



ORDINANCE NO. 23-1107-F5

AN ORDINANCE OF THE CITY OF ENNIS, TEXAS, AMENDING CHAPTER 4, “ANIMALS,” ARTICLE I, “GENERAL” IN THE CODE OF THE CITY OF ENNIS, TEXAS, BY AMENDING SECTION 4-1 “DEFINITIONS” TO ADD DEFINITION OF “DOG,” AMENDING SECTION 4-23 “FOWL,” TO REDUCE DISTANCE OF ENCLOSURES, PENS, COOPS, AND CAGES FROM 100 FEET TO 25 FEET, AND ADDING SECTION 4-26 ENTITLED “ANIMAL DEFECATION PROHIBITED IN CERTAIN AREAS”; PROVIDING INCORPORATION OF PREMISES; PROVIDING AMENDMENTS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A CUMULATIVE/REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Ennis, Texas (the “City”) is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Commission of the City previously enacted Chapter 4, “Animals,” Article I, “General” in the Code of the City of Ennis, Texas (the “Code”), to provide for animal control in the City; and

WHEREAS, the City Commission investigated and determined that the amendments are needed to Chapter 4 to add a definition of “dog” to prohibit wolf hybrids; and

WHEREAS, the City Commission investigated and determined that amendments to Chapter 4 are needed to reduce the separation between a chicken coop or cage and a dwelling from 100 feet to 25 feet; and

WHEREAS, the City Commission investigated and determined that Chapter 4 should be amended to provide that it is unlawful for an animal owner to allow an animal to defecate on public or private property, unless the private property is the animal owner’s; and

WHEREAS, the City Commission of the City of Ennis finds and determines that the passage and approval of this Ordinance promotes the public health, safety, and welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ENNIS, TX:

SECTION 1: Incorporation of premises. The premises set forth above are the stated findings of the City Commission of the City of Ennis, serve as the basis for and are incorporated into this Ordinance as if written word for word.

SECTION 2: Amendment to Section 4-1. That Chapter 4, “Animals,” Article I, “General,” Section 4-1 in the Code of the City of Ennis, Texas, is hereby amended to add a definition of “Dog” read as follows, and all other definitions not expressly amended hereby shall remain in full force and effect:

Dog. Means a domesticated member of the canine family (*Canis familiaris*), other than a wolf, jackal, fox, dingo, coyote, or other prohibited wild animal, or any hybrid thereof.

SECTION 3: Amendment to Section 4-23. That Chapter 4, “Animals,” Article I, “General,” Section 4-23, “Fowl” in the Code of the City of Ennis, Texas, is hereby amended to read as follows:

Any person raising or keeping fowl in a residentially zoned area as defined by this section must maintain them in a sanitary condition so as to not become offensive and/or cause a nuisance to the residents adjacent thereto; and are limited to:

- (a) Fowl must be kept in enclosures, pens, coops, cages at least twenty-five (25) feet to any inhabited dwelling; provided, this distance requirement shall not apply to the dwelling of the owner himself. Enclosures shall be of such construction and strength to keep said animals from running at large.
- (b) Cleaned up manure or refuse shall be promptly removed from the vicinity after each cleaning.

SECTION 4: Amendment to Section 4-26. That Chapter 4, “Animals,” Article I, “General,” is hereby amended to add Section 4-26 read as follows:

Sec. 4-26. - Animal defecation prohibited in certain areas.

- (a) It is unlawful for the owner or person in control of an animal to intentionally, knowingly, recklessly, or with criminal negligence allow or permit such animal to defecate on any public or private property other than that of the owner of the animal. That the animal was at large at the time it defecated on any property shall constitute prima facie evidence that the owner or person in control of the animal allowed or permitted the animal to so act.
- (b) It shall be a defense to prosecution under this section that the owner or person in control of the animal immediately removed and cleaned up such animal’s feces from public or private property.

SECTION 5: Savings Clause. All rights and remedies of the City of Ennis, Texas, are expressly saved as to any and all violations of the provisions of the Ordinance or any other ordinance which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6. Cumulative/Repealer Clause. This Ordinance shall be cumulative of all provisions of state or federal law and other ordinances of the City of Ennis, Texas, except where the provisions of this

Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 7. Severability Clause. It is hereby declared to be the intention of the City Commission that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Commission without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 8. Penalty. Any person, firm, partnership, or corporation found violating any provision of this Ordinance, upon conviction, shall be deemed guilty of a misdemeanor and shall be punished by a fine set forth in Section 1-14 of the Code of Ordinances. Each day that a provision of this Ordinance is violated shall constitute a separate and distinct offense.

SECTION 9. Effective Date. This Ordinance shall take effect from its passage and publication as required by Texas law and the City Charter.

PASSED AND APPROVED by the City Commission of the City of Ennis, Texas on this 7th day of November, 2023.



ANGELINE JUENEMANN, Mayor

ATTEST:



ANGIE WADE, City Secretary

