

ORDINANCE #18

AN ORDINANCE DEFINING CERTAIN WORDS AND PHRASES, PROVIDING FOR AN ANIMAL TAX, AND REQUIRING THE REGISTRATION WITH THE CITY CLERK OF ALL ANIMALS OVER THREE MONTHS OF AGE, PROVIDING FOR IMMUNIZATION OF ANIMALS, FOR LOST TAGS REGULATING THE SEIZURE AND DESTRUCTION OR REDEMPTION OF CERTAIN ANIMALS ; REGULATING THE RUNNING AT LARGE OF ANIMALS; REGULATING AND PROVIDING FOR DISEASED, VICIOUS OR DANGEROUS ANIMALS; DEFINING CERTAIN ANIMALS AS PUBLIC NUISANCES; AND PROVIDING A PENALTY FOR THE VIOLATION OF ANY SECTION OF THIS ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BAYSIDE, TEXAS:

SECTION 1. Definitions.

As used in this section and unless the context otherwise indicates:

- a) The word "household pet" shall include both male and female dogs, male and female cats or any other animal.
- b) The word "animal" means warm-blooded animal (mammal)
- c) The word "harbinger", for the purposes of this Ordinance, shall have the same meaning as the word "owner" and shall mean any person who shall allow any household pet to habitually remain or be lodged or fed at his or her home, yard, store, enclosure or place of business.

SECTION 2. Age of animal, Amount and Duration of License, Vaccination

No person shall own, keep or harbor a household pet in the City of Bayside, Texas, after such animal has reached the age of three (3) months, unless said person shall cause his or her name, with the name and description of the animal, to be registered with the City Clerk in a book to be kept for that purpose, and shall pay to the City Clerk at the time of said registration of said pet, a registration fee and license tax of \$2 for each such animal. All licenses shall be for a period of one (1) year, from May 1 to May 1 of each year; provided further, however, that before any animal may be registered under the provisions of this Ordinance, the person who owns, keeps or harbors such animal must furnish evidence of the vaccination of each animal for rabies by presenting to the City Clerk at the time of making such application, a certificate issued by a licensed veterinarian showing that each such animal has been vaccinated with a recognized antirabies vaccine and certifying that the vaccination so administered to such animal will be effective for the entire period of time for which such license is issued, and each person shall keep on the neck of each animal so registered, a suitable metallic check or tag (said metallic check or tag to be furnished by the City) affixed thereto. A penalty of fifty cents (50¢) per day shall be collected for each license issued after the first day of June each year, except:

- a) When the owner has purchased the animal within thirty (30) days prior to making application for the license;
- b) When the animal has reached the age of three (3) months after June 1.
- c) When the owner has brought the animal into the City within thirty (30) days prior to the application, or
- d) When the owner has a certificate of a veterinarian stating that because of illness of the animal it could not be immunized.

A fine of \$20 shall be levied against any person harboring any animal which has not been vaccinated against having rabies.

SECTION 3. Harboring Dangerous, Vicious or Rabid Animals Declared Nuisance.

It is unlawful to harbor or keep within the City any vicious, dangerous or rabid animal.

SECTION 4. Rabies, Owner's Duty.

Whenever the owner of any animal shall observe or learn that such animal has rabies, or when such animal has acted in a manner that would indicate the symptoms of rabies, such owner shall immediately so notify the City Clerk and shall allow an officer of the law to transport such animal to a licensed veterinarian for impoundment, observation and testing. In the

event such animal has or develops rabies, it shall be destroyed forthwith, and all costs, fees, and other expenses for the boarding, observation and destruction of such animal shall be the responsibility of the owner. If the veterinarian certifies to the City Clerk that said animal is not infected with rabies, said animal shall be released to the owner,, after payment of all boarding expenses and medical costs, by the owner.

#### SECTION 5. Rabies Examination of Dog Biting Person.

Whenever it is know that any animal has bitten any person, the owner, upon order of the City Clerk, shall deliver such animal to a licensed veterinarian for impoundment, observation and testing. In the event such animal has or develops rabies, it shall be destroyed forthwith, and all costs, fees and other expenses for the boarding, observation and destruction of such animal shall be the responsibility of the owner. If the veterinarian certifies to the City Clerk that said animal is not infected with rabies, said animal shall be released to the owner, after payment of all boarding expenses and medical costs by the owner.

#### SECTION 6. Regulating Vicious, Dangerous and Rabid Animals.

Upon the complaint of any person filed in the City Court that an animal is vicious, dangerous or rabid, and after a hearing, if the City Judge shall find that said animal is vicious, dangerous, or has acted in such a manner that would indicate the symptoms of rabies, the City Judge shall;

- a) If the animal is found to be vicious or dangerous, impose a fine of up to \$100.00 and release said animal to its owner, if the owner agrees to immediately remove and keep said animal outside the City, or;
- b) Order that animal be forthwith seized and/or destroyed;
- c) If the animal has acted in such a manner that would indicate the symptoms of rabies, order that the animal be impounded and boarded in the kennel of a licensed veterinarian for observation and testing at the expense of the owner. In the event such animal has or develops rabies, it shall be destroyed forthwith. If the veterinarian certifies to the City Judge that said animal is not infected with rabies, said animal shall be released to the owner, after payment of all boarding expenses and medical costs and after payment of any fine imposed; provided, however, that if the owner does not pay all such expenses, costs and fines, if imposed, within three (3) days from the day that the same become due,, or are imposed, the City Judge shall order that said animal be destroyed forthwith.

#### SECTION 7. Destruction of Seized Animals.

All animals which are seized under this Ordinance and not released as herein provided in this Ordinance within seventy-two (72) hours after being seized, may be destroyed or disposed of in such manner as may be directed by the Mayor.

#### SECTION 8. Enforcement.

It is hereby made the duty of the law enforcement officers of the City to enforce the provisions of this Ordinance, and the Governing Body of the City may appoint some suitable person as a collector of animals, whose duty it shall be to assist in the enforcement of this Ordinance, and whose compensation shall be fixed by the Governing Body of the City of Bayside, Texas.

#### SECTION 9. Lost Tag.

In case the license tag be lost, the City Clerk shall deliver to such person another tag at a charge of \$1.00

SECTION 10. Removal of Tag.

It shall be unlawful for any person to remove or cause to be removed the collar, check or tag from any animal in the City of Bayside, Texas, without the consent of the owner or keeper thereof.

SECTION 11. Fees.

All fees or license taxes collected under the provisions of this Section shall be paid into the City General Fund.

SECTION 12. License Record.

The City Clerk shall keep in a book provided for that purpose, a record of all licenses issued with the name and residence of the person to whom issued and the number designated upon the tag therewith, and such other information as may be deemed necessary to identify such animal.

SECTION 13. "Mad Dog" Proclamation.


The Mayor of said City of Bayside, Texas, is hereby authorized, and it is hereby made his duty, whenever, in his opinion, the danger to the public safety from rabid animal(s) with hydrophobia is made imminent, to issue a proclamation ordering all persons owning, keeping or harboring any animal in said City, to muzzle the same with a good and sufficient wire muzzle completely enclosing the head of the animal or confine the animal in a good and sufficient enclosure from which such animal cannot escape, or fasten such animal by means of a chain on the premises where the owner, keeper or harborer may reside, for such time as may be specified in such proclamation, and any animal not so muzzled or confined during said time may be disposed of wherever found by any law enforcement officer, or the duly authorized animal officer of the City, and the owner of such animal shall be prosecuted for such violation thereof, and if found guilty, shall be punished.

SECTION 14. Severability.

If any part or parts of this Ordinance shall be held to be invalid by any court, such invalidity shall not effect the validity of the remaining parts of this Ordinance.

This Ordinance shall take effect and be in force upon its passage and publication, one time, in the official city newspaper.

PASSED BY THE Governing body and APPROVED by the Mayor of the City of Bayside, Texas, this 9<sup>th</sup> day of Oct, 1984.

  
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Mayor

  
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ATTEST: City Clerk