

ORDINANCE 11-5-99

REVISED 03-08-16

A RESOLUTION ADOPTING HEALTH AND SAFETY CODE TITLE 10 CHAPTER 822.0422; ELECTING TO BE GOVERNED BY THIS SECTION and

An Ordinance to protect against Dogs running at large; Provide for registration of Dogs within the city limits of Frankston; To insure the current vaccination of registered Dogs within the city limits of Frankston and to impose enforcement policies and procedures for ordinance violations.

Be it ordained by the City Council of Frankston, Texas,

The City of Frankston elects to be governed by Health and Safety Code Title 10 Chapter 822.0422.

Definitions

- Dog:*** A domestic canine of either sex, including one neutered or sterilized and over the age of (3) months.
- Dangerous Dog:*** Has meaning as defined by chapter 822.041 of the Health and Safety Code (Regulation of animals).
- Stray Dog:*** Any dog for which there is no identifiable owner or caretaker.
- Running At Large:*** Shall mean any dog off the premises of the owner or other person in charge or custody of such animal unless accompanied by the owner or caretaker of animal.
- Certified Person:*** Any person trained and certified by the State of Texas to be an animal control Officer.
- Owned:*** The animal was purchased by or otherwise appropriated by any person and care and provisions are given for the animal on a continuous basis.
- Kept:*** The animal has been entrusted to any person by another in their absence or any person has taken upon themselves the responsibility to provide care for any animal.
- Harbored:*** A person harbors an animal when said person feeds or provides care or shelter for any animal whether owned by them or not.
- Approved Facility:*** Any facility recognized by the State of Texas as having met the State requirements necessary to house animals.

Section 1

Dogs Running at Large

It shall be unlawful for any *dog, owned, kept or harbored*, to *run at large*. This ordinance provides that any *certified person* shall have the authority to seize and impound any at large, non-tagged dog. A report shall be made to the Frankston Police Department for all seized animals. Tagged animals found to be running at large shall be reported to the Police Department and enforcement action shall be taken by the Police Department to insure compliance with this ordinance. (See penalty)

Section 2

Registration of Dogs

All owners or those who harbor dogs within the City limits of Frankston, Texas shall register said dogs with the City of Frankston Police Department, for a registration fee of \$5.00 per dog, per calendar year ending December 31, 1999 and annually thereafter. Proof of current Rabies vaccination shall be required to register any animal. Concurrent to registration of any dog, the owner shall cause to be attached to the collar or harness of the city registered dog, a metal tag, serially numbered to correspond with the registration log kept by the Frankston Police Department. This tag may not be transferred to another dog. Dogs that have been registered with the city but have lost their tags must be re-registered with the city for the cost of the tag only.

Section 3

Impounded Dogs

As soon as possible after impoundment, if the owner of the dog is known, immediate notice shall be given to him/her by the Police Department. Any impounded dog may be redeemed after the owner or person harboring the dog meets the requirements imposed by the *State approved facility*.

Section 4

Interference with local authority

It shall be unlawful for any person to interfere with, molest, hinder or prevent the local authority or his/her authorized representatives in the discharge of their duties as herein described.

Section 5

Penalty

Dog at Large: First offense- A written warning citation shall be issued to the owner/harbinger/caretaker of the dog, however, if in addition to running at large the dog has caused damage to personal property or injury to another or the property of another, a citation for court appearance shall be issued and a fine levied by the court. If the dog at large meets the guidelines of a "Dangerous Dog" set forth by chapter 822 of the Texas Health and Safety Code, the provisions for enforcement and penalties levied by that code may be enforced in lieu of the provisions of this ordinance.

Second Offense- A written citation for court appearance shall be issued to the owner/harbinger/caretaker of the dog and a fine levied by the court. If the dog at large meets the guidelines of a "Dangerous Dog" set forth by chapter 822 of the Texas Health and Safety Code, the provisions for enforcement and penalties levied by that code may be enforced in lieu of the provisions of this ordinance.

Third and subsequent Offenses- A written citation for court appearance shall be issued to the owner/harbinger/caretaker of the dog and the dog shall be seized and impounded to a State authorized facility. If the dog at large meets the guidelines of a "Dangerous Dog" set forth by chapter 822 of the Texas Health and Safety Code, the provisions for enforcement and penalties levied by that code may be enforced in lieu of the provisions of this ordinance.

Fail to Register: First Offense- A written warning citation shall be issued to the owner/harbinger/caretaker of the dog.

Second Offense- A written citation for court appearance shall be issued to the owner/harbinger/caretaker of the dog.

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Section 6

Fines

Fines for violation of any provision of this ordinance shall be no less than \$50.00 or more than \$200.00 per offense, exclusive of court costs. Fines and penalties for offenses violating chapter 822 of the Texas Health and Safety Code shall be followed as mandated by said code.

Money spent by the owner to redeem the dog from impoundment shall not be considered in any form as a part of or in lieu of the court ordered fine amounts.

Section 7

Miscellaneous Provisions

Any and all notices or other communications required by this ordinance may be given orally or in writing, however, if in writing, the notice shall be deemed duly given when personally delivered to the party to whom it is directed, or in lieu of such personal service, when deposited in the United States Mail, postage prepaid and addressed to the party's last known address.

Section 8

In the event any one of the provisions contained in this ordinance shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof and this ordinance shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

Passed and approved this 8th day of March, 2016



Sharyn Harrison, Mayor

City of Frankston, Texas

Attest:



Jan Hamilton, City Secretary

City of Frankston, Texas

file

A RESOLUTION ADOPTING HEALTH AND SAFETY CODE TITLE 10 CHAPTER 822.0422; ELECTING TO BE GOVERNED BY THIS SECTION and

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- Certified Person:** Any person trained and certified by the State of Texas to be an animal control Officer.
- Owned:** The animal was purchased by or otherwise appropriated by any person and care and provisions are given for the animal on a continuous basis.
- Kept:** The animal has been entrusted to any person by another in their absence or any person has taken upon themselves the responsibility to provide care for any animal.
- Harbored:** A person harbors an animal when said person feeds or provides care or shelter for any animal whether owned by them or not.
- Approved Facility:** Any facility recognized by the State of Texas as having met the State requirements necessary to house animals.

Section 1

Dogs Running at Large

It shall be unlawful for any *dog, owned, kept or harbored, to run at large*. This ordinance provides that any *certified person* shall have the authority to seize and impound any at large, non-tagged dog. A report shall be made to the Frankston Police Department for all seized animals. Tagged animals found to be running at large shall be reported to the Police Department and enforcement action shall be taken by the Police Department to insure compliance with this ordinance. (See penalty)

Section 2

Registration of Dogs

All owners or those who harbor dogs within the City limits of Frankston, Texas shall register said dogs with the City of Frankston Police Department, for a registration fee of \$5.00 per dog, per calendar year ending December 31, 1999 and annually thereafter. Proof of current Rabies vaccination shall be required to register any animal. Concurrent to registration of any dog, the owner shall cause to be attached to the collar or harness of the city registered dog, a metal tag, serially numbered to correspond with the registration log kept by the Frankston Police Department. This tag may not be transferred to another dog. Dogs that have been registered with the city but have lost their tags must be re-registered with the city for the cost of the tag only.

Section 3

Impounded Dogs

As soon as possible after impoundment, if the owner of the dog is known, immediate notice shall be given to him/her by the Police Department. Any impounded dog may be redeemed after the owner or person harboring the dog meets the requirements imposed by the *State approved facility*.

Section 4

Interference with local authority

It shall be unlawful for any person to interfere with, molest, hinder or prevent the local authority or his/her authorized representatives in the discharge of their duties as herein described.

Section 5

Penalty

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Second Offense- A written citation for court appearance shall be issued to the owner/harbinger/caretaker of the dog and a fine levied by the court. If the dog at large meets the guidelines of a "Dangerous Dog" set forth by chapter 822 of the Texas Health and Safety Code, the provisions for enforcement and penalties levied by that code may be enforced in lieu of the provisions of this ordinance.

Third and subsequent Offenses- A written citation for court appearance shall be issued to the owner/harbinger/caretaker of the dog and the dog shall be seized and impounded to a State authorized facility. If the dog at large meets the guidelines of a "Dangerous Dog" set forth by chapter 822 of the Texas Health and Safety Code, the provisions for enforcement and penalties levied by that code may be enforced in lieu of the provisions of this ordinance.

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Fines

Fines for violation of any provision of this ordinance shall be no less than \$50.00 or more than \$200.00 per offense, exclusive of court costs. Fines and penalties for offenses violating chapter 822 of the Texas Health and Safety Code shall be followed as mandated by said code.

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In the event any one of the provisions contained in this ordinance shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof and this ordinance shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

Passed and approved this _____ day of _____, 2016

Sharyn Harrison, Mayor

City of Frankston, Texas

Attest:

Jan Hamilton, City Secretary

City of Frankston, Texas

ORDINANCE 11-5-99

REVISED 01-13-15

An Ordinance to protect against Dogs running at large; Provide for registration of Dogs within the city limits of Frankston; To insure the current vaccination of registered Dogs within the city limits of Frankston and to impose enforcement policies and procedures for ordinance violations.

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Definitions

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Passed and Approved This _____ day of _____, 2015

James Gouger, Mayor

City of Frankston, Texas

Attest:

Jan Hamilton, City Secretary

City of Frankston, Texas

ORDINANCE 11-5-99

AN ORDINANCE TO PROTECT AGAINST DOGS ROAMING AT LARGE; PROVIDE FOR REGISTRATION OF DOGS WITH THE CITY OF FRANKSTON POLICE DEPARTMENT; APPOINTMENT OF A CERTIFIED ANIMAL CONTROL OFFICER; AND TO PROVIDE FOR ITS ENFORCEMENT BY IMPOSING A FINE OF NOT LESS THAN FIFTY (\$50.00) DOLLARS NOR MORE THAN TWO HUNDRED (\$200.00) DOLLARS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRANKSTON, TEXAS;

DEFINITIONS

ANIMAL CONTROL OFFICER: Person designated by the City of Frankston, Texas to enforce this ordinance. This person will be a certified officer and can identify himself as such. He will have the authority to issue citations to individuals. His duties will be to pick-up non-tagged dogs and deliver such dogs to the state approved authorized facility. Tagged dogs not on the owners property will be reported by the animal control officer to the Frankston Police Department.

DOG: A domestic canine of either sex, including one neutered or sterilized and over the age of three (3) months.

RUNNING AT LARGE: Shall mean any dog off the premises of owner or other person in charge or custody of such animal unless accompanied by the owner or caretaker.

(2)

STRAY DOG: Any dog for which there is no identifiable owner or harborer.

SECTION I
REGISTRATION TAGS

All owners or harborers of dogs within the city limits of Frankston, Texas shall register said dogs with the city police department of Frankston, Texas, for a fee of Five (\$5.00) dollars per dog for a period ending December 31, 1999 and annually thereafter, proof of current rabies vaccination required.

Concurrent with the registration of a dog, over the age of three (3) months, the owner of the dog shall cause to be attached to the collar or harness of the city registered dog, a metal tag, serially numbered to correspond with the registration log kept by the police department. This tag may not be transferred to another dog. Dogs that have been registered with the city but have lost their tags must be re-registered with the city for the cost of the tag only.

SECTION II
DOGS ROAMING AT LARGE

It shall be unlawful for any dog owned, kept or harbored to run at large. The Animal Control Officer shall have the authority to impound any non-tagged dog. The Animal Control Officer shall report to the police department any tagged dog that is roaming at large. The first offense of roaming at large will result in a warning issued by the police department to the owner or keeper of said dog. The second offense of roaming at large, the owner or keeper of said dog will be fined not less than Fifty(\$50.00) dollars nor more than Two Hundred (\$200.00) dollars. The third offense of

(3)

of roaming at large will result in impoundment of said dog at the state approved authorized facility. Each reported offense remains on record for a period of two (2) years. Residents of Frankston may obtain a tag number from a dog roaming at large and file a complaint with the police department.

SECTION III
IMPOUNDED DOGS

As soon as practicable after impoundment if the owner of the impounded dog is known immediate notice shall be given to him by the police department. Any impounded dog may be redeemed after the owner or harbinger meets the requirements imposed by the state approved authorized facility.

SECTION IV
INTERFERENCE WITH LOCAL AUTHORITY

It shall be unlawful for any person to interfere with, molest, hinder or prevent the local authority or his authorized representatives in the discharge of their duties as herein prescribed.

SECTION V
PENALTY

Unless otherwise stated herein any violation of this ordinance shall be punishable by fine of not less than Fifty (\$50.00) dollars no more than Two Hundred (\$200.00) dollars, exclusive of court cost.

SECTION VI
MISCELLANEOUS PROVISIONS

Any and all notices or other communications required by this ordinance may be given orally or in writing, however, if in writing, the notice

(4)

shall be deemed duly given when personally delivered to the party to whom it is directed, or in lieu of such personal service, when deposited in the United States mail, postage prepaid and addressed to the party's last known address.

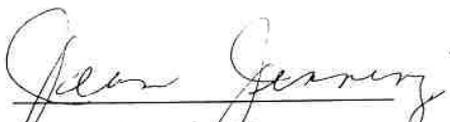
SECTION VII

In the event any one of the provisions contained in this ordinance shall for any reason held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof and this ordinance shall be construed as if such valid, illegal or unenforceable provision had never been contained herein.

PASSED AND APPROVED THIS 11th DAY OF May, 1999


James Gouger, Mayor
City of Frankston, Texas

ATTEST:


Jean Jennings
City Secretary