

ORDINANCE NO. 90

AN ORDINANCE FOR THE TOWN OF BEASLEY, TEXAS, REGULATING THE KEEPING OF DOGS WITHIN THE CITY LIMITS; PROVIDING FOR VACCINATION, LICENSING AND REGISTRATION OF THE SAME; PROVIDING FOR THE CAPTURING AND IMPOUNDING AND/OR RETURN AND/OR DESTRUCTION OF THE SAME; PROVIDING FOR RABIES CONTROL WITHIN THE CITY; PROVIDING FOR CERTAIN EXEMPTIONS; PROVIDING FOR INVESTIGATIONS, REPORTS OF BITES, AND RECORDS; PROVIDING FOR PENALTIES FOR THE VIOLATION OF SAID ORDINANCE BY FINE OF NOT MORE THAN \$200.00; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ALL INCONSISTENT ORDINANCES, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of a General Law City such as the Town of Beasley is empowered by Section 826.015, Health and Safety Code, Vernon's Annotated Civil Statutes to do all acts, and make all regulations which may be necessary or expedient for the promotion of health or the suppression of rabies; and

WHEREAS, the Town Council of a General Law City such as the Town of Beasley is empowered by Chapter 826 of the Health and Safety Code to tax, regulate or restrain and prohibit the running at large of dogs and authorize their destruction when at large contrary to ordinances, and to impose penalties for violation of such ordinances; and

WHEREAS, the Town Council is further empowered by said statute to authorize the proper office of the city to grant and issue license, and to direct the manner of issuing and registering thereof, and the fees to be paid therefor; and

WHEREAS, the Town Council of the Town of Beasley has determined that the regulation of dogs within the Town of Beasley, Texas, will promote the general health of the community and will aid in the suppression of disease and further that the running at large in an unregulated fashion of dogs constitutes a nuisance which may injure or affect the public health;

NOW THEREFORE,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BEASLEY, TEXAS:

In order to preserve and protect the general well being and health of the citizens of Beasley, Texas, and to control and prevent nuisance dogs, disease and injury, the following ordinance shall be and is hereby adopted:

Section 1 - Definition of Terms

As used in this ordinance, unless the context otherwise indicates, the following terms shall have the meaning indicated:

- (a) "Dog" shall refer to both male and female.
- (b) "Owner" shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.
- (c) "At Large" shall mean a dog which is not either:
 1. secured by a leash or lead, or

2. under the immediate control and supervision of a responsible person and clearly obedient to that person's commands and/or
 3. within the real property limits of its owner (as opposed to the real property owned or subject to the control of any other person or any public right-of-way, easement or thoroughfare or other public place).
- (d) Police Officer shall include, but not be limited to, the Town Marshall.

Section 2

It shall be unlawful for any person to permit or allow any dog owned, possessed, kept or harbored by him to be at large on any street, sidewalk, alley or other public premises or on private premises not under the control of such person, within the limits of the Town of Beasley, Texas, whether a license for such dog has been secured or not. It shall be unlawful for any person to fail to prevent any dog owned, possessed, kept, or harbored by him from being at large on any street, sidewalk, alley or other public place or on private premises not under the control of such person, within the limits of the Town of Beasley, Texas, whether a license for such dog shall have been secured or not.

Section 3 - Vaccination

It shall be unlawful for the owner of any dog to keep, maintain, or harbor such dog unless it shall have been vaccinated by a licensed veterinarian with anti-rabies vaccine. All dogs within the town limits of the Town of Beasley, are hereby required to be vaccinated against rabies by a licensed veterinarian. Before any license shall be issued by the Town Secretary or his deputy under the terms of this ordinance, the owner must present a licensed veterinarian's certificate to the effect that the dog in question has been vaccinated for rabies within the preceding ninety (90) day period, and must display a valid metallic vaccination tag.

Section 4 - License and Registration Required

All dogs kept, harbored or maintained by their owners within the town limits of the Town of Beasley, Texas, shall be licensed and registered upon attaining the age of four (4) months or within thirty (30) days of the acquisition by their owner, whichever occurs sooner. Licenses shall be issued by the Town Secretary or his deputy upon the owner furnishing the Town Secretary or his deputy evidence of vaccination in accordance with Section 2 hereof and upon the payment of a license tax of Two and No/100 Dollars (\$2.00) for each dog being registered. The owner shall state at the time of application upon forms provided for such purpose by the Town, the owner's name and address, and the name, breed, color and sex of each dog being registered. All such registrations shall expire on December 31st of each year. The provisions of this section shall not be intended to apply to dogs temporarily within the city limits for the purposes of participating in a dog show, nor shall it apply to any "seeing eye" dogs property trained to assist blind persons when such dogs are actually being used by a blind person for the purpose of aiding them in going from place to place.

Section 5 - Tag and Collar

Upon payment of the license fee, the Town Secretary or his deputy shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The tag shall have a stamp thereon showing the year for which it was issued and a number corresponding with the number on the certificate issued the dog's owner. Every owner shall be required to provide each dog with a collar to which the license tag and vaccination tag must be affixed and shall see that the collar and the tag are constantly worn by the dog in question. In case a license tag is lost or destroyed, a

duplicate will be issued by the Town Secretary or his deputy upon presentation of a receipt showing the payment of the license fee for the current year and the payment of a \$1.00 fee for such duplicate. License tags shall not be transferable from one dog to the other and no refund shall be made on any license fee because of the death of the dog in question or the owner's leaving the Town before the expiration of the license. In the event of a change in the ownership of the dog, the new owner must have the license transferred to his name by paying a \$1.00 transfer fee.

Section 6 - Impounding and Release

(A) Unlicensed Dogs

Unlicensed dogs found running at large in violation of the provisions of this ordinance shall be taken up, captured and impounded by the Humane Officer designated by the Town Council or by any Police Officer of the Town of Beasley or any personnel of the Fort Bend County Animal Control Department and so impounded in a shelter designated as the "City Pound" or other secure place, and there confined in a humane manner for a period of not less than five (5) days. Upon the impounding of such dog, the officer so impounding the dog shall, as soon as possible, post a notice at the Town Hall which notice shall remain posted for a minimum of three (3) days, notifying the public of the place of capture of the dog in question and giving a general description of the dog. Upon the expiration of the five (5) day impoundment period, and upon the expiration of the three (3) day notice period provided herein, then any dog not claimed thereafter may be disposed of in a humane manner by the Humane Office or any Police Officer of the town or any personnel of the Fort Bend County Animal Control Department.

(B) Licensed Dogs

Licensed dogs that are found running at large in violation of the provisions of this ordinance shall be captured, taken up and impounded by the Humane Officer designated by the Town Council or by any Police Officer of the Town of Beasley or any personnel of the Fort Bend County Animal Control Department and so impounded in a shelter designated at the "City Pound" or other secure place, and there confined in a humane manner for a period of not less than five (5) days. Upon the impounding of such dog, the officer so impounding the dog shall, as soon as possible, post a notice at the City Hall which notice shall remain posted for a minimum of three (3) days, notifying the public of the place of capture of the dog in question and giving a general description of the dog. In addition to the posted notice, the officer in question shall also mail a notice by certified mail, return receipt requested letter to the owner of the licensed dog in question as designated in the records of the office of the Town Secretary, informing such owner of the dog's license number, description, place and date of capture, place of the dog's impoundment, and giving the owner three (3) days from the date of the notice to claim and regain custody of the dog, such notice to be effective upon actual receipt by the owner. If the licensed dog is not claimed by the owner within three (3) days from the date of receipt of actual notice or within two (2) weeks from the date of mailing such notice, whichever occurs sooner, then the licensed dog may be disposed of by the Humane Officer or any Police Officer of the town or any personnel of the Fort Bend County Animal Control Department in a humane manner.

(C) Unclaimed Dogs

Any dog, licensed or unlicensed, which is unclaimed at the expiration of the period described above, shall thereupon become the

property of the Town of Beasley, Texas, and may be disposed of at the discretion of the Humane Officer or any Police Officer of the town or any personnel of the Fort Bend County Animal Control Department in any humane manner that he deems proper, including, but not by way of limitation, the offering of such dog for adoption by any person willing to pay all costs incurred in connection therewith. Any dog offered for adoption must be spayed or neutered at the time of adoption if the dog is of sufficient age and maturity for such operation in the opinion of a licensed veterinarian, or, in the event the dog is not of sufficient age and maturity at the time of adoption, then the person adopting the dog must agree in writing to provide the Humane Officer or any member of the Police Department of the town with satisfactory evidence of such operation within the time specified by the veterinarian in question.

(D) Fees

The owner or any other person to whom an impounded dog is released shall be entitled to receive possession of the dog only upon payment to the Town Secretary of a Fifteen and No/100 Dollars (\$15.00) impoundment fee plus Five and No/100 Dollars (\$5.00) per day or any fractional part thereof during which the dog may have been impounded, said sum to be deposited in the treasury of the town for the use and benefit of the town as the Town Council may determine from time to time. Payment of any such fee shall not preclude the town from prosecuting the person in question for violations of this ordinance. In any event, no dog may be released to the owner or any other person unless it has been properly vaccinated and licensed in accordance with the terms of this ordinance. If the dog in question is in need of humane medical care or emergency veterinarian care, the Humane Officer or any other Police Officer of the town or any personnel of the Fort Bend County Animal Control Department shall deliver the dog to a licensed veterinarian for appropriate care, the cost of which shall also be paid by the owner or other person receiving possession of the dog following its impoundment. Before any dog impounded under the terms of this ordinance may be released to any person, a receipt showing that all reasonable charges incurred as provided above, including the boarding, feeding, medical treatment and cleaning of the dog in question have been paid must be presented to the Town Secretary and/or to the veterinarian rendering services under this ordinance.

Section 7 - Rabies Control

(A) Each and every dog found within the city limits with respect to which there is a probable cause to believe that such dog either has rabies or has been bitten or is suspected to have been bitten by an dog suspected to have rabies or which bites a person shall be promptly reported to the Humane Officer or any Police Officer of the town and shall thereupon be securely quarantined under the supervision of the Humane Officer or a Police Officer of the town or any personnel of the Fort Bend County Animal Control Department for a period of ten (10) days and shall not be released from such quarantine except by written permission of the Humane Officer or a Police Officer of the town upon approval by the supervising veterinarian. The quarantine shall be at the owner's expense in a veterinary clinic or hospital within the town.

(B) The owner of any dog subject to quarantine as provided in Paragraph (A) above shall, upon demand by the Humane Officer or any Police Officer of the town or any personnel of the Fort Bend County Animal Control Department, forthwith surrender the dog in question for supervised quarantine at the owner's expense as provided above. The dog in question may be reclaimed by the owner only upon completion of the quarantine period provided for above and upon the payment of all costs and fees in connection with such quarantine including those fees set forth in Section 5 of this ordinance and upon compliance of all licensing and vaccination

requirements set forth in this ordinance. Compliance with this paragraph shall not prohibit the prosecution of the owner for violation of other provisions of this ordinance.

(C) When a dog under the quarantine has been diagnosed as being rabid, or is suspected by a licensed veterinarian as being rabid, and dies while under quarantine, the Humane Officer or any Police Officer of the town or any personnel of the Fort Bend County Animal Control Department shall immediately send the head of such dog to the State Department of Health Resources for pathological examination, notifying the proper public health officer of all human contacts with the dog and the diagnosis of the dog. In the event such action results in a positive diagnosis of rabies, the Humane Officer or any Police Officer of the town may recommend to the Town Council the declaration of a city-wide quarantine for a period of thirty (30) days. In the event of such quarantine, the declaration of which shall be publicized in a paper of general circulation within the Town of Beasley, no dog shall be taken into or allowed within the streets, public right-of-ways, or other public places within the city during the period of quarantine. Any period of quarantine so declared may be extended upon the occurrence of any additional cases of rabies or suspected rabies during the period of quarantine.

(D) No person shall kill or cause to be killed any dog believed to be rabid or suspected of having been exposed to rabies or biting any human except as herein provided, nor remove the same from the town limits, without the written permission of the Humane Officer or any Police Officer of the town. The carcass of any dead dog exposed to rabies shall upon demand be surrendered to the humane Officer or any Police Officer of the town, and such carcass shall be disposed of only as directed by the Humane Officer or any Police Officer of the town.

Section 8 - Exemptions

(A) Hospitals, clinics or other premises operated by licensed veterinarians for the care and treatment of dogs are exempt from the provisions of this ordinance, except to the extent of duties and obligations expressly imposed under the terms of this ordinance.

(B) The licensing requirements of this ordinance shall not apply to any dog belonging to a non-resident of the town so long as such dog does not remain within the town for longer than thirty (30) days and so long as such dog is kept within a building, enclosure or vehicle, or under restraint by the owner at all times while within the city.

Section 9 - Enforcement

The Humane Officer or any Police Officer of the town or any personnel of the Fort Bend County Animal Control Department who has probably cause to believe that a violation of this ordinance has occurred, shall have the right to enter upon any premises upon which a dog involved in such violation is kept or harbored and demand the exhibition by the owner of such dog or the license for such dog. Nothing contained in this ordinance shall, however, be construed as to authorized such officer to enter dwellings or buildings attached thereto without the consent of the owner or the person in control of said building in the absence of a valid search warrant issued in accordance with the laws of the State of Texas.

Section 10 - Report of Bite Cases

It shall be the duty of every citizen to report to the Humane Officer or any Police Officer of the town the names and addresses of any persons known to have been bitten by a dog, together with such other information as will be helpful in the control of rabies.

Section 11 - Interference

It shall be unlawful for any person to interfere with or oppose or resist within the limits of the city the Humane Officer or any Police Officer of the town or any personnel of the Fort Bend County Animal Control Department while said officers are engaged in the performance of the duties pertaining to the enforcement of this ordinance. It shall be unlawful for any person to take from any dog a collar or vaccination tag or license tag.

Section 12 - Records

It shall be the duty of the Town Secretary to keep, or cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all dogs coming into the custody of the town and detailed records of all bite cases reported to the town and the town's investigation of the same. It shall also be the duty of the Town Secretary to keep, or cause to be kept, accurate and detailed records of all monies received under the provisions of this ordinance.

Section 13 - Penalty

Any person violating the terms of this ordinance shall be guilty of a Class C misdemeanor and upon conviction shall be fined in a sum not to exceed Two Hundred and No/100 Dollars (\$200.00). It is expressly provided that each and every day a violation is allowed to exist constitutes a separate offense.

Section 14 - Severability

If any section, subsection, sentence, clause, phrase or word of this ordinance shall for any reason be held void, unconstitutional or invalid, then such shall be deemed severable, and the invalidity thereof shall not affect the validity of the remaining parts of this ordinance.

Section 15 - Repeal

Any and all ordinances, resolutions or informal policies of the Town of Beasley which are inconsistent or in conflict with this ordinance, either in whole or in part, shall be and are hereby repealed to the extent of such conflict or inconsistency.

Section 16 - Effective Date

This ordinance shall be effective from and after the date of its passage and approval and the publication of its caption as required by law.

PASSED AND APPROVED this the 24th day of October, 1991.

Ben Hoefke
Mayor of the Town of Beasley

ATTEST:

[Signature]
Town Secretary