

**TOWN OF LAKEWOOD VILLAGE
ANIMAL CODE 16-03**

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS PROVIDING FOR THE CONTROL OF ANIMALS; PROVIDING FOR DEFINITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REGISTRATION; FEES AND TAGS; PROVIDING FOR RABIES CONTROL; PROVIDING FOR DUTIES OF OWNERS; PROVIDING FOR LIVESTOCK; PROVIDING AUTHORITY TO ISSUE CITATIONS; PROVIDING FOR A CUMULATIVE REPEALER; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PEANALTY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lakewood Village, Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council of Lakewood Village, Texas in order to provide for the general health and welfare of the citizens of this Town is permitted to enact certain rules and regulations concerning animal control; and

WHEREAS, the Town Council of the Town of Lakewood Village, Texas adopts the Texas Health and Safety Code, Chapter 822, as supplemented and amended by the terms of this

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:

Section 1: Findings

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2: Repeal

Animal Code 13-04 ordinance is hereby repealed in its entirety.

Section 3: Penalty Clause

A. Violation

A person who knowingly violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued after notification. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

B. Fine

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

Section 4: Legal Rights

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 5: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase 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.

B. Independent Sections

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Section 6: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 7: Effective Date

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this the 14th day of January, 2016.

Dr. Mark Vargus
Mayor

ATTEST:

Linda Asbell
Town Secretary, TRMC

Exhibit A



ANIMAL CODE

Adopted: January 14th, 2016

SECTION 1. RESPONSIBILITY FOR ENFORCEMENT

Enforcement of this Ordinance shall be the responsibility of the proper State and Denton County authorities, the Mayor or his/her designee, or any persons duly appointed by the Town Council.

SECTION 2. DEFINITIONS

Animal: any living creature, including but not limited to, dogs, cats, horses, birds, fish, mammals, reptiles, insects, fowl and livestock, but specifically excluding human beings.

At Large: any animal that is not completely confined by a building wall, or fence of sufficient strength or construction to restrain the animal and prevent the animal from leaving therefrom at any time, or except when such animal is either on a leash or held in the hands of the owner or keeper, or under direct supervision of the owner within the limits of the owner's private property. An animal within an automobile or other vehicle of its owner, shall not be deemed as "running at large."

Cat: a domesticated animal that is a member of the feline family.

Dangerous Animal: as defined by Chapter 822 of the Texas Health and Safety Code, and more specifically Section 822.041 as it pertains to dogs. The term shall also apply to snakes as defined in this Ordinance.

Dog: a domesticated animal that is a member of the canine family.

Harbor: the act of keeping and caring for animals or of providing a premise to which the animal returns for food, shelter, or care for a period of at least 10 days.

Kennel: any lot, building, structure, enclosure or premises where five (5) or more adult dogs and/or cats, of the age of six (6) months or older, are kept for the purpose of breeding for sale, exchange or giving away.

Livestock: species of animals which are normally suited for, or are kept or used on, a farm, ranch or similar setting for agricultural purposes such as animal husbandry, food or food production, production of fiber or clothing, material, riding, driving, pulling, hauling, commerce, or similar purpose. For purposes of this ordinance the following similar species of animals shall be considered to be livestock, regardless of age, breed, or sex, unless otherwise stated herein by the animal control officer.

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| 1. Bovine | 4. Sheep |
| 2. Equine | 5. Swine |
| 3. Goats | 6. Fowl |

Owner/Ownership: a person who owns or has custody or control of or having title to any animal; or a person who harbors or keeps, or causes or permits to be harbored or kept, any animal in their care, or who permits an animal to remain on or about their premises.

Public Nuisance: any animal which molests passerby or passing vehicles; attacks other animals; roams at large, damages public or private property; barks, whines, meows, howls, squawks or crows in a frequent or continuous manner that disturbs any person of ordinary sensibilities in the vicinity.

Snakes: Family Helodermatidea (venomous lizards); Family Viperidae (rattlesnakes, copperheads, cottonmouths, other pit vipers and true vipers); Family Elapidae (coral snakes, cobras, mambas, and other elapids); the following listed species of Family Colubridae-Dispholidus typus (Boomslang), Hydromastes gigas (water cobra), Boiga (mangrove snake) and Thelotornis (African twig snake) only; Order Phidia, and Order Crocodilia (crocodiles, alligators, caimans, and gavals).

SECTION 3. REGISTRATION; FEES; TAGS

1. Required Registration. It shall be unlawful for the owner of any dog or cat over the age of four (4) months to keep or maintain said dog or cat within the Town limits without properly registering said dog or cat with the Town of Lakewood Village, Texas, in accordance with this ordinance. Not dog or cat shall be deemed registered with the Town until and unless it has a current rabies vaccination. Any owner of a dog or cat subject to this Ordinance shall timely provide the Town with the following and be responsible for ensuring that said registration information is current.
 - a. A completed "Animal Registration Form" as provided by the Town, together with a photograph of the dog or cat for attachment to the registration form; and
 - b. Proof that the dog or cat has been properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed to practice in the State. Not more than 24 months shall have elapsed since the most recent vaccination; and
 - c. The Owner shall be responsible for providing the Town with future updated vaccination documents, which reflect compliance with this section so long as the dog or cat is kept or maintained within the corporate limits of the Town of Lakewood Village, Texas. If there is a change in ownership of a registered dog or cat, the new owner shall have the registration transferred to their name. There shall be no charge for said transfer.
2. Fees. To properly register a dog or cat under this Ordinance, an Owner shall pay a onetime registration fee in the amount established in the Consolidated Fee Ordinance per dog or cat.
3. Tags. A metal tag issued by a licensed veterinarian depicting the current vaccination must be affixed to a collar or harness that must be worn by a dog at all times.

SECTION 4. RABIES CONTROL

1. Vaccination. Every owner of a dog or cat four (4) months of age or older shall have such animal vaccinated against rabies. All dogs and cats shall be vaccinated every two (2) years in accordance with Section 3 above.
2. Certificate of Vaccination. Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat as evidence thereof, a certificate upon a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy, and the Owner shall provide a copy to the Town. Such certificate shall contain the following information:
 - a. The name, address and telephone number of the owner of the vaccinated dog or cat;
 - b. The date of vaccination;

- c. The type of rabies vaccine used;
 - d. The year and number of the rabies tag; and
 - e. The breed, age, color and sex of the vaccinated dog or cat.
3. Proof. It shall be unlawful for any person who owns or harbors a dog or cat to fail or refuse to exhibit their copy of the certificate of vaccination upon demand by any person charged with the enforcement of this Ordinance.
4. Harboring Unvaccinated Animals. It shall be unlawful for any person to harbor any animal that has not been vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.

SECTION 5. DUTIES OF OWNERS

1. It shall be unlawful for any person who owns or harbors animals to:
 - a. Fail to prevent a dog from running at large within the corporate limits of the Town of Lakewood Village. All dogs must be on a leash or contained on the owner's property. Each time a dog runs at large in violation of this ordinance constitutes a separate offense.
 - b. Allow their dog or cat to be a public nuisance.
 - c. Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal or animals which by reason of noise, odor or sanitary conditions, become offensive to a reasonable and prudent person of ordinary tastes and sensibilities, or which constitutes or becomes a health hazard as determined by the Town Council.
 - d. Keep or harbor any livestock, dangerous animals or snakes as defined by this Ordinance or any platted lot within the corporate limits of the Town of Lakewood Village, Texas.
 - e. Keep, maintain, own or operate a dog kennel or cat kennel within the corporate limits of the Town of Lakewood Village, Texas.
 - f. Fail or refuse to exhibit a copy of the certificate of vaccination upon demand to any person charged with the enforcement of this Ordinance.

SECTION 6. AUTHORITY TO ISSUE CITATION

1. Any authority as described in Section 1 of this Ordinance shall have the authority to issue citations for any violation of this Ordinance.
2. If the person being cited is not present, the authority may send the citation to the alleged offender by registered or certified mail.

End of Exhibit A