

ORDINANCE NO. 1769

**ORDINANCE AMENDING THE CITY CODE OF ORDINANCES CHAPTER 14 "ANIMALS"; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Be it Ordained by the City Council of the City of Bay City that the following amendments are adopted as Amendments to Chapter 14 of the Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS:**

**Section 1.** The facts and recitations contained in the preamble to this Ordinance are true and correct and incorporated herein for all purposes.

**Section 2.** The City hereby adopts the amendments for Chapter 14 attached hereto as Exhibit "A" in the City of Bay City, Texas, Code of Ordinances and imposes the fees and charges set forth therein upon the various services to which they pertain. These fees and charges shall be collected by the City in accordance with the various City ordinances that more particularly describe each such fee or charge.

**Section 3.** *Repeal.* All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

**Section 6.** *Severability.* 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 Bay City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 7.** *Effective Date.* This Ordinance shall be effective on OCTOBER 1, 2026 and may be published as required by law.

PASSED AND APPROVED on this 27<sup>th</sup> day of JANUARY, 2026.



ATTEST:

  
Jeanna Thompson, City Secretary



Robert K. Nelson, Mayor  
City of Bay City, Texas

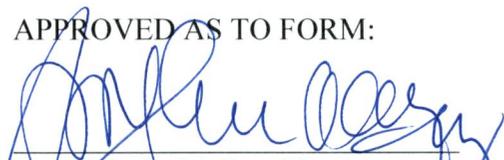
APPROVED AS TO FORM:

  
Anne Marie Odefey, City Attorney

Council Member:	Voted Aye	Voted No	Absent
Robert K. Nelson, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Folsie Mayor Pro Tem	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Flores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Brad Westmoreland	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Reardon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Blayne Finlay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

  
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 Robert K. Nelson, Mayor  
 City of Bay City, Texas

ATTEST:  
  
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 Jeanna Thompson, City Secretary

APPROVED AS TO FORM:  
  
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 Anne Marie Odefey, City Attorney

# Chapter 14 ANIMALS<sup>1</sup>

## ARTICLE I. IN GENERAL<sup>2</sup>

### Sec. 14-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Apiary* means a place where a bee colony is kept.

*Bee* means any stage of the common domestic honey bee, *Apis mellifera* species.

*Cat* means any live or dead animal of the *felis catus* species.

*Chief* means the Chief of Police of the City of Bay City, or the Chief of Police designee.

*Colony* means a hive and related equipment and appurtenances including bees, comb, honey, pollen, and brood.

*Currently vaccinated* means vaccinated and satisfying the criteria in Texas, Health and Safety Code § 826.001 et seq. and the rules of the state board of health.

*Dangerous dog* means a dog described in section 14-32.

*Dog* means any live or dead animal of the *canis familiaris* species.

*Domestic animals* means all species of animals commonly and universally accepted as being domesticated.

*Flyaway barrier* means a solid wall, fence, dense vegetation, or combination of these materials at least six feet high that extends at least ten feet beyond the hives on each end of a bee colony.

*Harboring* means the act of keeping and caring for an animal or of providing a premises to which the animal returns for food, shelter or care for a period of ten days or more ; or providing food in the same or generally same area so as to encourage stray animals to return to the area in expectation of food or shelter.

*Hive* means a structure intended to house a bee colony.

*Menacing fashion* means the show by an animal of a disposition, determination or intent to attack or inflict injury or harm to a person.

*Owner* means any person, firm, corporation, organization or department possessing, harboring, keeping in or having in control or custody of an animal.

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<sup>1</sup>State law reference(s)—Health and safety of animals, Texas Health and Safety Code § 821.001 et seq.

<sup>2</sup>Ord. No. 1573, adopted Apr. 14, 2016, amended art. I in its entirety to read as herein set out. Former art. I pertained to the same subject matter, consisted of §§ 14-1—14-12, and derived from the 1985 Code; the 2000 Code; and Ord. No. 1487, adopted Jan. 9, 2014.

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*Pet animals* means dogs, cats, rabbits, rodents, birds, reptiles, and any other species of animals which are sold or retained as household pets. The term "pet animals" does not include skunks, nonhuman primates and any other species of wild, exotic or carnivorous animal that may be further restricted in this chapter.

*Running at large* means not completely confined within a building, wall or fence of sufficient strength or construction to restrain the animal, or when such animal is neither on a leash nor held in the hands of the owner or keeper or under direct supervision of the owner when not within the limits of the owner's private property. An animal confined within an automobile or other vehicle of its owner shall not be deemed running at large.

*Secure enclosure* means a fenced area or structure that is:

- (1) Locked;
- (2) Capable of preventing the entry of the general public, including children;
- (3) Capable of preventing the escape or release of the animal; and
- (4) In conformance with the requirements of an enclosure established by the animal control department.

*Stray animal* means any animal for which there is no identifiable owner or harborer.

*Tract* means a contiguous parcel of land under common ownership.

*Vaccinate* means to properly inject with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed by the state.

*Vicious animal* means any animal described in section 14-31.

*Wild animals'* means all species of animals which commonly exist in a natural unconfined state and usually are not domesticated; this shall apply regardless of the state or duration of captivity.

(Ord. No. 1573, § 2(Exh. A), 4-14-2016)

Cross reference(s)—Definitions and rules of construction, § 1-2.

**Sec. 14-2. Records.**

It shall be the duty of the animal control officer, chief of police or other enforcing agency to maintain such records as deemed necessary to the enforcement of all provisions of this chapter and have those records available for display to the city council or any interested citizen of the city as public records.

(Ord. No. 1573, § 2(Exh. A), 4-14-2016)

**Sec. 14-3. Standing to complain.**

Any person directly harmed or whose immediate relative is directly harmed, or any police officer of the city shall have standing to file a complaint under this chapter.

(Ord. No. 1573, § 2(Exh. A), 4-14-2016)

**Sec. 14-4. Interference with enforcement.**

It shall be unlawful for any person to interfere with, molest, hinder or prevent the animal control officer or his authorized representative in the discharge of their duties as prescribed in this chapter.

(Ord. No. 1573, § 2(Exh. A), 4-14-2016)

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### **Sec. 14-5. Prohibited animals.**

- (a) It shall be unlawful and a public nuisance for any person to place or keep upon any premises situated within the corporate limits of the city:
  - (1) Swine, except two or fewer domesticated pot belly pigs; or
  - (2) Any receptacle similar to a pigeon roost designed or used for roosting or collecting pigeons, unless the pigeons are completely penned.
- (b) It shall be unlawful and a public nuisance for any person to place or keep upon any premises situated within the corporate limits of the city any receptacle similar to a pigeon roost designed or used for roosting or collecting pigeons, unless the pigeons are completely penned.

(Ord. No. 1573, § 2(Exh. A), 4-14-2016; Ord. No. 1701, § 1, 12-6-2022)

### **Sec. 14-6. Nuisance.**

It shall be unlawful for any person to harbor any dog, cat or other pet animal or domestic animal or wild animal which by any long continued noise, cry, odor or other activity shall disturb the peace, comfort, sensibilities and/or property of any reasonable person. Such disturbance is hereby declared to be a public nuisance.

(Ord. No. 1573, § 2(Exh. A), 4-14-2016)

### **Sec. 14-7. Running at large.**

It shall be unlawful for any owner or harbinger of a dog, cat, domestic pet, horse, mule, cow, bull, steer, calf, sheep, goat, hog, fowl or other domestic or wild animal or livestock to allow the same to run at large on the streets, sidewalks, alleys, parks or other public places or upon another person's or business's private property.

(Ord. No. 1573, § 2(Exh. A), 4-14-2016; Ord. No. 1583, § 2, 11-17-2016)

State law reference(s)—Authority to prohibit dogs and other animals from being at large, Texas, Health and Safety Code § 826.033.

### **Sec. 14-8. Bird sanctuary.**

- (a) The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.
- (b) The Migratory Bird Treaty Act (MBTA) prohibits the taking (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service. This shall include all indigenous wild avian species except common pigeons, European starlings and house sparrows. If unprotected birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or a menace to health or property in the opinion of the Chief, his designated agent or proper health authorities, such birds may be destroyed in such numbers and in such manner as is deemed advisable by permitted pest control agent under the supervision of the Chief.
- (c) It shall also be a violation and separate offense under this chapter for anyone owning, harboring or having any pet animal under their care, custody or control to allow said pet to intentionally or by failing to secure and control said animal to: kill, attack, bite or injure any bird protected by the MBTA or any other wild animal protected by State or federal law.

(Ord. No. 1573, § 2(Exh. A), 4-14-2016)

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### **Sec. 14-9. Keeping horses and similar animals.**

- (a) All equine shall be provided shelter in the form of a shed, barn or covered stall which shall not be within 50 feet of any home or structure used for sleeping, dining or living. This shelter shall be a minimum of 100 square feet per equine (10'x10' or similar) and tall enough that the equine can comfortably raise their heads without making contact with the roof. The perimeter fence around the property shall be a minimum of 4 strands of barbed wire or 4' tall welded or net style fencing erected according to industry standards for such enclosures and in such manner as to avoid escape or injury to subject equine and shall be maintained in good repair.
- (b) No equine may be tied out on a lead rope, other rope, lariat or similar device.
- (c) This section shall not apply to equine temporarily in the City for a period not to exceed 8 hours nor shall it apply to animals involved with special events such as horse shows, rodeos, parades or circuses for the period of time such event is held.

(Ord. No. 1573, § 2(Exh. A), 4-14-2016)

### **Sec. 14-10. Horses on streets.**

It shall be lawful for a person to lead or ride a horse, mule, jack, jennet or similar animal upon the streets of the city, so long as such person obeys all traffic laws and lawfully removes all waste material created by such animal. However, it shall be unlawful for any person acting under the provisions of this section in a manner that would create a public safety risk. Nothing in this section shall be construed as to permit the use of and/or access to the private property of another.

(Ord. No. 1573, § 2(Exh. A), 4-14-2016)

### **Sec. 14-11. Beekeeping.**

- (a) A person may not keep a colony that causes a threat to human or animal health, or interferes with normal use and enjoyment of public or private property.
- (b) A person shall keep a colony in a man-made hive that is maintained in sound and usable condition.
- (c) A person shall provide a source of water to a colony to prevent the bees from congregating at a water source used by a human, bird, or domestic pet.
- (d) A person shall store or dispose of bee comb or other material removed from a hive in a sealed container, building, or other beeproof enclosure.
- (e) A person who keeps a colony within 25 feet of the property line of a tract, as measured from the nearest point of a hive to the property line, shall establish and maintain a flyway barrier parallel to the property line. A person is not required to construct a flyway barrier if the apiary tract is adjoined by undeveloped property for a distance of at least 25 feet from the property line of the tract that is closest to location of the colony.
- (f) A person shall immediately replace the queen in a colony that exhibits aggressive characteristics, including stinging or attempting to sting without provocation, or a disposition towards swarming. A person required to replace a queen under this subsection shall select the replacement from bee stock bred for gentleness and non-swarmling characteristics.
- (g) A person may not keep more than:
  - (1) Two colonies on a tract one-quarter-acre or smaller;

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- (2) Four colonies on a tract larger than one-quarter-acre but smaller than one-half-acre;
  - (3) Six colonies on a tract one-half-acre or more but smaller than one-acre;
  - (4) Eight colonies on a tract one-acre or more.
- (h) A person shall brand, paint, or otherwise clearly mark the apiary owner's name or telephone number on at least two hives placed at opposite ends of an apiary; or post a conspicuous sign displaying the apiary owner's name and telephone number at the entrance to the apiary tract. A person is not required to place owner identification on or near a colony located on a tract on which the owner resides.
  - (i) No person may remove a colony without possessing a bee removal permit issued by a person authorized to issue such a permit in accordance with state law.
  - (j) The city may order relocation of a colony of bees not residing in a hive, a swarm of bees, or a colony residing in an abandoned standard or man-made hive if the relocation of the bees can be done without threatening human or animal health or interfering with the normal use and enjoyment of public or private property. If the city determines that relocation of bees under is not possible then, without notice and a hearing, the health authority may order destruction of a colony of bees not residing in a hive, a swarm of bees, or a colony residing in an abandoned standard or man-made hive.

(Ord. No. 1573, § 2(Exh. A), 4-14-2016)

#### **Sec. 14-12. Animal waste removal.**

- (a) An owner of a dog commits an offense if he knowingly permits, or by insufficient control allows, the dog to defecate in the city on private property or on property located in a public place.
- (b) An owner of a dog commits an offense if he:
  - (1) Knowingly permits the dog to enter or be present on private property or on property located in a public place; and
  - (2) Fails to have in his possession materials or implements that, either alone or in combination with each other, can be used to immediately and in a sanitary and lawful manner both remove and dispose of any excreta the dog may deposit on the property.
- (c) It is a defense to prosecution under subsection (a) that the owner of the dog immediately and in a sanitary and lawful manner removed and disposed of, or caused the removal and disposal of, all excreta deposited on the property by the dog.
- (d) It is a defense to prosecution under subsection (a) or (b) that:
  - (1) The property was owned, leased, or controlled by the owner of the dog;
  - (2) The owner or person in control of the property had given prior consent for the dog to defecate on the property; or
  - (3) The dog was a service dog being used in official law enforcement activities.
- (e) This section does not apply to a service dog that is specially trained to assist a person with a disability and that was in the custody or control of that disabled person at the time it defecated or was otherwise present on private property or on property located in a public place.

(Ord. No. 1573, § 2(Exh. A), 4-14-2016)

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### **Sec. 14-13. Sale of animals.**

- (a) A person commits an offense if he sells, trades, exchanges, barter, rents, leases, or gives away, or offers to sell, trade, exchange, barter, rent, lease, or give away, any animal on any roadside, public right-of-way, commercial parking lot, or at any flea market or festival.
- (b) A person commits an offense if he displays for a commercial purpose any animal on any roadside, public right-of-way, commercial parking lot, or at any garage sale, flea market, or festival.
- (c) It is a defense to prosecution under subsections (a) and (b) that the person is:
  - (1) Animal Control Division;
  - (2) An animal adoption agency; or
  - (3) A non-profit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals.

(Ord. No. 1573, § 2(Exh. A), 4-14-2016)

### **Sec. 14-14. Feeding of stray animals prohibited.**

- (a) A person commits an offense if he knowingly places or permits the placement of food on any public or private property so that it is accessible to a stray animal.
- (b) It is a defense to prosecution under this section that the food was placed for the sole purpose of apprehending an animal for surrender to an animal control officer or humane organization.

(Ord. No. 1573, § 2(Exh. A), 4-14-2016)

### **Sec. 14-15. Animal care; cruelty.**

- (a) No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper protection from the weather, veterinary care, shelter, shade, when needed to prevent suffering, and with humane care and treatment.
- (b) No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, including a wild animal, or cause, instigate or permit any combat between animals and humans or another animal.
- (c) No owner of an animal shall abandon such animal.
- (d) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; if the owner cannot be ascertained and located, such operator shall at once report the accident to the police department.
- (e) If an animal is found in an enclosed vehicle without adequate ventilation and is in distress, an animal control officer, police officer, or personnel of the fire department may use reasonable force to remove the animal from the vehicle and the owner of the animal shall be subject to fine. Neither the city nor any of its employees will be held responsible for any damage done to the vehicle during the attempt to remove the animal from the vehicle.
- (f) No owner of an animal shall place such animal on vacant or abandoned property. If an animal is found on vacant or abandoned property, the animal control officer may remove and impound the animal on a 72-hour hold.

**Sec. 14-16. Tying and staking.**

- (a) It shall be unlawful to tie or stake any animal unless:
  - (1) The tying or staking is accomplished by providing an overhead cable onto which is attached a lead or leash that allows the animal to be free to travel unrestricted between the extreme terminations of the overhead cable and the lead or leash is of sufficient length to allow the animal to move about laterally from the overhead cable without the possibility of strangulation but not so long to allow it to wrap around or become entangled on any obstacles that may restrict the movement of the animal; or
  - (2) The at-grade tying and staking systems include posts or rod stakes with 360-degree swivels to which the lead is attached and cable hoop and lead wherein the lead is free to slide 360 degrees around the cable hoop which is placed around a tree or fixed post and without the possibility of strangulation but not so long to allow it to wrap around or become entangled on any obstacles that may restrict the movement of the animal.
- (b) Within the range of travel of the lead or leash, the animal shall be provided ready access to water, food, shade, and shelter.

**Secs. 14-17 – 14-19 . -Reserved**

**ARTICLE II. ANIMAL CONTROL OF DOGS AND CATS**

**Section 14-20: Pet Limits**

It shall be unlawful and a public nuisance to keep, harbor, possess, maintain or allow to be kept, harbored, possessed or maintained more than five (5) dogs or five (5) cats or a combination thereof, with the total number not exceeding five (5), over three (3) months old, upon or within any premises owned, occupied or under the control of such person within the city unless the pet owner has secured a "Multiple Pet Permit".

Commercial breeders, commercial boarding facilities, Veterinary care facilities and a 501(c)(3) animal rescue groups, and certified fosters are exempt from requirements of this section.

(a) Multiple Pet Permit: To exceed the five (5) pet limit, you must secure and maintain a Multiple Pet Permit per residence.

- (1) Requirements for a Multiple Pet Permit
  - a) All pets must be vaccinated, microchipped and or wear current tags at all times and altered.
  - b) No enforcement actions for animal control ordinance violations in the last 12 months.
  - c) The property must pass inspection by an Animal Control Officer.
  - d) A Multiple Pet Permit is issued only for the current pets residing in the home at the time of permit issuance. Any interchanging of animals in the home requires reapplication for a new Multiple Pet Permit.
- (2) Property Standards:
  - a) Adequate space, food, water, and shelter for each pet.

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- b) Premises must be sanitary and free of pests.
  - c) Noise must not disturb neighbors.
- (3) Multiple Pet Permit Application Process
- a) Annual Permit: A Multiple Pet Permit Application must be completed and submitted with payment of the Annual Permit Fee per application. The fee may be found in Appendix B.
  - b) Eligibility Requirements: Schedule an inspection with an Animal Control Officer.
  - c) Permit Issued: A Permits is issued only for the current pets residing in the home at the time of permit issuance.
  - d) Maintain Compliance: Maintain compliance with all requirements for Multiple Pet Permit holders. Violations (e.g. unsanitary conditions, nuisance complaints) can result in permit revocation.
  - e) Renewal and Changes: A Permit must be renewed annually. If you move or change pets, you must apply for a new permit. Renewals will require payment of the Annual Permit Fee. The City reserves the right to re-inspect the property prior to issuing a renewal permit.
  - f) If an owner reduces the number of animals in the home to the number allowed by this ordinance, then a multiple pet permit is not required, If the owner has a current multiple pet permit, the permit will be forfeited as it will no longer be required.

#### **Section 14-21: Unaltered Dogs and Cats**

- (a) All outdoor cats must be spayed or neutered.
- (b) Any unaltered cat or dog found running at large more than twice within a year will be required to be spayed or neutered.
- (c) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding or under direct supervision of the owner.

#### **Section 14-22: Breeder Animal Permit**

- (a) All persons owning an unaltered dog or cat who are selling, exchanging, or bartering animals are required to maintain a valid Breeding Animal Permit issued by the Animal Control Division.

For the purpose of this section, the term "animal" shall include only dogs and cats. Permits are valid for one year and must be renewed annually for the lifetime of the unaltered animal or until the owner shows proof that the animal has been altered. The annual breeders permit fee, applied per unaltered animal, is provided in Appendix B. A breeder's permit may not be issued if the applicant is found to be in violation of any city ordinance or state law or regulation governing the care, treatment or living conditions of dogs or cats including animal cruelty, abuse or neglect.

- (1) Annual reduced cost Breeding Permits are available for purebred pets. To qualify for the reduced cost purebred pets permit, pets must be:
  - a) microchipped
  - b) registered with the AKC, CKC, CFA or similar purebred registries

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The Animal Control Division may inspect the premises before issuing a permit if he/she deems it advisable.

- (b) It shall be unlawful for:
- (1) Any person to sell, exchange, or barter any animal to another person without a breeder's permit.
  - (2) Any person to sell, exchange, or barter any animal that is not vaccinated and registered as required by this chapter.
  - (3) For a person to fail to provide evidence of compliance with this section to a recipient of an animal at the time of the transfer of the animal.
  - (4) For a person to fail to provide his breeder's permit number to any person that purchases or adopts an animal.
- (c) The Animal Control Division shall have the right, upon reasonable suspicion of a violation of city ordinance or state statute or regulation that regulates the care, treatment or living conditions of cats or dogs, to inspect the premises (indoor or outdoor) of an applicant or holder of a breeder's permit to ensure compliance with city ordinances and state statutes and regulations. Any holder of a breeder's permit found to be in violation of any city ordinance or state statute that regulates the care, treatment or living conditions of cats or dogs or that repeatedly drops unsold or unwanted animals at the shelter may have his permit suspended or revoked without prior notice by the animal services manager.

#### **Section 14-23: Identification for Animals**

- (a) The owner of a dog or cat six months of age shall be microchipped or wear an ID tag (separate from a rabies tag) that includes the pet's name, owner name and owner phone number.
- (b) A dog or cat without a microchip/ID tag shall not be released from the animal shelter until the owner signs an agreement which requires the owner to prove the animal has been microchipped or ID tagged.

#### **Section 14-24: Penalties for violations**

A violation of any section under this article is punishable by a fine not to exceed \$2,000.

#### **Secs. 14-25 – 14-30 . -Reserved**

### **ARTICLE III.DANGEROUS AND VICIOUS ANIMALS**

#### **Sec. 14-31. Vicious animal.**

- (a) A vicious animal is:
- (1) Any animal that, on one previous occasion without provocation, attacked or bitten any person or other animal;
  - (2) Any animal which, when unprovoked, 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;

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- (3) Any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury or to otherwise threaten the safety of persons or otherwise domestic animals; or
  - (4) Any animal which a city-designated veterinarian has reason to believe has a dangerous disposition likely to be harmful to humans or other animals.
- (b) Any vicious animal found running at large may be destroyed by a peace officer or animal control officer in the interest of public safety.
  - (c) If a person reports an incident that would qualify the animal as a vicious animal described in subsection 14-31(a), an animal control officer shall investigate the incident. The animal may be seized if it is determined that it is, in fact, a vicious animal. If the reported animal is or has been impounded, the animal shall be held at the city's designated animal shelter during the pendency of an animal disposition hearing.
  - (d) The municipal court, after a notice and hearing, may order any owner or person having care, control, or custody of any vicious animal to take such animal permanently from the city, or the court may, upon making a finding that such animal is vicious or that it represents a clear and present danger or nuisance to the citizens or other animals in the community, order the humane destruction of the animal by a person listed in Texas, Health and Safety Code § 822.004, as amended. This animal must be removed immediately following receipt of such an order, even if an appeal is initiated.
  - (e) The owner of the animal shall be responsible for all impoundment and medical fees incurred during the impoundment period, including, but not limited to, daily impound fees, veterinarian costs and fees, or euthanasia fees as set in the city's Code of Ordinances.
  - (f) If the owner or person having care, custody, or control of a vicious animal fails to remove such animal as provided in subsection (d) of this section, such animal may be impounded and/or destroyed humanely by a person listed in Texas, Health and Safety Code § 822.004, as amended.
  - (g) The owner or person having care, custody, or control of a vicious animal must report the disposition and relocation of such animal to the chief of police in writing, within ten days after the expiration date for removal of such animal from the city. Each day thereafter such information is not provided shall constitute a separate offense.
  - (h) The chief of police or his deputy shall be authorized to obtain a search and seizure warrant if there is reason to believe that an animal ordered removed from the city for being vicious has not been so removed.
- (Ord. No. 1573, § 2(Exh. A), 4-14-2016)

### **Sec. 14-32. Dangerous dog.**

- (a) A dangerous dog means a dog that:
    - (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog is being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
    - (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.
  - (b) Any dangerous dog found running at large may be destroyed in the interest of public safety by a peace officer or animal control officer.
  - (c) On receipt of a written, sworn complaint by any person charging that a particular dog is dangerous, the animal control officer, or his or her designee, shall investigate the animal to determine whether the dog is, in fact, dangerous as described in subsection 14-9(a)
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- (d) The owner of the dog shall deliver the dog to the animal control department for impoundment within five days of being served with notice that a sworn complaint has been filed and that the owner is required to deliver the dog to the animal control department.
- (e) The owner of the dog shall be served with notice in one or more of the following ways:
- (1) Hand-delivery to the owner in person by a city employee;
  - (2) Delivery to the owner by courier-receipted delivery;
  - (3) Delivery to the owner's agent or attorney of record, as the case may be, either in person or by courier-receipted delivery;
  - (4) Hand-delivery to any adult person at the owner's last known address who agrees to accept notice and deliver it to the owner;
  - (5) By certified or registered mail, return receipt requested, postage prepaid, to the owner's last known address;
  - (6) By posting notice prominently on the door of the property of the owner's last known address; or
  - (7) By first-class mail through the United States Postal Service, provided that service is also attempted by one or more of the other methods in this subsection.
    - a. A certificate or affidavit of any person showing service of notice under this provisions of this section shall be prima facie evidence of the fact of service. Nothing herein shall preclude the owner from offering proof that the notice was not received.
    - b. It shall be an offense for an owner to refuse or fail to deliver a dog to the animal control department after being served with notice that a sworn complaint has been filed under this section. Each day an owner fails or refuses to deliver the dog shall constitute a separate offense.
    - c. If the owner fails to deliver the dog to the animal control department, the municipal court may issue a warrant authorizing the seizure of the dog.
    - d. If the dog is impounded with the animal control department, the dog shall remain in the custody of the animal control department until the animal control officer has completed his or her investigation.
- (f) Investigation of sworn complaint by the animal control officer.
- (1) The animal control officer, or his or her designee, shall complete an investigation and determine whether the dog is to be declared a dangerous dog within ten days of the date of the sworn complaint or within ten days of the date the dog is delivered to or seized by the animal control department, whichever is later. Notwithstanding the foregoing, the animal control officer may make a determination if the owner does not deliver the dog to the animal control department.
  - (2) During the investigation, any interested person shall be given the opportunity to present evidence by sworn statement on the issue of whether the dog is to be declared dangerous.
  - (3) If the animal control officer finds that the dog is not dangerous, the dog shall be returned to the owner, provided that the dog is properly vaccinated against rabies in conformance with the Code of Ordinances and that all impoundment and medical fees have been paid.
  - (4) If the animal control officer declares the dog to be dangerous, the dog's owner shall:
    - a. Comply with the requirements for the keeping of a dangerous dog as provided in section 14-11. The dog shall remain impounded at the owner's expense until such compliance has been attained; or
    - b. Provide for the humane destruction of the dog by a person listed in Texas Health and Safety Code § 822.004, as amended.
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(Ord. No. 1573, § 2(Exh. A), 4-14-2016)

State law reference(s)—Dangerous dogs, Texas Health and Safety Code § 822.001 et seq.

**Sec. 14-33. Appeal of dangerous dog determination.**

- (a) An owner of a dog that is declared to be a dangerous dog by the animal control officer may appeal that determination to the municipal court by filing a written notice with the court clerk within ten days of the date the determination is made.
- (b) The court shall set a cash bond to secure payment of the fees for impoundment and any other reasonable costs incurred in caring for the dog during impoundment. The owner shall post the cash bond within ten days of filing the written notice of appeal. Notwithstanding the foregoing requirement, the court may waive payment of the bond for good cause shown.
- (c) The municipal court shall hold a hearing within ten days of receiving written notice of the owner's appeal provided the owner has posted the cash bond set by the court, unless the court has waived the bond. If the owner has not posted the cash bond within ten days, and the court has not waived the requirement of bond, the appeal shall be dismissed, and the animal control officer's determination shall be final. Notwithstanding the foregoing, if the court has not held the hearing within ten days, the court shall hold the hearing as soon as practicable.
- (d) Any interested person may provide evidence at the hearing.
- (e) The dog shall continue to be impounded at the owner's expense during the pendency of the appeal, and, if the court finds the dog to be dangerous, until the requirements for the keeping of a dangerous dog are satisfied or provision has been made by the owner for the humane destruction of the dog.
- (f) If the court finds that the dog is not dangerous, the dog shall be returned to the owner, provided that the dog has been properly vaccinated against rabies in conformance with the Code of Ordinances and that all impoundment and medical fees have been paid.
- (g) If the municipal court finds the dog to be dangerous, the municipal courts shall order:
  - (1) The dog to be permanently removed from the city;
  - (2) The dog to be humanely destroyed by a person listed in Texas Health and Safety Code § 822.004, as amended; or
  - (3) The dog to be allowed to remain in the city provided that the owner comply with the requirements for the keeping of dangerous dog as provided by section 14-34.
- (h) The owner of the dog shall be responsible for all fees incurred during the impoundment period, including, but not limited to, daily impound fees, veterinarian costs and fees, or euthanasia fees as set in the city's Code of Ordinances.
- (i) The city and an owner may appeal the decision of the municipal court to the county court in the same manner as state law provides for other appeals of similar cases from municipal court.

(Ord. No. 1573, § 2(Exh. A), 4-14-2016)

**Sec. 14-34. Requirements for owners of dangerous dogs.**

- (a) In addition to the requirements under state law applicable to the owner of a dangerous dog, the owner of a dangerous dog shall also comply with the following:
  - (1) Register the dangerous dog with the animal control department;

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- (2) Restrain the dangerous dog at all times on a leash in the immediate physical control of a person or in a secure enclosure, and post signs on all sides of the enclosure in one-inch letters warning of the presence of a dangerous dog;
  - (3) Further secure the dangerous dog with a muzzle in a manner that will not cause injury to the dog nor interfere with its vision or respiration, but shall prevent it from biting any person or dog when the dangerous dog is taken off the property of the owner for any reason;
  - (4) Obtain and maintain liability insurance coverage or show financial responsibility in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person or dog and provide proof of the required liability insurance coverage or financial responsibility to the animal control department;
  - (5) Provide the dangerous dog with a fluorescent yellow collar visible at 50 feet in normal day light so that the dog can be identified and affix the registration tags to the collar to be worn at all times;
  - (6) Spay or neuter the dangerous dog;
  - (7) Have the dangerous dog microchipped for its lifetime with a national registry, and present proof to the animal control officer. The cost of this service shall be at the owner's expense; and
  - (8) Comply with any other restriction or requirement of the animal control officer or the municipal court.
- (b) If the owner or person having care, custody or control of a dangerous dog fails to remove a dog ordered to be removed by the municipal court, such dog may be impounded and humanely destroyed by a person listed in Texas Health and Safety Code § 822.004, as amended.
  - (c) The owner or person having care, custody or control of a dangerous dog must report the disposition and relocation of such dog to the Chief in writing, within ten days after the expiration date for removal of such dog from the city. Each day thereafter such information is not provided shall constitute a separate offense.
  - (d) The Chief or his deputy shall be authorized to obtain a search and seizure warrant if there is reason to believe that a dog ordered removed from the city for being dangerous has not been so removed.

(Ord. No. 1573, § 2(Exh. A), 4-14-2016)

- (1) The tying or staking is accomplished by providing an overhead cable onto which is attached a lead or leash that allows the animal to be free to travel unrestricted between the extreme terminations of the overhead cable and the lead or leash is of sufficient length to allow the animal to move about laterally from the overhead cable without the possibility of strangulation but not so long to allow it to wrap around or become entangled on any obstacles that may restrict the movement of the animal; or
  - (2) The at-grade tying and staking systems include posts or rod stakes with 360-degree swivels to which the lead is attached and cable hoop and lead wherein the lead is free to slide 360 degrees around the cable hoop which is placed around a tree or fixed post and without the possibility of strangulation but not so long to allow it to wrap around or become entangled on any obstacles that may restrict the movement of the animal.
- (b) Within the range of travel of the lead or leash, the animal shall be provided ready access to water, food, shade, and shelter.

(Ord. No. 1573, § 2(Exh. A), 4-14-2016)

**Secs. 14-35 – 14-40 . -Reserved**

## ARTICLE IV. RABIES CONTROL<sup>3</sup>

### Sec. 14-41. Rabies control authority.

The animal control officer is the rabies control authority for the city.

State law reference(s)—Designation of rabies control authority required, Texas Health and Safety Code § 822.017.

### Sec. 14-42. Vaccination of dogs and cats.

- (a) The owner of each dog or cat shall have the dog or cat vaccinated against rabies by the time it is four months of age and within each subsequent 12- to 36-month interval thereafter whichever is applicable. All dogs or cats vaccinated at four months of age or older shall be revaccinated at one year of age and at regular intervals thereafter as prescribed by the state board of health rules. Any person moving into the city from a location outside of the city shall comply with this section within ten days after having moved into the city.
- (b) Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat as evidence thereof, a certificate upon a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy. Such certificate shall contain the following information:
  - (1) The name, address and telephone number of the owner of the vaccinated dog or cat.
  - (2) The date of vaccination.
  - (3) The type of rabies vaccine used.
  - (4) The year and number of rabies tag.
  - (5) The breed, age, color and sex of the vaccinated dog or cat.
- (c) Concurrent with the issuance and delivery of the certificate of vaccination, the owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated dog or cat a metal tag, serially numbered to correspond with the vaccination certificate number, and bearing the year of issuance and the name of the issuing veterinarian and his address. The owner shall cause the collar or harness, with the attached metal tag, to be worn by his dog or cat at all times.
- (d) In the event of loss or destruction of the original tag provided in subsection (c) of this section, the owner of the dog or cat shall obtain a duplicate tag. Vaccination certificates and tags shall be valid only for the animal for which it was originally issued.
- (e) 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 the certificate of vaccination upon demand to any person charged with the enforcement of this chapter.
- (f) It shall be unlawful for any person to harbor any dog or cat which has not been vaccinated against rabies, as provided herein, or which cannot be identified as having a current vaccination certificate.

(Code 1985, § 4-26; Code 2000, § 14-46)

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<sup>3</sup>State law reference(s)—Rabies Control Act of 1981, Texas Health and Safety Code § 826.001 et seq.

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State law reference(s)—Vaccination of dogs and cats required, Texas Health and Safety Code § 826.021.

**Sec. 14-43. Animals exposed to a rabid animal.**

Not currently vaccinated animals which have been bitten by, directly exposed by physical contact with, or directly exposed to the fresh tissues of a rabid animal shall be:

- (1) Humanely killed; or
- (2) Immediately vaccinated against rabies, placed in confinement for 90 days, and given booster vaccinations during the third and eighth weeks of confinement. For young animals, additional vaccinations may be necessary to ensure that the animal receives at least two vaccinations at or after the age prescribed by the United States Department of Agriculture (USDA) for the vaccine administered.
  - a. Currently vaccinated animals which have been bitten by, directly exposed by physical contact with, or directly exposed to the fresh tissues of a rabid animal shall be:
    1. Humanely killed; or
    2. Immediately given a booster rabies vaccination and placed in confinement for 45 days.
  - b. These provisions apply only to domestic animals for which a USDA-licensed rabies vaccine is available.
  - c. In situations where none of the requirements of this section are applicable, the recommendations contained in the latest edition of the publication titled *Compendium of Animal Rabies Prevention and Control*, published by the National Association of State Public Health Veterinarians, should be followed. The administration of a rabies vaccine in a species for which no licensed vaccine is available is at the discretion of the veterinarian; however, an animal receiving a rabies vaccine under these conditions will not be considered to be vaccinated against rabies virus in potential rabies exposure situations.

State law reference(s)—Quarantining of animals exposing humans to rabies, Texas Health and Safety Code § 826.041 et seq.; domestic animals exposed to rabies, 25 TAC § 169.30.

**Sec. 14-44. Animals exposed to rabies.**

Any person having knowledge of the existence of any animal known to have been, or suspected of being, exposed to rabies must immediately report such knowledge to the rabies control officer or animal control officer, giving any information which may be required. For any animal known to have been, or suspected of being, exposed to rabies, the following rules shall apply:

- (1) Animals having a current vaccination must be confined as provided in section 14-47 according to the method prescribed by the rabies control officer or animal control officer.
- (2) Animals not having a current vaccination should be humanely destroyed in such a manner that the brain is not damaged and a suitable specimen (head with brain intact or brain) submitted to a state department of health services-designated laboratory for rabies testing as specified in state law. However, if the owner of such an animal elects, the owner may, at the owner's expense and in a manner prescribed by the rabies control officer or animal control officer, confine the animal as provided in section 14-47.

(Code 1985, § 4-27; Code 2000, § 14-47)

State law reference(s)—Rabies control, animal exposed to rabies, Texas Health and Safety Code § 826.041.

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**Sec. 14-45. Animals biting humans.**

- (a) Any person having knowledge of an animal bite to a human will report the incident to the police department and rabies control officer or animal control officer as soon as possible, but not later than 24 hours from the time of the incident.
- (b) The owner of the biting animal will place that animal in quarantine as prescribed in this article under the supervision of the Bay City, Matagorda County Animal Impound Manager.
- (c) The rabies control officer or animal control officer will investigate each bite incident, utilizing standardized reporting forms provided by the state department of health services.
- (d) Human bites from Didelphimorphia, Insectivora, Rodentia, Lagomorpha and Xenarthra (rodents, rabbits, birds and reptiles) are excluded from the reporting requirements of this section.

(Code 1985, § 4-28; Code 2000, § 14-48)

State law reference(s)—Reports and quarantining of animals exposed to rabies, Texas Health and Safety Code § 826.041 et seq.

**Sec. 14-46. Observation period and quarantine period.**

- (a) The observation period is the time following a potential rabies exposure during which the health status of the animal responsible for the potential exposure must be monitored. The observation period for dogs, cats and domestic ferrets (only) is ten days (240 hours). The observation period for other animals, not including those defined in 25 TAC § 169.22 as high risk or low risk, is 30 days. All observation periods are calculated from the time of the potential exposure.
- (b) The quarantine period is that portion of the observation period during which an animal that has potentially exposed a human to rabies is under physical confinement for observation as provided for in section 14-47 (25 TAC § 169.27 relating to Quarantine Method and Testing).

**Sec. 14-47. Quarantine procedures for animals.**

- (a) When a dog, cat, or domestic ferret which has bitten a human has been identified, the custodian will place the animal in quarantine as defined in the Texas Health and Safety Code, § 826.002, until the end of the ten-day observation period. The animal must also be quarantined if there is probable cause to believe that it has otherwise exposed a human to rabies. The observation period will begin at the time of the exposure. The animal must be placed in a department of state health services-licensed quarantine facility specified by the local rabies control authority and observed at least twice daily. However, the local rabies control authority may allow the animal to be quarantined in a veterinary clinic. As an alternative, the local rabies control authority may allow home confinement. If the potential rabies exposure occurs in a city or county other than where the animal's custodian resides, the animal may be transferred to a department-licensed quarantine facility or a veterinary clinic in the city or county of the custodian's residence or allowed home confinement, if applicable, if there is mutual agreement to do so between the local rabies control authorities for the city or county where the exposure occurred and where the custodian resides. The alternative to quarantining (to include home confining) a dog, cat, or domestic ferret is to have the animal humanely killed in such a manner that the brain is not damaged and a suitable specimen (head with brain intact or brain) submitted to a department of state health services-designated laboratory for rabies testing as specified in subsection (h) of this section. To allow home confinement, the following criteria must be met:
  - (1) A secure enclosure approved by the local rabies control authority must be used to prevent escape.

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- (2) The animal has been vaccinated against rabies and the time elapsed since the most recent vaccination has not exceeded the manufacturer recommendations for the vaccine. If an unvaccinated animal is not over 16 weeks of age at the time of the potential exposure, it may be allowed home confinement.
  - (3) The local rabies control authority or a veterinarian must observe the animal at least on the first and last days of the home confinement.
  - (4) The animal was not a stray as defined in the Texas Health and Safety Code § 826.002, at the time of the potential exposure.
- (b) A domestic animal which has potentially exposed a human and has been designated by the local rabies control authority as unowned may be humanely killed. A suitable specimen shall be submitted for rabies testing as specified in subsection (h) of this section.
  - (c) If the animal implicated in the potential exposure is a high-risk animal having a high probability of transmitting rabies which includes skunks, bats, foxes, coyotes, and raccoons, it shall be humanely killed and a suitable specimen submitted for rabies testing as specified in subsection (h) of this section.
  - (d) If the animal implicated in the potential exposure is a low-risk animal, neither quarantine nor rabies testing will be required unless the local rabies control authority has cause to believe the animal is rabid, in which case it shall be humanely killed and a suitable specimen submitted for rabies testing as specified in subsection (h) of this section.
  - (e) The local rabies control authority may require an animal which has inflicted multiple bite wounds, punctures, or lacerations to a person to be humanely killed and a suitable specimen submitted for rabies testing as specified in subsection (h) of this section.
  - (f) If the animal implicated in the potential exposure is not included in subsection (a), (b), (c), (d), or (e) of this section, the animal will be humanely killed and a suitable specimen submitted for rabies testing as specified in subsection (h) of this section or the local rabies control authority may require the animal to be quarantined at a department-licensed quarantine facility or a veterinary clinic, or confined elsewhere as deemed appropriate by the local rabies control authority for the 30-day observation period as an alternative to killing and testing. If the potential rabies exposure occurs in a city or county other than where the animal's custodian resides, the animal may be transferred to a department-licensed quarantine facility or a veterinary clinic in the city or county of the custodian's residence or allowed confinement deemed appropriate if there is mutual agreement to do so between the local rabies control authorities for the city or county where the exposure occurred and where the custodian resides.
  - (g) Any animal required to be quarantined under this section, which cannot be maintained in secure quarantine, shall be humanely killed and a suitable specimen submitted for rabies testing as specified in subsection (h) of this section.
  - (h) All laboratory specimens referred to in subsections (a) through (g) of this section shall be submitted in accordance with 25 TAC § 169.33 relating to submission of specimens for laboratory examination).
  - (i) At the discretion of the local rabies control authority, assistance animals may not be required to be placed in quarantine (to include confinement) during the observation period.
  - (j) Police service animals are exempted from quarantine per the Texas Health and Safety Code § 826.048, including confinement.
  - (k) Animals should not be vaccinated against rabies during the observation period; however, animals may be treated for unrelated medical problems diagnosed by a veterinarian. If the animal becomes ill during the observation period, the local rabies control authority must be notified by the person having possession of the animal.

(Code 1985, § 4-29; Code 2000, § 14-49)

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State law reference(s)—Quarantining of animals exposing humans to rabies, Texas Health and Safety Code § 826.041 et seq., 25 TAC § 169.21 et seq.