

**ORDINANCE NO. 10042021-01\_**

**AN ORDINANCE OF THE ELKHART CITY COUNCIL OF THE CITY OF ELKHART, TEXAS, THAT ESTABLISHES PROVISIONS REQUIRING AND REGULATING REGISTRATION OF CATS AND DOGS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the City of Elkhart, Texas, is a Type A general-law municipality located in Anderson County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS,** the City is authorized and empowered to adopt and enforce ordinances, not inconsistent with state law, that are necessary to protect the welfare and safety of its inhabitants; and

**WHEREAS,** the City is authorized by Texas law to establish rules regulating local rabies control; and

**WHEREAS,** the City Council ("Council") of the City serves as the elected governing body directly responsible for the promotion and protection of the public health and safety of the City's citizens and inhabitants; and

**WHEREAS,** the Council finds that the protection of citizens' health requires animals to be vaccinated for rabies, thereby reducing the chance of infection and spread of the disease to humans; and

**WHEREAS,** the Council finds that registration of cats and dogs is necessary to the health, safety, and general welfare of the inhabitants of the City.

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

**SECTION 1. PET REGISTRATION REQUIREMENTS**

- (a) Every owner of a cat or dog, which is at least four (4) months of age and is kept in the city, shall register the animal with the city every year.
- (b) In order to register a cat or dog, the owner shall:
  - 1. Complete the registration application provided by the city;
  - 2. Provide a current rabies vaccination certificate issued by a licensed veterinarian that contains identifying information regarding the animal including, but not limited to, breed, sex, and sterilization information;

3. Present a valid picture identification card issued to him or her by a state; and
  4. Pay a registration fee as follows:
    - a. If the animal is spayed/neutered, a fee of \$3.00; or
    - b. If the animal is not spayed/neutered, a fee of \$5.00.
- (c) Upon registration, the city shall execute and furnish to the owner of the cat or dog a certificate of registration and a tag that contains a serial number to correspond with the registration certificate number. The owner shall place the registration tag on the animal's collar or harness and must remain affixed at all times.

## **SECTION 2. RECORD KEEPING**

The city shall retain a paper or digital copy of the registration certificate and registration application, including the required rabies vaccination information securely with the city secretary's office. The city secretary shall maintain the confidentiality of these rabies vaccination certificates and any record compiled with the same information in compliance with the Texas Health and Safety Code, Section 826.0211 and the Texas Public Information Act, Texas Government Code, Chapter 552, and other applicable law.

## **SECTION 3. VIOLATIONS**

- (a) It shall be unlawful for a person to knowingly possess a dog or cat that has not been registered as prescribed by this ordinance.
- (b) It shall be unlawful for a person to knowingly use a certificate of registration or tag of any dog or cat other than the one for which it was issued.
- (c) It shall be unlawful for a person to alter or obliterate any information contained in a certificate of registration or on a registration tag.
- (d) It shall be unlawful for a person who owns or harbors a dog or cat to fail or refuse to present proof to a police officer, or city code officer, upon request, that such animal is currently registered as required by this ordinance.

## **SECTION 4. REFUSAL OR REVOCATION OF ANIMAL REGISTRATION**

- (a) The city may refuse to register a dog or cat, or revoke a registration issued, to any person who has been convicted in a court of competent jurisdiction in the state, or resides with any person so convicted of any of the following:

1. Cruelty to animals as defined in the Texas Penal Code, inhumane treatment, or neglect of an animal; or
2. Convicted of four (4) or more separate and distinct violations of an animal control ordinance of a municipality in the state within any 12-month period.

#### **SECTION 5. SEVERABILITY**

Should any provision of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this ordinance shall remain in full force and effect.

#### **SECTION 6. PENALTY**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Hundred Dollars (\$200.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance may also be subjected to such civil penalties and such civil remedies as authorized by law.

#### **SECTION 7. SAVINGS**

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinance amended or revised herein, or any other ordinances affecting the matters regulated herein which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

#### **SECTION 8. PUBLICATION**

The City Secretary of the City of Elkhart is hereby directed to publish in the official newspaper of the City of Elkhart, the caption and the penalty clause of this ordinance in accordance with Section 52.011 of the Local Government Code.

#### **SECTION 9. EFFECTIVE DATE**

This ordinance shall become effective after its passage and publication as required by law.

**PASSED AND APPROVED** by the City Council of the City of Elkhart on this 4<sup>th</sup> day of October, 2021.

  
JENNIFER MCCOY, MAYOR

  
Jan Stuteville, Interim City Secretary