

ORDINANCE NO. 2010-06-17

AN ORDINANCE REGULATING THE CONTROL, POSSESSION, CONFINEMENT, VACCINATION, AND TREATMENT OF ANIMALS WITHIN THE TOWN OF BAYVIEW; PROVIDING A PENALTY; AND, AUTHORIZING PUBLICATION

Section 1. Animals to be under Physical Control

All domestic animals harbored or located within the corporate limits of the Town of Bayview, either permanently or temporarily, shall at all times be under the physical control of their owners or other authorized custodian and such persons shall be responsible individually and jointly for complying with the provisions of this ordinance. This ordinance applies to any animal harbored on property owned, leased, or otherwise under the control of the animal's owner or other authorized custodian and to any animal brought into the Town of Bayview by any person for any purpose.

The term animals in this case means all manner of pets or domestic livestock, including but not limited to cats, dogs, birds, horses, cattle, goats, sheep, and reptiles. Animals that are excluded from this ordinance are those that may not legally be harbored within the corporate limits of the Town of Bayview, including swine, animals classified as dangerous by any State of Texas or Cameron County ordinance (such as wolves, lions, cougars, etc.) and those that require a possession permit issued by such authority. Wild animals roaming at large are not domestic animals for the purpose of this ordinance.

Animals within fenced enclosures or other structures that effectively prevent the animal from leaving property owned or controlled by animals' owner are considered to be under the physical control of the owner.

An animal outside such enclosures must be restrained by means of a suitable leash, tether, carrier, or transport enclosure. An animal within a vehicle shall be deemed to be under control provided that the animal is not free to leave the vehicle unless released by the person exercising control.

Animals may not be tethered, chained, or otherwise constrained or allowed to roam on the Right of Way (ROW) of any road that falls under the jurisdiction of the Town of Bayview.

Section 2. Humane Treatment

All animals harbored within the Town of Bayview shall be treated humanely within the usual application of that term as used by the State of Texas, Cameron County, and non-governmental organizations such as the SPCA.

Section 3. Vaccinations and Parasite Control

Dogs, cats, and other animals subject to State or County requirements for vaccinations for rabies or other diseases shall be vaccinated in accordance with those requirements.

Section 4. Fighting Animals Prohibited

Animals harbored within the Town of Bayview may not be bred for, trained for, or used for fighting. Owners or other persons responsible for animals within the Town shall be responsible for preventing fighting by animals under their control.

Section 5. Noise and Damage

The owner or other person authorized to control or responsible for any animal harbored within the Town of Bayview shall be responsible for ensuring that such animals do not make or cause unreasonable levels or durations of noise or other disturbance to Bayview residents by prolonged or repetitive barking, howling, crying, or other sounds or actions. Owners of animals harbored within the Town of Bayview shall be responsible for ensuring that such animals do not cause such disturbance regardless of whether or not another person is in temporary control of the animal or animals.

Owners of animals harbored within the Town of Bayview shall be fully responsible for restoring any damage to the property of others or to Town of Bayview public property that is caused by those animals regardless of whether or not another person is in temporary control of the animal or animals.

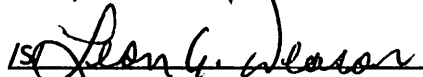
Section 6. Violations, Enforcement, and Penalties

The Mayor of the Town of Bayview or another individual authorized by the Mayor or the Board of Aldermen is authorized to investigate complaints filed under this ordinance and reports of violations of this ordinance. Violations may be reported to appropriate law enforcement agencies and/or judicial bodies for enforcement and possible penalty action.

Cameron County Animal Control agents are responsible for animal control actions within the Town of Bayview and may be contacted by telephone at 956-247-3614. Other duly authorized law enforcement personnel with jurisdiction in Bayview, including but not limited to Cameron County Sheriff's Deputies and Constables, also have the authority to enforce this ordinance on behalf of the Town of Bayview. Attacks or bites by any animal, including wild animals, should be reported to one of these entities.

Failure to comply with any element of this ordinance constitutes a violation. Each act in violation of this ordinance and/or each omission or failure to take action required by this ordinance constitutes a separate violation. Each subsequent day that a violation continues constitutes a separate violation. Each such violation is subject to a civil penalty or fine of not more than one hundred dollars (\$100), without limit.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF BAYVIEW, TEXAS:

 June 17, 2010

Leon Deason, Mayor

Date