

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 67-15

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING ARTICLE II, "PARK REGULATIONS" OF CHAPTER 54, "PARKS AND RECREATION" OF THE CODE OF ORDINANCES BY AMENDING SECTION 54-72(i) AND BY ADDING DIVISION 3 "DOG PARK RULES AND REGULATIONS"; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF IN ACCORDANCE WITH SECTION 1-13 OF THE CODE OF ORDINANCES; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Flower Mound, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the Town Council has previously adopted ordinances regulating public parks and recreation facilities within the Town; and,

WHEREAS, the Town Council now desires to adopt regulations governing the use and enjoyment of any public park designated by the Town as a dog park; and,

WHEREAS, the Town Council finds and determines that the adoption of this Ordinance is in the best interests of and necessary to protect the health, safety, and welfare of the public;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:

SECTION 1

Section 54-72(i) of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended to read as follows:

- "(i) *Animal control.* It shall be unlawful for any person to bring any animal, as defined in chapter 6 of this Code, into any public park or recreation facility that is not under the immediate control of the person by means of a cage, leash or rope no longer than six feet. This subsection shall not apply to guide dogs or other animals used to assist handicapped or disabled persons, to penned animals that are part of an activity authorized by the town's PALS board or the director of parks and recreation or his designee, in park areas or recreation facilities designated as leashfree by the town's PALS board, or in a dog park, as that term is defined in section 54-73."

SECTION 2

Article II "Park Regulations," of Chapter 54, of the Code of Ordinances, Town of Flower Mound, Texas, is hereby amended by adding a new Division 3 "DOG PARK RULES AND REGULATIONS," including Sections 54-73 through 54-76, to read as follows:

"DIVISION 3. - DOG PARK RULES AND REGULATIONS

Sec. 54-73. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal control officer means the person designated by the town to represent and act for the town in the impoundment of animals, in the controlling of stray animals, and all other matters as otherwise required by this article and chapter 6 of this code.

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

Dog park means a public park that is specifically designated by the town as a place for dogs to exercise and play off-leash in a controlled environment under the supervision, possession, or control of their owner(s).

Owner means any person who supervises, controls, or possesses any dog confined in a dog park. Any person supervising, controlling, or possessing any dog confined in a dog park is rebuttably presumed to be the owner of such dog for the purpose of this division.

Sec. 54-74. - Enforcement of division provisions.

Law enforcement officers and animal control officers are authorized to enforce the provisions of this division.

Sec. 54-75. - Running at large.

Notwithstanding any other provision to the contrary in this code, any dog confined within a dog park and located in view and voice control of its owner is not considered to be running at large.

Sec. 54-76. - Dog park rules.

The following rules govern the use and enjoyment of the dog park:

- (a) The dog park shall be open every day, except Wednesday, from 7:00 a.m. until dusk, unless closed due to inclement weather conditions, dangerous conditions, or other maintenance requirements by order of the director of parks and recreation or his designee. The park will be closed every Wednesday for general maintenance.
- (b) Dogs must display current identification tags in the manner provided by section 6-82, and must be healthy, parasite free, and properly vaccinated, as required by chapter 6 of this code. If requested by an animal control officer, owners must provide current vaccination and registration information.
- (c) In the event of dog bite or injury, the owners must exchange current identification tag information, addresses, phone numbers, and any other information that may be helpful in locating the dog(s). If the dog bite involves a human, the incident must be

reported immediately in accordance with Texas law by calling the Town Animal Services Division or Town Police Department.

- (d) No animals other than dogs are permitted in the dog park.
- (e) No puppies under four (4) months of age are allowed in the dog park.
- (f) A maximum of two (2) dogs per owner are permitted in the dog park at any one time.
- (g) Dogs must be leashed when entering or leaving the dog park and off-leash while inside of the dog park.
- (h) Upon entering the dog park, dogs must be unleashed only after entering the double-gated holding areas, not while inside the off-leash areas of the dog park. The outside gate must remain closed while the inside gate is open. Upon exiting the off-leash area of the dog park, dogs must be leashed inside the double-gated holding areas prior to exiting the dog park.
- (i) Dog handlers or owners must be at least fourteen (14) years of age or older.
- (j) Children under the age of fourteen (14) years are prohibited from entering the dog park without adult supervision.
- (k) Children are not allowed to run with or chase dogs in the dog park.
- (l) Only dogs weighing thirty (30) pounds or less are allowed in the area designated for small dogs; however, the remainder of the dog park is open to dogs of all sizes, including dogs weighing thirty (30) pounds or less.
- (m) Dogs that are aggressive, in heat, sick, or have open wounds are not allowed in the dog park.
- (n) Owners are required to pick-up and dispose of their dog's feces both inside and outside of the dog park.
- (o) No carriages, bicycles, skate boards, scooters, skates, roller blades, sport activities, children's toys, wading pools, or any motorized vehicles are allowed in the dog park, unless necessary by reason of handicap or disability.
- (p) No smoking, alcoholic beverages, food, glass containers, or dog treats are allowed in the dog park.
- (q) Digging is not allowed in the dog park. Owners must repair any damage caused by digging. If the owner fails to repair any damage caused by digging, the Town may assess any damages and costs against the owner as provided in section 54.33.
- (r) Dog grooming is not permitted in the dog park.
- (s) Owners must remain in the park and keep their dog in voice and sight control at all times.

- (t) Spiked, prong, choke, or pinch collars are not allowed in the dog park.
- (u) Shoes must be worn at all times in the dog park.
- (v) Balls and plastic discs are the only toys allowed in the dog park; no other dog toys are allowed.
- (w) No commercial use of the dog park is allowed, including dog training classes, solicitations and/or advertisements except as provided by section 54-72(e) of this Code.
- (x) Violators of this article maybe subject to removal and suspension from the dog park, by the director of parks and recreation or his designee, or any animal control officer.
- (y) Any dog designated, declared, or found to be a “dangerous dog” or “dangerous animal” in accordance chapter 6 of this code, under state law, or under the ordinances of any governmental entity in this state is not allowed in the dog park.
- (z) All other general park rules and town ordinances must be obeyed while using the dog park.”

SECTION 3

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the Town of Flower Mound, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 4

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 5

Any person, firm or corporation violating any term or provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine in accordance with Section 1-13 of the Code of Ordinances, Town of Flower Mound, Texas, and each and every day such violation shall continue shall constitute a separate offense.

SECTION 6

The Town Secretary of the Town of Flower Mound is hereby directed to publish the caption of this Ordinance in the official newspaper of the Town of Flower Mound as required by Section 3.07 of the Charter of the Town of Flower Mound.

SECTION 7

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 4 TO 0, ON THIS THE 16TH DAY OF NOVEMBER, 2015.

APPROVED:

Thomas E. Hayden, MAYOR

ATTEST:

Theresa Scott, TOWN SECRETARY

APPROVED AS TO FORM AND LEGALITY:

Bryn Meredith, TOWN ATTORNEY