



## City of Onalaska

P.O. Box 880 • Onalaska, Texas 77360

### **CITY OF ONALASKA ANIMAL CONTROL ORDINANCE NO. 451**

**AN ORDINANCE BY THE CITY OF ONALASKA, TEXAS REPLACING ORDINANCE 441; PROHIBITING DOGS AND CATS FROM RUNNING AT LARGE ON PUBLIC OR PRIVATE PROPERTY, DEFINING TERMS; PROVIDING VACCINATION; PROVIDING FOR VICIOUS DOGS EXAMINATION AND CONFINING, PROVIDING FOR ABANDONMENT, DOG POSING AS A THREAT OR NUISANCE, FOR TORTURE, MISTREATMENT, POISONING, FEEDING AND STRIKING DOGS WITH VEHICLES; PROVIDING FOR INSPECTION, PENALTY, AND SAVINGS CLAUSE.**

*WHEREAS*, the City Council of Onalaska, Texas finds that the public health and welfare of the City of Onalaska, Texas is endangered by the running at large of dogs and cats, which create conditions leading to rabies and epidemics; and,

*WHEREAS*, Ordinance 451 will replace Ordinance 441; and

*WHEREAS*, the running at large of dogs and cats has resulted in the destruction of untold dollars' worth of private property; and,

*WHEREAS*, dogs and cats running at large are responsible for the injury of many of the inhabitants of the City of Onalaska, Texas, and thus detrimental to the public welfare; and,

*WHEREAS*, the City of Onalaska, Texas has no adequate ordinances regulating the running at large of dogs and cats within the city limits and it has come to the attention of the governing body that dogs and cats are being kept within the city limits in a manner which are dangerous and disturbing to the residents of the city and the City Council deems the following Ordinance provision necessary in the public interest and safety, **THEREFORE**,

#### **SECTION I PURPOSE**

The primary function and intent of this chapter is protection of the health, safety and welfare of the people of Onalaska by controlling the dog or cat population and establishing uniform rules for the control and eradication of rabies.

#### **SECTION II DEFINITIONS**

- A. ANIMAL CONTROL OFFICER-** means the person employed by or contracting with City of Onalaska, Polk County Police Officer, or on duty Animal Control Officer to enforce these rules.
- B. BITE-** means any abrasion, scratch, puncture, tear or piercing of the skin actually or suspected of being caused by an animal.
- C. CERTIFICATE-** means a certificate bearing the signature and license number of a licensed

veterinarian, rabies tag number, the name, color, and sex, species, age, breed of a dog or cat, the name and address of the owner, the date of the vaccination, the date serial number, producer and type of vaccine administered.

- D. COMMERCIAL ANIMAL BREEDER-** means a resident of Onalaska who owns or keeps a dog or cat to breed the animal for the purpose of selling, trading, or bartering any offspring.
- E. CUSTODIAN-** means a person who feeds, shelters, harbors, possesses, or has the responsibility to control a dog or cat.
- F. DANGEROUS DOG-** means any dog that has been deemed dangerous under the provision of Chapter 822, subchapter D Texas Health and Safety Code.
- G. EXPOSED TO RABIES-** means any dog or cat (whether it has been vaccinated for rabies or not) which has bitten, fighting with, or has consorted with any dog or cat known or suspected to have rabies, or showing objective symptoms of rabies.
- H. HARBORS-** means a person that feeds, waters, or cares for a dog or cat for a period of three (3) consecutive days.
- I. IMPOUND-** means the apprehending, catching, trapping, netting, tranquilization or confining.
- J. IMPOUNDING FACILITY-** means any premises designated by Polk County or the City of Onalaska for the purpose of impounding, destroying or caring for all dogs and cats found in violation of this section.
- K. OWNER-** 1. means any individual, corporation, association or any other legal entity, that harbors, shelters, keeps, controls, manages, possesses or has part interest in any dog or cat. The occupant of any premises on which a dog or cat remains for a period of three (3) days or to which it customarily returns daily for a period of three (3) days is presumed to be harboring, sheltering, or keeping the aforementioned dog or cat, within this definition. Under no circumstances are the normal and ordinarily accepted definitions of the terms harboring, sheltering or keeping, being limited to the words of the aforementioned presumption.
2. If a minor owns a dog or cat subject to the provisions of the rules, an adult occupant of the household of which such minor is a member, shall be deemed the owner or custodian of such dog or cat for the purpose of these rules and under this order shall be responsible as the owner or custodian. If not a member of a household, such minor owner shall himself be directly subject to the provisions of these rules.
- L. PUBLIC NUISANCE-** shall describe any dog or cat that:
1. Must be video recorded barking continuously for at least fifteen (15) minutes.
  2. Soils, defiles or defecates on a public walk, city or private recreation area, or any land or property owned by someone other the owner of the dog or cat the does not remove such waste within ten (10) minutes of any soiling, defiling or defecation; or
  3. Chases or pursues pedestrians, cyclists, or vehicles.
- M. RESTRAINT-**means the control of a dog or cat under the following circumstances:
1. When it is controlled by a lead, line or leash that is secured to a secure object or held by a human being who is capable of controlling or governing the dog or cat in question.
  2. When it is within a fully enclosed vehicle.
  3. When it is on the premises of the owner and/or custodian provided that said dog or cat does not have access to a sidewalk or street.
- N. REGISTERED-** means any dog or cat that is registered with an Onalaska, Texas, licenses.
- O. SCHOOL -** means a building where people regularly assemble for the purpose of instruction, education, or care, including playgrounds, dormitories, stadiums, and other structures or grounds used

in conjunction therein.

**P. STRAY** - means any dog or cat running free without restraint and that is off the property of the owner or custodian of such dog or cat.

**Q. UNPROVOKED-** with respect to an attack by a dog means that the dog was not hit, kicked, or struck by a person with any object or part of a person's body nor was any part of the dog's body pulled, pinched or squeezed by a person.

## **SECTION III**

### **SEC. 3 – 1 ENFORCEMENT OF ARTICLE**

It shall be the duty of the chief of police, all police officers, the health department official and dog or cat control officers of the City of Onalaska to enforce the provisions of this article.

### **SEC. 3 – 2 RUNNING AT LARGE**

It shall be unlawful for any keeper or owner of any dog or cat to permit such dog to run at large within the city. As used in this section, the term "to run at large" means to be free of restraint beyond the boundaries of the premises of the keeper. Any, such dog or cat when not upon the premises of its owner and which is controlled by a leash held by a competent person shall not be deemed running at large.

### **SEC. 3 - 3 RIGHT OF ENTRY**

It shall be unlawful for any person to refuse permission to, or refuse to permit any police officer, health department officer and dog or cat control officer to go in or upon any premises occupied or used by such person, when such officer is engaged in the discharge of his duties under this article.

### **SEC. 3 - 4 BARKING DOGS**

It shall be unlawful to keep any dog in the city which by loud, frequent or habitual barking or howling shall cause annoyance and disturb the peace and quiet of any person. Video recorded barking continuously for at least fifteen (15) minutes constitutes as a public nuisance. Any such person who believes that there has been a violation of this section may file a complaint against the owner or keeper of such dog with the dog or cat control officer or police department.

### **SEC. 3 – 5 PROHIBITION ON GIVING AWAY OR SELLING ANIMALS**

It is illegal and prohibited by the State of Texas to sell or giveaway animals from the side of the road, at garage sales, flea markets, or festivals. Texas Penal Code Chapter 42, Section 6-118,

## **SECTION IV VACCINATION**

### **SEC. 4 -1 VACCINATION**

The owner or custodian of every dog and cat shall have the dog or cat vaccinated against rabies as required by the Rabies Control Act of 1981 and the rules of the Texas Board of Health and Amendments thereto.

### **SEC.4- 2 RABIES, CONTROL AND QUARANTINE**

When a dog, cat or other dog or cat has bitten a human has been identified, the owner or custodian will be required to place the dog or cat in quarantine as require by the Rabies Control Act of 1982 and amendments there to, and the Rules of The Texas Board of Health in effect at that time. Expenses incurred by quarantine of dog or cats either vaccinated or unvaccinated, shall be borne by the owner or custodian of said dog or cat.

### **SEC. 4-3 REFUSING TO VACCINATE DOGS OR CATS**

Any person refusing to vaccinate a dog or cat, shall be guilty of a misdemeanor.

### **SEC. 4 – 4 PENALTIES FOR MISDEMEANORS**

It is a class C misdemeanor for any person to violate any rules established by this of the City of Onalaska, in the State of Texas, in the County of Polk upon conviction punished by a fine not more than \$500.00.

## **SECTION V LICENSE**

### **SEC... 5 -1 LICENSE FEE LEVIED**

There is levied upon each cat or dog of more than four (4) months of age kept, harbored or maintained by its owner in the corporate limits of the city of Onalaska an annual fee of \$10.00 for spayed/neutered dogs or cats. The annual fee for non-spayed, non-neutered dogs and cats is \$30.00. A maximum of two (2) dogs or a combination of dogs and cats may total up to four (4) animals per household. More animals that listed above will require an annual kennel license. The annual kennel license fee is \$150.00. On the date this ordinance becomes affective, more owned or kept dogs which total more than two (2) up to four (4) are grandfathered for the life of the dog. When the dog passes this grandfathered provision will cease.

#### **SEC. 5 - 2 WHEN LICENSE FEES ARE DUE**

Every licenses fee required by this division shall be valid for a period of 12 months following the date of its issuance.

#### **SEC. 5 - 3 APPLICATION**

Any person desiring a dog or cat license shall make application to the City Secretary upon printed forms provided for such purpose, which application shall state the name and address of the owner or keeper of such dog or cat and the name, breed, color and sex of the dog or cat being licensed.

#### **SEC 5 - 4 VACCINATION PRE-REQUISITE TO ISSUANCE**

They City Secretary shall not issue any license or license tag for dog or cat until the owner or keeper in charge of such dog or cat shall obtain and present to the City Secretary a certificate from a Veterinarian licensed to practice Veterinary Medicine in the state that such dog or cat has been vaccinated for rabies within 30 days prior to the date on which the license is applied for.

#### **SEC. 5-5 ISSUANCE**

Dog or cat licenses shall be issued by the City Secretary upon application, proof of vaccination against rabies, and payment of the required fee. Upon issuing the certificate, the City Secretary will issue a metallic tag for each dog or cat so licensed. This tag shall be stamped with the date and corresponding number on the certificate.

#### **SEC 5 - 6 TRANSFER OF TAG**

It shall be unlawful for the owner or keeper to transfer such license to another dog or cat other than the one it was issued to. Failure to comply will be guilty of a misdemeanor.

#### **SEC. 5 - 7 REFUND OF FEE**

No refunds will be made for any dog or cat licenses fee due to death of the dog or the owner's leaving the city before the expiration of the license period.

#### **SEC. 5 - 8 COMMERCIAL ANIMAL BREEDER REQUIREMENTS AND LICENSE FEE**

If a resident of Onalaska is a Commercial Animal Breeder, as defined above, a City of Onalaska Commercial Animal Breeder License is required. The annual fee for a City of Onalaska Commercial Animal Breeders License is \$300.00. A Texas Sales Tax Identification number is required before the city will issue a Commercial Animal Breeders License.

### **SECTION VI LIVESTOCK**

#### **SEC. 6 - 1 LIVESTOCK NOT RUN AT LARGE**

It shall be unlawful for any person to allow or permit and cows, horses, mules, jacks, jennies', goats, sheep, swine, or any other livestock of any character to run at large upon the streets, alleys, public highways, public parks public lands, or upon any vacant lot or lots within the City of Onalaska, Texas

#### **SEC. 6 - 2 WILD ANIMALS RESTRICTED**

It shall be unlawful to harbor or maintain within the city limits wild animals. The City Council may grant exceptions to this section, by permit, for special events.

#### **SEC. 6 - 3 MAINTENANCE OF STABLES, PENS, HOUSES, AND YARDS**

All stables, pens, houses, and yards used from the keeping of livestock or fowl within the city shall be kept clean, sanitary, odor-free condition. All such stables, pens, houses, and yards shall be located at least fifty (50') feet from any residence not occupied by the owner of such livestock or fowl. All such stables, pens, houses, and yards, defined as a "Riding Stable", must meet the required regulations under Vernon's Texas

Statutes and Codes Annotated, Health and, Safety Code, Title 10. Health and Safety of Animals, Chapter 827 Riding Stables.

**SEC. 6 – 4 HERDING OR STAKING OF ANIMALS ON STREETS**

It shall be unlawful for the owner or keeper of any cattle, horse, mules, hogs, or any other animal on any street, sidewalk, or alley within the city.

**SEC. 6 – 5 CHICKENS, GUINEA FOWL, DUCKS, GEESE AND TURKEYS**

An Onalaska residential property owner may own and keep up to six (6) chickens, guinea fowl, ducks, geese or turkeys in any combinations, for their non-commercial personal use and enjoyment. The chickens must be housed in an enclosed pen that will protect the chickens from harsh weather and predators. The pen must be kept clean, sanitary, and odor free and must be located at least fifty (50) feet from any residence not occupied by the owner or keeper of the fowl. Male fowl such as Roosters, Cockerels, Drakes, Ganders and Toms are prohibited.

**SEC. 6 – 6 FOWL NOT TO RUN AT LARGE**

It shall be unlawful for the owner or keeper of any geese, ducks, turkeys, chickens, emus, or other fowl, to permit the same to run at large in the city.

**SECTION VII - PROHIBITED FROM PARKS, PLAYGROUNDS, ETC.**

1. That all leashed or unleashed domestic animals are prohibited from the water parks, fenced playground areas, basketball pavilion and from all baseball and football fields or stadiums in the City of Onalaska, Texas. For the purpose of this ordinance, baseball, softball, t-ball, and football field or stadium shall be defined by the fence surrounding such field.
2. That the owner or party responsible for any dog being allowed or caused to enter into the City of Onalaska, Texas shall, prior to allowing or causing the dog to be muzzled in such a manner and by such a device as to prevent the dog from being able to bite a person and to remain so muzzled for so long as the dog remains in the city.
3. That the City shall post signs in each such area notifying the public of the prohibition of leashed or unleashed animals.

**SECTION VIII DEFECATION BY DOGS AND CATS**

It shall be unlawful for any person to fail to promptly remove and dispose of, in a sanitary manner, feces left by a dog or cat being handled by that person on property, public or private other than the premises of the owner or handler of such dog or cat.

**SECTION IX HAZARD**

A dog posing a threat to the safety of pedestrians, and others acts declared to be a nuisance.

- (a) Any dog in the City of Onalaska, Texas which poses a threat to the safety of pedestrians and/or vehicles on public roadways, or on public or private property or attacks other dog or cats, shall be deemed a nuisance,
- (b) Each owner shall exercise proper care and control of his dog or cat to prevent it from becoming a public nuisance.

**SECTION X PROTECTION**

Providing for Abandonment, Non-Feeding, Torture, Mistreatment, Poisoning and Striking of dog or cat with vehicle

- (a) That any person who shall intentionally or knowingly abandons a dog or cat or dogs or cats in his custody within the corporate limits of the City of Onalaska shall be guilty of a misdemeanor.
- (b) That any owner who shall fail to provide his dog or cat with sufficient good and wholesome food and water, proper shelter and protection from the weather, Veterinary care when needed to prevent suffering, and with humane care and treatment shall be guilty of a misdemeanor.



(c) That it shall be unlawful for any person to torture, torment, cruelly beat, mutilate or poison any dog or cat, or cause or procure any dog or cat to be treated as such, or for any person having charge or custody of any dog or cat, either as owner or otherwise, to inflict unnecessary cruelty upon it any person violating the provision hereof shall be guilty of a misdemeanor.

(d) That any person who, as the operator of a motor vehicle, strikes dog or cat shall stop at once and render such assistance as may be possible and shall immediately report such injury or death, to law enforcement. Any person violating provision hereof shall be guilty of a misdemeanor.

(e) No person shall expose any known poisonous matter, whether mixed with food or not, so that the same shall be liable to be eaten by any dog or cat, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substance. Any person violating the provision hereof shall be guilty of a misdemeanor.

#### **SECTION XI DANGEROUS OR VICIOUS DOG**

(a) No dog of dangerous, vicious or fierce propensities or tendencies may be at large at any time within the limits of the City of Onalaska, Texas, and it shall be unlawful for the owner or other person having any such dog in possession or under control, or in any manner keeping or harboring any such dog within the limits of the city to cause or permit any such dog to be at large in the city.

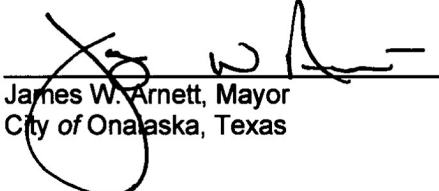
(b) Any dangerous or vicious dog having dangerous or vicious propensities and tendencies found at large after its owner has previous knowledge or notice that such dog is dangerous or vicious or has dangerous or vicious propensities and tendencies, may be killed by any police officer of the city without such officer having to catch or impound such dog.

#### **SECTION XII SAVING CLAUSE**

If any section, sub-section, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the remaining portions of this Ordinance.

This ordinance shall become effective May 1, 2024.

PASSED and APPROVED this 9<sup>th</sup> day of April, 2024.

  
James W. Arnett, Mayor  
City of Onalaska, Texas

ATTEST:

  
Angela Stuts, City Administrator  
City of Onalaska, Texas