

CITY OF COMO
ORDINANCE
2017-8

AN ORDINANCE REGULATING THE KEEPING OF DOGS WITHIN THE LIMITS OF THE CITY OF COMO, PROVIDING FOR DEFINITION OF WORDS AND PHRASES, PROVIDING FOR THE REDEMPTION OF DOGS AND THE DISPOSAL THEREOF IF NOT REDEEMED. PROVIDING FOR CONFINEMENT OF DOGS OR OTHER QUADRUPED ANIMALS UPON SUSPICION OF RABIES. PROVIDING A SAVINGS CLAUSE, PROVIDING A PENALTY, SPECIALLY REPEALING ALL OTHER ORDINANCES IN CONFLICT HERewith AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COMO, TEXAS;

SECTION 1:

DEFINITIONS: As used in this article, the following words and phrases shall have the meanings respectively ascribed to them:

- (a) At large: shall be intended to mean not tied in such a way that the animal can get off the premises of its owner, or not within a totally enclosed fence constructed in such a way **to** prevent the animal from leaving or getting off the premises of its owner. Dogs not accompanied by a responsible person and under that person's complete control with the use of a leash or similar type restraintment.
- (b) Owner: shall be intended to mean any person owning, keeping, harboring, in charge of or in control of a dog or other quadruped animal.
- (c) Vaccination: shall be an injection of a type of vaccine approved by the state veterinarian and administered by a veterinarian licensed under the state law.

SECTION2:

ENFORCEMENT OF ARTICLE PROVISIONS: The mayor or chief of police or any police officer or their agent may enter upon private property to enforce any of the provisions of this article. The mayor or the chief of police is hereby delegated authority to appoint any person or persons to aid and assist him in the carrying out and enforcement of this article whether hired or obtained by the city. Re: Sulphur Springs Animal Control, etc.

SECTION 3:

IMPOUNDMENT: Any dog or other quadruped animal found within

the city in violation of any of the provisions of this ordinance shall immediately be impounded and transported to Sulphur Springs Animal Control Center. The animal will be kept for a period of seventy-two (72) hours and then disposed of: provided, however, that the owner of any animal impounded under the terms of this section shall be allowed to take such animal from the place where impounded upon the following conditions:

- (a) If said animal is not wearing a collar with valid rabies vaccine tag attached, then the owner thereof must present a certificate showing that said animal has been vaccinated within twelve (12) months from that day or have said animal vaccinated prior to its release from impoundment.
- (b) Provide the animal with a collar or harness to which the license rabies vaccine tag is attached.
- (c) After animal is impounded, the owner must contact Sulphur Springs Animal Control Center to redeem animal. Impounding fee must be paid upon redemption of animal.

SECTION 4:

ANNUAL VACCINATION:

- (a) Required: It shall be unlawful for the owner of any dog or other quadruped animal to keep said animal within the incorporated limits of the City of Como without first having said animal vaccinated against rabies annually. Upon such vaccination, the owner shall be issued a certificate and a metal vaccine tag by the veterinarian showing vaccination and the date thereof.
- (b) Collar and tag: The owner of a dog or other quadruped animal shall provide and place on such animal a collar or harness to which the vaccine tag required by this section shall be affixed and said owner shall see that the collar and tags are at all times worn by said animal.

SECTION 5:

CONFINEMENT UPON SUSPICION OF RABIES - WHEN PERSON BITTEN:

If any dog or other quadruped animal has bitten any person, the owner of said animal shall immediately, and in any event not later than twenty-four (24) hours after such biting, notify the mayor or any police department personnel of such biting and have such dog or other quadruped animal impounded in

the Sulphur Springs dog pound or a veterinarian hospital for a period of two (2) weeks.

No such dog cat or other quadruped animal so held for observation shall be released from impoundment without the authorization of the city chief of police.

Such impoundment shall be at the expense of the owner of said animal except where, at the time of said biting, the said animal was wearing a collar or harness with valid license and rabies tags attached thereto and was lawfully restrained in or on owner's premises as required by this article, in which event the expense of confinement shall be against person so bitten, unless such person is on the premises with the express or implied consent of the owner, such as in the case of delivery men, guests, postmen, or utility meter readers, etc., in which event the cost of confinement shall be at the animal owner's expense.

SECTION 6:

SAME - WHEN BITTEN

The owner of any dog or other quadruped animal suffering a bite from a rabid animal or suspected or believed to have been bitten by a rabid animal, shall, within twenty-four (24) hours from the time of such biting, notify the City of Como and have the dog or other quadruped animal impounded at the Sulphur Springs Animal Control (Dog Pound).

SECTION 7:

RUNNING AT LARGE PROHIBITED

No owner of any dog shall permit such dog to run at large within the city limits.

SECTION 8:

DANGEROUS, VICIOUS, FIERCE, MISCHIEVOUS DOGS, BITCHES IN HEAT

No dog of dangerous, vicious, fierce, or mischievous propensities or tendencies and no female dog in heat shall be allowed upon any street, highway, alley, sidewalk, park or other public place within the city, whether such dog is under the control of the owner or any other person, either by leash, cord, chain or otherwise. Any such dog so found upon any of the public places shall be taken up and impounded and shall not be released except upon the approval by the chief of police; provided however, that if any dangerous, vicious, fierce or mischievous dog so found cannot be taken up and impounded with reasonable safety for

the person attempting the same, such dog may be slain by any policeman.

If any dog bites or attempts to bite any person while such dog is at large, then such dog shall be conclusively presumed to be a dangerous dog and a dog of dangerous propensities and tendencies.

If any dog attacks or attempts to attack any other dog or other animal while such dog is at large, then such dog shall be conclusively presumed to be a vicious dog and a dog having vicious propensities and tendencies.

If any dog at large chases or otherwise attempts to catch a person, then such dog shall be conclusively presumed to be a fierce dog and to have fierce propensities and tendencies.

If any dog at large overturns a securely covered garbage container, then such dog shall be conclusively presumed to be a mischievous dog and a dog of mischievous propensities and tendencies.

SECTION 9:

NUISANCE:

It shall be unlawful for any owner to fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. Excessive, continuance or untimely barking, molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon Ball Field Park or trespassing upon private property in such manner as to damage property shall be deemed a nuisance.

SECTION 10:

SAVINGS CLAUSE

That if any section, part or provision of this ordinance is declared unconstitutional or invalid, then, in that event, it is expressly provided, and it is the intention of the Como City Commission in passing this ordinance that all other parts of this ordinance shall not be effected thereby and shall remain in full force and effect.

SECTION 11:

PENALTY

That any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$200.00 and each and every day of such violation shall be deemed a separate and complete offense.

SECTION 12:

REPEALING CLAUSE

All other ordinance and parts of ordinances in conflict with the terms of this ordinance are hereby expressly repealed.

SECTION 13:

DECLARING AN EMERGENCY - Whereas, an emergency is apparent for the immediate preservation of order, health, safety and general welfare therefore, it shall be effective from and after the date of its passage and publication as made and provided by law.

PASSED AND APPROVED 3-14-17

Ron Wachs Mayor

Patricia Evans Commissioner

Ron Wachs Commissioner

Attest

[Signature]
City Secretary