

ARTICLE I. - IN GENERAL

Sec. 6-1. - Animal control officer.

For the purposes of the Rabies Control Act of 1981 (V.T.C.A., Health and Safety Code ch. 826), the animal control officer of the city is hereby designated as the local health authority, and such officer, together with such assistants as may be appointed by said officer, shall have the duties and powers set forth in said Act.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-2. - Definitions.

When used in this chapter, the following words and/or phrases shall have the meanings ascribed to them herein, except where the context clearly indicates a different meaning:

Animal control officer: The person appointed to serve in the capacity of animal control officer of the city or any deputy or assistant of the animal control officer of the city.

At large: The going upon public or private property by an animal without the owner or person in charge thereof having direct physical control over such animal. In addition, any animal which is staked or tied down shall be considered to be at large, unless such animal is confined in a fenced yard or other fenced enclosure. Further, any animal left unattended in any vehicle in such manner that such animal is capable of extending his head beyond the physical bounds of such vehicle or outside such vehicle shall be considered to be at large.

Barnyard animal: A cow, calf, steer, bull or other ruminant; a chicken, goose or duck; a horse, mule, donkey or other animal of the equine family; a lamb; or a goat.

Cat: All domestic species or varieties of the genus felis catus, male or female, six (6) months of age or older.

Department: The animal control department of the City of Pearland.

Dog: All domestic species or varieties of the genus canis familiaris, male or female, six (6) months of age or older.

Humane organization: A nonprofit organization or corporation which maintains a permanent shelter facility within the city for the care and custody of sick, injured, lost, abandoned or strayed animals and which provides veterinary services for the care of the animals kept there, which services are provided by a licensed veterinarian.

Kennel: Any lot, premises, building, structure or enclosure whereon or wherein six (6) or more dogs, cats, rabbits, or any combination thereof, are kept or maintained. This definition shall include shelter facilities operated by humane organizations, but shall exclude veterinary hospitals.

Owner: Any person or persons owning, possessing, harboring, keeping or sheltering any animal.

Unprovoked attack: Unprovoked with respect to an attack by an animal shall mean that the animal or the person in control of the animal was not hit, kicked or struck by a person with an object or part of a person's body, nor was any part of the animal's body pulled, punched or squeezed by a person.

Veterinarian: Any person duly licensed to practice as a doctor of veterinary medicine by the licensing authority of the State of Texas or other jurisdiction whose licensing is reciprocal with the State of Texas.

Wild animal: Any mammal, amphibian, reptile or fowl which is of a species that is wild by nature and of a species which, due to size, vicious nature or other characteristics is dangerous to human beings, but shall not include raptors and falcons that are licensed or that are properly permitted by the State of Texas. Such animals shall include, but not be limited to, lions, tigers, leopards, panthers, bears, wolves, raccoons, skunks (whether deodorized or not), apes, gorillas, monkeys, foxes, elephants, rhinoceroses, crocodiles, alligators and all forms of venomous reptiles, but such term shall not include animals expressly allowed in this chapter.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-3. - Animal at large prohibited.

It shall be unlawful for any person to allow or permit any animal or fowl to be at large within the territorial limits of the city. It shall be the responsibility of each person in control of a dog or cat to promptly remove and dispose of feces left by such dog or cat on private property where the dog or cat does not reside or on any public property. It shall be the duty of each person in control of a dog or cat to possess materials for the sanitary removal of feces left by a dog or cat required herein.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-4. - Same—Responsibility.

The owner or any other person having the right of possession of an animal shall ensure that such animal shall not be at large in violation of this chapter and shall be subject to punishment under the provisions of same without regard to whether he was acting with a culpable mental state.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-5. - Nuisance abatement.

- (a) *At large.* Any animal or fowl at large within the territorial limits of the city is hereby declared to be a nuisance, and the animal control officer of the city is hereby empowered to use all reasonable means necessary to abate such nuisance when the same exists within the city.
- (b) *Noise.* Any animal or fowl, which by the loud and habitual making of noise shall cause serious annoyance within the neighborhood where such animal or fowl is kept, is hereby declared to be a nuisance, and the keeping harboring or possession of such animal or fowl is hereby declared to be unlawful, and any court having jurisdiction over either such animal or fowl or any person keeping, harboring or possessing the same shall have the authority to require the abatement of such nuisance.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-6. - Micro-chip required.

Any animal that bites, scratches or otherwise attacks any person or other animal while off the premises of the owner shall have a micro-chip inserted under the skin of the animal that contains an identification number corresponding to records maintained by the department of such animal. Such micro-chip shall be inserted in such animal, at the owner's expense, immediately after the impoundment expires and, even if impoundment is not required, immediately after the expiration of the ten-day observation period provided in [section 6-33](#) hereof.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-7. - Care and feeding of animals.

All animals shall be fed with a quantity of good, wholesome food sufficient to keep them in a good, well-nourished condition, and such food shall be served to such animals in a clean, sanitary manner. All animals shall be provided with pure, clean water in sufficient quantities at all times and adequate shelter to protect them from the elements.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-8. - Destruction of wounded animals.

When from any cause it may happen that any animal within the city shall be so wounded, maimed or injured as to render its recovery hopeless in the opinion of the animal control officer, such officer may cause such animal to be destroyed. Such destruction shall be in a manner as determined by the animal control officer to be the most effective and least painful, considering attendant circumstances. Upon destruction, such officer shall cause the carcass of such destroyed animal to be lawfully removed and disposed of. Such officer shall thereafter file a written report stating:

- (1) A description of the animal destroyed, and the name of its owner, if known;
- (2) The injury making the destruction necessary;
- (3) The names of any witnesses to such injury and/or destruction;
- (4) The destruction method; and
- (5) The method by which the animal was disposed.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-9. - Barnyard animals allowed.

Barnyard animals, as defined in this chapter, shall be allowed to be kept in the territorial limits of the City of Pearland, subject to the following conditions:

- (a) No cow, calf, steer, bull or other ruminant, or chicken, goose or duck may be kept on property less than one (1) acre in size. No other barnyard animal may be kept on property less than one-half (½) acre in size.
- (b) No barnyard animal may be kept, possessed, or maintained, nor may any pens, enclosures, hutches, cages or other structures wherein any such animals are kept, possessed or maintained be, within one hundred fifty (150) feet of any actual residence or building used for human habitation not that of the owner or keeper of such animal.
- (c) There shall be an exemption to the distance restriction in subsection (b) if the keeping of any barnyard animal on a property was commenced prior to the construction within one hundred fifty (150) feet of any actual residence or building used for human habitation not that of the owner or keeper of such animal. This exemption shall cease to exist if no barnyard animal is kept on the property for a continuous period of six (6) months or longer.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-10. - Density of barnyard animals.

- (a) Barnyard animals are hereby assigned density values as follows:
- (1) One cow, calf, steer, bull or other ruminant = 5 Animal Units (AU).
 - (2) A total of sixteen (16) chickens, geese, or ducks, in any combination = 1 AU.
 - (3) One horse, mule, donkey or other animal of the equine family = 3 AU.
 - (4) One goat = 2 AU.
 - (5) One lamb = 2 AU.
- (b) It shall be unlawful to keep, possess or maintain within the territorial limits of the City of Pearland any number or combination of barnyard animals in a density that exceeds three (3) AU per one-half (½) acre of land.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-11. - Animals prohibited.

It shall be unlawful for any person to keep, possess or maintain within the territorial limits of the City of Pearland:

- (1) Any hog, swine or pig, unless kept and maintained on property owned or leased by a public school district for educational purposes;
- (2) An adult pair of any species or subspecies of ratites;
- (3) More than one (1) rooster per acre of land;
- (4) Any guinea hen, guinea fowl or peafowl, regardless of gender.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-12. - Method of measuring distances.

For the purpose of determining compliance with the provisions of this chapter, distances shall be measured in a straight line from the nearest point of the shed, stable, barn, pen or enclosure or area in which the animal is contained to the nearest point of such actual residence or building used for human habitation.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-13. - Storage, disposal of manure.

- (a) Every person owning or leasing any premises where animals are kept shall maintain a substantial and sufficient receptacle for manure, which shall be so constructed and kept so as to protect the contents from rain and so screened as to prevent access to flies, and all manure from any and all such animals shall be placed in such receptacle.
- (b) Every person owning or leasing such premises where animals are kept shall have all manure from such animals removed from the premises not less than twice each week, and at no time shall the manure be allowed to accumulate in such manner as to become or otherwise constitute a nuisance or health hazard.
- (c) In no event shall any manure be thrown or deposited in or upon any street or public place, or allowed to remain in such places. Further, no person hauling or transporting manure shall transport or haul the same in a manner so as to allow the same to litter the public streets or other public property.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-14. - Bird sanctuary; shooting, catching birds prohibited.

- (a) The city is hereby declared to be a bird sanctuary, and the director of transportation is hereby authorized to erect appropriate signs and other markers, at highway entrances to the city and at other places, to evidence the same.
- (b) It shall be unlawful for any person to shoot or attempt to shoot or kill with any firearm, air rifle, bow and arrow, slingshot or other apparatus, or to trap, ensnare or otherwise catch any wild bird, regardless of age, within the city.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-15. - Location restrictions on fowl.

It shall be unlawful for any person to keep, possess or maintain any variety or species of fowl not expressly mentioned herein, with the exception of parakeets, canaries or similar domesticated birds, unless the same are kept according to and in full compliance with [section 6-12](#) of this chapter.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-16. - Sale of animals prohibited.

- (a) It shall be unlawful to sell, offer for sale, barter, and lease or give away, or display for a commercial purpose a live animal on a roadside, public right-of-way, commercial parking lot, or at an outdoor special sale, swap meet, flea market or similar event within the city's territorial limits.

- (b) This section shall not apply to an agent of a business that has a certificate of occupancy from the city authorizing the occupancy of the premises for the purposes of operating a business of selling pets.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-17. - Coloring of animals prohibited.

It shall be unlawful to dye, stain or otherwise alter the natural color of any animal or fowl within the city.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-18. - Restrictions on keeping wild animals.

- (a) It shall be unlawful to keep, possess or maintain, or to cause to be kept, possessed or maintained, any wild animal within the city, unless such wild animal is:
- (1) Contained within a licensed and permitted zoo;
 - (2) Is licensed by the State of Texas as a licensed raptor or falcon; or
 - (3) Kept, possessed or maintained by a licensed and permitted wildlife rehabilitator.
- (b) Any person, firm or corporation which violates any of the provisions of this section shall be subject to a minimum fine of two hundred dollars (\$200.00), and each day such violation is allowed to continue shall constitute a separate violation.
- (c) If any person, firm or corporation is found guilty of the offense of animal-at-large (under [section 6-3](#) hereof), and that animal is a wild animal, such person, firm or corporation shall be subject to a minimum fine of two hundred dollars (\$200.00).

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-19. - Attractive environment for unconfined animals.

It shall be unlawful for any person knowingly to cause or permit the maintenance of an attractive environment for any dog, cat or other animal, by the placement of food or other means, which is not confined in a fenced or otherwise restrictive area, and which is not registered as provided herein. It is a defense to prosecution under this section that the person placed the food or other attractive environment solely for the purpose of apprehending an animal for surrender to a humane organization or to the animal control officer.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-20. - Permit for Future Farmers of America and 4-H projects.

- (a) A member of a chapter of the Future Farmers of America (FFA) or the 4-H Club (4-H) that operates within the city limits may obtain a permit that exempts from the restrictions contained in sections [6-9](#) and [6-10](#) the keeping or maintaining of livestock or fowl at the member's residence under the direction of FFA or 4-H.
- (b) To obtain a permit, an application must be made to the department, and shall include:
- (1) The applicant's name, phone number, and physical address;
 - (2) The name, mailing address, and phone number of the applicant's parent or legal guardian;
 - (3) The name, mailing address, and phone number of the property owner;
 - (4) The number of livestock or fowl to be kept on the property;
 - (5) A site plan of the property showing pens, barns, stables, or other areas where such livestock or fowl will be maintained;
 - (6) A waiver signed by the owners of all property located within one hundred fifty (150) feet of the pen, barn, stable, or other area where such livestock or fowl will be maintained;
 - (7) Documentation from the FFA or 4-H chapter director confirming the applicant's membership; and
 - (8) No fee for the application or the permit if issued.
- (c) A permit may only be issued:
- (1) For a twelve-month term, which may be renewed each year by submitting a new application for a permit;
 - (2) After an inspection of the area by the department to confirm that the applicant is in compliance with the application requirements and all applicable city ordinances; and
 - (3) Upon a finding by the department that the activity sought to be permitted will not create a health or nuisance hazard to the public.
- (d) A permit issued as provided herein may be revoked at any time if the department supervisor finds, in his/her sole discretion, that the permit requirements and/or applicable city ordinances have been violated.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-21. - Penalty for violation.

Any person, firm or corporation who violates or fails to comply with the requirements and/or provisions of this chapter shall be deemed guilty of a misdemeanor, and shall, upon conviction by a court of competent jurisdiction, be punished by a fine of not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day such violation or failure to be in compliance

shall exist shall be deemed to constitute a separate offense. Provided, however, that where a specific penalty is provided within any of the sections hereof, such specific penalty will control over the general penalty.

(Ord. No. 528-8, § 1, 11-11-13)

Secs. 6-22—6-32. - Reserved.

ARTICLE II. - RABIES AND DISEASE CONTROL

Sec. 6-33. - Rabies control.

(a) General provisions:

- (1) *Impoundment—By the animal control officer.* Except as provided in subsection (a)(2) below, every animal that has rabies or exhibits symptoms thereof, and every animal that bites, scratches or otherwise attacks any person or another animal within the city shall be impounded summarily and held under observation by the animal control officer for ten (10) days. If the owner desires, such animal may be confined for observation in a veterinary clinic approved by the animal control officer, at the owner's sole expense, for the required ten-day period. The veterinarian in charge of such clinic shall, prior to such approval, certify to the animal control officer that he is willing and able to care for and confine the animal as required herein.
 - (2) *Same—At home.* Any animal with a current rabies vaccination, as evidenced by a veterinarian's certification, that bites, scratches or otherwise attacks any person or another animal within the city limits may, upon approval by the animal control officer, be confined and quarantined on the owner's premises for the requisite ten-day period for rabies observation, provided that the animal is examined by a veterinarian at the beginning of the quarantine period and again ten (10) days later, and provided further that his written findings are submitted to the animal control officer within three (3) days after such examinations.
 - (3) *Penalty.* Any owner or keeper of any animal subject to impoundment under this section, who fails to keep the animal confined, fails to have the animal examined by a veterinarian or refuses to surrender the animal for required confinement shall, upon conviction by a court of competent jurisdiction, be subject to a minimum fine of two hundred dollars (\$200.00).
- (b) No animal which has rabies shall be allowed at any time on the public streets or ways of the city. No animal suspected of having rabies shall be allowed at any time on the public streets or ways of the city unless such animal has been released from observation by the animal control officer.
- (c) The owner, keeper or person in charge of any animal that has rabies or has exhibited symptoms thereof, or that has been exposed to rabies, or that has bitten, scratched or otherwise attacked any person or another animal within the city shall, on demand, surrender such animal to the animal control officer or his designee.
- (d) The body of any animal that has died of rabies shall not be disposed of except as directed by the animal control officer.
- (e) The animal control officer shall check and record all cases of rabies and suspected rabies. Such records shall not be destroyed for five (5) years without permission of the city manager.
- (f) In accordance with V.T.C.A., Health and Safety Code, Title 10, Rabies, Section 826.041, any person who knows of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that the person suspects to be rabid, shall report the incident or animal to the local rabies control authority of the county or municipality in which the person lives, in which the animal is located, or in which the exposure occurs.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-34. - Veterinarians to report diseases.

Any veterinarian or other person who is called to examine or professionally attend to any animal within the city having glanders, farcy, rabies, leptospirosis, tuberculosis or other communicable diseases shall, within forty-eight (48) hours thereafter, report in writing to the department the following facts:

- (1) The location and identity of such animal;
- (2) The owner's name and address; and
- (3) The type and character of the disease.

(Ord. No. 528-8, § 1, 11-11-13)

Secs. 6-35—6-42. - Reserved.

ARTICLE III. - VICIOUS ANIMALS

Sec. 6-43. - Animal control board—Created; constitution.

- (a) There is hereby created an animal control board of the city for the purpose of determining which animals, by virtue of their dangerous or vicious propensities, constitute such a danger to the health, safety and welfare of the citizens of the city that their destruction is required in the public interest. Such board shall be constituted by the following five (5) persons who shall be appointed by the city council for three-year terms:
- (1) A licensed veterinarian of the State of Texas; and
 - (2) Any four (4) residents of the city.
- (b) The board may enact its own bylaws, subject to city council approval, relating to selection of the board chairman and other officers, attendance at meetings and similar matters, so long as such bylaws are not in conflict with state law, the city Charter or city ordinances.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-44. - Same—Duties, powers.

- (a) It shall be the duty of such board to investigate all animal bites of a life-threatening or disfiguring nature and all bites upon humans or other animals which cause bodily injury.

The board will convene at the request of the animal control officer or a duly filed complaint by any citizen of the city concerning an animal which is believed to be a vicious or dangerous animal. A sworn, written complaint must be filed with the animal control officer of the city as follows:

- (1) Name, address and telephone number of the complainant and the same for any witnesses;
 - (2) Date, time and location of any incident involving the animal;
 - (3) Description of the animal;
 - (4) Name, address and telephone number of the animal's owner if known;
 - (5) A statement regarding the animal which is believed to be a vicious and dangerous animal, stating the facts upon which such complaint is based;
 - (6) A statement that the animal has exhibited vicious propensities in past conduct if known; and
 - (7) Other facts or circumstances of the incident.
- (b) The board shall determine which such animals shall be considered vicious animals, and such finding shall be justified when:
- (1) The biting animal has previously had a micro-chip inserted pursuant to [section 6-6](#);
 - (2) The animal bite was unprovoked;
 - (3) The biting animal has been trained to fight or actually used for fighting; or
 - (4) The animal has caused a bite of a life-threatening or physically disfiguring nature while off the premises of the owner of such animal.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-45. - Same—Hearings, procedures.

- (a) Such board investigations shall be conducted in hearings open to the public and notice thereof shall be posted as required by law. The owner of such animal shall be notified of such hearing by the animal control officer prior to the date of hearing, and shall have the right to appear at such hearing, in person or through counsel, and present evidence as may be germane to such investigation.
- (b) A majority of the duly appointed members of the board shall constitute a quorum for the conduct of business. A majority of those members voting at any such hearing or investigation shall be sufficient for final action to be taken on any pending matter.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-46. - Decision to destroy.

Any vicious animal which, in the determination of the board constitutes a clear and present danger to the public safety such that the continued presence of the animal in the city places one (1) or more members of the public in danger of serious bodily injury shall be ordered destroyed or removed from the city; and the owner shall give the animal control officer the name and address of where the animal was relocated. The animal control officer shall notify the proper authorities at the final destination.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-47. - Vicious animal at large; penalty.

If any person, firm or corporation is found guilty of the offense of animal-at-large (under [section 6-3](#) hereof), and that animal has been declared a vicious animal by the board, such person, firm or corporation shall be subject to a minimum fine of one thousand dollars (\$1,000.00).

(Ord. No. 528-8, § 1, 11-11-13)

Secs. 6-48—6-53. - Reserved.**ARTICLE IV. - DOGS AND CATS****Sec. 6-54. - License—Required; exceptions.**

- (a) No person shall own, keep, possess or have control over any dog or cat within the city unless such person has a current city license for such dog or cat, provided that a city license shall not be required for:
- (1) Dogs and cats under the age of four (4) months which are confined in a place owned or under the possession of the person having ownership, possession or control of the dog or cat within an enclosure which is sufficient to prevent escape therefrom;
 - (2) Dogs or cats owned by, or in the possession or control of persons who are nonresidents of the city, traveling through the city, or temporarily sojourning therein for a period not exceeding sixty (60) days;
 - (3) Dogs or cats brought into the city exclusively for the purpose of entry in any bona fide show or exhibition, and which are actually entered in and kept at such show or exhibition;
 - (4) Dogs or cats kept for teaching or research purposes by a medical school, veterinary school, licensed hospital or nonprofit university or college providing a degree program;
 - (5) Dogs or cats kept for the purposes of medical observation or treatment in veterinary hospitals;
 - (6) Dogs or cats kept in the shelter facilities of a humane organization;
 - (7) Dogs or cats originally acquired by the person owning, keeping or having possession thereof within the preceding sixty (60) days; or
 - (8) Dogs or cats owned by or in custody or under control of persons who have been residents of the city for sixty (60) days or less.

The exceptions provided in the subsections (a)(2) through (a)(8) above, shall not be applicable to any dog or cat which is being kept in any boarding kennel, boarding cattery or other facility which temporarily keeps dogs or cats in consideration of any fee or other compensation. Only exception number (a)(1) above, and exception number (a)(9), below, shall apply to an animal which is being kept in such a facility.

- (9) The dog or cat which is owned by a person who does not reside within the city and:
- a. The animal has been vaccinated for rabies by a veterinarian within the preceding period of three (3) years; and
 - b. The animal has a current license as issued by the city, county or other applicable licensing authority governing the licensing of animals in the place where the animal is normally kept by its owner.

In any prosecution under this section, the burden shall be upon the defendant to establish as an affirmative defense that one of the exceptions set out in subsections (a)(1) through (a)(9), above, is applicable.

- (b) No person shall permit any dog or cat on any premises under his ownership, possession or control unless there is a current license issued for such dog or cat; provided, however, it shall be an affirmative defense that the animal is not required to have a license pursuant to any applicable exception listed in subsection (a) above.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-55. - When vaccination required; evidence.

- (a) No person shall own, possess or have control over any dog or cat within the city, which dog or cat is four (4) months of age or older unless such dog or cat has been inoculated by a veterinarian for rabies, with a vaccine approved by the U.S. Department of Agriculture's Veterinary Biologics Division within the immediately preceding period of three (3) years.
- (b) In any prosecution under this section, the burden shall be upon the defendant to prove that the animal is not required to be vaccinated because it is less than four (4) months of age or that the animal was in fact vaccinated within the immediate preceding period of three (3) years. A certificate duly signed by a veterinarian attesting that he administered the vaccination required by this section, bearing the date and type of vaccine and the identification of the dog or cat by breed, color and sex and the vaccination tag number and the name and address of the owner shall be accepted as evidence of such vaccination.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-56. - Proof of vaccination required.

No animal license shall be issued unless there is exhibited to the licensing authority a certificate by a veterinarian showing that the animal to be licensed has been inoculated with a rabies vaccine approved by the U.S. Department of Agriculture's Veterinary Biologics Division in accordance with the recommendations of the manufacturer, and that such vaccination will not expire prior to the issuance of the license.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-57. - Licensing authority.

Licenses required herein shall be issued by the department or its designees.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-58. - Duration; transfer of license.

- (a) A continuous term license shall expire upon the first occurrence of any of the following events:
 - (1) Any lapse of the rabies vaccination for the animal;
 - (2) The death of the animal;
 - (3) Upon the thirtieth day next following any change of ownership of the animal, unless the license has been amended by such date; or
 - (4) Upon the thirtieth day next following any change of the address of the animal's owner unless the license has been amended by such date.
- (b) An annual term license shall expire upon the first occurrence of any of the following events:
 - (1) The expiration of three (3) years from the date of the rabies vaccination which was evidenced by the rabies vaccination certificate furnished to obtain the license;
 - (2) The death of the animal;
 - (3) Upon the thirtieth day next following any change of ownership of the animal, unless the license has been amended by such date; or
 - (4) Upon the thirtieth day next following any change of the address of the animal's owner unless the license has been amended by such date.
- (c) In the event of a change of ownership of the licensed animal or in the event of a change of address of the licensed animal's owner, then the department may cause the license to be amended to reflect such change of owner or address, provided that an application for amendment is received by the department within the thirty-day period next following the date of the change. The department may promulgate forms and administrative rules as required for the orderly administration of license amendments and applications therefore. A copy of the administrative rules shall be maintained for public inspection in the offices of the department and the city secretary. No fee shall be imposed for an amendment.
- (d) An expired license is of no force and effect. A new license must be obtained on or before expiration if the animal remains subject to licensing by the city hereunder.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-59. - Records of licensure.

At the time of issuance of each dog or cat license hereunder, the department or its designee shall furnish a numbered license tag which shall be worn by the animal to evidence the issuance of the city license hereunder. The license tag so issued shall be valid for so long as the animal's license remains valid. The department shall maintain a record of all licenses issued under this article, which shall show the name and address of each person issued a license, the number of the license tag furnished, a description of the animal for which the license is issued, the date of issuance, fees paid, the place of issuance and type of rabies vaccination administered with date of inoculation, and other appropriate information.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-60. - License tag—To be worn.

- (a) It shall be the duty of each person having ownership of a dog or cat for which a license is required to be issued under this article to ensure that the license tag furnished by the licensing authority in conjunction with the issuance of the animal's license is worn by the animal at all times. It is a defense to prosecution hereunder that the dog or cat was confined within a building or other totally enclosed structure under the ownership, possession or control of the person having possession of the animal at the time that the animal was not wearing a license tag.
- (b) In any prosecution under this article it shall be presumed that no valid license has been issued for an animal hereunder unless the animal was wearing a valid license tag furnished pursuant to [section 6-59](#) hereof at the time of the alleged offense.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-61. - Same—Replacement tags.

In the event of loss or destruction of a license tag, replacement tags shall be available from the department for the payment of a fee, from time to time established by the city council and reflected on the fee schedule maintained in the office of the city secretary, upon satisfactory proof that the dog or cat in question was properly licensed.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-62. - Same—Counterfeiting; destruction of tags.

The following acts are declared to be unlawful:

- (1) The counterfeiting of dog or cat licenses or tags.
- (2) The willful and malicious destruction of dog or cat license tags.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-63. - License fees.

The fees for the licensing of animals as required herein shall be as from time to time established by city council, as reflected on the fee schedule maintained in the office of the city secretary.

(Ord. No. 528-8, § 1, 11-11-13)

Sec. 6-64. - Veterinarian as designee.

The department may designate, when practicable, licensed veterinarians to collect the annual licensing registration fee. A licensed veterinarian who has been so designated shall, when practicable, register dogs and cats and collect the annual licensing registration fee under the following terms and conditions:

- (1) A licensed veterinarian who vaccinates a dog or cat for rabies, registers the animal and collects the annual licensing registration fee shall issue a rabies vaccination tag and a license as appropriate, and send to the department all information regarding said license as required in accordance with this chapter.
- (2) A licensed veterinarian who has been designated to collect the annual licensing registration fee shall have all necessary forms and tags for registration provided to him by the department. The department shall determine the criteria and procedures that must be followed by veterinarians designated to collect said licensing registration fees, establish a collection procedure for the fees, and a format for the tags.

(Ord. No. 528-8, § 1, 11-11-13)

Secs. 6-65—6-70. - Reserved.