

## ORDINANCE 2007-05

AN ORDINANCE OF THE CITY OF INGLESIDE ON THE BAY ESTABLISHING ANIMAL CONTROL REGULATIONS AND PROVIDING A PENALTY FOR VIOLATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE ON THE BAY, 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, firm or corporation who has right or property in an animal or who harbors an animal or allows an animal to remain about his premises for a period of 10 days.

1.2 HARBORING: The act of keeping and caring for an animal or providing a premise to which the animal returns for food, shelter or care for a period of 10 days.

1.3 DOMESTIC ANIMAL: Shall include all species of animals commonly and universally accepted as being domesticated.

1.4 WILD ANIMAL: Shall include all species of animals which commonly exist in a natural unconfined state and are usually not domesticated.

1.5 PET ANIMAL: Shall include dogs, cats, rabbits, rodents, birds, reptiles, and any other species of animal which is sold or retained as a household pet, subject to further restrictions in this ordinance. It shall not include swine, skunks, nonhuman primates or any other species of wild, exotic, or carnivorous animal that may be further restricted in this ordinance.

1.6 DOG: Shall mean any live or dead dog (*canis familiaris*) excluding hybrids.

1.7 CAT: Shall mean any live or dead cat (*felis catus*).

1.8 VICIOUS ANIMAL: Shall mean any individual animal or any species that has on two previous occasions without provocation attacked or bitten any person or other animal, or any individual animal which the local health authority has reason to believe has a dangerous disposition, or any species of animal which the local health authority has reason to believe has a dangerous disposition likely to be harmful to humans or other animals.

1.9 DANGEROUS DISPOSITION: An animal which chases, threatens, or acts in such a way without provocation, that a reasonable person would assume they might be harmed or bitten by

said animal.

1.10 STRAY ANIMAL: Any animal running at large with no physical restraint beyond the premises of owner and/or keeper.

1.11 UNDER CONTROL OF: Shall mean completely confined by a building, wall, or fence of sufficient strength or construction to restrain the animal, except when such animal is either on a leash or held in the hands of the owner or keeper, or under direct supervision of the owner within the limits of the owner's private property. Or an animal within an automobile or other vehicle of its owner. No animal shall be chained or tied for longer than 8 hours during any 24 hour period as a means of keeping under control.

1.12 RUNNING AT LARGE: Means not under control of its owner.

1.13 SEVERE BITE: Means a bite which breaks the skin or causes deep lacerations; or multiple bite wounds requiring medical attention to any part of the body, including the head, face or neck..

1.14 VACCINATED: Means properly injected with a rabies vaccine licensed for use in the species by the United States Department of Agriculture and administered by a veterinarian licensed to practice veterinary medicine by the State of Texas or any of the other states.

1.15 CURRENTLY VACCINATED: Means vaccinated and satisfying the following criteria:

- (a) The animal must have been at least three months of age at the time of vaccination.
- (b) At least 30 days have elapsed since the initial vaccination.
- (c) Not more than 12 months have elapsed since the most recent vaccination.

1.16 LOCAL HEALTH AUTHORITY: A person designated by the City to receive reports of animal bites, investigate bite reports, insure quarantine of possibly rabid animals and otherwise carry out provisions of the Texas Law pertaining to control and eradication of rabies. The Director of the San Patricio County Health Department is hereby designated as the local health authority.

1.17 TDH: Means the Texas Department of Health.

1.18 HYBRID: Means any offspring of two animals of different species.

1.19 HIGH RISK ANIMALS: Means skunks, bats, foxes, and raccoons.

1.20 LOW RISK ANIMALS: Are all animals of the orders opossum, Insects Rodents, rabbits and armadillos.

1.21 TESTING: Means humanely killed and the head sent to the Texas Department or Health laboratories for rabies determination, or any other procedure which may be required to determine health of the animal and it's ability to transfer diseases to People and/or other animals.

1.22 IMMEDIATE NOTICE: A good faith effort will be made by the local health authority to notify identifiable owners of impounded animals as soon as practicable prior to the animal being submitted for destruction or testing as required herein. Notice may be given verbal, in person, by telephone, or in writing. However, in no circumstance shall the animal be impounded for a period greater than that stipulated herein pending notification of the owner.

## **SECTION 2. Rabies Control**

2.1 VACCINATIONS: The owner of each dog or cat shall have dog or cat vaccinated against rabies by the time it is four months of age and within each subsequent twelve (12) months interval thereafter as required by State Law. Any person moving into the City from a location outside of the County shall comply with this ordinance within ten (10) days after having moved into the City. If the dog or cat has inflicted a bite on any person or other animal, within the last ten (10) days, the owner of said dog or cat shall report such fact to the veterinarian, and no rabies vaccine shall be administered until after the 10-day observation period.

2.2 ANIMALS EXPOSED TO RABIES: Any person having knowledge of the existence of any animal known to have been, or suspected of being exposed to rabies must immediately report such knowledge to the local health authority, giving any information which may be required. For any animal known, to have been, or suspected of being, exposed to rabies, the following rules must apply.

(a) Animals having a current vaccination must be revaccinated immediately and confined according to the method prescribed by the local health authority for a period of not less than 90 days.

(b) Animals not having a current vaccination should be humanely destroyed. However, if the owner of such an animal elects, he may, at his expense and in a manner prescribed by the local health authority, confine said animal. Such animal must be vaccinated immediately following exposure and quarantined for nor less than 90 days and given booster vaccinations during the third and eighth week of quarantine as a minimum.

## **SECTION 3. Reporting Human Bites from Animals Susceptible to Rabies: Related**

## **Procedures.**

3.1 Any person having knowledge of an animal bite to a human will report the incident to the local health authority as soon as possible, but not later than twenty-four (24) hours from the time of the incident.

3.2 The owner of the biting animal will place that animal in quarantine as prescribed in Section 4 under the supervision of the local health authority.

3.3 The local health authority will investigate each bite incident, utilizing standardized reporting forms provided by TDH.

3.4 Human bites from low risk animals are excluded from the reporting requirements of this section and a quarantine or rabies test will not be required unless the local health authority has cause to believe the biting animal is rabid.

3.5 If the biting animal is a high risk animal, it shall be humanely killed and the brain submitted for rabies testing. See section 1.19 for definition of a high risk animal.

3.6 Any animal inflicting severe bite to an individual shall be humanely destroyed and the brain tested for rabies. An exception to this requirement may be granted by the local health authorities providing the following criteria are met:

- (a) The biting animal is a domestic dog or domestic cat, and,
- (b) It is currently vaccinated against rabies, and,
- (c) It was not in violation of any law at the time of the bite.

If an exception is granted, the dog or cat shall be quarantined as stated in section 4.1.

3.7 Any bite by any animal not covered specifically herein shall be treated in a manner according to the current policy of the Texas Department of Health and/or applicable state law.

## **SECTION 4. Quarantine Procedures for Animals.**

4.1 When an animal which has bitten a human has been identified the owner will be required to deliver the animal for testing or quarantine at an approved facility. The animal shall be quarantined for a period of ten (10) days. The owner shall be responsible for payment of all expenses associated with such testing or quarantine. Refusal to deliver said animal constitutes a violation of this section and each day of such refusal constitutes a separate and individual violation. The 10 day quarantine period will begin on the day of the bite incident. The animal must be placed in the animal control facilities or veterinary hospital approved for such purpose by the local health authority. Home quarantine will be at the discretion of the local health authorities (be it city, county or state).

4.2 Any tagged, healthy, stay animal will be impounded for three (3) days prior to being humanely destroyed. However, any diseased or untamed stray animal will be immediately destroyed. Brains of such animals shall be submitted to a TDH laboratory for rabies testing should circumstances warrant.

4.3 No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely destroyed in such a manner that the brain is not mutilated. The brain shall be submitted to a TDH certified laboratory for rabies testing. Except that wild animals that have been in captivity shall be handled in a manner consistent with current procedures or recommendations as established by the Texas Department of Health and/or current law of the State of Texas.

## **SECTION 5. Regulation and Penalties**

5.1 VIOLATION: Any animal not under the control of its owner, or creating a nuisance or demonstrating a dangerous disposition as described herein shall be considered in violation of this order.

5.2 RESTRAINING: Whenever the Mayor shall determine that it is in the interest of the safety of the public to do so, a proclamation declaring an emergency and prohibiting dogs to run at large for a period of ninety (90) days may be issued. Such proclamation shall be published in the official newspaper of this city for one publication. During the period of ninety (90) days, subsequent to any such publication, it shall be unlawful for any owner of any dog to allow said dog to run at large. If, at the end of ninety (90) days at the discretion of the Mayor, the situation still exists, said proclamation may be reinstated by the Mayor for an additional ninety (90) days addinfintum in the above described manner until it is determined by the Mayor that such an emergency no longer exists.

5.3 NUISANCE: It shall be unlawful for any owner to harbor any dog or cat, or other pet animal which by any long continued noise, cry or other activity shall disturb the peace, comfort, sensibilities and/or property of the inhabitants of the neighborhood, such disturbance is hereby declared to be a public nuisance and a violation of this ordinance. An affected person's recourse under this section is to file a complaint in the Municipal Court having jurisdiction, then notify the local health authority who will assist the court in carrying out its instructions.

5.4 ABANDONING ANIMALS: It is hereby prohibited and shall be unlawful for any person to willfully abandon any animal; or to withhold food or water from any animal such that its health is endangered, or it is caused to suffer unduly. Any animal found to be mistreated or treated in an inhuman manner, shall be removed and turned over to the local animal humane society.

5.5 HORSES, COWS OR SWINE: No more than one (1) horse and colt or one (1) cow and calf may be kept, bred or maintained per minimum of one (1) acre per animal on any property in

the city.

5.6 SHEEP AND GOATS: No more than six (6) sheep or goats may be kept on a minimum of one (1) acre.

5.7 REPLACEMENTS: Any existing animal found in violation of sections 5.5 and 5.6 will not be allowed to be replaced if the animal dies, is sold or removed from Ingleside on the Bay for a period longer than 30 days.

5.8 POULTRY AND FOWL: Poultry or fowl may not be kept, bred or maintained on less than one (1) acre and must be penned. Poultry and fowl may not be kept, bred, raised or maintained for commercial purposes.

5.9 STABLES, PENS, BARN, STALLS OR OTHER FACILITIES: Stables, pens, barns, stalls or other facilities used for keeping poultry or livestock shall be located no less than forty (40) feet from any street line. Or seventy five (75) feet from the exterior limits of any structure used as an residence, other than a structure used by the owner.

5.10 EXCEPTIONAL CARE: Exceptional care will be provided for horses, cows and other livestock covered in this ordinance. A secure, fenced enclosure with a necessary shelter such as an stable, pen, barn or stall will be provided for each animal. Such premises will be kept and maintained in a clean and sanitary state so as not to be or become noxious or a nuisance in the neighborhood.

5.11 KENNELS: The keeping of kennels for temporary or permanent harboring, care, custody or control of animals over five (5) in number is not allowed. Animals harbored in violation of this provision may be impounded under Section 8.1 and payment of any and all fees will be the full responsibility of the person, persons or entity harboring the animals. Section 7 of this ordinance will be complied with by all persons and/or entities.

5.12 CRIMINAL PENALTY: A person commits an offense if:

- (a) The person fails or refuses to restrain a dog or cat owned or harbored by that person, and,
- (b) The animal is required to be restrained under provisions in this ordinance.
- (c) An offense under this section is a Class C misdemeanor.(V.A.C.S. Art. 4477-6a, Sec. 5.04) with a minimum fine of \$350.00 plus court costs

5.13 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 the guard dog is confined must be conspicuously posted with warning signs bearing letters not less than two (2) inches high.

## **SECTION 6. Vicious Animals.**

6.1 Any vicious animal found running-at-large may be destroyed by any peace officer in the interest of public safety.

6.2 A Peace Officer, the Mayor, or designated representative may order any owner or person having care, control, or custody of any vicious animal to permanently restrain such animal from running at large by a suitable method or to permanently remove such animal from the city. This animal must be restrained or removed immediately following receipt of such order, even if an appeal is initiated. This order may be appealed in writing within ten (10) days to the Municipal Court of the city.

6.3 The owner or person having care, custody, or control of a vicious animal which has been ordered removed from the city must report the disposition and relocation of such animal to the Mayor and/or local health authority in writing, within (10) days after the expiration date for removal of such animal from the city. Each day thereafter such information is not provided shall constitute a separate offense.

6.4 The County Sheriff or his deputy shall be authorized to obtain a search and seizure warrant if there is reason to believe that an animal ordered removed from the city for being vicious has not been so removed.

6.5 The owner of an animal that has been declared vicious under this ordinance may be required to carry liability insurance in an amount equal to the most current version of Texas laws requiring such insurance. (SECTION 1. CHAPTER 42, PENAL CODE in Section 42.12, KEEPING VICIOUS DOG, ETC.).

Note: Also see Code of Criminal Procedure, Section 2. Chapter 18, Art 18.182; Section 3. Title 7, Revised Statutes, Art 192-4.

## **SECTION 7. Impounded Animals.**

7.1 **IMPOUNDMENT:** Animals owned or harbored in violation of this order or any other ordinance or law or the State of Texas may be taken into custody by the County Sheriff or other designated official and impounded. Stray animals in violation of Section 5.1 and 5.2 may also be impounded.

7.2 **ANIMAL SHELTER:** The city may contract with any entity or licensed veterinarian to provide this service at a fee mutually agreed upon. Any such fees will be the full responsibility of the owner to pay.

7.3 **REMOVAL OF ANIMALS FROM ANIMAL SHELTER:** It shall be unlawful for any person to remove any impounded animal from the animal shelter without the consent of the impounding official or agency.

**7.4 REMOVAL OF BITING DOGS AND CATS FROM CONFINEMENT:** The impoundment of dogs and cats that have inflicted human bites shall be for a period of ten (10) days for observation and shall not be terminated until consent from the proper officer or agency is secured.

**7.5 DISPOSITION OF IMPOUNDED ANIMALS:** Immediate notice shall be given that an animal has been impounded. The owner, after having been personally contacted, must make financial arrangements within 24 hours with the impounding agency to cover the total costs of the incident. If arrangements are not made within the 24 hour period after notification or the owner the animal will be considered abandoned, and the local health authority may have the animal tested or destroyed as stipulated herein. If the local health authority is not able to communicate with a known owner within 72 hours, the animal shall be deemed abandoned. Animals for whom no identifiable owner exists may be destroyed within (24) hours. Any abandoned or impounded animal may be placed for adoption or redeemed subject to payment of the license fee, impoundment fee, care and feeding charges, veterinary charges, and such other costs as set by the City Council, or the impoundment officer may humanely euthanize said animal. The owner of an impounded animal is still responsible for all fees mentioned above even if he chooses not to redeem the animal and if necessary, the fees may be collected by court action. Animals for whom no identifiable owner exists will be offered to the animal humane society for adoption before being destroyed. NOTE: 24 hours means one working day excluding weekends and holidays.

**7.6 DISPOSITION OF IMPOUNDED ANIMAL BEING HELD ON COMPLAINT:** If a complaint has been filed in the Municipal Court against the owner of an impounded animal for violation of this order, the animal shall not be released except on the order of the court which may also direct the owner to pay any penalties for violation of this order in addition to all impoundment fees. The court may, upon making a finding that such animal is vicious or it represents a clear and present danger or nuisance to the citizens or other animals in the community, order said animal to be euthanized in a humane manner. Surrender of an animal by the owner thereof to a peace officer or local health authority 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 or violations of this order.

## **SECTION 8. Safety Provisions.**

**8.1 INTERFERENCE WITH THE LOCAL HEALTH AUTHORITY OR AUTHORIZED REPRESENTATIVES:** It shall be unlawful for any person to interfere with, molest, hinder, or prevent the local health authority or authorized representative in the discharge of their duties as herein prescribed, or to violate any of the provisions of this ordinance.

**8.2 PENALTY FOR VIOLATION:** Any person who violates any of the provisions of this ordinance shall be guilty of a Class C misdemeanor with a minimum fine of \$350.00 per violation plus court costs.



8.3 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 or the remaining portions of this order.

8.4 SAFETY CLAUSE: The City Council of Ingleside on the Bay hereby finds, determines, and declares that this order is necessary for the immediate preservation of the public peace, health and safety.

8.5 REPEALER: That Ordinances 1994-13 and 1997-02 Establishing Animal Control Regulations and Providing a Penalty for Violations and any other ordinances or parts of ordinances in conflict herewith are hereby repealed.

8.6 EFFECTIVE DATE: The caption of this Ordinance shall be published one time in the official newspaper and this Ordinance shall be effective upon such publication.

PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of April, 2007

By:

Cynthia B. Foster  
Cynthia B. Foster, Mayor

ATTEST:

Diane Hosca  
Diane Hosca, City Secretary

ORDINANCE 2007-

05

AN ORDINANCE OF THE CITY OF INGLESIDE ON THE BAY ESTABLISHING ANIMAL CONTROL REGULATIONS AND PROVIDING A PENALTY FOR VIOLATIONS.

The original Ordinance is file with the City Secretary Published in The Ingleside Index. April 25, 2007

TESTIMONIO:

undersigned authority, personally appeared

Ray Morgan

of The Ingleside Index, who after being

sworn, on his oath deposes and said:

(that) is publsiher of The Ingleside Index a weekly newspaper

located in San Patricio County, Texas.

in the City of Ingleside on the Bay

ordinance 2007-5

was published in the regular issues of said Ingleside Index once

for One week

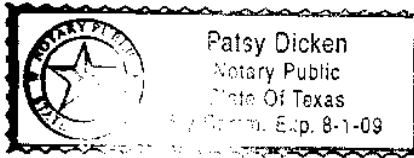
successive weeks said publications

were made on the April 25, 2007

That a printed copy of said Notice

appeared in said issues is attached hereto

*[Signature]*



Sworn to and subscribed before me this

7<sup>th</sup>

day of

May

, 20

07

*[Signature: Patsy Dicken]*

PUBLICATION FEE: \$

25.81

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Notary Public, San Patricio County, Texas