 to Ordinance 97-03, passed and approved February 24, 2000.
5. Change 3 to Ordinance 97-03, passed and approved December 14, 2000.
6. 2011-O-18, passed and approved October 11, 2011.
7. 2015-O-16, passed and approved April 27, 2015.
8. 2019-O-06, passed and approved February 19, 2019.
9. 2021-O-04, passed and approved March 15, 2021.

Reflected with this format:

- Existing language, adopted in a previous Ordinance.

Proposed Amendment:

10. 2024-O-27, passed (6-1) on first reading July 1, 2024 with amendment to strike Article 2 and Article 3.

Reflected with these formats:

- Clarifying language added.
- ~~Confusing or inconsistent language removed.~~
- ~~Removed on first reading of Ordinance 2024-O-27.~~

Additional Amendments for Consideration:

To be presented at the 7/29/2024 Council Workshop.

Reflected with these formats:

- Clarifying language added.
- ~~Confusing or inconsistent language removed.~~

LEGEND:

Proposed changes are in red

Changes made by previous Ordinance Amendment
2024-O-27 are underlined

Existing ordinance prior to any amendments or changes
are in regular font (not underlined or in red)

ORDINANCE NO. 2024-O-27

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING CHAPTER 8. *ANIMALS*, BY ADOPTING NEW PROVISIONS GOVERNING ANIMALS; ~~ADDING A NEW ARTICLE II. *KENNELS AND CATTERIES*; ADDING A NEW ARTICLE III. *ANIMAL RESCUER PERMIT*; ADDING A NEW ARTICLE IV. *ANIMAL SELLER PERMIT*; ADDING A NEW ARTICLE V. *PETTING ZOOS*~~; PROVIDING A PENALTY FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Manvel Police Department oversees animal control and enforces violations of the City Code concerning animals; and

WHEREAS, the City Council deems it in the best interest of the City of Manvel to adopt new provisions governing animals within the City; **now, therefore,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

Section 1. Chapter 8. *Animals* of The Code of Ordinances of the City of Manvel is hereby amended to read and provide as follows:

“CHAPTER 8. ANIMALS

ARTICLE I. - IN GENERAL

Sec. 8-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate Shelter means a clean and sturdy structure:

- (1) That allows the dog protection from rain, hail, sleet, snow, and subfreezing temperatures; and
- (2) With dimensions that allow the dog while in the shelter to stand erect, sit, turn around, and lie down in a normal position.

Animal means any living creature, including but not limited to, mammals, reptiles, fish, fowl, and birds, but excluding human beings.

Animal holding facility means any facility used [by] within the [city] City of Manvel to house or keep animals. This facility may be either a public or private facility.

Collar means a band of constructed nylon, leather, or similar material, specifically designed to be placed around the neck of a dog.

Cattery means any building, structure, enclosure premises or lot whereupon, or within which, more than four cats, four (4) months of age or older, are kept or maintained for any purpose whatever, except a veterinary hospital operated by a graduate veterinarian duly licensed by the state board or veterinary examiners, or the impound facility operated by the city.

~~[*Dangerous animal* means any nonhuman primate, skunk, raccoon, jaguar, leopard, lynx, tiger, lion, ocelot, bobcat, cheetah, mountain lion, wildcat, panther, bear, wolf, coyote, fox, poisonous reptile, or any wild animal capable of or inclined to do serious bodily harm to humans or other animals, or any hybrid of a dangerous animal.]~~

Electronic Training Collars means a collar used chiefly on a dog that typically delivers a mild shock or sometimes a vibration or sound upon receiving a signal from a remote transmitter and is used specifically to train a dog to respond to commands, stop unwanted behaviors.

Fence means to enclose with a fence.

Fighting animal means any dog, rooster, or other animal that has been trained, used, exhibited, purchased, sold, or kept for the purpose of fighting with another animal.

Harness means a set of straps constructed of nylon, leather, or similar material, specifically designed to restrain or control a dog.

Livestock means cattle, horses, mules, donkeys, goats, sheep, and swine.

Menacing conduct means growling, snarling, snapping, charging, or any other threat display employed by the species of animal, or any other conduct that would lead a reasonable person to be apprehensive that an attack by the animal is imminent.

Microchip means a computer chip that is preprogrammed with a unique alphanumeric combination code which is inserted into the animal.

Neglect an animal means to fail to provide appropriate food, water, shelter, and veterinary care for the animal.

Nuisance animal means an animal that:

(1) Molests people;

(2) Attacks other animals;

(3) Is repeatedly at large;

(4) Damages private or public property other than that of the animal's owner;

(5) Repeatedly barks, yelps, whines, howls or makes any other sound loud and long enough to unreasonably disturb the peace of other people in the neighborhood;

(6) Creates ~~an offensive~~ foul odor;

(7) Creates a health hazard; or

(8) Deposits body waste upon public property or private property other than that of the animal's owner.

Own means to possess, harbor, keep, give food, water, or shelter, or own any animal, or to permit an animal to remain on premises subject to that person's ownership, custody, possession, or control.

Owner means any person who owns, or who has custody or control of a dog as defined herein, an animal.

Properly Fitted means, with respect to a ~~a~~ collar or harness. A collar or harness that :

- (1) Is appropriately sized for the dog based on the dog's measurements and weight;
- (2) Does not choke the dog or impede the dog's normal breathing or swallowing; and
- (3) Is attached around the dog in a manner that does not allow for escape and does not cause pain or injury to the dog.

Restraint means a tether, length of rope, chain, leash, cable, lead or other material used to control an animal so that the animal may not roam at will, or run at large.

Running at large means the going upon public or private property, other than the property of the owner of the animal, by an animal without the owner or person in charge thereof having direct, clearly effective, physical control over the animal.

(a) Not completely confined by a building, wall, fence or other enclosure of sufficient strength, or construction to restrain the animal confined thereby, to the premises of the owner. An electronic or invisible fence shall not be considered a fence or other enclosure of sufficient strength or construction to restrain the animal confined thereby in compliance with this section.

(b) Not completely restrained by a leash or tether sufficiently strong to prevent the animal from escaping and which restricts the animal to the owner's premises in such a manner that it shall not have access to within ten feet of any sidewalk or entry to the home or any mail box at the home.

Spay means surgery performed on female animals in which the ovaries and uterus are removed, preventing an animal from having estrus (heat) cycles and eliminating the ability to become pregnant.

Stray animal means an animal running at large, not on a leash, the owner of which is unknown to the person enforcing this chapter concerning said animal.

Unaltered dog or cat means a dog or cat that has not been spayed or neutered.

Unreasonable noise means and shall include continued barking for long periods of time, or repeated barking, but the term "unreasonable noise" is not restricted to barking.

Veterinarian means any person who is duly licensed to practice as a doctor of veterinary medicine by the licensing authority of any one or more of the 50 United States or the District of Columbia, provided that such person is acting within the course and scope of his license and practicing in a state or district in which such license is recognized for the practice of veterinary medicine.

Vicious animal means a member of any species of animal or any individual animal that has a dangerous disposition likely to be harmful to humans or other animals. The term vicious animal shall include but is not limited to any animal that molests, threatens, attacks, or bites any person, vehicle, or other animal.

Vicious dog means a dog that has a dangerous disposition likely to be harmful to humans or other animals. The term vicious dog shall include but is not limited to any dog that molests, threatens, attacks, or bites any person, vehicle, or other animal.

Wild animal means any nonhuman primate, skunk, raccoon, jaguar, leopard, lynx, tiger, lion, ocelot, bobcat, cheetah, mountain lion, wildcat, panther, bear, wolf, coyote, fox, poisonous reptile, or any wild animal capable of or inclined to do serious bodily harm to humans or other animals, or any hybrid of a ~~dangerous-vicious~~ animal.

Sec. 8-2. - Findings of fact.

The city council finds that the keeping, harboring, or possession of any animal in violation of this chapter constitutes a nuisance that endangers the people of the city and their property, disturbs the peace, impairs the use and enjoyment of public and private property, and impairs the value and marketability of public and private property.

Sec. 8-3. - Nuisance animals.

The keeping, harboring, or possession of any of the following animals is hereby found and declared to be a nuisance:

- (1) Any animal that molests, threatens, attacks, or bites any person, vehicle, or other animal, without deliberate provocation;
- (2) Any animal that damages private or public property that does not belong to the owner of the animal;
- (3) Any animal that makes unreasonable noise or noise that would be offensive to a reasonable person, that can be heard in a public place or on private property not owned, possessed, or controlled by the owner of the animal;
- (4) Any vicious animal;
- (5) Any [~~dangerous~~] wild animal;
- (6) Any livestock running at large;
- (7) Any dog or cat over ~~six~~-four months old running at large that is not wearing a current, valid rabies vaccination tag;
- (8) Any abandoned animal;
- (9) Any stray animal;
- (10) Any fighting animal;
- (11) Any animal that is kept in such a way as to produce a foul odor that would be offensive to a reasonable person and that can be smelled on public property or on private property not owned, possessed, or controlled by the owner of the animal;
- (12) Any neglected animal;
- (13) Any animal treated by its owner in a manner that includes the elements of the offense of cruelty to animals;
- (14) Any animal that is in violation of this chapter or that is kept, harbored, or possessed in violation of this chapter;

Sec. 8-4. - Additional animal nuisances.

~~The following are also found and declared to be nuisances:~~

- ~~(1) The neglect of an animal by its owner;~~
- ~~(2) Cruelty to an animal;~~
- ~~(3) The abandonment of an animal by its owner;~~
- ~~(4) The release of any confined animal without the consent of its owner; and~~
- ~~(5) Any violation of this chapter.~~

Sec. 8-5. - Prohibition of nuisances.

- (a) No person shall commit a nuisance as declared in this chapter.
- (b) No person shall permit any animal owned by that person to be a nuisance as declared in this chapter.
- (c) No person shall own any animal that is a nuisance as declared in this chapter.

Sec. 8-6. - Vicious animals.

An officer enforcing this chapter shall treat an animal as a vicious animal under this chapter if:

- (1) The officer observes that animal displaying vicious conduct or menacing conduct, and the animal is not confined in a way that prevents it from escaping and prevents it from harming people and property.
- (2) Any officer of the city receives an affidavit or sworn complaint stating that the animal has displayed vicious conduct or menacing conduct, and stating:
 - a. Where, when, and how such conduct occurred;
 - b. A description of the animal; and
 - c. If known, the name and address of the owner.
- (3) The officer enforcing this chapter has reasonable grounds to believe that affidavit or complaint.

Sec. 8-7. - Confinement, impoundment, burial and destruction of animals.

(a) As authorized in this section, any officer enforcing this chapter may confine, impound, or destroy any animal that violates this chapter or that is being kept, harbored, owned, or possessed in violation of this chapter.

(b) The officer shall notify the owner of the animal to confine or remove the animal or to take such other action as necessary to cure the violation, if:

(1) The owner is known to the officer;

(2) The owner is available to receive such notice; and

(3) In the officer's discretion, it is not reasonably necessary for the officer to immediately confine, impound, or destroy the animal in order to protect the safety or property of any person.

(c) The officer may immediately confine, impound, or destroy the animal without first notifying the owner as provided in subsection (b) of this section if:

(1) The owner is not known to the officer;

(2) The owner is not available to receive such notice; or

(3) The officer believes, in his discretion, that such action is reasonably necessary to protect the safety or property of any person.

(d) The officer may confine, impound, or destroy the animal, if the owner has not complied with the notice provided by subsection (b) of this section.

(e) The officer shall not destroy an animal under subsection (b), (c), or (d) of this section, if in the officer's discretion, confinement, or impoundment can be accomplished without risk to the safety or property of any person.

(f) Any officer enforcing this chapter may, in his discretion, select the place of impoundment of an animal in violation of this chapter or being kept in violation of this chapter, unless the city council has designated such place or places.

(g) Upon impounding an animal, an officer enforcing this chapter shall:

(1) Notify the owner of the animal of such impoundment; and

(2) File a report with the police department of the city, which shall keep the report for 30 days. The report shall include a description of the animal, where and when it was picked up, the name and address of the owner, if known, and a description of the violation.

(h) The owner of an impounded animal may reclaim possession of the animal only by paying all fees required by this chapter and by registering the animal. If the animal has not yet received its required vaccination(s), then the owner may be cited for possessing an animal without required rabies vaccination. (sec.8-8) The owner of the animal may show proof of rabies vaccination to the Municipal Court within 10 business days after receiving the citation. After showing proof of vaccination to the Municipal Court, the court may, at their discretion wave the fines assed to the violation. [reclaim possession of the animal only upon vaccination(s) by the city or the city's provider, if offered, or by providing proof of a pre-paid rabies vaccination certificate from a licensed veterinarian, with the agreement that the animal be in full compliance with this chapter within five days.]

(i) An impounded animal shall be kept for a period of 72 hours. If an animal has not been reclaimed by its owner within 72 hours, the animal shall then become the property of the City of Manvel and may be released to another person, ~~shelter or rescue group,~~ as provided in subsection (j) of this section [or shall be destroyed].

(j) ~~[In lieu of destruction, an]~~ An officer enforcing this chapter, may in his sole discretion release the animal to a person who:

- (1) Agrees to keep the animal in compliance with all laws;
- (2) Demonstrates to the officer's reasonable satisfaction that the person has the ability and any and all equipment necessary to keep the animal in compliance with all laws; and
- (3) Pays all fees required by this chapter.

(k) There is hereby levied upon any person to whom an impounded animal is released:

- (1) A fixed pound fee in the amount set by the most recent fee schedule resolution adopted by city council;
- (2) A proportionate charge of the fixed pound fee in the amount set by the most recent fee schedule resolution adopted by city council for any portion of a day; plus
- (3) An amount equal to any expenses actually incurred by the city in excess of the foregoing fees, for the capture, impoundment, care, and maintenance of any animal impounded under the terms of this chapter.

All fees shall be received by the ~~[animal control officer or his designee]~~ City of Manvel. Any person receiving fees paid for impoundment of an animal shall deliver the same to the city ~~[resource manager]~~ finance director, who shall deposit said fees in the animal control fund, for the improvement of the animal control. In addition, if the animal is impounded with a veterinarian, the person redeeming the animal shall pay all the actual charges of the veterinarian.

(l) When an animal is found dead along public thoroughfares, including rights-of-way or common areas, and is determined to be a hazard to public safety and/or health, the owner of said animal will be notified and made responsible for immediate, within one day, removal and burial. If the animal is not removed by the owner, the city will remove and bury the remains and assess fees in the amount set by the most recent fee schedule resolution adopted by city council. If ownership of the animal cannot be determined, city assets will be dispatched to remove and dispose of the remains by the most expeditious means. On a case-by-case basis, city assets may also be used for removal of animal remains from property when ownership of the animal cannot be determined and the animal is not connected with the property where found. The fees previously established will apply and be assessed to the owner of the animal if and when ownership is established.

Sec. 8-8. – [~~Rabies~~] Vaccination required.

(a) Any dog or cat older than ~~three~~ four months of age that is not wearing a valid, current rabies vaccination tag is hereby found and declared to be a nuisance and in violation of this chapter.

(b) No person shall keep, harbor, or possess a dog or cat older than [~~three~~] four months of age without a valid, current rabies vaccination and the city collar tag worn on a collar by the animal.

(c) No person shall fail to keep accurate records of the rabies vaccinations of any dog or cat older than [~~three~~] four months of age that is owned by such person. No person shall fail to permit an officer enforcing this chapter to examine such records on request.

(d) Any animal that bites or scratches a person and that is not wearing a valid, current rabies vaccination tag shall be impounded. Such animal shall remain impounded for observation for ten days and shall not be destroyed or released within that time. If the animal dies while impounded, then it shall be tested for rabies. If the animal does not die within ten days of impoundment, and if a veterinarian certifies that it does not have rabies, then it is subject to reclamation, release, or destruction as provided in [section 8-7](#). However, it may not be reclaimed or released without receiving a rabies vaccination at the expense of the person receiving the animal.

(e) No person shall fail to keep accurate records of the rabies vaccinations of any dog or cat over [~~six~~] four months old that is owned by such person. No person shall fail to permit an officer enforcing this chapter to examine such records on request.

Sec. 8-9. - Registration and MicroChipping.

(a) The owner of a dog or cat older than ~~three-four~~ months of age ~~shall-should~~ have the animal registered through the Manvel Police Department, and renew said registration annually. The cost of registration for each animal shall be in the amount set by the most recent fee schedule resolution adopted by city council. The owner shall show the following in order to register an animal:

- (1) A current certificate of rabies vaccine;
- (2) The address, name of owner and telephone number of the owner; and
- (3) A description of the animal.

(b) Microchip requirements. It ~~shall-be-unlawful~~is recommended for the owner or custodian of any canine or feline, including ferrets, to keep such canine, feline or ferret within the corporate limits of the City ~~without first having to~~ have the animal microchipped by a veterinarian of the owner's choice. The owner ~~shall-can~~ complete a form available ~~at the~~from the City of Manvel Police Department providing necessary owner and pet information. The owner ~~shall-should~~ provide proof that the microchip is registered with the microchip company and the information associated with the microchip is correct and current. All animals adopted from ~~the-a~~ designated adoption agency ~~shall-should~~ be microchipped unless such procedure is determined by a licensed veterinarian to be adverse to the animal's health.

(c) Microchip registration of all canines, felines, or ferrets within the city ~~shall-should~~ be updated by the owner, when applicable, within thirty (30) days of any change in owner information.

(d) Exemptions – The microchipping provisions of this section shall not apply to the following:
(1) Canine and feline animals under the age of ~~three (3)~~four (4) months if kept within an enclosure.

(2) Canine and Feline animals brought to the city exclusively for the purpose of entering in any “dog or cat” show or exhibition.

(3) Canine and Feline animals brought to the city exclusively for the purpose of attending a licensed boarding facility.

~~(4) — Canine or Feline animals in possession of a licensed Animal Rescuer.~~

Sec. 8-10. Hearing to Determine Nuisance Animal.

- (a) Within ten (10) days of impoundment, the court shall hold a bench hearing to determine whether the animal is a Nuisance Animal. The court shall follow the procedures set forth in V.T.C.A., Health and Safety Code § 822.0423.
- (b) If the court finds that the animal, while off its owner's property, injured or killed a domestic animal, the court shall deem the animal a Nuisance Animal. The court shall also issue at least one (1) of the following orders:

 - (1) Order the animal to be destroyed;
 - (2) Prohibit the owner from owning the same type of domestic animal as the Nuisance Animal while the owner lives in the city limits;
 - (3) Order that the animal be placed in the custody of the City of Manvel so that the animal will be placed for adoption, with specific restrictions;
 - (4) Order the City of Manvel to release the animal to its owner with a written notification to the owner that the owner must do one (1) or more of the following within a designated time:

 - a. Microchip the animal;
 - b. Sterilize the animal;
 - c. Place and keep a red collar on the animal with the wording "caution";
 - d. Register the animal yearly with the City of Manvel;
 - e. Restrain the animal at all times on a leash or within a secure enclosure;
 - f. Provide the City of Manvel annual proof of liability insurance for the duration of the Nuisance Animal's life, in an amount not less than one hundred thousand dollars (\$100,000.00) per incident, to cover expenses for injured or killed domestic animals that the Nuisance animal may cause in the future;
 - g. Retrieve the Nuisance Animal from the City of Manvel only when the owner has paid all costs for the impoundment of the animal;
 - h. Retrieve the Nuisance Animal from the City of Manvel only when the owner has provided the Animal Control department with proof that the animal will be kept in a secure enclosure.
- (c) Placing the Nuisance Animal for adoption or transferring ownership does not affect the Nuisance Animal designation or the requirements ordered by the court.
- (d) Restitution. The court may order the owner of the Nuisance Animal to pay restitution to the owner of the animal that was injured or killed. If the owner cannot pay restitution, the court may order the owner to perform community service.
- (e) No finding. The court shall not deem the animal a Nuisance if:

 - (1) The damage or attack happened in an enclosure in which the animal was being kept;
 - (2) The animal was protecting its offspring, itself, or another animal; or
 - (3) The animal was protecting a person.
- (f) Appeal. An owner may appeal the decision of the court in the same manner as provided for in V.T.C.A., Health and Safety Code § 822.0424.

Sec. 8-11. Violations.

(a) An owner violates this division if:

- (1) After being deemed a Nuisance Animal, while not on its owner's property, the animal injures or kills another domestic animal; or
- (2) An animal that has not been deemed a Nuisance, while not on its owner's property, injures or kills another domestic animal and the owner of the animal had knowledge that the animal had injured or killed, or attempted to injure or kill another domestic animal before.
- (3) The owner does not follow the court's orders.

(b) If the Nuisance Animal is found running at large or if the animal owner does not follow the court's orders, the animal shall be impounded at the shelter.

- (1) Within ten (10) days of impoundment, the court shall hold a hearing to determine if the animal should be returned to the owner or if one (1) or more of the options listed in this section should be ordered;
- (2) The court shall follow the same notice provisions as in section 8-8.

Sec. 8-12. Vicious Dogs – Disposition.

(a) If it is determined by the Animal Control Officer that any dog is a vicious dog, the Animal Control Officer may order the person who owns or has custody of the dog to keep the dog at all times securely confined within the private property of such owner or person having the custody of the dog. The dog must be kept in such manner as the Animal Control Officer may direct to prevent it from biting or having the opportunity of biting any person, including persons lawfully on the premises where the dog is confined, and a sign of sufficient size and design to warn persons shall be clearly posted at every entrance, until after further order of the Animal Control Officer. If, after proper notice, the dog is found running at large, the Animal Control Officer shall capture and may confine the dog for observation and evaluation.

(b) If the Animal Control Officer determines any dog to be both vicious and a perilous threat to human safety after it has first bitten someone, the dog shall be evaluated by an Animal Behavioral Specialist. Only after the animal has been evaluated and is deemed non-rehabilitative, the owner of said animal will be contacted and notified the animal shall be destroyed after the ten-day rabies observation period.

(c) For cases arising under this subsection (b), the Animal Control Officer shall notify the dog's owner that the dog has been determined to be a vicious dog or the dog is to be destroyed. The owner shall have five (5) days after receipt of the notice to appeal the decision of the Animal Control Officer to the judge of the municipal court.

(d) The Animal Control Officer shall notify the owner of the **vicious** dog in writing and deliver such writing either in person or through certified mail. If the certified mail is returned "refused" or "unclaimed", the notice shall be valid and deemed delivered.

Sec. 8-13. Determination of Viciousness.

- (a) In determining whether or not a dog is vicious, the Animal Control Officer shall be guided by the following:
 - (1) Whether or not the dog has bitten any person at any time other than the occasion which is currently being investigated;
 - (2) The circumstances surrounding the occasion indicating the temper or ferocity of the dog;
 - (3) The reputation of the dog in the community with regard to its temper or ferocity; and
 - (4) Its general menace to the public;
 - (5) An evaluation of the animal through a certified Animal Behavioral Specialist.
- (b) This section shall be operative even though the dog in question has been vaccinated as required by this chapter.
- (c) This section shall not apply to a dog guarding property against trespassers.

Sec. 8-14. Animal Bite or Scratch; report confinement, observation, and destruction of animal.

- (a) A person who knows of an animal bite or scratch to an individual, or who knows of an animal that the person suspects is rabid, shall report the incident or animal to the Animal Control Officer if the City of Manvel is the location in which the person lives, in which the animal is located, or in which the bite or scratch occurred.
- (b) The report must include:
 - (1) The name and address of the victim and of the animal's owner, if known; and
 - (2) Any other information that may help in locating the victim or animal.
- (c) The Animal Control Officer shall investigate a report filed under this section.
- (d) Should any person be bitten or scratched by any animal and a report is made under this section, the Animal Control Officer shall have the authority to immediately retrieve the animal or require the owner to place it with a licensed veterinarian or the Houston Humane Society Shelter for confinement and observation for at least ten (10) days. Any and all fees, including transport fees and expenses shall be billable to and be paid by the owner of, or person responsible for, the animal.
 - (1) Should the Animal Control Officer decide that it is not necessary to retrieve the animal and place it under confinement and observation with a licensed veterinarian, the person responsible for such animal shall be notified to keep such animal confined and under observation by a licensed veterinarian for not less than ten (10) days after the person was bitten or scratched. The veterinarian shall not release the animal until the local rabies control authority approves the release. Any animal over four (4) months of age that did not have a current rabies vaccination at the time of the bite or scratch shall not be eligible for a home quarantine.

- (2) Upon the failure of the person responsible for such animal to comply with such notice, the Animal Control Officer shall cause such animal to be confined and placed under observation with a veterinarian duly licensed to practice in the state or the Houston Humane Society. The owner or owners of such animal shall be responsible for any actual expenses incurred for treatment, veterinary fee and lodging fees.
- (e) If any animal dies while under observation, the head will be sent to the Texas Department of Health Rabies Lab.
- (f) If, after the ten-day observation period, the animal does not show signs of rabies, the veterinarian or the Animal Control Officer shall release the animal if the owner has an unexpired rabies vaccination certificate for the animal or if the animal is vaccinated against rabies at the owner's expense.

Sec.8-15. Destruction of Rabid Animals.

The chief of police or any police officer of this city shall have the right to destroy any animal suspected of being rabid within the city limits.

Sec. 8-16 [8-9]. - Registration fee.

The owner of a dog or cat older than ~~three~~four months of age ~~shall~~should have the animal registered through the city police department, and renew said registration annually. The cost of registration for each animal shall be in the amount set by the most recent fee schedule resolution adopted by city council. The owner shall show the following in order to register an animal:

- (a) [~~(1)~~] A current certificate of rabies vaccine;
- (b) [~~(2)~~] The address, name of owner and telephone number of the owner; and
- (c) [~~(3)~~] A description of the animal.

Sec. 8-17. Restrictions on Unsterilized Dogs and Cats.

- (a) An owner of a dog or cat commits an offense if the animal is not spayed or neutered.
- (b) It is a defense to prosecution under Subsection (a) that:
- (1) the animal is under six (6) months of age;
 - (2) a licensed veterinarian certifies that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile;
 - (3) the animal is being held for sale by a retail pet store or for adoption by animal services or an animal welfare organization;

(4) ~~the animal is a competition cat or competition dog; or~~

(5) ~~the owner holds a valid intact animal permit issued under Section 8-16 of this chapter for the animal.~~

Sec. 8-18. Intact Animal Permit.

(a) ~~A person commits an offense if he owns an intact dog or cat without a valid intact animal permit for the dog or cat. A separate breeder/seller permit is required for each dog or cat that the person keeps unsterilized for breeding/selling purposes.~~

(b) ~~An intact animal permit may only be issued for a dog or cat:~~

(1) ~~that is currently in compliance with the City of Manvel vaccination requirements as listed on the Intact Animal Permit application;~~

(2) ~~that is currently in compliance with the registration requirements of Section 8-9 of this chapter; and~~

(c) ~~To obtain an intact animal permit, a person must submit an application to the City of Manvel Permits Department (on a form provided by the City of Manvel Animal Control for that purpose).~~

(d) ~~An intact animal permit expires one year after the date of issuance and may be renewed by applying in accordance with Subsection (c) of this section. If the permits department does not receive an application for a permit renewal within 45 days after the expiration of the permit, a late fee will be added to the permit fee as listed in the adopted fee schedule.~~

(e) ~~An intact animal permit is not transferable.~~

(f) ~~A permittee commits an offense if he allows a permitted female dog or cat to have a litter without having the separate breeder/seller permit listed under this section.~~

Sec. 8-19 [8-10]. - Enforcement.

Any police officer or code enforcement officer of the city may enforce this chapter.

Sec. 8-20 [8-11]. - Penalty.

Any person who violates this chapter shall be punished by a fine of not more than \$500.00 plus any cost; provided however that for any violation governing public health and sanitation, the fine may not exceed \$2,000.00. Each day or any part thereof that said violation occurs or continues shall constitute a separate offense.

Sec. 8-21 ~~[8-12]~~. - Animal shelter advisory committee.

- (a) There is hereby established an animal shelter advisory committee.
- (b) The committee shall consist of four members and be composed of at least one licensed veterinarian, one county or municipal official, one person whose duties include the daily operation of an animal shelter (operator), and one representative from an animal welfare organization.
- (c) The members shall be appointed by the city council and shall serve two-year terms.
- (d) Three members shall constitute a quorum. The affirmative vote of three members (the majority of the committee) is required for any action of the committee.
- (e) The committee shall meet at least three times a year.
- (f) Appointments to fill vacancies shall be made by the city council and in every case shall be for the unexpired term only of the member whose position has been vacated.
- (g) The committee shall act in an advisory capacity to the city council, city manager, and relevant departments and entities of the City of Manvel in animal shelter matters. Specifically, the committee shall be empowered to do any or all of the following:
 - (1) Act in an advisory capacity in all matters pertaining to animal shelters within the city and assist animal shelters located in the city to comply with V.T.C.A., Texas Health and Safety Code ch. 823;
 - (2) Make recommendations to the city council and city manager on animal shelter standards and operations within the city;
 - (3) With proper authorization from the city council, seek grants and sponsorships for animal shelter operations and activities from public and private sources and donors;
 - (4) Review the safety records of animal shelter operations based on safety inspections and reports;
 - (5) Perform any other duties or tasks as may be assigned by the city council.

Sec. 8-22 ~~[8-13]~~. - Chaining and tethering prohibitions.

Staking, tying or tethering:

(a) ~~[(1)]~~ An owner may not leave a dog outside and unattended by use of a restraint unless the owner provides the dog access to:

1. ~~[a-]~~ Adequate shelter;
2. ~~[b-]~~ An area that allows the dog to avoid standing water;
3. ~~[c-]~~ Shade from direct sunlight; and
4. ~~[d-]~~ Potable water.

(b) ~~[(2)]~~ An owner may not restrain a dog outside and unattended by use of a restraint that;

1. ~~[a-]~~ Is a chain;
2. ~~[b-]~~ Has weights attached;
3. ~~[c-]~~ Is shorter in length than the greater of:
 - i. ~~[1-]~~ Five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail, or;
 - ii. ~~[2-]~~ Ten feet;
4. ~~[d-]~~ Is not attached to a properly fitted collar or harness; or
5. ~~[e-]~~ Causes pain or injury to the dog.

(c) ~~[(3)]~~ A person commits an offense if the person knowingly violates this section. The restraint of each dog that is in violation is a separate offense.

Sec. 8-23 [~~8-14~~]. - Exceptions.

(a) It is an exception to the application to this section that:

- (1) The owner uses a restraint on the dog in a public camping or recreational area in compliance with the requirements of the public camping or recreational area as defined by a federal, state, or local authority or jurisdiction;
- (2) The owner uses a restraint on the dog while the owner and dog engage in, or actively train for an activity conducted under a valid license issued by the state provided the activity is associated with the use or presence of a dog;
- (3) The owner uses a restraint on the dog while the owner and dog engage in conduct directly related to the business of shepherding or herding cattle or livestock;
- (4) The owner uses a restraint on the dog while the owner and dog engage in conduct directly related to the business of cultivating agricultural products;
- (5) The owner leaves the dog unattended in an open-air truck bed only for the time necessary for the owner to complete a temporary task that requires the dog to be left unattended in the truck bed.
- (6) The owner uses a restraint on the dog while the owner and dog are engaged in, or actively training for, hunting or field trialing.

(b) Section 8-22 [~~Section 8-13~~] does not apply to a restraint attached to a trolley system that allows a dog to move along a running line for a distance equal to or greater than the lengths specified under that subdivision.

(c) This subchapter does not prohibit a person from walking a dog with a handheld leash.

Sec. 8-24 [~~8-15~~]. - Running at large prohibited.

(a) An owner of an animal shall ensure that such animal does not run at large in violation of this chapter.

(b) It shall be unlawful for any person owning, keeping or having any animal in their possession or control to allow it to run at large.

(c) The provisions of this section shall not apply if:

- (1) The animal is under physical restraint by the owner;
- (2) The animal is participating in obedience training or competition, dog shows, field trials or performing acts such as herding under the control and supervision of an owner.

(3) The animal has an electronic training collar affixed to the body. Electronic training collars are an acceptable means of meeting the aforementioned Code requirement in city parks and designated dog parks, if the animal is at all times responsive to the owner's command; however, such training collars are unacceptable in city parks when organized activities or sporting events are underway.

(d) Each time an animal runs at large in violation of this section shall be a violation. Each violation shall be considered a separate punishable offense.

Sec. 8-25 ~~[8-16]~~. - Animal waste removal.

(a) It shall be unlawful for any person to fail to immediately remove and dispose of, in a sanitary manner, feces left by a dog being handled by that person on property, public or private, other than the premises of the owner or handler of such dog.

(b) It shall be unlawful for any person to walk a dog on public property or the private property of someone other than the owner or handler of such dog without having in their possession a container or other instrument suitable for the removal and disposal of the dog's feces in a sanitary manner.

(c) This section shall not, however apply to handicapped persons using guide dogs or to peace officers while using animals in the discharge of emergency law enforcement activities.

Secs. 8-26—8-39. Reserved.

ARTICLE II. — KENNELS AND CATTERIES

Sec. 8-40. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

Animal rescuer means any person operating a rescue organization or shelter must register with Animal Control, providing documents as may be required for proof of rescuer status, in order to fit within the exceptions to microchipping and permitting in this chapter.

Cattery means any building, structure, enclosure premises or lot whereupon, or within which, more than four (4) cats, four (4) months of age or older, 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.

Class I kennel means any building, structure, enclosure or premises whereupon, or within which, five (5) to eight (8) dogs, four (4) months of age or older, are kept or maintained. One-half (½) acre minimum is required.

Class II kennel means any building, structure, enclosure or premises whereupon, or within which, nine (9) or more dogs, four (4) months of age or older, are kept or maintained. One acre minimum is required.

Non-microchipped animal means any dog or cat which has no microchip or the owner information with the microchip company or animal control is not valid.

Unaltered and unsprayed means a condition that exists in an animal which permits the producing of offspring.

Sec. 8-41. Licensing of Kennels and Catteries.

(a) — No person shall operate or maintain a kennel or a cattery as those terms are defined in section 8-23, without first obtaining approval from a City Animal Control Officer, after which the appropriate license will be obtained from the Animal Control Department. Such license shall be valid for a period of two (2) years from the date of issuance, except that the Animal Control Official may, in his/her discretion, limit the duration of the license to one (1) year when he/she deems such limitation to be appropriate. Said license shall be renewed prior to the date of expiration. Where a kennel license has been issued and is in effect, all animals contained in such kennel shall also be licensed/registered in accordance with the rules and regulations set forth herein.

(b) — An application for a kennel or cattery license shall be filed with the Animal Control Department. Said application form, when completed, shall contain such information as may reasonably be required by the animal control official for the purposes of enforcement of this chapter, including, but not limited to:

(1) — The name, address and current home telephone number of the caretaker of the subject kennel or cattery; and

(2) — A separate name, address and current telephone number for emergency use when such caretaker is absent from the subject kennel or cattery.

Where a kennel or cattery is sought to be operated upon leased or rented premises, a letter of consent from the owner of the premises to the effect that the kennel or cattery may be maintained and operated on such premises shall be submitted to the Animal Control Department at the time the application for the kennel or cattery license is submitted.

(c) — After receipt of a kennel or cattery license application, the Animal Control Officer and the City Health Official shall make an inspection of the premises of the kennel or cattery for which a license is requested. No kennel or cattery license shall be issued nor shall any such license be renewed, unless and until the kennel or cattery, in the opinion of the Health Official, satisfies the applicable laws and regulations of the state, and the applicable ordinances of the City, including

but not limited to the Zoning Ordinance. Notwithstanding any other provision of this chapter, the Health Official or the animal control official may, in their respective discretion, limit the numbers of dogs or cats over the age of four (4) months which are kept or maintained in any kennel or cattery, and such limitation may be imposed at such time as an application for an initial kennel or cattery license is considered or at such time as an application for renewal of a kennel or cattery license is considered.

(d) — Notwithstanding any other provision of this chapter, the Health Official and Animal Control Official are hereby authorized to enter upon and inspect the premises of any kennel or cattery located in the city for the purpose of determining whether such kennel or cattery is in compliance with the provisions of this article. As a condition of the issuance of a kennel or cattery license, each owner and operator of a kennel or cattery shall agree to allow such entry and inspection and such agreement shall be made a part of the license application. Such inspections shall be made during reasonable hours at times when the owner or operator of the kennel or cattery is present on the kennel or cattery premises, and with such frequency as the Health Official or Animal Control official shall deem appropriate. Willful refusal on the part of a kennel or cattery owner or operator to allow such inspection shall be grounds for summary denial of an application for a kennel or cattery license or for summary suspension or revocation of a kennel or cattery license.

(e) — A non-profit animal rescuer shall not be required to pay a fee for the licenses required of this article; provided, however, that all other provisions of this article shall be applicable to any such nonprofit corporation.

(f) — A violation of this section shall be punishable as follows: Any person who violates any part of this chapter shall, upon conviction, be guilty of a misdemeanor. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this section is committed, continued or permitted.

Sec. 8-41. Denial, suspension, revocation and appeal of kennel or cattery license.

The health official or animal control official may, in his/her discretion, deny any application for a kennel or cattery license whether such application is for an original license or renewal of a license, and may suspend or revoke any kennel or cattery license if it is found a kennel or cattery fails to meet any or all of the standards for kennels set forth in this chapter or is in violation of any law of the state.

Sec. 8-42. Notice.

When such denial, suspension or revocation occurs, the health official or animal control official shall prepare a written notice of such denial, suspension or revocation which shall contain a brief statement of the reason or reasons for such denial, suspension or revocation. The health official or animal control official shall serve such notice upon the applicant or licensee by hand delivery or by registered or certified mail, postage prepaid, return receipt requested. Denial, suspension or revocation shall be effective thirty (30) days after service of such notice. Where an application for a kennel or cattery license is denied or where a kennel or cattery license issued pursuant to this article is revoked, no application for a new license for such kennel or cattery shall be considered for a period of one (1) year from the effective date of such denial or revocation; provided, however, that for good cause shown the chief of police may direct that there be a lesser period of time before such application will be considered.

Sec. 8-43. Appeal.

An animal owner may appeal the decision of the chief of police, or designee to revoke a license of a dog or cat as a result of the informal hearing held by the chief of police or designees, by writing and requesting that the decision be appealed to and reviewed by the chief of police, or designee. The chief of police's decision on the appeal of the revocation shall be final, and not be subject to further appeal.

Secs. 8-44—8-50. Reserved.

PART II - CODE OF ORDINANCES
Chapter 4 - ANIMALS AND FOWL
ARTICLE II. - KENNELS/CATTERIES
DIVISION 3. ANIMAL RESCUER PERMIT

ARTICLE III. --ANIMAL RESCUER PERMIT

Sec. 8-51. Animal Rescuer Permitting and Licensing.

~~(a) — Any person or entity engaged in the rescue of animals, shall first obtain a rescue permit from the City Animal Control Department and shall meet all requirements for a kennel/cattery license.~~

~~(1) — For a rescuer primarily maintaining five (5) to eight (8) dogs or cats outside, a class I kennel/cattery license is required, and the minimum land requirement shall be one-half (½) acre to one (1) acre in size.~~

~~(2) — For a rescuer primarily maintaining nine (9) or more dogs or cats outside, a class II kennel/cattery license is required, and the minimum land requirement shall be one (1) acre.~~

~~(b) — The fee for a kennel/cattery permit as a rescue facility shall be as stated in the City of Manvel approved fee schedule.~~

~~(c) — Personal dogs or cats (not for adoption or sale) shall be microchipped in accordance with this chapter.~~

~~(d) — A permitted rescuer obtaining animals from a shelter shall not be subject to the payment of impound fees and charges, but shall be subject to any spay/neuter fees by a properly licensed veterinarian.~~

~~(e) — All rescued dogs and rescued cats older than four (4) months must be spayed/neutered, unless a licensed veterinarian prohibits for reason of medical necessity, prior to releasing to an adopting party. In any event, the animal must be altered within thirty (30) days of receipt by the rescuer.~~

~~(f) — Accurate and complete records of all animals shall be maintained by the animal rescuer on forms which will be made available to the city of animal control for inspection upon request.~~

~~(g) — Administration of the animal rescue program shall be the responsibility of the animal control official who shall have the authority to issue and revoke animal rescue permits.~~

~~Secs. 8-51 — 8-54. Reserved.~~

ARTICLE IV. - ANIMAL SELLER PERMIT

Sec. 8-55. Permit required.

- (a) Any person engaged in the sale of animals, shall first obtain a seller permit from the city Animal Control Department and shall meet all requirements for such permit.
 - (1) Applicant must provide proof of rabies inoculation as required by this chapter.
 - (2) No more than one prior permit granted to household in prior twelve (12) months.
- (b) The fee for a seller permit shall be as stated in the City of Manvel fee schedule resolution.
- (c) Seller permit does not apply to kennel/cattery and is limited to one (1) animal or litter.

Secs. 8-56—8-59. Reserved.

ARTICLE V. - PETTING ZOO REQUIREMENTS

Sec. 8-60. Notification.

Any animal exhibitor who will be operating a petting zoo at any event within the city must notify, in writing, the animal control division of the city police department no less than five (5) days before the event. This written notification must consist of the date, time and location of the petting zoo, the number and species of animals that will be present, proof of insurance and proof of a USDA license where applicable. The notice must be submitted in duplicate (two (2) copies), with one (1) copy to be kept on file with the animal control department and one (1) copy to be forwarded to the city health official for review.

Sec. 8-61. General requirements.

The petting zoo must comply with the following requirements:

- (a) A minimum of two (2) hand washing stations must be visible, easily accessible and operating at all times that the petting zoo is open to the public.
- (b) A fence barrier must be constructed so as to prevent the public's direct contact with the animals outside the barrier. This barrier must be sanitized three (3) times daily (prior to opening, midway through the event and upon closing). The operator may be required to sanitize the fence barrier more often when determined to be necessary by the health official.
- (c) The operator of the petting zoo must have appropriate informational and educational materials available to the public. Such materials shall inform the participants of the petting zoo of the dangers associated with lack of hand washing after contact with animals. This information should consist of, at a minimum, signs and brochures.

- (d) Animal containment areas must be covered with straw or an approved, equally absorbent material. The area must be completely raked and sanitized nightly. The operator may be required to rake and sanitize the containment area more often when determined to be necessary by the health official.
- (e) A commercial dumpster must be obtained and emptied at least every forty-eight (48) hours to reduce the amount of odor or the attraction of flies and other nuisances.
- (f) No animal which is sick, injured, in heat or pregnant shall be allowed in the zoo.
- (g) No food or drinks will be allowed within the fenced-in barrier. A sign with a minimum of one-inch lettering must be posted at every entrance gate, stating "No Food or Drinks Allowed Beyond this Point."
- (h) No exotic cats, primates or any other animal that is recognized by the city animal control official as possibly posing an unacceptable level of risk to the public will be allowed.

Sec. 8-62. Permit process.

A permit to operate the petting zoo will be issued upon the following:

- (a) Submission of the completed paperwork to the animal control department.
- (b) Inspection and approval of the petting zoo facilities and animals by the city animal control department and city health official, certifying that the petting zoo meets the minimum requirements as set forth in this chapter, the state, the USDA, and any other applicable laws.
- (c) Inspection and approval of the petting zoo facilities by the city building official or Code Enforcement and Fire Marshal, certifying that the facility is not in violation of any applicable fire or building ordinances. It is the responsibility of the operator of the petting zoo to schedule the appropriate inspections and post the inspection report forms in a place where they are available for inspection by the city health official and animal control official. All inspections are to be scheduled by the operator at least forty-eight (48) hours prior to the event.
- (d) Payment of all applicable fees to the city.

Sec. 8-63. Fees.

The required permit fee is set out in the City of Manvel fee schedule. The permit fee is due payable to the city after approval of the permit application by all applicable city departments. The city is not responsible for cancellation of any events by the event coordinator, weather, or any other causes. All permit fees are non-refundable.

Sec. 8-64. Permit.

Upon completion of all requirements set forth in this article, a permit will be issued in the name of the business and must be posted in a place that is visible to the general public.

Sec. 8-65. Violations.

If a petting zoo holding a valid permit issued by the city is found upon inspection by the city animal control official or health official to be out of compliance with any provision set forth in this chapter, then the permit can be revoked and the operation of the business must cease immediately. Upon revocation, a hearing with the chief of police, or designee, may be requested by the business owner within ten (10) days of the revocation to review the revocation of the permit.

No petting zoo may operate within the city limits without a valid permit.”

Section 2. **Repealer.** All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 3. **Severability.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 4. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$500.00; provided however that for any violation governing public health and sanitation, the fine may not exceed \$2,000.00. Each day of violation shall constitute a separate offense.

PASSED AND APPROVED on first reading this _____ day of _____,
2024.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day of _____, 2024.

Dan Davis, Mayor

Attest:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney