

AN ORDINANCE PROVIDING FOR THE PROHIBITING OF DOGS FROM RUNNING AT LARGE WITHIN THE CORPORATE LIMITS OF THE CITY OF PELICAN BAY, TEXAS, AUTHORIZING THE REMOVAL AND DESTRUCTION OF DOGS; QUARANTING OF EXPOSED ANIMALS; REGULATING VICIOUS DOGS; THE REQUIREMENT OF A VACCINATION IN ALL INSTANCES; PROVIDING AND REPEALLING ALL ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PELICAN BAY, TEXAS:

SECTION I. DEFINITIONS OF TERMS AS USED IN THIS ORDINANCE, UNLESS THE CONTEXT OTHERWISE INDICATED:

- (A) DOGS shall be intended to mean both male and female dogs.
- (B) OWNER: Any person, other than a city officer in an official capacity, owning, keeping or harboring any canine animal.
- (C) AT LARGE: That a dog is not confined to the premises of the owner by a substantial fence of sufficient strength and height to prevent the dog from escaping therefrom, inside the house or other enclosure, or secured on said premises by a leash of sufficient strength to prevent the dog from escaping from said premises, and so arranged that the dog will remain upon said premises when the leash is stretched to full length in any direction. However, a dog shall not be considered "at large" when held and controlled by some person by means of a leash or chain of proper strength and length to control the actions of the dog, or while confined within a vehicle.
- (D) VACCINATION: An injection of a vaccine for rabies, approved by the state veterinarian or person acting in such capacity, and administered by a licensed veterinarian.

SECTION II. VACCINATION REQUIRED.

All dogs six(6) months of age or over which are kept, harbored, or maintained by their owners within the city shall be vaccinated, and on request must furnish proof of said vaccination showing that the dog has been vaccinated within the preceding twelve (12) months.

SECTION III. RUNNING AT LARGE.

No owner of any dog shall permit such dog to run at large within the city. Any dog running at large in the city, or any dog not provided with a collar or harness to which is attached a metal or plastic tag furnished by the veterinarian showing that said dog

has been vaccinated shall constitute a misdemeanor and the owner of said dog will be fined in any sum not to exceed \$200.00. Each and every violation of this provision shall constitute a separate violation.

SECTION IV. VICIOUS DOGS AND DOGS IN HEAT TO BE CONFINED.

No dog of fierce, dangerous, or vicious propensities, nor a female dog in heat shall be allowed upon any street, avenue, highway, alley sidewalk, parkway, park or other public place in the city, whether or not such dog is under control by means of a leash, chain or otherwise. However, this section shall not apply to such dogs when confined within a vehicle, or fenced yard.

SECTION V. BITING DOGS -- PRESUMPTION OF VICIOUSNESS, DISPOSITION.

Any dog which has bitten two (2) or more persons shall be deemed to be vicious, and shall be removed from the city within twenty-four (24) hours from the time notice is given to the owner; otherwise the dog shall be removed by the city and destroyed in a humane manner.

SECTION VI. SAME -- NOTICE AND CONFINEMENT QUARANTINE.

If a dog has bitten, scratched or otherwise attacked a person, the owner of such dog, or any person having knowledge of such incident, shall immediately notify the Marshal's Department and such dog shall be confined in a veterinary hospital for a period of ten (10) days at the owner's expense.

SECTION VII. BARKING DOGS.

Any person who shall harbor or keep on his premises, or in his control, any dog which by loud or unusual barking, or howling, shall cause the peace and quiet of the neighborhood, or the occupants of adjacent premises to be disturbed, shall be guilty of a misdemeanor.

SECTION VIII. NUMBER OF DOGS ALLOWED.

Any number of dogs exceeding three (3) above the age of six (6) months on any premises excluding a licensed kennel is prohibited.

SECTION IX. ENFORCEMENT.

The Marshal and any Officer and any person assigned to be an animal control officer of the City of Pelican Bay, Texas, shall have the right to enforce any of the provisions of this ordinance.

SECTION X. MISDEMEANOR FOR VIOLATIONS OF PROVISIONS.

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum of money not to exceed \$200.00. Each and every

violation of this provision of the ordinance shall constitute a separate violation.

SECTION XI. SAVINGS CLAUSE.

In the event any section, subsection, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no means affect any other section, subsection, sentence, clause or phrase of this ordinance, but all the rest hereof shall be in full force and effect just as though the section, subsection, sentence, clause or phrase so declared are adjudged invalid or unconstitutional was not originally part thereof.

SECTION XII. CONFLICTS.

All ordinances or parts of ordinances inconsistent or in conflict with the provisions or this ordinance shall be and the same are hereby repealed.

SECTION XIII. PUBLICATION AND EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after the date of its passage and publication as required by law.

PASSED AND ADOPTED this 27th day of November, 1982.

APPROVED:

BY: *Ruth Howard*
RUTH HOWARD, Mayor

ATTEST:

BY: *Susan Brown*
SUSAN BROWN, City Secretary