

ORDINANCE NO. 318

AN ORDINANCE BY THE CITY OF STAGECOACH, TEXAS PROHIBITING MEMBERS OF THE CANINE FAMILY (DOGS) FROM RUNNING AT LARGE, PROVIDING FOR THE LICENSING AND TAGGING OF ALL DOGS IN THE CITY OF STAGECOACH, TEXAS, PROVIDING FOR A PENALTY AND/OR DESTRUCTION OF DOGS, PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER, AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas the City Council of the City of Stagecoach, Texas finds that the public health and welfare of the City of Stagecoach, Texas is endangered by the running at large of dogs, which creates conditions leading to rabies, epidemics and nuisances to people.

Whereas, dogs running at large may cause injury to inhabitants of the City of Stagecoach, Texas, and are detrimental to public welfare; and

Whereas, the City Council of the City of Stagecoach, Texas desires to provide an ordinance that will be effective in combating and dealing with a problem that has become both dangerous and disturbing to the residents of the City of Stagecoach, Texas, and the City Council deems the following Ordinance necessary and in the public interest:

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STAGECOACH, TEXAS;

ARTICLE I - DEFINITIONS

For the purpose of this Ordinance the following words shall have the following meanings:

Dog: all domesticated, or wild, or feral members of the canine family.

At Large: a dog not under the physical control of the owner, or not restrained securely within an enclosure, or fence, or on a leash, or on the owner's property.

Owner: any person, firm, corporation, or other entity owning, keeping, harboring, or having control of or custody of a dog.

Licensing and Tagging: yearly recording of all dogs and issuance of a metal tag to identify the dog by the City of Stagecoach, Texas.

Bite: the physical act of a dog encircling or attempting to encircle or ensnare any part of the human anatomy or other animal's anatomy with its mouth, whether or not the dog actually accomplishes that physical act and regardless of whether skin is actually broken.

ARTICLE II - UNLAWFUL FOR DOGS TO RUN AT LARGE

It shall be unlawful for any owner to allow or to permit a dog to be at large within the city limits of the City of Stagecoach, Texas.

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ARTICLE I - DEFINITIONS

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Dog: all domesticated, or wild, or feral members of the canine family.

At Large: a dog not under the physical control of the owner, or not restrained securely within an enclosure, or fence, or on a leash, *or on the owner's property in the city limits* **ALTER wjb**

Owner: any person, firm, corporation, or other entity owning, keeping, harboring, or having control of or custody of a dog.

Licensing and Tagging: yearly recording of all dogs and issuance of a metal tag to identify the dog by the City of Stagecoach, Texas.

Bite: the physical act of a dog encircling or attempting to encircle or ensnare any part of the human anatomy or other animal's anatomy with its mouth, whether or not the dog actually accomplishes that physical act and regardless of whether skin is actually broken.

ARTICLE II - UNLAWFUL FOR DOGS TO RUN AT LARGE

It shall be unlawful for any owner to allow or to permit a dog to be at large within the city limits of the City of Stagecoach, Texas.

ARTICLE III - UNLAWFUL FOR DOGS TO BITE

It shall be unlawful for a dog to bite a human being or another animal within the corporate city limits of the City of Stagecoach, Texas.

It shall be an affirmative defense to this Article if an owner shows that the dog bit while on the owner's property, and the dog was properly fenced, restrained or leashed, and bit only in response to the victim's unlawful trespass or provocation.

A postal worker, meter reader, police officer or any other person who is on the owner's property through routine performance of his or her duties will not constitute an unlawful trespass.

ARTICLE IV - CITY MAY IMPOUND OR DESTROY DOG

.Any dog found to be at large within the corporate city limits of the City of Stagecoach, Texas, or found to have bitten a human being or another animal as prohibited by this Ordinance, may be impounded by the City of Stagecoach, Texas. The owner shall be liable for any costs associated with impounding the dog. The city may seek the assistance of other local or county governmental agencies to accomplish the impound.

Any dog causing death of or serious bodily injury to a person may be seized or destroyed in accordance with the provisions of Section 822.001 of the Texas Health and Safety Code.

Upon receiving a report of a dog bite that could reasonably be foreseen as capable of transmitting rabies, or upon receiving a report that a dog is suspected of being rabid, the municipal judge of the City of Stagecoach, Texas shall order that the dog be restrained, impounded, quarantined and, as soon as practicable, transported to the local rabies control authority of Montgomery County, Texas. Any charges associated with the restraint, impoundment, quarantine or ultimate destruction of the dog, including the cost of the veterinarian, may be charged against the owner of the dog.

ARTICLE V - LICENSE / TAGS AND FEES

All owners of dogs within the corporate limits of the City of Stagecoach, Texas will cause their dogs to be registered with the City of Stagecoach, Texas and each dog will wear a metal tag for identification which will be issued by the City of Stagecoach, Texas. The tag will be issued only after proof of current rabies vaccination has been administered to the dog by a qualified veterinarian.

There will be a fee of five dollars (\$5.00) for the first tagging of the dog and a two dollar (\$2.00) fee for each year thereafter for re-registration of the same dog.

ARTICLE VI - PENALTY

A violation of any article contained within this Ordinance shall constitute a Class C misdemeanor. This penalty is cumulative of any other remedy provided under this Ordinance or under applicable laws. Each violation of this Ordinance shall be deemed a separate offense.

The owner of any dog found to be in violation of any part of this Ordinance shall be fined an amount not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).

The Municipal Court of the City of Stagecoach, Texas may order restitution for charges incurred against the owner in addition to any other remedy or penalty ordered against the owner.

ARTICLE VII - PUBLICATION AND EFFECTIVE DATE

The City Secretary is directed to publish this Ordinance in the official city newspaper in compliance with state law, which publication shall be sufficient if it contains the title of this Ordinance and the penalty provided for violations as contained within this Ordinance.

It is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law.

This Ordinance shall go into effect the 15th day of May, 2001.

FIRST READING:

Read, passed and approved as set out below at a regular meeting of the City Council of the City of Stagecoach, Texas, held on the 15th day of May, 2001.

ALDERMAN #1 Thomas W. Wilcox

ALDERMAN #2 Betty J. Faluy

ALDERMAN #3 Ray E. Pitt

ALDERMAN #4 William J. Berger

ALDERMAN #5 Robert D. ...

ATTEST: James Dean
James Dean - Mayor

Sarah Komar
Sarah Komar - City Secretary/Treasurer