

ORDINANCE #2009-2

AN ORDINANCE OF THE CITY OF BEASLEY REGULATING THE KEEPING OF ANIMALS AND FOWL IN THE CITY OF BEASLEY; ESTABLISHING DEFINITIONS; ESTABLISHING PROCEDURES FOR IMPOUNDMENT, LICENSING AND VACCINATIONS; PROVIDING FOR PENALTIES FOR VIOLATIONS; REPEALING CERTAIN ORDINANCES PERTAINING TO THE REGULATIONS OF ANIMALS; SEVERABILITY; CONFLICT.

WHEREAS, the City Council finds that there are a number of ordinances pertaining to the regulation of animals within the territorial limits of the City of Beasley; and

WHEREAS, the City Council finds that many of these ordinances need to be revised; and

WHEREAS, the City Council finds that for the health, safety and welfare of the citizens of the City of Beasley, there is a need to regulate the number and the types of animals that are kept in the City and the manner in which the animals are kept; and

WHEREAS, the City Council finds that the following ordinances should be repealed in their entirety and a new ordinance adopted, therefore;

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

Section 1. REPEALED

The following ordinances are repealed in their entirety:

Ordinance numbers 90, 92, 2001-5 and 2002-3.

Section 2. DEFINITIONS

Animal shall mean and include, but is not limited to, dogs, cats, horses, rabbits, rodents, birds, fowl, reptiles and any other species of animal which is sold or retained, including livestock.

Cat shall mean a domestic feline of either sex, including neutered or sterilized.

Dog shall mean a domestic canine of either sex including neutered or sterilized.

Fowl shall mean poultry and include gamecock.

Harboring shall mean the act of keeping and caring for an animal or of providing a premise to which the animal return for food or shelter or care.

Owner shall mean any person who has right of property of an animal or who harbors an animal or allows an animal to remain about his premises.

Rabies vaccinations shall mean the vaccination of a dog, cat or other domestic animal with an anti-rabies vaccine approved by the State Department of Health and administered by a veterinarian licensed by the state.

Running at large shall mean:

- (a) **On premises of owner.** Any animal not confined to the premises of the owner by some physical means of sufficient height, strength, length, and or manner of construction to preclude the animal from leaving the premises of the owner.
- (b) **Off premises of owner.** Any animal which is not physically or continually restrained by some person by means of a leash or chain of proper strength that precludes the animal from making any unsolicited contact with any person, their clothing, their property and or their premises.

Stray animal shall mean any animal for which there is no identifiable owner.

Vicious animal shall mean any animal that commits an unprovoked attack upon a person or other animal on public or private property or that attacks, threatens to attack or terrorizes a person or other animal on public property or in a public place.

Wild animal shall mean and include all species of animals which exist in a natural unconfined state and are usually not domesticated.

Wild and exotic animals shall mean and include any animal, amphibian, reptile, or fowl which is of a species which is vicious in nature or other characteristic and is dangerous to human beings. Such animals shall include, but not be limited to lions, tigers, ocelots, bobcats, cheetahs, cougars, leopards, panthers, lynx, jaguars, wildcats, wolves, raccoons, skunks, (whether deodorized or not) apes, gorillas, monkeys, foxes, wolves, coyotes, elephants, bears, rhinoceroses, alligators, crocodiles, and all carnivorous animals and all forms of poisonous reptiles, and any other animal that is not indigenous to the county or the city. The term wild or exotic animal as used in this chapter shall not include gerbils, hamsters, guinea pigs, mice or rabbits.

Section 3. MAXIMUM NUMBER OF DOGS AND CATS

It shall be unlawful for any person to own or harbor, for any purpose, four (4) or more dogs in the City of Beasley, over the age of six (6) months.

It shall be unlawful for any person to own or harbor, for any purpose, four (4) or more cats in the City of Beasley, over the age of three (3) months.

Section 4. ANIMALS RUNNING AT LARGE

It shall be unlawful for any person owning an animal to permit such animal to run at large.

Section 5. ANIMALS AS A NUISANCE

It shall be unlawful for any owner to harbor any animal which by any sound or cry or other activity shall disturb the peace, comfort, health and property of the inhabitants of the neighborhood, and such disturbances are hereby declared to be a public nuisance.

Section 6. ANIMALS PROHIBITED IN CITY PARKS

All animals (except wildlife) including, but not limited to dogs, cats, livestock and poultry are prohibited from the city's parks.

Section 7. VICIOUS ANIMALS

No person shall own or harbor a vicious animal within the city limits. Such animal shall be impounded as a public nuisance. If impoundment of such animal running at large cannot be made with safety, the animal may be destroyed without notice to the owner.

Section 8. GUARD DOGS

Is shall be unlawful to place or maintain any dog which has been specifically trained to attack in any area of the protection of persons or property unless the dog is physically confined to a specific area. The area or premises in which a guard dog is confined must be conspicuously posted with warning signs bearing letters not less that two inches high.

Section 9. WILD AND EXOTIC ANIMALS

It shall be unlawful for any person to possess, keep, permit, suffer, cause or allow any wild or exotic animal upon or within the city. This section shall not be construed to apply to zoological parks, performing animal exhibitions, circuses or veterinary hospitals.

Section 10. INHUMANE TREATMENT

- A. Cruelty to animals.** It shall be unlawful for any person to commit or cause to be committed any act of cruelty, harassment, or torture to any animal or intentionally cause such animal to be mutilated or inhumanely killed. Ownership, or the commission of such acts of cruelty on private property shall not be justifiable defense of violation to this section.
- B. Poisoning.** It shall be unlawful for any person to poison any domestic animal or to distribute poison or toxicants on public or private property in any manner whatsoever with the intent of poisoning any domestic animal.
- C. Abandoning animals.** It 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.
- D. Fighting animals.** It shall be unlawful for any person to cause, instigate or encourage any dog or other animal to fight with others of its own species or with another of a different species. It shall be unlawful for any person to train or keep any dog or other animal for the purpose of fighting. It shall be unlawful for any person to maintain a place where any dog or other animal is permitted to fight for exhibition or for wager or for sport.
- E. Traps.** It shall be unlawful for any person to set or cause to be set any trap that will cause injury or inhumane suffering to an animal.

Section 11. DISPOSAL OF CARCASSES

It shall be unlawful for any person to leave, within this city, the dead body of any animal or any fowl, which may die while in possession of such person, in any of the public streets or alleys, any vacant or unenclosed lot or upon his own premises for more than twelve hours.

Section 12. INTERFERENCE WITH OFFICER AND RIGHT OF ENTRY

- A. Interference.** It shall be unlawful for any person to interfere with, molest, hinder or prevent the animal control officer, peace officer or his authorized representatives in the discharge of their duties as herein prescribed, or to violate any of the provisions of this chapter.
- B. Right of entry.** The animal control officer or any peace officer shall have the right to enter private property while in pursuit of a stray or at large animal.

Section 13. IMPOUNDMENT

- A. **Impoundment.** Animals owned or harbored in violation of this ordinance or any other ordinance or law of the state may be taken into custody by an animal control officer or a peace officer and impounded. Stray animals may be similarly impounded.
- B. **Shelter.** A suitable animal shelter shall be provided for the purpose of caring for any animal impounded under the provisions of this ordinance.
- C. **Unlawful removal.** It shall be unlawful for any person to remove any impounded animal from the animal shelter without the consent of the animal control officer or any peace officer.
- D. **Disposition of impounded animal.** If the owner of an impounded dog or cat is known, notice must be given to him. Any impounded dog or cat whose owner is identified may be redeemed by the owner upon payment of the impoundment fee, care, feeding charges, veterinary charges, and such other costs as set by the city. If the owner is unknown or such animal is not redeemed within three (3) working days, it shall be considered abandoned and may be placed for adoption, subject to payment of charges set by the city. If such animal is not redeemed within three (3) working days and is not adopted the animal may be humanely euthanized.
- E. **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 a violation of this ordinance, the animal shall not be released except on the order of the court. The court may order the owner to pay any penalties for violation of this ordinance in addition to all impoundment fees. The court may, upon making a find that such animal is vicious or that it represents a clear and present danger to the citizens or other animals in the community, order such animal to be euthanized in a humane manner. Surrender of an animal by the owner thereof to the animal control officer or a peace officer does not relieve or render the owner immune from the decision of the court, no to the fees and fines which may result from a violation of this ordinance.

Section 14. LICENSES

- A. **Annual license tag required.** Every owner of a dog or cat must obtain a tag for each dog or cat by presenting to the city a certificate showing that each dog or cat so owned has been vaccinated by a licensed veterinarian with anti-rabies vaccine within one (1) year prior to the date of the issuance of the dog or cat tag.

Prior to the issuance of the dog or cat tag, each owner of a dog or cat shall pay to the city an annual dog or cat license fee which shall be five dollars (\$5.00).

- B. **Tag non transferable.** Dog or cat tags shall not be transferable from one animal to the other.

Section 15. VACCINATIONS AGAINST RABIES

- A. **Vaccination.** Every owner of a dog or cat four (4) months of age or older shall have such animal vaccinated against rabies. All dogs or cats vaccinated at four (4) months of age or older shall be revaccinated at one (1) year of age and annually thereafter. Any person moving into the city from a location outside of the city shall comply with this article within thirty (30) days after moving into the city. If the dog or cat has inflicted a bite on any person or another animal, the owner of such dog or cat shall report such fact to the veterinarian, and no rabies vaccine shall be administered until after the ten (10) days observation period.
- B. **Certificate of vaccination.** Upon vaccination, the veterinarian shall execute and furnish to the owner of the pet animal as evidence thereof, a signed certificate of rabies vaccination.
- C. **Rabies tag.** The owner of the animal shall attach to the collar or harness of the vaccinated animal a metal tag bearing the year of issuance and the name and telephone number of the issuing veterinary clinic.
- D. **Proof.** The animal shall wear such tag at all times. It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit his copy of certificate of vaccination upon demand of any person charged with the enforcement of this ordinance.
- E. **False and stolen vaccination documents.** It shall be unlawful for any person to make use of a stolen, counterfeit, forged, altered or transferred rabies vaccination certificate or tag.
- F. **Harboring unvaccinated animals.** It shall be unlawful for any person to harbor any animal which has not been vaccinated against rabies, as provided in this ordinance, or which cannot be identified as having a current vaccination certificate.

Section 16. STATE RULES

The animal population, rabies control and rabies eradication in the city shall be accomplished in conformance with this article and the current or latest rules and laws of the state.

Section 17. LIVESTOCK AND OTHER FARM ANIMALS

- A. Keeping of pens.** It shall be unlawful and prohibitive for any person to keep any pen, place or premises inside the city limits upon which hogs, pigs, sheep, goats, cattle, horses, fowl or other animals are kept. It is provided, however, that this section shall not prevent the keeping of above mentioned animals within the city limits during any fair or stock show held in compliance with all applicable city ordinances and state laws.
- B. At large.** It shall be unlawful for any hogs, pigs, sheep, goats, cattle, horses or fowl, including, but not limited to chickens, ducks, geese, turkeys or guinea fowl to be or run at large within the city limits.
- C. Impoundment of livestock.** Whenever hogs, pigs, sheep, goats, cattle or horses are found running at large within the city limits, the animal control officer, or any peace officer may impound them in some safe enclosure.
- D. Notice of Impoundment.** If the owner of the animals impounded is not known, the animal control office, or any peace officer shall post a notice at three (3) public places in the city giving in such posted notice, a description of such animals and requiring the owner to come forward, pay the charges and take such animals away.

If the owner of such animals impounded is known, the animal control officer, or peace office shall notify such owner personally to take such animals away and pay charges and costs.

If the notice provided for in this section is posted, it shall be posted five (5) days; if given verbally, it shall require the owner to act at once.

After such notice, if the owner of such animals fails to take it and pay the costs herein required, the animal control officer, or any peace officer shall apply to a court of competent jurisdiction to have the stock sold.

Section 18. OFFENSE, CITATION AND PENALTY

- A. Offense.** A person commits an offense for a violation of any section of this ordinance.
- B. Citation.** The Fort Bend County Sheriff or his designee shall have the authority to issue citations for any violation of this ordinance to the owner of the animal.
- C. Penalty.** A violation, upon conviction shall be punishable by a fine not to exceed two thousand dollars (\$2,000.00).

- D. Each day any violation of this ordinance exists shall constitute a separate offense.
- E. In lieu of and/or in addition to a fine, the city may impound the animal pursuant to the impoundment procedures set forth in this ordinance.


Section 19. SEVERABILITY

If any provision of this ordinance or application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the ordinance are hereby declared to be severable.

Section 20. CONFLICT

All ordinances in force when this Ordinance becomes effective which are inconsistent with or in conflict with this Ordinance are hereby expressly repealed insofar as said ordinances are inconsistent with or are in conflict with this Ordinance.

PASSED AND APPROVED this 16th day of June, 2009.


Kenneth Reid, Mayor

ATTEST:


G. B. Michulka, City Secretary