

Chapter 2 - Animal Control

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ARTICLE 02.01.00. DEFINITIONS

1. **Animal.** Any member of the group of living beings belonging to the subphylum vertebrate, specifically excluding human beings. The term “animals” shall include all such beings, male and female, domesticated and wild, warm and cold-blooded.
2. **Confined or confinement.** Confined within a building, house or structure or within a fenced yard or premises, so that the animal cannot escape from said building, house, structure or fenced yard or premises without human assistance.
3. **Appropriate regulatory authority.** The Chief of Police of the City of Bayou Vista or a certified peace officer or the Galveston County Health District.
4. **Enclosures.** The minimum requirements for a house or a building, or a fence or a structure/pen having a height of at least four (4) feet, width of five (5) feet, and length of ten (10) feet (50 square feet minimum) suitable to prevent entry by children and is locked and secured at all times such that an animal cannot climb, dig, jump, or otherwise escape of its own volition
5. **Owner.** Any person owning, keeping or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed, sheltered or allowed or permitted to remain on a person's property or property under control of said person for three (3) days or more without said person notifying the appropriate regulatory authority. If the owner/keeper of an animal is a minor, the parent or guardian of that minor shall be responsible for compliance with the specifications of this chapter.
6. **Quarantine.** Complete and total isolation to such a place and in such a manner and for a period of time as may be prescribed by the appropriate regulatory authority.
7. **Running at large or at large.** An animal not completely confined by a building, wall or fence of sufficient strength, height or construction to restrain the animal, except when such animal is on a leash of sufficient strength for control of the animal and under control of the person with the animal. Voice control shall not be deemed restraint. An animal within a motorized vehicle shall not be deemed ‘running at large.’
8. **T.D.H.** The Texas Department of Health.

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9. **Wild animal.** Any mammal, amphibian, reptile or fowl which is of a species which is wild by nature, and of a species which, due to size, vicious nature or other characteristic is or may be dangerous to human beings.
10. **Exotic animal.** The same as wild animal.
11. **City.** The City of Bayou Vista.
12. **Dangerous, vicious or mischievous**
Any animal that inflicts severe injury or death to a person, or bites a person on public or private property; or any animal that has killed a domestic animal without provocation while off the owner's property; or any animal which chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack, such that the person reasonably believes that the animal will cause physical injury to that person; or any individual animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise threaten the safety of persons or domestic animals.
13. **Governing body.** The Board of Aldermen of the City of Bayou Vista.
(Ord.No. 20-02; § 2, 4-25-2000; Ord. No. 03-03; Article. 2.100, paragraphs (d), (g); 5-06-2003) (Ordinance 2014-02 Article 2.100 (a),(d),(k), 07-29-2014.)

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ARTICLE 02.02.00 ANIMALS, REPTILES AND FOWL NOT TO RUN AT LARGE*

- A. An animal, reptile or fowl shall be considered to be at large when it is not under the direct control of the owner or that of a person or persons authorized by the owner to care for it either by cord, leash, chain, or confinement or in the back of an open truck bed.
- B. Any animal, reptile or fowl found at large that shall bite, attack or attempt to attack, or menace a person, animal, reptile or fowl, shall be deemed vicious and dangerous and may, at the discretion of the appropriate regulatory authority, be restrained, impounded, or destroyed after an attempt to notify the owner if feasible.
- C. Any animal, reptile or fowl that is of a type normally bred and/or trained to attack or fight shall be deemed vicious and dangerous if found at large.
(Ord. No. 20-02; § 3, 4, 4-25-2000; Ord. No. 03-03; Art. 2.200, paragraphs (a), (b); 5-06-2003)

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ARTICLE 02.03.00 CONTROL AND ERADICATION OF ANIMALS, REPTILES, FOWL SUSPECTED OF HAVING RABIES OR OTHER INFECTIOUS, CONTAGIOUS OR DANGEROUS DISEASES*

- A. The animal, reptile or fowl control or eradication in Bayou Vista shall be in conformance with the current or latest "Rabies and Disease Control and Eradication Rules of the Texas Department of Health" which are made a part of this chapter by reference.
- B. It shall be the duty of the owners or keepers of any animal which is over four (4) months old and which is required by Texas Department of Health to be vaccinated against rabies to have such animal vaccinated by a practicing veterinarian as prescribed by the Texas Department of Health, Section 169.29.
- C. It shall be the responsibility of the owner or keeper of any animal immunized against rabies to obtain a certificate signed by the veterinarian giving an accurate description of the animal, date of immunization, and the name and address of the owner. The owner or keeper shall, at the request of any authorized agent of the City of Bayou Vista, exhibit said vaccination certificate. Failure to comply shall constitute a violation of this chapter.
(Ord. No. 20-02 § 4, 4-25-2000; Ord. No. 03-03; Article 2.300, paragraph (b); 5-06-2003)

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ARTICLE 02.04.00 ESTABLISHING OWNERSHIP AND LIMITING THE NUMBER OF ANIMALS, REPTILES OR FOWL

- A. Any person or persons who keeps, harbors, feeds, shelters or otherwise allows an animal, reptile or fowl to remain on his property for three (3) or more days without notifying the City of their presence shall be deemed to be the owner.
- B. No person, family or persons occupying a residence or building in Bayou Vista may keep harbor, possess, or maintain in any combination more than three (3) animals. Wild or semi-wild fowl are for the purpose of this chapter not considered to be "owned" unless they are deliberately restrained from their natural habitat, or fed or maintained on a regular basis. (Ord. No. 20-02, § 5, 4-25-2000)

***State law references** – Animals at large, V.T.C.A., Local Government Code, Sec. 214.026;
Authority of city to regulate the capture and impoundment of animals. V.T.C.A., Local
Government Code, Sec. 215.025 (c).

*** State law reference** - Authority of municipalities to establish rabies control programs, V.T.C.A.
Health and Safety Code, Sec. 826.015.

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ARTICLE 02.05.00. LICENSING

- A. The Galveston County Health Department, Animal Services Division, will be the regulatory authority for the licensing of dogs and cats within the City of Bayou Vista. All dogs and cats within the City of Bayou Vista must be licensed according to current Texas state laws, including the rules and regulations of said regulatory authority.

Exceptions: The provision of this article requiring the licensing of dogs and cats shall not apply to dogs or cats owned by, or in custody or under the control of persons who are non-residents of the City, traveling through the City or temporarily sojourning therein for a period not exceeding thirty (30) days.

(Ord. No. 20-02, § 6, 4-25-2000; Ord. No. 03-03; Article 2.500, paragraphs (a), (b), (c), (d); 5-06-2003, Ord. No. 2015-04)

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ARTICLE 02.06.00 CERTAIN ANIMALS, REPTILES AND FOWL RESTRICTED

- A. It is unlawful to harbor or maintain within the City limits the following animals and reptiles:
1. Bats.
 2. Skunks.
 3. Poisonous snakes.
 4. Any wild animal, wild reptile or wild fowl whose normal weight exceeds forty (40) pounds.
 5. Exotic animals – except those legally obtained from licensed dealers.
 6. Livestock.
 7. Bees
(Ordinance 2014-02 (5) (7) – 07-29-14)
- B. The owner or owners shall keep any other wild animals, wild reptiles or wild fowl under restraint at all times. The Board of Aldermen may grant exceptions to this article by Board permit for special events. The cost, if any, of the permit shall be set by the Board of Aldermen at the time of approval but shall not exceed one hundred dollars (\$100.00). (Ord. No. 20-02, § 7, 4-25-2000)

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ARTICLE 02.07.00 PUBLIC NUISANCE

- A. It shall be unlawful and deemed a violation of this chapter for any owner or keeper of any animal to fail to exercise proper care and control over any animal owned or kept or in the custody of such owner, or to fail to exercise proper care and control over the premises where any such animal is kept, so as to prevent such animals, or the conditions of such premises, from becoming a nuisance.
- B. All of the following conditions, situations or occurrences are hereby declared to be a public nuisance and constitute a failure of the owner or keeper to exercise proper care and control of his/her animal and/or the premises where said animal is or has been kept:
1. Any animal that barks, whines, howls, crows, or makes any noise of such character, intensity and continued duration, which unreasonably disturbs or interferes with the peace, comfort, and repose of neighboring persons of ordinary sensibilities, is hereby declared to be a nuisance and is hereafter prohibited.
 2. Any animal, which turns over garbage containers or scatters garbage or which otherwise damages private or public property;
 3. Any animal at large;
 4. Any building, room, cage kennel, yard, run, shed, pen or any other place or facility where animals are kept or harbored which is not maintained in a clean and sanitary condition so as to prevent obnoxious odors, the attraction, breeding or potential breeding of flies, the attraction, harboring or breeding of rodents or potential breeding of rodents, or the creation of any other public health nuisances.
(Ordinance 2014-02 (a),(b) (1-4) 07-29-2014)
- C. Every person, other than the appropriate regulatory authority, that takes up any animal shall immediately give notice thereof to the appropriate regulatory authority. Every such person, or any person in whose custody such animal may be placed, shall upon demand deliver such animal to the appropriate regulatory authority. The animal shall be delivered to a place designated by the authority, without fee or charge, and the appropriate regulatory authority shall hold and dispose of such animal after a reasonable attempt to contact the owner, as though such animal had been found running at large and impounded by the appropriate regulatory authority.
- D. It shall be unlawful for animals to ride in the open bed of trucks, unless they are restrained in such a manner that they cannot jump, fall, or lunge out of the vehicle, whether the vehicle is stationary or moving.
(Ord. No. 20-02, § 8, 4-25-2000; Ord. No. 03-03; Article 2.700; paragraphs (a), (b) (c) (d); 5-06-2003)
- E. Animal Waste Disposal.
1. It shall be unlawful for any person owning or having control or custody of any animal to permit or allow the animal to defecate within city parks, including designated city park sites, or upon the private property of another person without the consent of the occupant or owner of that property unless the owner or the

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person having control or custody of the animal immediately removes the feces and properly disposes of it.

2. For purposes of the section the term “properly disposes” shall mean the collection of animal feces and the disposal of said feces in an appropriate waste receptacle.
3. It is an exception to subsection (1) if:
 - a. The animal is a police service animal under the supervision of a police officer in the performance of his official duties; or
 - b. The animal is a “service animal” performing duties of assisting a person with disabilities.
(Ordinance 07-09, § (e) 9-1-2009)

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ARTICLE 02.08.00 DANGEROUS, VICIOUS, MISCHIEVOUS ANIMALS

Sec. 02.08.01. Animal established as dangerous.

- A. For purposes of this article, a person learns that he/she is the owner of a dangerous animal when the owner knows of an attacked described in Article 02.02.00, or the owner is informed by the appropriate regulatory authority that the animal is dangerous.
- B. The appropriate regulatory authority will notify the owner of the animal of its designation as a dangerous animal and of the requirements for owners of vicious animals. (Ord. No. 20-02, § 9, 4-25-2000)

Sec. 02.08.02. Requirements of owners of animals designated as vicious.

- A. Register the dangerous animal with the appropriate regulatory authority.
- B. Restrain the dangerous animal at all times with a leash and muzzle and in the immediate control of a person or in a secure enclosure. The minimum for a structure/pen having a height of at least six (6) feet, width of five (5) feet, and length of ten (10) feet (50 square feet minimum.) The enclosure must be suitable to prevent entry of young children, and must be locked and secured such that a dog cannot climb, dig, jump or otherwise escape of its own volition. The enclosure shall be securely locked at all times. The structure/pen must have secure sides to prevent the dog from escaping from the enclosure and must provide protection from the elements for the dog. The appropriate regulatory authority shall have the right to require that the fence be higher than six (6) feet or require a secure top and/or a secure bottom be added to the structure/pen if the need is demonstrated. (Ordinance 2014-02,(b) 07-29-14)
- C. Obtain liability insurance coverage or show financial responsibility in an amount of at least one hundred thousand dollars (\$100,000.00) to cover damages resulting from an attack by the dangerous animal causing bodily injury to a person. (Ord. No. 20-02, § 9, 4-25-2000)

Sec. 02.08.03. Registration of dangerous animals

- A. The appropriate regulatory authority shall provide a registration tag to the owner registering a dangerous animal. The owner must place the tag on the animal's collar. (Ord. No. 20-02, § 9, 4-25-2000)

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Sec. 02.08.04. Hearing request.

- A. If an animal is declared to be vicious or mischievous, the appropriate regulatory authority shall inform the owner of the animal that a determination hearing before the governing body may be requested to contest the declaration. The request for a hearing must be in writing and must be received by the appropriate regulatory authority within ten (10) days of the date of the vicious animal declaration. Failure to appeal the declaration of vicious animal within the ten-day period shall result in the appropriate regulatory authority's declaration as final. (Ord. No. 20-02, § 9, 4-25-2000)

Sec. 02.08.05. Defense to declaration of vicious animal.

- A. It is a defense to the determination of an animal as vicious and to the prosecution of the owner of an animal previously declared to be vicious:
1. If the person was teasing, tormenting, abusing or assaulting the animal or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal;
 2. If the person was committing or attempting to commit a crime;
 3. If the domestic animal killed was at the time teasing, tormenting, abusing or assaulting the animal;
 4. If the animal was protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault;
 5. If the animal was injured and responding to pain; or
 6. If the animal was protecting her puppies, itself or its kennelmates.
(Ord. No. 20-02, § 9, 4-25-2000)

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ARTICLE 02.09.00 REPORT OF ANIMAL ATTACKS

- A. Any person having knowledge of an animal bite or scratch or other attack on an individual or of an animal that the person suspects is rabid, shall report the incident or animal to the appropriate regulatory authority. The report shall include the name and address of any victim and of the owner of the animal, if known, and any other data which may aid in locating the victim or the animal. The person shall make said report as soon as possible, but not later than twenty-four (24) hours from the time of the incident.
(Ord. No. 20-02, § 10, 4-25-2000)

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ARTICLE 02.10.00 NOTICE OF IMPOUNDMENT

- A. As soon as possible after an animal has been delivered to or picked up by the appropriate regulatory authority, a record of said animal will be recorded, the record should include a description of the animal, whether bearing a license tag or not, and the number of the tag and the name of the person registering the animal in each case where the animal bears a license tag. The appropriate regulatory authority may, but is not obligated to, notify the person to whom such license tag was issued. The owner of said animal may be notified in person, by letter, postal card, telephone or written notice left at his last known residence. The owner shall be deemed notified upon mailing of said letter or postal card or leaving of said written notice, whether or not the owner of the animal receives the notice.
(Ord. No. 20-02, § 11, 4-25-2000)

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ARTICLE 02.11.00. VIOLATION TO DUMP

- A. It shall be a violation of this chapter for any person to dump, release or abandon any animal, dog, cat or other animal on any property, whether public or private, within the City. An animal shall be considered abandoned if the owner has not provided care, including food, water or shelter, for three (3) or more consecutive days.
(Ord. No. 20-02, § 12, 4-25-2000)

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ARTICLE 02.12.00. PROCESS OF ENFORCEMENT

- A. Under authority of the Board of Aldermen, the appropriate regulatory authority shall have the following duties and powers to enforce any or all regulations contained in this chapter:
1. The appropriate regulatory authority may enforce any and all requirements of this chapter in any and all parts of the City as he/she may deem necessary to control the animal population and protect the health and safety of the citizens.
 2. The appropriate regulatory authority may make all inspections required by this chapter.
 3. The appropriate regulatory authority may take up and impound or cause to be taken up or impounded all animals in the City, on public or private property, which are in violation of this chapter. The appropriate regulatory authority may trap or capture or use any other means or methods that may be deemed necessary and prudent to perform the duties imposed herein. Any person who has control or possession of an animal which is in violation of this chapter shall upon demand turn over such animal to the appropriate regulatory authority.
 4. The provisions of this chapter shall be enforced by the appropriate regulatory authority or his designated representative. It shall be a violation of this chapter to interfere with the appropriate regulatory authority or his officer or any other designated representative of the appropriate regulatory authority in the performance of their duties.
 5. In addition to or in lieu of impounding an animal which violates any section of this chapter, the appropriate regulatory authority or his designated representative may issue to the owner of such animal a notice of ordinance violation or file a complaint in a court of law. (Ord. No. 20-02, § 13, 4-25-2000)

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ARTICLE 02.13.00. PENALTY

- A. Unless otherwise provided in Article 02.13.00 (B) or (C), the first violation of any provision of this Chapter shall constitute a fine of not less than one hundred dollars (\$100.00) nor more than one five hundred dollars (\$500.00) or the maximum allowed by law, whichever is greater. The second violation of the same provision of this Chapter within one year from the date of the first violation shall constitute a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) or the maximum allowed by law, whichever is greater. The third violation or subsequent violations of the same provision of the Chapter within one year from the date if the first violation shall constitute a fine of not less than four hundred dollars (\$400.00) nor more than five hundred dollars (\$500.00) of the maximum allowed by law, whichever is greater. Each violation and each day the violation continues shall constitute a separate offense. (Ord. No. 2018-03, 01-23-18)
- B. The owner of an animal which inflicts severe injury or death to a person or bites a person on public or private property, or which kills a domestic animal without provocation while off the owner's property shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than two hundred dollars (\$200.00) but not more than two thousand dollars (\$2,000.00).
- C. It shall be a violation of this chapter for a vicious animal to kill or wound, or assist in killing or wounding any domestic animal belonging to or in the possession of any person, or for a vicious animal to attack, assault, bite or otherwise injure any person or assist in attacking, assaulting, biting or otherwise injuring any person while out of or within the enclosure of the owner whether or not such vicious animal was on a leash and securely muzzled or whether the vicious animal escaped without fault of the owner. The appropriate regulatory authority is empowered to confiscate and destroy such vicious animal in an expeditious and humane manner. In addition the owner shall be subject to a fine of not less than two hundred dollars (\$200.00) and not more than two thousand dollars (\$2,000.00). (Ord. No. 20-02, § 13, 4-25-2000; Ord. No. 03-03; Article 2.1300, paragraph (a); 5-06-2003)

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