

passed 9-12-02

ORDINANCE NO. 09122002

AN ORDINANCE PROVIDING FOR THE VACCINATION, REGISTRATION, IMPOUNDING AND OBSERVATION OF DOMESTIC ANIMALS, PROVIDING FOR THE DESTRUCTION OF ABANDONED ANIMALS, EXPRESSLY REPEALING ALL ORDINANCES HEREWITH, PRESCRIBING PENALTIES FOR VIOLATION THEREOF, AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELMENDORF, TEXAS:

SECTION 1: Definitions.

The following definitions shall apply in the interpretation and enforcement of this Ordinance.

- (a) Dog. "Dog" shall mean any member of the canine family, *Canis Familiaris*.
- (b) Cat. "Cat" shall mean any member of the feline family, *Felis Catus*.
- (c) Domestic Ferret. "Domestic Ferret" is any *Mustela putoriusfuro*.
- (d) Vaccination. "Vaccination" is a protective inoculation against rabies by inoculation with antirabic vaccine recognized and approved by the United States Department of Agriculture, Bureau of Animal Industry, given in an amount sufficient to provide immunity.
- (e) Currently Vaccinated. Vaccinated and satisfying the following criteria.
- (1) The animal must have been vaccinated against rabies as prescribed by the United States Department of Agriculture (USDA).
 - (2) At least 30 days have elapsed since the initial vaccination.
 - (3) Not more than 12 months have elapsed since the most recent vaccination.
- (f) Vaccination Certificate. A "Vaccination Certificate" is a certificate showing on its face that the animal described thereon has received an inoculation of anti-rabies vaccine in an amount sufficient to produce an immunity and bearing the signature of a licensed veterinarian.
- (g) Licensed Veterinarian. A "Licensed Veterinarian" is a practitioner of veterinary medicine who holds a valid license to practice his/her profession.
- (h) Dog or Cat License. A "Dog or Cat License" is the printed or written permission issued by Animal Control for the holder to keep a dog or cat within the City.
- (i) Dog or Cat License Tag. A "Dog or Cat License Tag" is a metal tag of a design prescribed by Animal Control and bearing the corresponding number of the dog or cat license.
- (j) Owner. The "Owner" of an animal is a person who has, harbors or keeps, or causes or permits to be harbored or kept, or has an animal in his care, or who permits an animal to remain on or about his/her premises.
- (k) Impound. "Impound" means to place an animal in the City's Animal Care and Control Facility; or the taking into custody of an animal for purposes of transportation to the City's Animal Care and Control Facility.
- (l) At Large or Run at Large. An animal "At Large or Run at Large" is any animal not kept under restraint.
- (m) Quarantine. "Quarantine" is to detain and isolate on account of suspected contagion.

There shall be erected and maintained, under the supervision of the Animal Control Supervisor, a suitable building and kennels, to be known as the Animal Care and Control Facility, for the confinement of all animals found free of restraint and/ or in violation of the provisions of this Ordinance. The Animal Care and Control Facility shall be kept in a sanitary condition and all animals taken up and impounded therein shall be properly fed and watered while confined in such building and kennels, and shall be treated in a humane manner while so confined.

SECTION 4: Immunization Required for Dogs and Cats.

It shall be unlawful for any person to own or keep any dog or cat four (4) months and older in the City unless such dog or cat is currently vaccinated against rabies by the injection of antirabic vaccine by a licensed veterinarian in an amount sufficient to produce an immunity.

SECTION 5: Immunization Certificate.

- (a) Every person owning or keeping any dog or cat four (4) months and older currently vaccinated against rabies, as provided in Section 4, shall procure a written vaccination certificate, signed by the veterinarian administering the vaccine, giving an accurate description of the dog or cat, date of immunization, and the name and address of the owner of the dog or cat.
- (b) Any authorized agent of Animal Control may request to see such vaccination certificate at any time, and the failure of the owner or person in possession of the dog or cat to exhibit such vaccination certificate upon request, shall constitute an offense under this Ordinance.

SECTION 6: Dog and Cat License Required.

It shall be unlawful for the owner to have, harbor or keep, or to cause or permit to be harbored, kept, or to be free of restraint, any unlicensed dog or cat.

SECTION 7: License Fees; Vaccination Certificate Prerequisite to Issuance of Dog and Cat License Tags.

- (a) Every owner of a dog or cat, upon presentation of a vaccination certificate, as provided for in subsection (a) of section 5, to the Animal Control Officer or his representative, showing that the dog or cat has been vaccinated with an antirabic vaccine; and upon payment of a fee of five (\$5.00) dollars shall be issued a numbered license and a corresponding numbered license tag. Provided, however, the fee of two (\$2.00) shall be a fee for a license tag, in the case of an animal which has been spayed or neutered. The owner of any dog or cat, which has been spayed or neutered, shall present such proof as Animal Control may specify, in order to qualify for the \$2.00 license. Provided, however, the license shall be free in the case of an animal which has been verified as spayed or neutered and additionally has an active implanted microchip and that microchip is verified by a veterinarian's receipt identifying the animal or that the microchip was verified by the scanning device maintained by animal control personnel.
- (b) The license shall be valid for the period of time concurrent with the valid rabies vaccination date. The license will expire one (1) year after the rabies vaccination date.
- (c) The animal license tag issued hereunder shall be in the shape of an acorn a predetermined color for each year as Animal Control may prescribe.
- (d) All dogs and cats four (4) months and older are required to be licensed and annually thereafter.
- (e) In the event the animal license tag is lost, a duplicate may be obtained from Animal Control upon presentation of a valid vaccination certificate and the payment of two (\$2.00) dollars.

- (f) Dogs and cats must wear collars with the City license tag attached thereto at all times.

SECTION 8: Dogs and Cats for Which License Not Required.

The provisions of Section 6 requiring a license for dogs and cats shall not apply to the following:

- (a) Any dog or cat under three (3) months of age, provided such animal is not permitted to run at large.
- (b) Dogs and cats owned by a non-resident whose stay in the City will not exceed thirty (30) days, provided such owner keeps his animal confined at all times while in the City.
- (c) Any dog or cat brought into the city and entered in any animal show or exhibition; provided, this exception shall not be operative longer than a period of time commencing not more than seven (7) days before any such show or exhibition is held and ending not more than seven (7) days after the animal's participation in such show or exhibition.
- (d) Dogs and cats in veterinary hospitals, boarding kennels, or licensed breeding kennels, provided such animals are securely confined at all time.

SECTION 9: Use of Dog and Cat License Tags Issued for Other Animals.

It shall be unlawful for any person to attach to the collar of any dog or cat subject to licensing under this article, a license tag that has been issued for any other dog or cat.

SECTION 10: Animal Restraint is Required.

- (a) It shall be unlawful for any person owning or in possession of any animal to permit it to be free of restraint either inside or outside such person's premises.
- (b) All animals permitted to be kept within the City must be restrained at all times within the owner's premise, by a secure fence, or on a leash or lead.
- (c) Prosecution of any owner or person in possession of any animal for the offense described herein may be instituted in the municipal court by any person filing a sworn complaint charging such owner or person in possession with such offense.

SECTION 11: Dangerous Dog - Definitions.

The following definitions shall apply in the interpretation and enforcement of this section.

- (a) "Dangerous Dog" means a dog that:
- (1) makes an unprovoked attack on a person or another dog that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on it's own; or
- (2) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on it's own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.
- (b) "Unprovoked" with respect to an attack or attempt to attack by a dog means that the dog was not hit, kicked, or struck by a person with any object or part of the attacked person's body nor was any part of the body pulled, pinched, or squeezed or in any other manner provoked by the person attacked.
- (c) "Dog" means a domesticated animal that is a member of the canine family.

