

ORDINANCE 125

AN ORDINANCE PROVIDING FOR THE CONTROL OF ANIMALS IN THE CITY OF BEVIL OAKS, TEXAS, SET FORTH IN ACCORDANCE WITH RABIES CONTROL ACT OF 1981, ART. 4477-6a, VTCS. PROVIDES FOR: DEFINITIONS, ANIMAL VACCINATION, NAMING OF THE LOCAL HEALTH AUTHORITY, QUARANTINING AND DISPOSITION OF BITING ANIMALS; FOR CONFINING TO PREMISE, IMPOUNDMENT, FEES AND PENALTIES, CONTROL OF VICIOUS ANIMALS, INHUMANE TREATMENT OF ANIMALS, A SEVERANCE CLAUSE AND REPEALING CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEVIL OAKS, TEXAS:

Section 1. DEFINITIONS

When used in this ordinance the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

- 1.1 **Owner:** Any person who has a right of property in an animal or who harbors any animal or allows an animal to remain about his premises for a period of ten (10) days or more.
- 1.2 **Harboring:** The act of keeping and caring for an animal or of providing a premise to which the animal returns for a period of ten (10) days or more.
- 1.3 **Domestic Animal:** Shall include the following species: dog, cat, horse, cow, pig, sheep and goat. This does not include hybrid animals resulting from crossing wild with domestic species.
- 1.4 **Wild Animal:** Refers to any mammal native to North America except the domestic species (dog, cat, horse, cow, pig, sheep, goat.)
- 1.5 **Pet Animal:** Shall include dogs, cats rabbits, rodents, birds, reptiles and any other species of animal that is sold or retained as a household pet but shall not include any species of wild, exotic, or carnivorous animal that may be further-restricted in this law.
- 1.6 **Dog:** A domestic canine of either sex, including one neutered or sterilized.
- 1.7 **Cat:** A domestic feline of either sex, including one neutered or sterilized.
- 1.8 **Vicious Animal:** Any animal which has bitten, attacked, or threatened bodily injury to a person or another animal is to be considered vicious, unless the attack occurs in an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own.
- 1.9 **Stray Animal:** Any animal for which there is no identifiable owner or harborer.
- 1.10 **Running at Large:** Shall pertain to an animal off the premises of the owner and not under the physical, visible, or audible control of the owner or his authorized representative(s). An animal intruding upon the property of another person other than the owner or upon public property shall be termed "running at large." An animal within an automobile or other vehicle of its owner shall not be deemed "running at large."
- 1.11 **Rabies Vaccination:** Shall mean the vaccination of a dog, cat, or other domestic animal with an anti-rabies vaccine approved by the United States Department of Agriculture and administered by a veterinarian licensed by the State of Texas.
- 1.12 **Local Health Authority:** Shall mean the reporting agent for the purpose of this law, whose duties consist of the following:
 - (1. Receiving all reports of animal bites and scratches to humans.
 - (2. Receiving all reports of suspected rabid animals.
 - (3. Investigating all reported animal bites and scratches and suspected rabid animals.
 - (4. Order quarantine, if appropriate, of any animal which has exposed an individual or which may be rabid.
 - (5. Other duties as entailed by the text of this law.

Section 2. RABIES CONTROL

2.1 Local Health Authority: In the City of Bevil Oaks the Local Health Authority shall be the Mayor or Mayor's designate.

2.2 Vaccinations: Reference Texas Health Code / Texas Administrative Code

2.3 Certificate of Vaccinations: Reference Texas Health Code / Texas Administrative Code

2.4 Rabies Tags: Reference Texas Health Code / Texas Administrative Code

2.5 Duplicate Tags: Reference Texas Health Code / Texas Administrative Code

2.6 Proof: Reference Texas Health Code / Texas Administrative Code

2.7 Animals Exposed To Rabies: Reference Texas Health Code / Texas Administrative Code

**Section 3 REPORTING BITES FROM ANIMALS SUSCEPTIBLE TO RABIES:
RELATED PROCEDURES:**

3.1 Duty To Report: Reference Texas Health Code / Texas Administrative Code

3.2 Exclusions: Reference Texas Health Code / Texas Administrative Code

3.3 Suspected Rabies: Reference Texas Health Code / Texas Administrative CODE

3.4 Confinement of Dogs and Cats: Reference Texas Health Code / Texas Administrative Code

3.5 Removal of Dogs and Cats From Confinement: Reference Texas Health Code / Texas Administrative Code

3.6 Procedure for Other Animal Bites: Reference Texas Health Code / Texas Administrative Code

Section 4. DOCUMENTS

4.1 False And Stolen Documents: Reference Texas Health Code / Texas Administrative Code

4.2 Transferability: Reference Texas Health Code / Texas Administrative Code

Section 5. ANIMAL RUNNING AT LARGE

5.1 Restraining: Any dog or cat may run at large, as long as said dog or cat is vaccinated for rabies and wears a collar with tags described in Sec. 11.5. If there is no collar with tags attached, this dog or cat will be considered a stray, and will be dealt with, according to Section 5.5. If this animal becomes a nuisance or a vicious dog, it will be dealt with according to Section 5.2 or 6.1. Entry upon private property for the purpose of impounding an animal which is at large is authorized only when permission is given by owner of the property or his agent, or when the Health Authority or his designee is in immediate pursuit of an animal at large which has been determined to be vicious as per section 1.8 of this ordinance, so that the person of that property may be protected.

- 5.2 Nuisance: It shall be unlawful for any owner to harbor any dog, cat, or other pet animal which by any sound or cry or other activity shall disturb the peace, comfort, or property of the inhabitants of the neighborhood. Complaints by citizens shall be submitted to and investigated by the Local Health Authority who may establish the existence of a disturbance. Such disturbance is hereby subject to be declared a public nuisance and a violation of this ordinance. City council will not listen to any citizen complaint unless a fair and equitable solution between parties has been attempted.
- 5.3 Confinement During Estrus: Any unspayed female dog or cat in the state of estrus(heat) shall be confined during such period of time in a house, building or secure enclosure and said area of enclosure shall be constructed that no other animal may gain access to the confined animal. Owners who do not comply shall be ordered to remove the animal in heat to a boarding kennel, veterinary hospital or animal shelter. All expenses incurred as results of the confinement shall be paid by the owner. Failure to comply with the removal ordinance of the animal control officer shall be in violation of this ordinance and the owner will be fined and the animal will then be impounded as prescribed in this ordinance. Any expenses for confinement shall be the liability of the owner.
- 5.4 Injured Animals: Animals injured on public property may be impounded and given adequate veterinary medical treatment pending notification of the owner. If the injured animal is treated and/ or impounded, the owner of such animal shall be liable for all expenses of the treatment and/ or impoundment; however, disposition may be made according to Section 7.5.
- 5.5 Stray Dogs and Cats: After three (3) months from the effective date of this ordinance, any animal not wearing a rabies and identification tag shall be presumed to be a stray and will be subject to immediate impoundment.

Section 6. VICIOUS ANIMALS

- 6.1 Vicious Animal: No person shall own or harbor a vicious animal unless the animal is physically confined to a specific area or is under complete and absolute control. Any such an animal running at large shall be impounded as a public nuisance. If impoundment of said animal running at large cannot be made, the animal may be destroyed without the notice of the owner or harborer by the Local Health Authority or their designee.
- 6.2 Guard Dogs: It shall be unlawful to place or maintain any dog which has been specifically trained to attack, in any area for the protection of persons or property unless the dog is physically confined to a specific area or is under complete and absolute control. The area or premises in which a guard dog is confined must be conspicuously posted with warning signs bearing letters not less than two (2) inches high. Guard dogs shall be registered at no charge with the city.

Section 7 IMPOUNDED ANIMALS:

- 7.1 Impoundment: Animals owned or harbored in violation of this ordinance or any other ordinance or law of the State of Texas shall be taken into custody by an animal control or other designated official and impounded. Stray animals shall be similarly impounded.
- 7.2 Animal Shelter: If an animal shelter is provided for the purpose of boarding and caring for any animal impounded under the provisions of this ordinance, such shelter may be constructed in accordance with recommendations from the Texas Department of Health. In lieu of constructing a shelter, the City may contract with any organization having a suitable facility that has been approved by the Texas Department of Health.
- 7.3 Removal of Animals From Animal Shelter: Reference Texas Health Code / Texas Administrative Code

- 7.4 Removal of Biting Dogs and Cats from Confinement: Reference Texas Health Code / Texas Administrative Code
- 7.5 Disposition of Impounded Vaccinated Dogs and Cats: Reference Texas Health Code / Texas Administrative Code
- 7.6 Disposition of Impounded Unvaccinated Animals: As soon as practicable after impoundment, if the owner of the impounded animal is known, reasonable notice shall be given to him. Any impounded animal may be redeemed upon payment of the care and feeding charges, veterinary charges, rabies vaccination charges and such other cost as set by the City Council. If such animal is not redeemed within (3) days, it shall be deemed abandoned and may be placed for adoption subject to payment of the care or expenses set by the City Council, or said animal may be humanely euthanized under the supervision of a licensed veterinarian. If any impounded animal appears to be either seriously ill or injured in such a manner as to render treatment impractical, it may be humanely destroyed before the end of the three (3) day waiting period to end its suffering, or, the animal may be given to a non-profit humane organization for the purpose of treatment.
- 7.7 Disposition of Impounded Animal Being Held on Complaint: If a complaint has been filed in Municipal Court in the City of Bevil Oaks against the owner of an impounded animal for violation of this ordinance, the animal shall not be released except on the ordinance of the court which may also direct the owner to pay any penalties for violation of this ordinance in addition to all impoundment fees. The court may, upon making a finding that such animal is vicious or that it represents a clear and present danger or nuisance to the citizens or other animals in the community, ordinance said animal to be euthanized in a humane manner. Surrender of an animal by the owner thereof to the animal control officer does not relieve or render the owner immune from the decision of the court, nor to the fees and fines which may result from a violation of this ordinance.
- 7.8 Disposition of Diseased Animals: Reference Texas Health Code / Texas Administrative Code.

Section 8. ANIMAL PROHIBITED

- 8.1 Animals Prohibited: It is hereby prohibited and it shall be unlawful for any person to import, offer for sale, keep, maintain, harbor or permit in the City of Bevil Oaks, any monkey, or other nonhuman primate, skunk, raccoon, jaguar, leopard, lynx, tiger, lion, ocelot, bobcat, cheetah, mountain lion, wildcat, panther bear, wolf, coyote, fox, other carnivorous animal or poisonous reptile.
- 8.2 Section Does Not Apply: This section shall not apply to:
1. A bona fide publicly or privately owned zoological park.
 2. A bona fide research institution using animals for scientific research.
 3. A circus duly authorized to do business in the City of Bevil Oaks.
 4. A permittee holding special permit issued by the City Council. Permittee must have suitable confinement to prevent escape and injury to people and/or other animals. If conditions are not met, permit is automatically revoked and animal must not be kept in city limits.
- 8.3 Livestock Restriction: It shall be unlawful and constitute the creation and maintenance of a public nuisance for any person to harbor livestock (horse, cattle, swine, poultry, etc.) in such a manner so as to produce offensive odors which affect the comfort and health of people. Upon receipt of complaint by inhabitant residing in the immediate vicinity of the facility, the Local Health Authority or his agent, shall inspect the livestock facilities in question. If he determines that the facilities in question are creating a public nuisance, he shall direct the livestock owner to correct the situation. Failure to comply within a reasonable time shall constitute a violation of this ordinance.

Section 9. FEES:

9.1 Fee Schedule: The initial fee schedule set forth and approved by the City Council of the City of Bevil Oaks for custodian service:

1. Impoundment Fee- unvaccinated dog or cat.....\$ 20.00
2. Impoundment Fee- vaccinated dog or cat.....\$ 10.00
3. Wildlife capture at premises.....-0-
4. Daily boarding fee- dog or cat.....\$ 4.00
5. Daily boarding fee- dog or cat for animal in quarantine.....\$ 5.00
6. Adoption fee if applicable(See Section 12).....\$ 10.00
7. Pick-up fee if applicable.....\$ 10.00

Fees are subject to change as custodian fees change.

9.2 Fines for Violations: The Local Health Authority of the City of Bevil Oaks will establish a schedule of fines for the violation of any provisions of any section of this ordinance. This schedule of fines will be subject to review and approval by the City Council and will be subject to such periodic review and revision as deemed necessary to properly implement and enforce the provisions contained herein. The following is the initial schedule of fines for violation of any provisions of this ordinance. The fines shall be mandatory for each offense and each day of non-compliance shall constitute a separate offense.

1. Initial violation of this ordinance...written warning to \$ 25.00 and fees Sec 11.1
2. Animal at large- 2nd offense.....\$ 50.00 and fees Sec:11.1
3. Animal at large- 3rd offense.....\$ 75.00 and fees Sec 11.1
4. Failure to vaccinate-.....(as item 2 and 3 above for 2nd and 3rd offense)
5. Failure to confine dog/cat in estrus(heat).....(same as item 2 and 3)
6. Failure to replace rabies/ID tag.....\$ 10.00 each offense.
7. Violation not covered above.....written warning to \$ 75.00 and fees Sec 11.1

9.3 Records: It shall be the duty of the Local Health Authority of the City of Bevil Oaks to maintain such records as deemed necessary to the enforcement of all provisions of this ordinance and have those records available for display to the City Council, or to the public at any time during regular business hours of city hall.

9.4 Registration: Guard dogs and animals found to be vicious according to Section 1.8 must be registered at City Hall.

9.5 Identification of Dogs and Cats: Residents of the City of Bevil Oaks who maintain animals within the the city must also have attached to the collar the owners personal information: name of animal and owner, and owners phone number. Also attached to the collar of the animal will be a current Rabies tag as described in Sec. 2.4.

Section 10. ADOPTIONS:

10.1 Adoptions: An individual may adopt a dog or cat from the City Animal Shelter under the following conditions:

1. The animal has been classified as adoptable by the Local Health Authority.
2. The prospective adopter has proper facilities to care for the animal.
3. The prospective adopter obtains the necessary vaccinations, and
4. The prospective adopter pays the charges set out in Section 7.5 and 7.6 only.
5. The prospective adopter agrees to have the animal neutered if a male, or spayed if a female within thirty (30) days after adoption, or else Local Health Authority shall have the right of immediate return of the animal to the animal shelter, provided the Local Health Authority shall allow additional time in case of dogs or cats less than six(6) months of age.

The Local Health Authority may refuse to allow a person to adopt a cat or dog of whom he has reason to believe that the person adopting:

1. Would not have proper facilities to contain or care for the animal as required by this code, or
2. Wants the dog or cat for the purpose of resale or for purposes other than pet ownership, or
3. That the cat or dog would be hazardous to humans or other animals.

Section 11 SAFETY PROVISION:

11.1 Interference with the Local Health Authority or His Authorized Representatives:
Reference Texas Health Code / Texas Administrative Code

11.2 Penalty for Violation: Reference Texas Health Code / Texas Administrative Code


11.3 Severance Clause: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this ordinance.

11.4 Safety Clause: The Local Health Authority of the City of Bevil Oaks hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public peace, health and safety.

11.5 Repealer: Any other ordinance and parts of ordinances in conflict herewith are hereby repealed.

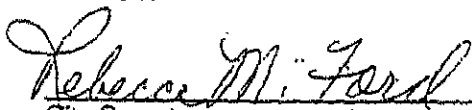
11.6 Effective Date: The act shall take and be in effect on and after the 19 day of March 1996.

PASSED AND APPROVED this 19 day of March, 1996.



DON SMITH, MAYOR

ATTEST:



City Secretary