

**ORDINANCE NO. 2023- 03**

**AN ORDINANCE PROHIBITING CERTAIN ANIMALS;  
REGULATING DOGS, CATS AND CHICKENS; PROVIDING A PENALTY;  
NEGATING MENTAL CULPABILITY; REPEALING ORDINANCE 2013-09 AND ANY  
OTHER ORDINANCES IN CONFLICT; PROVIDING SEVERANCE , PROVIDING  
PENALTIES AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, Ingleside on the Bay is a peaceful residential city primarily consisting of single family homes; and

**WHEREAS**, for the safety health and welfare of the citizens and visitors to the city the City Council of the City of Ingleside on the Bay has determined that certain rules and regulations are necessary.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE ON THE BAY:

Section 1. No horses, cattle, cows, hogs, swine, sheep, goats, or livestock of any kind, other than pets of reasonable kind and number ordinarily kept in a residential city, may be kept on any part of the city. No pets may be kept or bred for commercial or business purposes nor shall they be allowed to run at large within the city limits.

**REGULATING THE KEEPING OF DOGS AND CATS**

**Section 2. Definitions**

- a. **OWNER**: Any person group of persons or corporation owning, keeping or harboring dogs or cats.
- b. **AT LARGE**: Any dog or cat shall be deemed to be at large when it is off the property of its owner and not under control of a competent person.
- c. **PUBLIC NUISANCE**: Within the meaning of this ordinance an animal, which molests passer(s)-by or passing vehicles, damages private or public property, attacks other animals; barks, whines, howls or makes other annoying noises in an excessive, continuous or unreasonable fashion or at unreasonable hours, or is dangerous is a public nuisance.
- d. **DANGEROUS ANIMAL**: Any animal that bites, scratches or attacks any other animal or human being within the city limits without provocation.
- e. **STRAY ANIMAL**: Any animal running at large with no physical restraint beyond the premises of owner and/or keeper.
- f. **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 or the owner or keeper, or under direct supervision or the owner within the limits or 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.

g. VICIOUS ANIMAL: Shall mean any individual animal or any species that has on a previous occasion 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.

i. 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.

j. 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.

### Section 3. **Enforcement**

It shall be unlawful for any dog or cat to be dangerous or a public nuisance, all as defined herein. Any individual or corporation or partnership or LLC or other entity, who knowingly or intentionally allows their dog or cat to be in violation of any of the provisions of this Chapter shall be guilty of a Class C misdemeanor and subject to a fine, as provided herein.

### Section 4. **Restraint:**

The owner shall keep his/her dog under restraint at all times and shall not permit such dog to be at large, off the premise or property of the owner, unless under control of a competent person. Any dog must be securely caged or secured by a leash or lead and under the effective control of a responsible person and obedient to that person's commands, or within the confines of its owner's home or yard which is fully enclosed by a good, secure and substantial fence, or tied by a rope or chain, but no longer than eight (8) hours and the animal must have food and water available, that confines the animal to the owner's property. Provided, however, when a dog is used by a blind or deaf person to aid the person in going from place to place within the city, such dog shall be deemed under restraint.

### Section 5. **Rabies control:**

Every animal, which bites a person, shall be promptly be reported to the Animal Control Department and shall thereupon be securely quarantined at the direction of the Department for a period often Ten (10) days, and shall not be released from such quarantine except by written permission of the Animal Control Department

### Section 6. **Public gatherings:**

As a matter of public safety, except for Seeing-eye dogs, dogs are not allowed at or in public gatherings, whether under restraint or not, where there are more than 25 people present.

## Section 7. REGULATING THE KEEPING OF CHICKENS

Chickens are allowed under the following regulations:

- a. Hens are limited to no more than 6;
- b. No Roosters are allowed;
- c. There shall be no resale of chickens or eggs;
- d. Adequate space shall be provided for each fowl: a combined housing and outdoor space of 20 square feet per fowl;
- e. Adequate shelter, cleanliness, security and safety must be provided: fowl must not be free to range;
- f. Waste must be disposed of so as to not attract pests, either by disposal in trash, compost or as fertilizer. Waste is not to accumulate in a pile on residential lot;
- g. Location for fowl shall follow setbacks per Ordinance 2012-05; a coop may not be placed forward of the front wall of the main residence, must be kept to the side or rear of the property. Placement must follow setbacks already in place, 10 feet from side of property and 4 feet from rear of property including any overhand of roof.
- h. Foul odor, that is odor offensive to the ordinary person, is prohibited. Inadequate or inhumane conditions for such fowl is prohibited. Property must be kept clean and sanitary.
- i. Any person desiring to have chickens on their property shall apply for a permit for such chickens. Such permit shall include the number of chickens and provide a sketch or drawing for the pen, shelter and indicate outdoor space provided for such chickens.

Section 8. A. Any person violating prohibition against foul order, inadequate or inhumane conditions or unclean or unsanitary conditions shall be given written notice and have thirty (30) days to correct. If not corrected in the thirty days period, such shall be a Class C Misdemeanor and, upon conviction, subject to a fine not to exceed \$500.00, and/or made to remove the chickens and shall be prohibited from maintaining chickens on their property.

B. Any other violation of this Ordinance shall be a Class C Misdemeanor and, upon conviction, subject to a fine not to exceed \$500.00. Each day violation shall constitute a separate violation. The culpable mental state required by Chapter 6.02, Texas Penal Code, is specifically negated and dispensed with and a violation is a strict liability offense.

Section 9. Any Ordinance, rule or regulation contrary to this Ordinance is hereby repealed to the extent of such conflict including but not limited to Ordinance 2013-09.

Section 10. 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 shelter.

Section 11. If any provision, section, sentence, clause or phrase of this Ordinance, or the application of this Ordinance to any person or set of circumstances is, for any reason, held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall

not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provisions or regulations contained herein, shall become inoperative or fail by reason of any constitutionality of any other portion hereof and all provisions of this Ordinance are declared severable for that purpose.

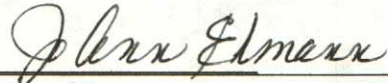
Section 12. In addition to any other remedy the City Attorney is authorized to seek compliance with this Ordinance by any appropriate civil remedy including, but not limited to seeking a mandatory injunction.

Section 13. This Ordinance shall be in effect by publishing the caption hereof on one occasion in the official newspaper of the Ingleside on the Bay.


PASSED AND APPROVED this the 7 day of February, 2023.

INGLESIDE ON THE BAY



  
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Jo Ann Ehmann  
Mayor

ATTEST:

  
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Mary Blanda  
City Secretary