

THE STATE OF TEXAS

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ORDINANCE #1985-1

COUNTY OF CAMERON

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AN ORDINANCE OF CAMERON COUNTY, PROMULGATED PURSUANT TO ARTICLE 4477-6A OF THE TEXAS CIVIL STATUTES, TO REGULATE ROAMING AND STRAY DOGS AND CATS IN UNINCORPORATED AREAS OF CAMERON COUNTY, TEXAS, A POLITICAL SUBDIVISION OF THE STATE OF TEXAS; PROHIBITING DOGS AND CATS TO RUN AT LARGE IN SUCH AREAS; REQUIRING THE RESTRAINT OF SUCH ANIMALS; DECLARING STRAY OR UNRESTRAINED DOGS AND CATS TO BE A PUBLIC NUISANCE; PROVIDING FOR THE IMPOUNDMENT OF SUCH STRAY OR UNRESTRAINED DOGS AND CATS; REQUIRING THE REGISTRATION AND LICENSING OF DOGS AND CATS IN UNINCORPORATED AREAS OF CAMERON COUNTY; REQUIRING THE VACCINATION OF DOGS AND CATS IN SUCH AREAS; PROVIDING FOR PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; BARRING THE DUAL APPLICATION OF DOG AND CAT CONTROL ORDINANCES; DESIGNATING A HEALTH OFFICER; DECLARING SUCH ORDINANCE TO BE AN EXERCISE OF THE COUNTY'S "POLICE" POWER;
SETTING FORTH A REPEALER

BE IT RESOLVED, THAT on Monday, December 10, 1984, the Cameron County Commissioners Court, upon the request of some of the residents of the unincorporated areas of Cameron County, conducted a Public Hearing at the Cameron County Courthouse to consider and approve the drafting of a County Ordinance, as authorized by Article 4477-6a of the Texas Civil Statutes (located in the 1985 Supplement "pocket part"), to regulate roaming and stray dogs and cats in the unincorporated areas of Cameron County, a political subdivision of the State of Texas.

BE IT RESOLVED, THAT at such Hearing, the following findings were made by the Cameron County Commissioners Court:

- 1 - Cameron County, acting by and through the Cameron County Commissioners Court, is concerned with the health, safety and general welfare of the citizens and residents of the County, and the safe, orderly and healthy development of the County.

- 2 - Some of the citizens of the unincorporated areas of Cameron County have contacted the Cameron County Commissioners Court and requested their assistance in regulating roaming and stray dogs and cats in such areas.

- 3 - The said roaming and stray dogs and cats can and do constitute a threat to the health, safety and general welfare of the citizens and residents of the County, as well as the safe, orderly and healthy development of the County.
- 4 - Cameron County can regulate such roaming stray dogs and cats by ordinance, pursuant to Article 4477-6a of the Texas Civil Statutes (located in the Supplement "pocket part"), particularly Section 3.08 of such Act.
- 5 - Cameron County, acting by and through the Cameron County Commissioners Court, wishes to enact an ordinance to regulate such problem.

BE IT RESOLVED, THAT at the conclusion of the said Public Hearing, the Cameron County Commissioners Court voted to approve the drafting of such a County Ordinance, and further, directed the Cameron County Attorney's Office to prepare such an Ordinance.

BE IT RESOLVED, THAT said County Attorney's Office drafted such an Ordinance, Number 1985-1, and submitted same to the Cameron County Commissioners Court for adoption.

BE IT RESOLVED, THAT said Ordinance, Number 1985-1, was submitted for approval at a Public Hearing on Monday, February 11, 1985, conducted by Cameron County Commissioners Court, to consider and approve the adoption of a County Ordinance, as authorized by Article 4477-6a of the Texas Civil Statutes (located in the 1985 Supplement "pocket part"), to regulate roaming and stray dogs and cats in the unincorporated areas of Cameron County, a political subdivision of the State of Texas.

BE IT RESOLVED, THAT at the conclusion of said Public Hearing, the Cameron County Commissioners Court voted to approve the adoption of such a County Ordinance.

NOW, THEREFORE, IT IS ORDERED by the Cameron County Commissioners Court that the following rules and regulations are adopted as a County Ordinance in and for Cameron County, Texas:

Section 1: Definitions

In this Ordinance, the following terms have the meanings indicated:

- (a) "Animal" means a dog or a cat.

- (b) "Harboring" means the act of keeping and caring for a dog or cat or of providing premises to which the animal returns for food, shelter or care for a period of at least ten (10) days.

- (c) "Owner" means any person, firm, or corporation who has a property right in an animal or who harbors a dog or cat or allows a dog or cat to remain on or about his premises for a period of at least ten (10) days.

- (d) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

- (e) "Pet" means any dog or cat sold or retained as a household pet.

- (f) "Running at large" means not completely confined by a building, wall, or fence of sufficient strength or construction to restrain a dog or cat, except when such animal is either on a leash or held in the hands of the owner or keeper, or under direct supervision of the owner within the limits of the owner's private property. A dog or cat within an automobile or other vehicle of its owner shall not be deemed "running at large."

- (g) "Stray" means any dog or cat for which there is no identifiable owner or harborer which runs free with

no physical restraint, and also includes "vicious" dogs or cats.

(h) "Unincorporated area" means any part of Cameron County, Texas that is not already subject to the jurisdiction of an incorporated city, town, municipality or village as regards a dog and cat control ordinance.

(i) "Vicious" means any dog or cat that has on two previous occasions, without provocation, attacked or bitten any person or other animal, or, any dog or cat which the County Health Department has reason to believe has a dangerous disposition likely to be harmful to people or other animals.

Section 2: Running At Large

It shall be unlawful for any owner to allow any dog or cat owned or kept by him or under his control to run at large within any unincorporated area of Cameron County.

Section 3: Restraint of Animals

(a) Any dog or cat within any unincorporated area of Cameron County must be restrained by its owner at all times so as to prevent such animal from running at large or attacking people or other animals (including but not limited to dogs or cats) or destroying the property of another person.

(b) Such restraint may be accomplished by confining such animal within a building, wall or fence of sufficient strength to restrain the animal, or alternatively, by keeping such animal on a leash or held in the hands of its owner or keeper, or alternatively, by keeping such animal under the direct supervision of the owner or keeper within the limits of such owner's or keeper's private property.

Section 4: Public Nuisance

Any stray or unrestrained dog or cat in an unincorporated area of Cameron County, Texas is hereby declared to be a public nuisance.

Section 5: Impoundment

(a) Any stray or unrestrained dog or cat found in an unincorporated area of Cameron County, Texas may be detained or impounded by the Cameron County Health Department, the Cameron County Parks System, or such departments' authorized agent or agents.

(b) All such impounded animals will be kept for a period of 3 days, except in the case of a dog or cat seized in connection with a "biting incident" or as part of a rabies investigation, and in such latter case, the impounded animals will be kept for a period of 10 days; after which, a humane disposition will be made of each unclaimed stray or unrestrained dog or cat, upon the expiration of the required impoundment period, but only after one of the said departments or their authorized agents have made a reasonable effort to locate the owner of said dog or cat.

(c) Such departments shall maintain records of such impoundments and may set charges for the impoundment and board provided to any dog or cat during the retention period, to be paid by the owner before release of the animal, subject to the approval of the Cameron County Commissioners Court; all such charges shall be deposited in the Cameron County Treasury for the account of such departments and shall be used only to help defray the expense of administration of this Ordinance.

(d) The said departments and their agents shall comply with those rules adopted by the Texas Board of Health establishing the minimum acceptable standards for the impoundment facilities and for the care of impounded animals.

Section 6: Registration and Licensing

(a) It shall be unlawful for any owner or person to own, possess or harbor a dog or cat within any unincorporated area of Cameron County without having been registered and licensed with the Cameron County Health Department, unless such dog or cat is already licensed in another Texas city or county. Any person moving into the County must reregister their dog or cat with Cameron County within ten (10) days after such move.

(b) Said department shall maintain records of such registrations and licenses issued.

(c) Said department may collect a reasonable fee to register and license each animal, such fee to be approved by the Cameron County Commissioners Court,

and said fees shall be retained by said department to be used only to help defray the expenses of the administration of this Ordinance.

(d) Registration and licensing under this paragraph is valid for one year only, and any cat or dog must be reregistered and relicensed if there is a change in ownership.

Section 7: Vaccination

(a) No cat or dog may be registered without first being vaccinated in accordance with this paragraph.

(b) The owner of each dog or cat within an unincorporated area of Cameron County shall have such animal vaccinated against rabies by the time said dog or cat is four months of age and at regular intervals prescribed by the Texas Board of Health, which is currently one year.

(c) Any person moving into the County shall comply with this Ordinance within ten (10) days after such move.

(d) A veterinarian who vaccinates a dog or cat against rabies in accordance with this Ordinance shall issue to the owner of the animal a Vaccination Certificate in a form which meets the minimum standards set by the Texas Board of Health.

Section 8: Penalties

(a) A person commits an offense if: (1) he fails or refuses to register or present for registration any dog or cat of which he is the owner and such animal is required to be registered under this Ordinance and such dog or cat is within an unincorporated area of Cameron County; (2) he allows any dog or cat owned or kept by him or under his control to run at large or fails or refuses to restrain any dog or cat of which he is the owner and such animal is required to be registered and restrained under this ordinance and such dog or cat is within an unincorporated area of Cameron County; or (3) he fails or refuses to have each dog or cat of which he is the owner vaccinated against rabies and such animal is required to be vaccinated under this Ordinance and such dog or cat is within an unincorporated area of Cameron County.

(b) An offense under this paragraph is a Class C misdemeanor, punishable by a fine not to exceed \$200.00.

Section 9: Barring Dual Application of Control Ordinances

This Ordinance shall not apply to any part of Cameron County where an

existing ordinance covering the subject of this Ordinance is already in effect.

Section 10: Health Officer

The Director of the Cameron County Health Department is hereby designated as the "officer to act as a local health authority for the purposes" of Article 4477-6a of the Texas Civil Statutes (located in the 1985 Supplement "pocket part"), particularly Sections 2.02(c) and 3.02 of such statute.

Section 11: Declaration of Exercise of Police Power

This Ordinance is enacted pursuant to a finding by the Cameron County Commissioners Court that this Ordinance is necessary for the immediate preservation of the public peace, health, welfare and safety.

Section 12: Repealer

All ordinances or parts of ordinances or policies of Cameron County in conflict with the provisions of this Ordinance are expressly repealed.

THIS ORDINANCE shall be effective from and after the 1st day of March, 1985.

THIS ORDINANCE was passed and approved on the 11th day of February, 1985, by the Cameron County Commissioners Court.

BY: Moises V. Vela
Moises V. Vela, County Judge

BY: D. J. Lemma
D. J. Lemma, County Commissioner I

BY: Miguel P. Cortinas Jr.
Miguel P. (Mike) Cortinas, Jr.,
County Commissioner II

BY: Adolph Thomas, Jr.
Adolph Thomas, Jr., County
Commissioner III

BY: Tony Gutierrez
Tony Gutierrez, County Commissioner IV

ATTEST:

Mike Sheldon
MIKE SHELDON, County Clerk