

ORDINANCE NO 2024-02

AN ORDINANCE OF THE CITY OF EAGLE LAKE, TEXAS ADDING A NEW ARTICLE, ARTICLE 2.05, REGISTRATION OF DOGS AND CATS, AMENDING SECTION 2.02.001 RABIES VACCINATION, AND AMENDING SECTION 2.02.007, GUARD DOGS AND ATTACK DOGS, OF ARTICLE 2.02, DOGS AND CATS, OF CHAPTER 2, ANIMAL CONTROL TO UPDATE VACCINATION REQUIREMENTS AND ADD REGISTRATION REQUIREMENTS; PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council (the “Council”) of the City of Eagle Lake, Texas (the “City”) finds it necessary to update the City’s Code of Ordinances (the “Code”) as it relates to the registration of dogs and cats within the City’s limits to comply with updates to State law; and

WHEREAS, the City Council finds it in the best interest of the health, safety and welfare of its residents to update the City’s Code as it relates to the registration and vaccination requirements of dogs and cats;

NOW, THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EAGLE LAKE, TEXAS:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Code of Ordinances for the City of Eagle Lake, Texas, is hereby amended by amending Section 2.02.001, Rabies Vaccination, of Article 2.02, Dogs and Cats, of Chapter 2, Animal Control, by adding to the underlined below and removing from the strikethrough below:

“Sec. 2.02.001 Rabies Vaccination of dogs and cats required; vaccination certificates.

(a) Every person who owns, keeps, feeds or harbors any dog or cat shall have such animal vaccinated against rabies by four (4) months of age. All dogs and cats must receive a second rabies vaccination within one (1) year of receiving their first vaccination, regardless of the type of vaccine used or the age at which the animal was initially vaccinated. Thereafter, such animals shall be vaccinated for rabies every three (3) years with a triennial vaccine or a minimum of once every year with an annual vaccine. All vaccinations shall be approved by the state health department and administered ~~performed~~ by a duly licensed veterinarian.

(b) A metal certificate of vaccination with the year of vaccination, a certificate number and the name, address and phone number of the vaccinating veterinarian or veterinary clinic must be securely attached to a collar or harness that must be worn by the dog or cat at all times. In addition to the metal certificate, a paper certificate must be issued stating the name of the owner, the address of the owner, the telephone number of the owner, a

description of the animal, the date of vaccination, the number of the metal certificate, and the kind of vaccine used, and signed by the administering veterinarian.”

Section 3. The Code of Ordinances of the City of Eagle Lake, Texas, is hereby amended by amending Section 2.02.007, Guard Dogs and Attack Dogs, of Article 2.02, Dogs and Cats, of Chapter 2, Animal Control, by adding the underlined below and removing from the strikethrough below:

“Sec. 2.02.007 Guard dogs and ~~attack dogs~~.

(a) Every person having care or custody of a dog which has received guard training must register such dog with the City of Eagle Lake. It shall be unlawful for any person having ownership, occupancy or control of any property in the city to permit or hire a guard dog to guard such property without such dog having first been registered with the city pursuant to this section.

(b) Any dog which has received guard dog training may be destroyed, if necessary, when such dog is running at large. The owner, keeper or person in charge of a guard dog shall be subject to the other provisions of this chapter.

(c) Registration tags identifying an animal as a guard dog must be worn by such animal at all times, and the animal must be securely muzzled and leashed unless in covered confinement or fenced, while in actual performance of duties.

(d) No person shall leave any guard dog ~~or attack dog~~ unattended in any place in or out of any building unless a warning sign has been placed in a clearly visible location at the premises, located so that it can be seen by any person before entering the place to which the dog has access, warning that a guard dog ~~or attack dog~~ is present. ~~As used in this section, the term “guard dog” or “attack dog” means any dog intended to attack intruders, whether the dog has been trained to do so or the dog does so without training.~~ No guard dog ~~or attack dog~~ shall be left unattended in any place except inside a building or out-of-doors in a fenced yard, with a fence adequate to prevent the dog from leaving the yard.”

Section 4. The Code of Ordinances of the City of Eagle Lake, Texas, is hereby amended by adding a new Article, Article 2.05, Registration of Dogs and Cats, to Chapter 2, Animal Control, by adding the underlined below:

“Article 2.05 REGISTRATION OF DOGS AND CATS

Sec. 2.05.001 Registration of dogs and cats required; procedure; registration

(a) No owner shall have within the City of Eagle Lake any dog or cat over four months of age unless such dog or cat is currently registered with the city. A current metal registration certificate, issued by the city, must be affixed to the collar or harness and must be worn by the dog or cat at all times. No dog or cat shall be registered until it has current vaccinations as required under Section 2.02.001 of this Code.

(b) Application for initial issuance or renewal of each registration must be made by the owner, in writing or in person, and must be accompanied by the paper vaccination

certificate, and a fee in the amount specified in the schedule of fees adopted by the city council.

- (c) Registration certificates shall be issued annually and shall run concurrently with vaccination certificates. Registration certificates must be obtained within thirty (30) days of vaccination. A registration and/or vaccination certificate shall be valid only for the animal to which it was originally issued.

Sec. 2.05.002 Transfer of Registration

If there is a change of ownership of a dog or cat currently registered with the city, transfer of registration shall be made upon request of the owner.

Sec. 2.05.003 Denial or revocation of registration

(a) Grounds. The City Manager or his/her designee may refuse to register a dog or cat or may revoke a registration issued to any person who has been convicted in a court of the state of any of the following:

(1) Cruelty to animals as defined by Texas Penal Code Sec. 42.11, inhumane treatment, or negligence to an animal; or

(2) Four or more separate and distinct violations of an animal services ordinance of a municipality in the state within a twelve (12) month period.

(b) Appeals. Any person denied such a registration may appeal the refusal to a committee made up of the chief of police or designated representative, the city manager or designated representative, and the city attorney or designated representative. This committee shall uphold or overturn the refusal of registration.

Section 5. All ordinances or parts of ordinances inconsistent or in conflict herewith are, the extent of such inconsistency or conflict, hereby repealed.

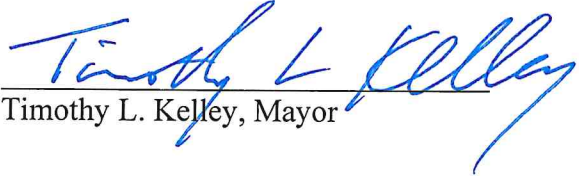
Section 6. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed two-thousand dollars (\$2,000). Each day of violation shall constitute a separate offense.

Section 7. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Eagle Lake, Texas, declare that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED in the City of Eagle Lake, Texas this 13th day of February, 2024.



CITY OF EAGLE LAKE, TEXAS


Timothy L. Kelley, Mayor

ATTEST:


Lina Ferguson, City Secretary