

TOWN OF LAKEWOOD VILLAGE, TEXAS

ORIGINAL

ORDINANCE No. 06-01

AN ORDINANCE OF THE TOWN COUNCIL 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 PENALTY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lakewood Village, Texas is a Type B 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 hereby repeals Ordinance No. 02-03, in order to provide for the general health and welfare of the citizens of this Town by adopting more efficient rules and regulations and ensuring compliance with current law; and

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

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

SECTION 1

DEFINITIONS

1. "Animal" shall mean any living creature, including but not limited to, dogs, cats, horses, birds, fish, mammals, reptiles, insects, fowl and livestock, but specifically excluding human beings.
2. "At Large" shall mean 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."

3. **"Cat"** shall mean a domesticated animal that is a member of the feline family.
4. **"Dangerous Animal"** shall mean a 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.
5. **"Dog"** shall mean a domesticated animal that is a member of the canine family.
6. **"Harbor"** shall mean 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.
7. **"Kennel"** shall mean 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.
8. **"Owner/Ownership"** shall mean 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.
9. **"Public Nuisance"** shall mean any animal which molests passersby 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.
10. **"Snakes"** shall include the following: 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 (Boomsnake), Hydrodunastes gigas (water cobra), Boiga (mangrove snake) and Thelotornis (African twig snake) only; Order Phidippidae; and Order Crocodylia (crocodiles, alligators, caimans, and gavials).

## SECTION 2

### **RESPONSIBILITY FOR ENFORCEMENT**

1. Enforcement of this Ordinance shall be the responsibility of the proper State and Denton County authorities; the Mayor and Secretary of the Town of Lakewood Village; and /or any persons duly appointed by the Town Council.

### 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. No 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. (See example registration form as Attachment #1); 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 one time registration fee of \$5.00 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 dangerous animals or snakes as defined by this Ordinance 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**

### **RESTRICTIONS ON SIZE OF AREA FOR KEEPING LIVESTOCK**

- 1. Grazing large livestock five hundred (500) pounds or greater, including horses and cattle, must have a minimum fenced or enclosed area of forty thousand (40,000) square feet per animal.
- 2. Grazing small livestock of less than five hundred (500) pounds, including sheep and

goats, must have a minimum fenced or enclosed area of fifteen thousand (15,000) square feet per animal.

## **SECTION 7**

### **AUTHORITY TO ISSUE CITATION**

1. Any authority as described in Section 2 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.

## **SECTION 8**

### **CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of said Ordinances except those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and those that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided, however, that any complaint, action, claim or lawsuit that has been initiated or has arisen under or pursuant to any of the Ordinances or sections thereof that have been specifically repealed on the date of the adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance or section thereof and for that purpose the Ordinance or section thereof shall remain in full force and effect.

## **SECTION 9**

### **SEVERABILITY**

The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the Town Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

## **SECTION 10**

### **SAVINGS CLAUSE**

All rights and remedies of the Town of Lakewood Village are expressly saved as to any

and all violations of the provisions of any Ordinances affecting and 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 11

### PENALTY CLAUSE

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), unless otherwise specifically stated in that Section, and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

## SECTION 12

### EFFECTIVE DATE

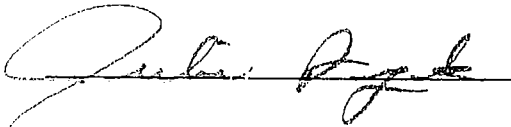
This Ordinance shall be in full force and effect from and after its date of passage and publication as provided by law.

**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas this the 9<sup>th</sup> day of March, 2006.



Paul Bowers, Acting Mayor

**ATTEST:**



Julie Arrington, Town Secretary

**APPROVED AS TO FORM:**



Chris Raesz, Town Attorney