

TOWN OF LITTLE ELM, TEXAS

ORDINANCE NO. 1344

AN ORDINANCE OF THE TOWN OF LITTLE ELM, TEXAS, AMENDING PROVISIONS THROUGHOUT CHAPTER 18, "ANIMALS," OF THE CODE OF ORDINANCES RELATED TO ANIMALS AT LARGE OR RUNNING AT LARGE, IMPOUNDMENT OF PROHIBITED ANIMALS, IMPOUNDED ANIMALS, QUARANTINED ANIMALS, FAILURE TO COMPLY WITH CONDITIONS IMPOSED ON DANGEROUS ANIMALS, FAILURE TO COMPLY WITH CONDITIONS IMPOSED ON DANGEROUS DOGS, AND IMPOUNDED LIVESTOCK TO PROVIDE FOR THE TERMINATION OF AN OWNER'S RIGHT TO RECLAIM AN ANIMAL, DOG OR LIVESTOCK, EXTINGUISH THE OWNER'S PROPERTY RIGHTS OF SUCH ANIMAL, AND TRANSFER OWNERSHIP OF SUCH ANIMAL TO THE TOWN OF LITTLE ELM; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, The Town of Little Elm, Texas (the "Town") is a Home Rule Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas, and organized and existing by virtue of the Constitution and laws of the State of Texas and by its Home Rule Charter; and

WHEREAS, the Town Council has the authority to regulate and provide standards for the ownership, control, and care of animals in the Town; and

WHEREAS, the Town Council has determined that the current animal control ordinance does not provide, in certain circumstances, for the termination of an owner's right to reclaim his or her animal, nor extinguish such owner's property rights, nor does it provide for the transfer of ownership to the Town to facilitate the adoption, auction or disposal of such animal; and

WHEREAS, the Town Council has determined that the Town's authority to terminate the right to reclaim an animal, extinguish the owner's property rights, and transfer ownership upon the expiration of a specified holding period set forth in the Town Code is necessary and essential to the Town's efficient adoption, auction, or disposal of animals; and

WHEREAS, the Town Council has determined that the following Ordinance is necessary and essential to regulate and provide standards for the ownership, control, and care of animals in the Town, as well as to protect the health, safety, and welfare of the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF
THE TOWN OF LITTLE ELM, TEXAS:**

SECTION 1.

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town and they are hereby approved and incorporated into the body of this Ordinance, as if copied in their entirety.

SECTION 2.

Section 18-45 of Article III, "Animal Nuisances," of Chapter 18, "Animals," of the Town of Little Elm's Code of Ordinance is hereby amended to read as follows:

"Sec. 18-45. Animals at large or running at large.

- (a) *Trespass.* It shall be unlawful for any person to maintain any animal in any area which constitutes a nuisance by reason of: Repeated trespasses on public property or private property; attacks on other animals; or damage to public or private property. It shall be unlawful for the owner, harborer or person in possession of any animal to leave the animal unrestrained by a leash and unattended in any manner that allows the animal to enter the private property of another without the effective consent of the owner.
- (b) *At large.* It shall be unlawful for any owner to allow an animal to chase vehicles or attack or interfere with other animals or persons on public property, or be at large as defined in section 18-1 herein. It shall be unlawful for the owner, harborer or person in possession of any animal to leave the animal unattended in a public place regardless of whether or not it is restrained by a leash.
- (c) *Impound.* The animal services officer is authorized to impound any animal in violation of this section. Such impounded animal shall be held for a period of three (3) calendar days and at the end of this time, if the animal has not been claimed and the proper fee paid as prescribed in article IV, division 3, the animal shall be adopted or disposed of. If the impounded animal is not claimed after three (3) business days or the proper fee remains unpaid, the owner's right to reclaim the animal is terminated, property rights to the animal are extinguished, and ownership of the animal is immediately transferred to the Town.
- (d) *Public safety.* This section does not apply to police canines."

SECTION 3.

Section 18-71 of Division 2, Article IV, "Care of Animals," of Chapter 18, "Animals," of the Town of Little Elm's Code of Ordinance is hereby amended to read as follows:

“Sec. 18-71. Impoundment, quarantine or seizure of prohibited animals.

The animal services officer may seize and/or order the immediate impoundment or quarantine, at the owner’s expense, of any wild or exotic animal found in the town where there is a potentially serious threat to public health, safety or welfare, and/or if in violation of any provision of this chapter. The animal services officer may seek a seizure warrant from a justice court, county court or municipal court, which court, upon probable cause, may issue a warrant authorizing a seizure. A hearing shall be conducted on whether the animal is subject to an exception within ten (10) business days of the date of seizure. The owner or harbinger of the animal, to the extent the same is known or can be determined through reasonable due diligence, shall receive written notice of the hearing, by personal service and/or certified mail, return receipt requested, as soon as practicable but not later than five (5) business days prior to the hearing. Any order regarding the disposition of the animal shall terminate the owner’s right to reclaim the animal, extinguish the owner’s property rights to the animal, and transfer ownership of the animal to the Town.”

SECTION 4.

Section 18-91 of Division 3, Article IV, “Care of Animals,” of Chapter 18, “Animals,” of the Town of Little Elm’s Code of Ordinance are hereby amended to read as follows:

“Sec. 18-90. Impoundment.

- (a) Animal services officers are hereby authorized to capture and impound any animal upon having probable cause to believe said animal to be in violation of any provision of the ordinance from which this chapter derives or state law which authorizes or requires the animal’s capture and impoundment, and in so doing, to enter upon any fenced or unfenced lot, tract or parcel of land when deemed necessary for the protection of the public health, safety and welfare, as allowed by law. As a matter of policy, animal services officers shall not enter upon private property to capture and/or impound any animal known to belong to the owner of said property without probable cause. An animal services officer may enter upon the property, as allowed by law, to capture an animal if it is believed that said animal poses a threat or danger to property, human beings or other animals.
- (b) Additionally, it is the responsibility of the animal services officer to accept any animal delivered to the animal shelter pursuant to the requirements of this chapter, except those animals that are voluntarily released by their owners. For an animal to be voluntarily released, the owner must sign an owner release form that terminates the owner’s right to reclaim the animal, extinguishes the owner’s property rights to the animal, and transfers ownership of the animal to the Town. In addition, it is the duty of the animal services officer to capture and impound wild or nondomesticated animals in response to citizen’s complaints of public nuisance or to control feral populations.
- (c) If the lawful owner of an animal requests euthanasia due to injury or illness where recovery of the animal is unlikely and private means are not readily available, the

owner must first sign all required forms and pay the required fees as adopted by the town.

- (d) Baby nursing animals impounded without the mother or whose mother cannot or refuses to provide milk, may be transferred to a licensed rehabilitation facility whenever such facility is willing and able to provide care for the baby nursing animals. Should no facility be available, the animals may be humanely destroyed to prevent further suffering.

Sec. 18-91. Impoundment procedures.

- (a) If, by identification tag, the owner of an impounded animal can be identified, the animal services officer will, as soon as practical, notify the owner either in person or by telephone of said impoundment. If the animal is locally owned within the Town of Little Elm and telephone contact can or cannot be made, the animal services officer will post a notice on the front door of the owner's residence indicating that the animal has been impounded and notifying the owner of the date that his or her right to reclaim the animal is terminated and property rights to the animal are extinguished.
- (b) All impounded animals shall be kept for not less than three (3) business days, unless the animal is reclaimed earlier by the owner under acceptable conditions. However, no impoundment period is required for an animal voluntarily delivered and released to the animal shelter or town by its owner.
- (c) After the expiration of any required impoundment period, the owner's right to reclaim the animal is terminated, property rights to the animal are extinguished, and ownership of the animal is immediately transferred to the Town. The impounded animal shall subsequently be released to the animal shelter. At that time, the animal shall be disposed of by adoption from the facility, by offering it to a local animal humane group for adoption, by public auction, or by humanely destroying the animal.
- (d) Any animal which is in great pain and suffering due to injury and probably will not recover, or which appears to have rabies, and/or which is at large and is posing an imminent danger to human beings or to other animals, may be humanely destroyed by the animal services officer.
- (e) Any owner or person redeeming an unaltered animal from the animal shelter for the third time within any 12-consecutive month period must have the animal sterilized within ten days of the date the animal is released from the facility. Proof of said sterilization must be provided to the animal shelter within ten days of release from the animal shelter.
- (f) When acting in the course and scope of their employment, the animal services officer is hereby authorized to carry on his person, or in town vehicles, loaded tranquilizer guns approved by the division of community services, or other weapons upon

demonstration of proficiency and as qualified by the police department, and not in violation of any provision of the state penal code or any applicable state law.

- (g) Inspection of the premises where livestock, fowl or pets are kept or maintained shall be subject to inspection upon receiving a complaint, at any reasonable hour of the day while in the presence of the owner.”

SECTION 5.

Section 18-142 of Article V, “Rabies Control,” of Chapter 18, “Animals,” of the Town of Little Elm’s Code of Ordinance is hereby amended to read as follows:

“Sec. 18-142. Procedure when animal has bitten person or animal; exceptions thereto; quarantine fees.

- (a) *Procedure.* When any dog, cat or other animal has bitten, scratched or otherwise attacked a person or animal, any person having knowledge of such incident shall immediately notify the town and such dog, cat or other animal shall be confined in the animal shelter or in a veterinary hospital for a period of ten (10) business days at the expense of the owner and such dog, cat or other animal shall during such period of confinement be subject to inspection by town personnel or a licensed veterinarian. After the ten-day period the owner shall be notified of the date that his or her right to reclaim the animal is terminated and property rights to the animal are extinguished and granted five (5) additional business days to reclaim the animal. The charge for each day of confinement of the animal shall be reflected on the current adopted development services comprehensive fee schedule. After the expiration of this period, the owner’s right to reclaim the animal is terminated, the property rights to the animal are extinguished, and ownership is immediately transferred to the Town. Subsequently, the animal services supervisor may adopt out or dispose of the animal.
- (b) *Exceptions to procedure.* If the animal in question has a valid and current vaccination, was not running at large at the time of the exposure, and is not a repeated biting animal, the animal services officer may allow the owner to secure the animal on his property if the owner can provide secure and adequate facilities for such confinement, provided that the animal be inspected by a veterinarian at the end of the quarantine period. The animal services officer shall also be granted access to the animal at any time during the ten-day quarantine to insure the conditions of the quarantine are being met. Failure to allow inspection of the animal will result in revocation of the home quarantine. Police K-9 shall be exempt from the confinement requirements. The police K-9 shall be checked by a licensed veterinarian immediately and at the end of the ten-day period.
- (c) *Quarantine fee.* The owner of any dog or cat held in quarantine for observation purposes shall be charged a fee reflected on the current adopted development services comprehensive fee schedule.”

SECTION 6.

Section 18-159 and Section 18-161 of Division 1, Article VI, “Dangerous Animals,” of Chapter 18, “Animals,” of the Town of Little Elm’s Code of Ordinance is hereby amended to read as follows:

“Sec. 18-159. - Finding of an animal as “dangerous”.

- (a) A person learns that the person is the owner of a dangerous animal when:
 - (1) The owner knows of an attack as described in section 18-1, definition of “Dangerous animal” or “Dangerous dog”; or
 - (2) The owner is informed by the animal services officer that the animal is a dangerous animal.
- (b) Upon receipt of a written sworn notarized affidavit by any person, charging that a particular animal is dangerous, an animal services officer may investigate the incident to determine whether such animal is, in fact, dangerous. If the animal has bitten a human then the animal must be held at the animal shelter or at an approved quarantine veterinarian clinic for the period required by law. Any written sworn notarized affidavit shall contain at least the following information, if known:
 - (1) Name, address and telephone number of the complainant and witnesses;
 - (2) Date, time and location of the incident(s);
 - (3) A complete description of the animal including breed, color, sex, size, etc.;
 - (4) Name, address and telephone number of the animal’s owner, if known, and/or the premises where the animal is kept;
 - (5) A statement that the animal bit or attacked with as much detail as possible with regard to the incident and whether medical attention was required; and
 - (6) Any other facts that the complainant believes to be relevant.
- (c) The following will apply regarding the investigation to determine whether an animal shall be declared “dangerous”:
 - (1) The owner of the animal shall deliver the animal to the animal services officer for impoundment within five days of the notice that a sworn complaint has been filed.
 - (2) The suspect animal shall be seized by the animal services officer pursuant to a sworn complaint, and impounded and if necessary medically examined at the owner's expense if the animal caused serious bodily injury to a person requiring medical treatment. An animal causing serious bodily injury shall be held at an

animal shelter pending the outcome of an investigation and determination as to whether the animal is, in fact, classifiable as dangerous. Such an investigation to determine if an animal is dangerous shall be conducted within ten days after receipt of the complaint or seizure of the animal.

- (3) Notice of the investigation shall be provided by an animal services officer to the owner of the animal either in person or by certified mail, return receipt requested. The complainant in the matter shall also be notified either in person or by certified mail, return receipt requested of the investigation. During the investigation all parties shall be given the opportunity to present evidence on the issue of whether such animal is to be declared dangerous.
- (d) Upon conclusion of an investigation to determine if an animal is dangerous, the animal services officer may find that the animal is not dangerous. In such case, the animal shall be returned to the owner, provided the animal has been properly vaccinated and registered, and all impoundment and medical fees paid.
- (e) Notification to an owner that his dog has been declared dangerous shall include the following information:
 - (1) Failure to comply with the requirements will result in the animal's seizure, the termination of ownership and destruction of the animal.
 - (2) The owner has the right to appeal the decision to a justice or municipal court of competent jurisdiction and that such appeal must be filed, in writing, not late than the 15th day after the date the owner is notified.
 - (3) The owner may appeal that decision of the justice or municipal court in the same manner as appeal for other cases.
- (f) No animal shall be declared a dangerous animal if the threat, injury or damages caused by the animal were the result of a willful trespass upon another's property; or the person injured was tormenting, abusing or assaulting the animal or its owner, or was committing or attempting to commit a crime at the time of injury.

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Sec. 18-161. Failure to comply with requirements.

If the owner of an animal determined to be dangerous under this article fails or refuses to comply with all the requirements specified in section 18-160, ownership shall be transferred to the Town and the animal shall be seized by the animal services officer and euthanized by the animal services officer, its authorized agent, or a licensed veterinarian.”

SECTION 7.

Section 18-184 of Division 3, Article VI, “Dangerous Animals,” of Chapter 18, “Animals,” of the Town of Little Elm’s Code of Ordinance is hereby amended to read as follows:

“Sec. 18-184. Failure to comply.

- (a) If, upon application, a justice court, county court or municipal court finds that the owner has failed or is failing to comply with this division, the court shall order the animal services officer to seize the dog and shall issue a warrant authorizing the seizure of the dog. The animal services officer shall seize or cause to be seized the dog and provide for impoundment under secure, humane conditions. The owner shall pay any cost or fee assessed by the town related to the seizure, acceptance and impoundment of the dog. The owner then has eleven (11) calendar days after the seizure to comply or the court shall transfer ownership to the Town and order the dog to be humanely destroyed. After fifteen (15) calendar days, if the owner cannot be located, then the court shall transfer ownership to the Town and order the dog to be humanely destroyed.
- (b) Failure to comply constitutes a misdemeanor, which upon conviction, is punishable by a fine not to exceed \$500.00. Subsequent offenses are class B misdemeanors and shall be referred to the appropriate court.”

SECTION 8.

Section 18-230 of Article VIII, “Livestock” of Chapter 18, “Animals,” of the Town of Little Elm’s Code of Ordinance is hereby amended to read as follows:

“Sec. 18-230. - Disposal of impounded livestock.

- (a) In the event that ownership of livestock impounded under this chapter can not be determined, and after being held for a period of three (3) calendar days, the livestock becomes the property of the Town and may be impounded by the Denton County Sheriff’s Department. At such time the livestock shall become the responsibility of the Denton County Sheriff’s Department. Should the owner be located within the three-day period, the owner shall pay all required fees set forth in this chapter. The town, by this provision, intends to comply with any applicable provision of state law relative to the impoundment of strays.
- (b) If impounded livestock are sold at public auction by Denton County Sheriff’s Department, the county holding facility will apply such amount of the proceeds as necessary to satisfy the fees and costs incurred because of animal impoundment and auction, any fees and costs incurred by the town for impounding the livestock, restitution for any damage sustained by a property owner for said livestock having been at-large, upon submission of a notarized affidavit and satisfactory proof of such damage. Upon payment of all fees, costs and restitution, any remaining monies shall be returned to the owner of the livestock, upon submission of a sworn, notarized

affidavit that the applicant was in fact the owner of the livestock immediately prior to the sale.”

SECTION 9

This Ordinance shall be cumulative of all provisions of ordinances of the Town, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 10

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases or provisions of this Ordinance, or the application thereof to any person or circumstances, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 11

Any person, firm, or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in the Code of Ordinances of the Town of Little Elm. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 12

This Ordinance shall take effect and be in full force on and after its passage, and its publication as provided by the laws of the State of Texas and the Home Rule Charter of the Town of Little Elm, Texas.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Little Elm, Texas, on August 16, 2016.

David Hillock, Mayor

ATTEST:

Kathy Phillips, Town Secretary

APPROVED AS TO FORM:

Robert F. Brown, Town Attorney

Chapter 18 - ANIMALS

ARTICLE I. - IN GENERAL

Sec. 18-1. - Definitions.

For the purposes of this chapter, the following terms, phrases and words used herein shall be interpreted to read as follows and any words not herein defined shall be construed in the context used and by ordinary interpretation, and not as a word of art:

Abandon shall mean to dump, desert or leave any animal on public or private property with the intent of terminating any further responsibility for said animal or by failing to provide adequate care or adequate shelter for a period of 24 hours or more; and shall also mean refusing to claim or failing to timely redeem any animal impounded or quarantined by the Town of Little Elm, as specified herein.

Adequate/proper shelter shall mean a shelter for an animal that shall effectively protect the animal from any form of cold, overheating, inclement weather and direct effects of wind, rain, snow, ice or the sun. By way of example, and not limitation, a shelter may consist of a three-sided structure, with a roof. The shelter shall provide shade during hot weather months with provisions for cooling the animal when temperatures exceed 90 degrees Fahrenheit. During months when temperatures fall to 50 degrees Fahrenheit or lower, auxiliary heat or clean, dry bedding material shall be provided for the animal to provide insulation against the cold.

Adoption of a dog or cat shall mean the release of the animal from the care, custody, control or ownership of the animal shelter to a person who agrees to assume ownership responsibilities for the care of that animal as defined in this chapter.

Aggressive animal shall mean any animal which, when unprovoked chases or approaches a person upon any public or private property in a menacing fashion or apparent attitude of attack such that a reasonable person would believe the animal would cause physical injury to the person.

Altered animal shall mean any animal, male or female, whose reproductive organs have been surgically removed.

Animal shall mean any living creature classified as a member of the animal kingdom including, but not limited to, birds, fish, fowl, mammals and reptiles, but specifically excluding human beings.

Animal services officer shall mean the person or person designated by the town to represent and act for the town in the impoundment of animals, controlling of stray animals and as otherwise required in this chapter.

Animal shelter shall mean a facility operated, controlled or contracted with the Town of Little Elm, or its designated contractor, for the purpose of impounding, confining, safekeeping, controlling or caring for animals held under, and consistent with the authority of this chapter, or an establishment designated or contracted by the town for the keeping of said animals.

Assistance animal shall mean an animal that is specifically trained or equipped to help a person with a disability and that:

- (1) Is used by a person with a disability who has satisfactorily completed a specific course of training in the use of the animal; and
- (2) Has been trained by an organization generally recognized by agencies involved in the rehabilitation of persons with disabilities as reputable and competent to provide animals with training of this type.

At large shall mean any animal which is not under restraint.

Bee shall mean any stage of the common domestic honeybee (*Apis mellifera*).

Bodily injury shall mean physical pain, illness or any impairment of physical condition.

Cat shall mean a domesticated animal that is a member of the feline family (*Felis domesticus*). This term specifically excludes a lion, tiger, bobcat, jaguar, panther, leopard, cougar, any other prohibited animal or any hybrid of a prohibited animal and a domesticated animal.

Cruel or inhumane treatment shall mean beating or torturing an animal, abandoning, cruelly confining or transporting, seriously over loading, seriously over working or abusing an animal.

Dangerous animal shall mean an animal, other than a dog, that:

- (1) Makes an unprovoked attack on a person or other animal that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own; or
- (2) Commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to that person.

Dangerous dog shall mean a dog that:

- (1) Makes an unprovoked attack on a person or other animal that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Direct physical control shall mean the animal is within the owner's observation and in such close proximity as to permit the owner reasonable opportunity to control the animal, should it become necessary to do so in order to protect the animal, a human or another animal from harm.

Dog shall mean a domesticated animal that is a member of the canine family (*canis familiaris*). This term shall not include a wolf, jackal, fox, dingo, coyote, other prohibited animal or any hybrid of a prohibited animal and a domesticated animal.

Domestic animal shall mean any normal household pets, such as, but not limited to, dogs, cats, cockatiels, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish or small, nonpoisonous reptiles or nonpoisonous snakes.

Foster care animal shall mean any animal under the control of a recognized member of a local humane organization which is to be held for a period of time not to exceed 90 days.

Fowl shall mean a bird of any kind, including, but not limited to, chickens, ducks, geese, guineas, pigeons, roosters, turkeys and pheasants.

Guard dog shall mean a dog that received training for the purpose of protecting property or persons, which is used by law enforcement, private security, or in protective functions where the dog is responsive to control by its owner or handler and used only for protective functions, irrespective of its status as a personal pet of its owner or handler.

Harbor shall mean the act of keeping and caring for an animal or providing premises to which the animal returns for food, shelter or care for a period of three consecutive days.

Impound shall mean to take an animal into custody by the town; impoundment shall begin at the time any animal control officer or police officer takes control of an animal either by hand, rope, trap, projectile or confinement to a vehicle.

Inhumane treatment of animals shall mean any treatment of an animal prohibited by V.T.C.A., Texas Penal Code § 42.09; V.T.C.A., Texas Health and Safety Code chs. 821, 822 or 826, as amended, or by any other provision of law including federal, state and local laws, ordinances or rules.

Kennel shall mean any business or establishment other than a veterinary hospital, whether operated separately or in connection with another business or establishment, that keeps, boards and/or trains dogs and/or cats for profit. Kennels must be established, maintained and operated in compliance with all applicable zoning and land use regulations of the Town of Little Elm.

Livestock shall mean any horses, mules, donkeys, cattle, goats, sheep, swine, ostriches, emus or rheas. Small livestock shall include, but not be limited to, all types of domesticated swine, sheep and goats. Large livestock shall include, but not be limited to, horses and any member of the domesticated horse family, including, but not limited to, mules, donkeys, ponies; all types and varieties of cattle; ostriches, emus and rheas.

Local rabies control authority ("LRCA") shall mean the officer designated by the town under V.T.C.A., Health and Safety Code § 826.017 or his or her designee.

Owner shall mean any person, partnership, corporation or association that harbors, shelters, keeps, controls, manages, possesses, has custody or has whole or part interest in any animal. The occupant, owner or head of a household of any premises where an animal remains for 72 hours or more shall be presumed to be the owner of such animal for the purpose of this chapter.

Person shall mean a natural individual, firm, corporation or other legal entity.

Pet shall mean any animal normally kept for pleasure rather than utility, excluding livestock.

Pet store shall mean any business or establishment other than a veterinary hospital, whether operated separately or in connection with another business or establishment that buys and sells dogs, cats and/or other species of pets for profit. Pet stores or shops must be established, maintained and operated in compliance with all applicable zoning and land use regulations of the Town of Little Elm.

Possession shall mean actual care, custody, control or management of a certain animal.

Premises shall mean a parcel of land of one or more continuous lots owned, leased or controlled by one or more persons.

Prohibited animal shall mean any animal not normally born and raised in captivity, or any hybrid of an animal listed in this definition, regardless of the percentage of the hybrid mix, including, but not limited to the following:

- (1) *Class reptilia*: Family Helodermatidae (venomous lizards) and family Hydrophiidae (Venomous Marine snakes); family Viperidae (rattlesnakes, pit vipers and true vipers); family Elapidae (coral snakes, cobras and mambas); family Columbridae-Dispholidus Typus (boomsnake); Bioga Dendrophilia (mangrove snake) and Kirklandii (twig snake only); order Crocodilia (such as crocodiles and alligators);
- (2) *Class aves*: Order Falconiforms (such as hawks, eagles, falcons and vultures);
- (3) *Class mammalia*: Order carnivores:
 - a. Family Felidea (such as lions, tigers, bobcats, jaguars, leopards and cougars), except commonly domesticated cats;
 - b. Family Canidae (such as wolves, dingos, coyotes, foxes and jackals), and any hybrid of an animal listed in this section except commonly domesticated dogs;
 - c. Family Mustelida (such as weasels, skunks, martins, minks, badgers and otters) except ferrets;
 - d. Family Procyonidae (such as raccoons and coati);
 - e. Family Ursidae (such as bears);
 - f. Marsupialia (such as kangaroos, opossums, koala bears, wallabys, bandicoots and wombats);
 - g. Chiroptera (bats);
 - h. Edentata (such as sloths, anteaters and armadillo);
 - i. Proboscidea (elephants);
 - j. Primata (such as monkeys, chimpanzees, orangutans and gorillas);
 - k. Rodentia (such as beavers and porcupines); and
 - l. Ungulata (such as antelope, deer, bison and camels);
- (4) *Class amphibi*: Poisonous frogs;
- (5) Any species of animal illegal to own under federal, state or local law.

Public auction shall mean any place or facility where animals are sold to the highest bidder. This definition does not apply to individual sales of animals by private owners to other private owners.

Restraint shall mean that the following conditions exist an animal is restrained:

- (1) It is securely enclosed or confined to its owner's yard by a physical fence in a manner that will isolate the animal from the public and from other animals except for animals owned or under the control of the owner; or

- (2) It is accompanied by its owner or trainer at a bona fide dog show, field trial or exhibition; or
- (3) It is secured by a leash of at least five and not more than ten feet in length and of sufficient strength to control the animal while the animal is being walked; or
- (4) A specially trained dog that is used by a blind or deaf individual to aid him/her within the town; or
- (5) A guard dog in the performance of duty in an enclosed building or securely fenced and locked area which is marked on all sides with signs in four-inch letters stating "guard dog" and clearly visible to the public; or
- (6) A dog in a place of public assembly and effectively and securely muzzled in order to prevent the dog from biting.

Secure enclosure shall mean a fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a dangerous animal in conjunction with other measures which may be taken by the owner. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal(s) from escaping from the enclosure. The enclosure shall be posted with signs on all sides in four-inch letters warning of the presence of a dangerous animal and shall include a symbol of a dangerous animal understandable by young children.

Senior citizen shall mean any person 65 years of age or older.

Serious bodily injury shall mean bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ. An injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment, satisfies this definition.

Stray shall mean an animal that is improperly restrained and that wanders upon a public place, roadway, street, highway or the property of another person.

Town shall mean the Town of Little Elm, Texas, Denton County, Texas.

Unaltered animal means any animal, male or female, whose reproductive organs are intact and functional.

Unprovoked attack by a dog shall mean an incident in which a dog which attacked a human being or an animal was not hit, kicked or struck by a human being with any object or part of a human being's body, nor was any part of the dog's body pulled, pinched or squeezed by a human being, nor was the dog taunted or teased by any human being, nor was the human being in the dog's territory on the property of the dog's owner at the time of the attack.

Vaccination shall mean the inoculation of an animal with a rabies vaccine or other medicine that is accepted by the United States Department of Agriculture for use in that species, and which is administered by a veterinarian, licensed in the State of Texas, for the purpose of immunizing the animal against rabies or other diseases.

Veterinarian shall mean a veterinarian, licensed by the State of Texas.

Veterinary hospital or clinic shall mean any establishment that is maintained and operated by a veterinarian, licensed in the State of Texas, for the diagnosis, treatment or surgery of injuries and diseases to animals.

Zoonotic disease shall mean an illness which is of animal origin and usually causes illness to other animals but which can be transmitted to, and cause illness in humans.

To the extent not otherwise defined herein, reference may be made, for purposes of clarifying definitions, to state law and/or generally accepted industry publications.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-2. - Purpose and scope.

- (a) It is the purpose of this chapter:
 - (1) To provide regulations by which the transmission of rabies to human beings and domestic animals can be prevented and controlled in the town;
 - (2) To decrease the number of unwanted and stray dogs and cats in the town;
 - (3) To encourage responsible animal ownership; and
 - (4) To protect the public health, safety and welfare of the town.
- (b) The provisions of this chapter shall not be construed to authorize the keeping of any animal in violation of any other town ordinance, state or federal statute or law.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-3. - Incorporation by reference.

Any reference made in this chapter to any other law, statute, code, ordinance, rule or regulation is intended to incorporate such material as it presently exists and also any future amendments, changes, revisions, repeals or recodifications of such material, unless otherwise expressly provided.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-4. - Parental responsibility.

- (a) If an animal is owned or purported to be owned by an individual who is younger than 17 years of age, responsibility and liability for compliance with this chapter with respect to such an animal shall be imposed on the parent, legal guardian or other person who has the duty of control and reasonable discipline of the minor individual, regardless of whether the parent, legal guardian or other person otherwise meets the definition of "owner" with respect to the animal at issue.
- (b) Financial liability imposed under subsection (a) of this provision shall not exceed limits imposed by state law.

- (c) It shall be an affirmative defense to imposition of responsibility and liability under subsection (a) that the parent, legal guardian or other person establishes by a preponderance of the evidence that he or she made a reasonable good faith effort to ensure compliance with this chapter.

(Ord. No. 960, § 2, 6-16-2009)

Secs. 18-5—18-20. - Reserved.

ARTICLE II. - ANIMAL SERVICES OFFICER^[2]

Footnotes:

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Editor's note—Ord. No. 1301, § 2, adopted Oct. 20, 2015 renamed art. II as set out herein. Formerly entitled "Animal Control Officer".

Sec. 18-21. - Animal services officer.

- (a) *Continuation of office.* The office of animal services of the town, a division of the community services department, heretofore created by the town, is hereby established and continued in effect.
- (b) *Appointment.* Animal services personnel shall be hired by and under the supervision of the town manager, or his/her designee.
- (c) *Qualifications.* The animal services officer shall possess all the qualifications prescribed by the town.
- (d) *Powers and duties.* The animal services officer shall perform all of the duties required of him/her by this chapter, regulations adopted by the town council and all action necessary for the effective enforcement of the animal services ordinances.
- (e) *Enforcement.* The animal services officer shall have the authority to issue citations for any violation of this chapter.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-22. - Authority to carry tranquilizer guns.

When acting in the course and scope of employment, an animal services officer shall be and is hereby authorized to carry on the officer's person or in town vehicles, loaded tranquilizer guns approved by the chief of police and not in violation of any provision of the Texas Penal Code or any other applicable state law.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-23. - Filing of complaints.

Any citizen, firm or corporation believing any provision of this chapter to have been violated may file a written complaint with the animal services supervisor of the town. It shall then be the duty of the animal services supervisor to investigate said complaint and act as necessary on the results of that investigation.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-24. - Failure to identify; notice of citation.

- (a) It shall be unlawful for any person upon being issued a citation to intentionally or knowingly give the animal services officer other than his true name and address. For purposes of this section, a person shall be in violation upon failure to provide the requisite identification information upon a request for identification being issued by a person who identifies themselves as an animal services officer.
- (b) If the person being cited is not present, the animal services officer may send the citation to the alleged offender by registered mail or certified mail, return receipt requested. If said citation should come back unclaimed, the citation shall be sent regular mail. If the regular mailing does not come back unclaimed or undeliverable, then service shall be deemed completed.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-25. - Interference with impounding officers.

It shall be unlawful for any person to interfere with, or attempt to prevent, an animal services officer from capturing or impounding any animal which may be legally impounded or otherwise interfering with the animal services officer while carrying out his or her lawful duties.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-26. - Exemption of town officials from liability.

All of the regulations provided in this chapter and the functions and duties of all officers, agents, servants or employees of the town in the enforcement of this chapter are declared to be governmental and for the benefit, health and welfare of the general public. Any town official or employee charged with the enforcement of this chapter, acting for the town in the discharge of his/her duties, shall not thereby render himself/herself personally liable by the performance of any act required or permitted in the discharge of his/her duties.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-27. - Inspection of animals and premises.

The animal services officer shall have the authority to inspect animals and/or premises. For purposes of discharging the duties imposed by the provisions of this chapter or other applicable laws, an animal services officer may enter upon private property to the full extent permitted by law.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-28. - Authority to kill, impound or destroy animals.

The animal services officer shall have authority to do the following:

- (1) Kill an animal which poses an imminent danger to a person or property and a real or apparent necessity exists for the destruction of the animal;
- (2) Impound an animal which is diseased and endangers the health and welfare of another animal or person;
- (3) Destroy an impounded animal if the animal services officer determines that recovery of the animal is doubtful due to injury or disease;
- (4) Destroy an animal which, after being deemed dangerous according to V.T.C.A., Health and Safety Code §§ 822.041—822.047, as amended or superseded; and
- (5) Impound any animal running at large.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Secs. 18-29—18-39. - Reserved.

ARTICLE III. - ANIMAL NUISANCES

Sec. 18-40. - Public nuisances.

- (a) Whatever the animal services supervisor determines to be dangerous to human life or health, or that is offensive to the senses, or that is or threatens to become detrimental to the public health, is hereby declared to be a nuisance and shall be unlawful, and the specific acts, conditions and things set forth in this chapter are, among others, declared to be nuisances and prohibited and made unlawful.
- (b) It shall be a nuisance and a violation of this chapter for any person to permit, cause or allow an animal, whether by action or inaction, within his/her possession to engage in conduct which establishes such animal as a "dangerous animal" or "dangerous dog".
- (c) Any animal normally found in the wild that has entered onto any public or private property and by its presence is committing a threat to public health and safety or is generally interrupting the tranquility of the location is a nuisance and a violation of this chapter.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-41. - Maximum number of animals.

- (a) The keeping of more than the maximum number of animals permitted by this chapter shall be a public nuisance.
- (b) In no event shall the aggregate number of domestic animals exceed a total of four.
- (c) It shall be unlawful to keep or harbor more than four dogs and four cats in the aggregate six months of age or older on any premises.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-42. - Animals creating disturbances.

The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person of ordinary sensibilities in the immediate vicinity is declared a nuisance in violation of this section. An audible noise from an animal or bird, in excess of 15 minutes, even if in sporadic bursts, shall be prima facie evidence that the same constitutes a nuisance. A person shall be deemed to have willfully and knowingly violated terms of this subsection if such person shall have been notified by the animal control officer or any police officer of such disturbance and shall have failed or refused to correct such disturbance and prevent its recurrence.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-43. - Sanitary standards.

- (a) The owner of any animal allowed by this chapter to be kept in the town shall comply with the following standards of sanitation for that animal:
 - (1) Place food only in impervious containers or on impervious surfaces; and
 - (2) Equip watering troughs or tanks with adequate facilities for draining the overflow.
- (b) Odors or unclean conditions prohibited.
 - (1) It shall be unlawful for any owner to allow an animal or fowl to be kept in a manner or under conditions which creates foul odors, unsanitary conditions, an unreasonable presence of vermin or their offspring, or other harmful or offensive conditions which can be attributed to the presence of the animal, or to its physical or environmental conditions, including but not limited to the accumulation of animal excreta.
 - (2) It shall be unlawful for any owner to allow an animal to produce odors or unclean conditions sufficient to create a public nuisance.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-44. - Disposal of excrement: Defecation of animals on public and/or private property.

- (a) *An owner, harbinger or other person in possession of an animal commits an offense if he:*

- (1) Knowingly permits, or by insufficient control allows the animal to defecate in the town on private or public property; and
 - (2) Fails to promptly remove and dispose of any excreta the animal deposits.
- (b) *An owner, harbinger or other person in possession of an animal commits an offense if he:*
- (1) Knowingly permits the animal to enter or be present on public or private property located within the town; and
 - (2) Fails to have in his possession materials or implements that can be used to immediately and in a sanitary manner both remove and dispose of any excreta the animal may deposit on the property.
- (c) *It is a defense to prosecution under this section if:*
- (1) The property was owned, leased or controlled by the owner, harbinger or person in possession of the animal;
 - (2) The animal was a dog specially trained to assist a person with a disability and was in the possession of that disabled person at the time it defecated on the property;
 - (3) The owner or person in control of the property had given prior consent for the animal to defecate on the property; or
 - (4) The animal is a police canine being used in official law enforcement activities.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-45. - Animals at large or running at large.

- (a) *Trespass.* It shall be unlawful for any person to maintain any animal in any area which constitutes a nuisance by reason of: Repeated trespasses on public property or private property; attacks on other animals; or damage to public or private property. It shall be unlawful for the owner, harbinger or person in possession of any animal to leave the animal unrestrained by a leash and unattended in any manner that allows the animal to enter the private property of another without the effective consent of the owner.
- (b) *At large.* It shall be unlawful for any owner to allow an animal to chase vehicles or attack or interfere with other animals or persons on public property, or be at large as defined in section 18-1 herein. It shall be unlawful for the owner, harbinger or person in possession of any animal to leave the animal unattended in a public place regardless of whether or not it is restrained by a leash.
- (c) *Impound.* The animal services officer is authorized to impound any animal in violation of this section. Such impounded animal shall be held for a period of three (3) calendar days and at the end of this time, if the animal has not been claimed and the proper fee paid as prescribed in article IV, division 3, the animal shall be adopted or disposed of. If the impounded animal is not claimed after three (3) business days or the proper fee remains unpaid, the owner's right to reclaim the animal is terminated, property rights to the animal are extinguished, and ownership of the animal is immediately transferred to the Town.
- (d) *Public safety.* This section does not apply to police canines.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-46. - Penalties.

- (a) *Violation; penalty.* Any person violating any provision of this chapter, upon conviction, shall be deemed guilty of a misdemeanor and fined as provided in this Code of Ordinances, unless specific provision for a penalty, is provided herein. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues to occur.
- (b) *Mental state.* Unless otherwise specifically set forth herein, or in state law as adopted, allegation and evidence of culpable mental state are not required for the proof of an offense defined by this chapter.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-47. - Noncomplying premises; remedies.

Where premises do not comply with the provisions of this chapter or if any health ordinance or law is not observed, the animal services officer may, upon written notice to the person owning or controlling the premises, order the correction of the objectionable conditions. In addition to any criminal proceeding, failure to comply with such order shall entitle the town to obtain relief by injunction.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Secs. 18-48—18-54. - Reserved.

ARTICLE IV. - CARE OF ANIMALS

DIVISION 1. - GENERALLY

Sec. 18-55. - Animal provisions, generally.

- (a) *Confinement of animals by individuals.* If a stray animal is found upon the premises of another, the occupant of the premises may confine the animal only for so long as reasonably necessary to notify the animal services officer and have the animal impounded. In attempting to confine the animal, the occupant shall not use any force that is intended or known by the occupant to cause, or in the manner of its use is capable of causing, death or injury to the animal.
- (b) *Inspection of premises where animals are kept.* Premises where livestock, fowl or pets are kept or maintained shall be subject to inspection, upon receiving a complaint, by the animal services officer at any reasonable hour of the day while in the presence of the owner.
- (c) *Care of animals.* Animals shall be provided humane care, treated and transported in a humane manner and not in violation of V.T.C.A., Penal Code § 42.09; V.T.C.A., Health and Safety Code title 10, as amended, or any other provision of law, including federal, state and local laws, ordinances and rules.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-56. - Prohibited actions against animals.

(a) *A person commits an offense if:*

- (1) A person fails to provide an animal under his or her care, custody, control and/or ownership with adequate wholesome food and water, proper shelter and protection from inclement weather and veterinary care when needed to prevent suffering; or
- (2) A person having charge or care, custody or control of an animal places or confines such animal, or allows such animal to be placed or confined, in a motor vehicle, trailer or other enclosure under such conditions, or for such a period of time, as to endanger the health of the animal due to heat, lack of food or water, or such other circumstances as may cause injury or death to the animal. It is presumed that an animal's health, safety or welfare is endangered when the animal is confined in a parked or standing vehicle for a period of five or more minutes when the ambient outside air temperature measures above 85 degrees Fahrenheit or below 35 degrees Fahrenheit; or
- (3) A person treats an animal in an inhumane or cruel manner as defined by V.T.C.A., Penal Code § 42.09, as amended, or V.T.C.A., Health and Safety Code ch. 821, as amended; or
- (4) A person knowingly owns, harbors, trains, sells or offers for sale any animal which is to be used for the purpose of fighting; or to be trained, tormented, badgered or baited for the purpose of causing or encouraging said animal to attack human beings or animals when not provoked, except that this section shall not apply to guard dogs; or
- (5) A person mutilates any animal, whether such animal is dead or alive. This subsection does not apply to medical or veterinary medical research, medical or veterinary medical autopsies, or biology class use of animals for educational purposes; or
- (6) A person causes an animal to fight another animal or person; or
- (7) A person other than a licensed veterinarian docks an animal's tail, or crops an animal's ears; or castrates an animal; provided, however, this section shall not apply to normal livestock operations occurring within the town; or
- (8) A person dyes or colors chicks, ducks, rabbits, reptiles or birds; or
- (9) A person transporting an animal fails to effectively restrain an animal so as to prevent the animal from leaving or being accidentally thrown from a vehicle during normal operation of the vehicle; or fails to effectively restrain an animal so as to prevent infliction of bodily harm to passersby. Provided, however, the provisions herein shall not prohibit a person from transporting an effectively confined or tethered dog(s) in the open bed of a pickup truck; or
- (10) A person is in control of a motor vehicle which strikes a domestic animal or livestock within the corporate limits of the town and fails to report the accident to the animal services officer as soon as practical; or
- (11) A person abandons any animal, including the abandonment of an impounded animal at the animal shelter with the intent to readopt the animal to avoid impoundment fees; or

- (12) A person ties or tethers a dog in a manner that prevents the animal from access to adequate shelter, food and water; or
- (13) A person ties or tethers a dog in such a manner that the animal could become entangled or injured; or
- (14) A person cruelly confines an animal in a manner that prevents the animal from being able to stand to their full height, stretch out, turn around and lie down and make normal postural adjustments comfortably for a period of 24 hours or more; or
- (15) A person confines an animal in such a way that the animal is forced to stand and or lay within its own feces, standing water or other unsanitary conditions; or
- (16) A person exhibits any stud horse or bull or other animal indecently or lets any male animal to any female animal unless done in a wholly enclosed location out of the public view; or
- (17) It shall be unlawful for a person to sell or deliver live chickens, ducklings, goslings or rabbits less than eight weeks of age to any person in quantities of less than five; or
- (18) It shall be unlawful for a person to give away any live animal as a prize or inducement for the purpose of attracting trade or business; or
- (19) It shall be unlawful for any person to beat, starve, overwork or to otherwise abuse any animal; or
- (20) The actions prohibited by this section are in addition to any prohibitions existing elsewhere in this Code or any applicable state or federal law. Nothing in this section shall be construed to limit any duty imposed on an owner by any other provision of this Code or any applicable state or federal law.

(b) *Violations.*

- (1) Public safety officers, including officers in the town public health, fire and police departments, shall have the authority to seize any animal that is the subject of any violation of this section if doing so is believed to be necessary to protect the animal's health, safety or welfare.
- (2) If an officer personally witnesses a violation of any provision of this section occurring in plain view from or on public property, the officer may seize the animal without seeking issuance of a warrant even if doing so requires entering onto or into private property.
- (3) If an animal is seized without a warrant under subsection (b)(2), a timely post-seizure hearing shall be held to satisfy the constitutional requirements of due process.
- (c) Nothing in this section shall be construed to prevent public safety officers, including officers in the town public health, fire and police departments from euthanizing animals when authorized to do so by any statute, ordinance or law, or when such action is in the interest of the public health and safety.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-57. - Placement and baiting of animal traps.

- (a) *Animal traps.* Only humane live animal traps may be used for capturing animals roaming unrestrained in the town; provided, however, this does not preclude the use of commercially sold rat and mousetraps to be utilized, as intended by the manufacturer in accordance with the manufacturer's direction for use, in that person's residence, accessory structure or commercial establishment.
- (b) *Certain traps prohibited.* The placing or baiting of any steel-jawed trap (commonly known as a "bear trap", "wolf trap" or "coyote trap") within the corporate limits of the Town of Little Elm is expressly prohibited. As an exception to this subsection, governmental agencies and entities shall be permitted to use such traps and equipment necessary and permitted by state law or regulations.
- (c) *Traps on public property.* Any animal traps found on public property are hereby declared to be abandoned, and the animal control officer is hereby authorized and directed to seize any such trap and process the same as abandoned property in accordance with the applicable provisions of state law and town procedures.
- (d) *Domestic animals traps.* It shall be a violation of this chapter to use anything other than commercially sold animal food to bait any trap used for the purposes of trapping any at large domestic animal. Unless the adjacent properties are separated by a solid masonry or wood fence of a minimum six-foot height, traps used for such purpose shall not be placed or located within ten feet of adjacent property lines. In the event no such fence exists and the size, shape or other characteristics of the property preclude traps from being placed or located ten feet from adjacent property lines, said traps shall be placed or located as far from adjacent property lines as practicable.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-58. - Poisoning of animals prohibited.

No person shall place any substance or article which has in any manner been treated with any poisonous substance in any place accessible to human beings, birds, dogs, cats or other animals with the intent to kill or harm animals. This shall include antifreeze purposely left exposed to poison animals. This section, however, does not preclude the use of commercially sold rodent poisons when applied in accordance with the manufacturer's directions for such use, in that person's residence, accessory structure or commercial establishment.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-59. - Disposal of dead animals.

(a) *Disposal of dead animals except livestock.*

- (1) In the event of the death of a dog, cat or other domesticated animal, it shall be the responsibility of the owner of the animal or the owner of the property on which the animal is located to remove and dispose of the dead animal within 12 hours after death of the animal. The animal services officer has the authority to pick up any dead animal found on public property and dispose of it and to assist a citizen with the same if requested. Following the expiration of 24 hours after the death of an animal, the animal services

officer or other town representative may enter upon private property and remove any dead animal which the property owner or animal owner has failed to remove and dispose of.

- (2) The animal services officer shall have the authority to take custody of and dispose of all deceased animals found on any roadway, street, highway and/or public or private property where the owner cannot otherwise be identified.
- (b) *Disposal of dead livestock.* It shall be the specific responsibility of the owner of any livestock to have the livestock removed and properly disposed of within 24 hours of the death of said livestock, consistent with state law.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-60. - Right of entry.

- (a) Animal services officers are hereby authorized to enter upon any fenced or unfenced lot, tract or parcel of land, to the extent allowed by law, for the purpose of capturing, impounding and/or quarantining any animal upon having probable cause to believe said animal to: Have bitten, injured or otherwise attacked a human being or other animal; to have, or have been exposed to, rabies or another communicable disease posing a danger to the public health, safety or welfare; or otherwise pose a clear and present danger to human beings or other animals. This authorization is granted due to the emergency created by the potential rabies hazard or danger of injury to persons or other animals, and in recognition of the likelihood that such animal will otherwise escape capture. As a matter of policy, animal services officers shall not enter upon private property to capture and/or impound any animal known to belong to the owner of said property without probable cause. An animal services officer may enter upon such property, however, if it is believed that said animal poses a threat or danger to property, human beings or other animals, or is in violation of the restraint law.
- (b) Furthermore, should the animal services officer have probable cause to believe an animal has been, or is being, cruelly treated or has rabies or another communicable disease, the animal services officer may, pursuant to V.T.C.A., Health and Safety Code § 821.022, as amended, obtain a seizure warrant and impound such animal, even if it is enclosed on private property.
- (c) The animal services officer may seek all available remedies allowed by law to gain entry onto property, including, but not limited to search and seizure warrants.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Secs. 18-61—18-69. - Reserved.

DIVISION 2. - SPECIAL PROVISIONS

Sec. 18-70. - Prohibited animals.

- (a) It shall be unlawful for a person to sell, offer for sale, barter, trade, keep, own, maintain, use or have in a person's possession or on premises under such person's control any of the following:

- (1) Any dangerous animal, except as provided in article VI, division 1, pursuant to a final determination that the animal is dangerous; or
 - (2) Any prohibited animal unless that person is a person as exempted by V.T.C.A., Health and Safety Code § 822.102E, Dangerous Wild Animals, as amended.
 - (3) It shall be unlawful for a person to sell, offer for sale, barter, trade, keep, own, maintain, use or have in a person's possession or on premises under such person's control any of the following:
 - a. Any dangerous animal except as provided in article VI, division 1, pursuant to a final determination that an animal is dangerous; or
 - b. Any prohibited animal.
- (b) A prohibited animal is exempt from this section if:
- (1) The animal(s) belongs to a bona fide zoological park, circus, educational institution, museum, licensed laboratory, publicly owned nature center, or animals kept by bona fide members of an educational or scientific association or society approved by the director of health, or persons holding permits from an agency of the state or the United States for the care and keeping of animals for rehabilitative purposes. If a person holds a permit from the Texas State Department of Parks and Wildlife to operate a wildcard center in the town, the permit holder must also comply with the town comprehensive zoning ordinance, as amended, and must keep any and all animals or reptiles in cages of sufficient size, construction and strength to restrain the animal or reptile at all times; or
 - (2) The animal is an assistance or service animal as defined herein, that has been registered with the town and has provided to the animal control officer:
 - a. Records of vaccination appropriate for the species of animal;
 - b. Documentation from a veterinarian that the animal is healthy;
 - c. Proof of proper restraint for the animal; and
 - d. Proof that the animal has been or is being trained to perform tasks of an assistance or service animal.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-71. - Impoundment, quarantine or seizure of prohibited animals.

The animal services officer may seize and/or order the immediate impoundment or quarantine, at the owner's expense, of any wild or exotic animal found in the town where there is a potentially serious threat to public health, safety or welfare, and/or if in violation of any provision of this chapter. The animal services officer may seek a seizure warrant from a justice court, county court or municipal court, which court, upon probable cause, may issue a warrant authorizing a seizure. A hearing shall be conducted on this disposition of the animal within ten (10) business days of the date of seizure. The owner or harbinger of the animal, to the extent the same is known or can be determined through reasonable due diligence, shall receive written notice of the hearing, by personal service and/or certified mail, return receipt requested, as soon as practicable but not later

than five (5) business days prior to the hearing. Any order regarding the disposition of the animal shall terminate the owner's right to reclaim the animal, extinguish the owner's property rights to the animal, and transfer ownership of the animal to the Town.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-72. - Special provisions concerning fowl, rabbits and guinea pigs.

- (a) *Enclosure requirements.* Fowl, rabbits and guinea pigs must be kept indoors, or if outdoors, in a secure pen or enclosure that is at least 30 feet from any inhabited dwelling other than the dwelling of the owner. Any enclosure in which fowl, a rabbit or a guinea pig is kept must be cleaned and disinfected daily. Litter and droppings from fowl, rabbits and guinea pigs must be collected daily and properly disposed of. Provided, however, that the provisions of this section shall not apply to ducks or other waterfowl inhabiting natural or man made watercourses or bodies of water.
- (b) *Number of rabbits and guinea pigs.* It shall be unlawful for any person to knowingly be in possession of more than two, rabbits or guinea pigs on any premises in the town. It shall be a defense to prosecution regarding the number of rabbits or guinea pigs being kept, that the same rabbits or guinea pigs and no more than the number and kinds of rabbits or guinea pigs in question were being kept on the same premises, by the same owner, prior to the adoption of this chapter. Provided, however, that no rabbits or guinea pigs that dies or is otherwise disposed of by the owner, may be replaced to the extent that such replacement would be in excess of the two number limitation.
- (c) *Regulation of fowl.*
 - (1) Roosters are prohibited within the town limits of Little Elm and are declared to be nuisances under V.T.C.A., Local Government Code ch. 217, when located in residential districts.
 - (2) It shall be unlawful for any person to keep at any one location more than ten fowl.
 - (3) It shall be unlawful for any person owning or having control of any chicken, duck, goose, turkey or other domestic fowl to permit the same to run at large on any street or sidewalk or on any other property, except his or her own, in the town.
- (d) *Sale of baby fowl, ducks.* It shall be unlawful for any person to sell or offer for sale, lease, rent or in any way transfer, barter or give away baby fowl or ducklings as pets or novelties, whether dyed or not dyed, colored or otherwise artificially treated; provided, however, this subsection shall not be construed to prohibit the display or sale of natural chicks or ducklings in proper breeding facilities for hatcheries or stores engaged in business of selling the same to be raised for legitimate commercial purposes.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-73. - Keeping of bees.

It is unlawful for any person to keep, or allow to be kept, bees in such a manner as to deny the reasonable use and enjoyment of adjacent property or endanger the personal health, safety and welfare of the inhabitants of the town.

(Ord. No. 960, § 2, 6-16-2009)

Secs. 18-74—18-89. - Reserved.

DIVISION 3. - ANIMAL IMPOUNDMENT

Sec. 18-90. - Impoundment.

- (a) Animal services officers are hereby authorized to capture and impound any animal upon having probable cause to believe said animal to be in violation of any provision of the ordinance from which this chapter derives or state law which authorizes or requires the animal's capture and impoundment, and in so doing, to enter upon any fenced or unfenced lot, tract or parcel of land when deemed necessary for the protection of the public health, safety and welfare, as allowed by law. As a matter of policy, animal services officers shall not enter upon private property to capture and/or impound any animal known to belong to the owner of said property without probable cause. An animal services officer may enter upon the property, as allowed by law, to capture an animal if it is believed that said animal poses a threat or danger to property, human beings or other animals.
- (b) Additionally, it is the responsibility of the animal services officer to accept any animal delivered to the animal shelter pursuant to the requirements of this chapter, except those animals that are voluntarily released by their owners. For an animal to be voluntarily released, the owner must sign an owner release form that terminates the owner's right to reclaim the animal, extinguishes the owner's property rights to the animal, and transfers ownership of the animal to the Town. In addition, it is the duty of the animal services officer to capture and impound wild or nondomesticated animals in response to citizen's complaints of public nuisance or to control feral populations.
- (c) If the lawful owner of an animal requests euthanasia due to injury or illness where recovery of the animal is unlikely and private means are not readily available, the owner must first sign all required forms and pay the required fees as adopted by the town.
- (d) Baby nursing animals impounded without the mother or whose mother cannot or refuses to provide milk, may be transferred to a licensed rehabilitation facility whenever such facility is willing and able to provide care for the baby nursing animals. Should no facility be available, the animals may be humanely destroyed to prevent further suffering.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-91. - Impoundment procedures.

- (a) If, by identification tag, the owner of an impounded animal can be identified, the animal services officer will, as soon as practical, notify the owner either in person or by telephone of said impoundment. If the animal is locally owned within the Town of Little Elm and telephone

contact can or cannot be made, the animal services officer will post a notice on the front door of the owner's residence indicating that the animal has been impounded and notifying the owner of the date that his or her right to reclaim the animal is terminated and property rights to the animal are extinguished.

- (b) All impounded animals shall be kept for not less than three (3) business days, unless the animal is reclaimed earlier by the owner under acceptable conditions. However, no impoundment period is required for an animal voluntarily delivered and released to the animal shelter or town by its owner.
- (c) After the expiration of any required impoundment period, the owner's right to reclaim the animal is terminated, property rights to the animal are extinguished, and ownership of the animal is immediately transferred to the Town. ‡The impounded animal shall be released to the animal shelter. At that time, the animal shall be disposed of by adoption from the facility, by offering it to a local animal humane group for adoption, by public auction, or by humanely destroying the animal.
- (d) Any animal which is in great pain and suffering due to injury and probably will not recover, or which appears to have rabies, and/or which is at large and is posing an imminent danger to human beings or to other animals, may be humanely destroyed by the animal services officer.
- (e) Any owner or person redeeming an unaltered animal from the animal shelter for the third time within any 12-consecutive month period must have the animal sterilized within ten days of the date the animal is released from the facility. Proof of said sterilization must be provided to the animal shelter within ten days of release from the animal shelter.
- (f) When acting in the course and scope of their employment, the animal services officer is hereby authorized to carry on his person, or in town vehicles, loaded tranquilizer guns approved by the division of community services, or other weapons upon demonstration of proficiency and as qualified by the police department, and not in violation of any provision of the state penal code or any applicable state law.
- (g) Inspection of the premises where livestock, fowl or pets are kept or maintained shall be subject to inspection upon receiving a complaint, at any reasonable hour of the day while in the presence of the owner.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-92. - State laws for cat and dog sterilization adopted.

The town shall comply with all sterilization laws as set forth in V.T.C.A., Health and Safety Code ch. 828, as amended. A copy of the statute may be obtained from the town animal services supervisor.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-93. - Requirements to redeem an impounded animal.

An animal which has been impounded under the provisions of this chapter may be redeemed by its owner or the lawful representative provided that the redeeming person:

- (1) Is at least 18 years of age and presents identification, which verifies his/her identity and date of birth;
- (2) Identifies themselves as the owner of the impounded animal or provides proof that he is the lawful representative of such owner including possession of the applicable required permit;
- (3) Proof of current rabies vaccinations, or vaccination prior to release;
- (4) Properly completes all applicable redemption forms as required;
- (5) Pays the applicable impoundment fees and charges;
- (6) Consents to the micro-chipping of the animal; and
- (7) Consents to the spay/neuter of the animal upon the third impoundment. Exceptions may be granted by the animal services supervisor if the owner can prove that the animal is a registered breed animal or if on other merits as determined by staff.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-94. - Fees.

All fees associated with the operation of the Little Elm Animal Shelter shall be reflected on the current adopted development services comprehensive fee schedule. The Little Elm Animal Shelter Advisory Committee shall provide recommendations for any proposed fee changes to be considered by town council.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-95. - Euthanasia requirements and fees.

If the lawful owner of an animal requests euthanasia due to probable reasons, the owner must first sign the required forms.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-96. - Requirements for adoption of animals from animal shelter and fees therefore.

- (a) *Requirements for adoption and fees.* Requirements for adoption of an animal and fees in connection therewith shall be determined by the business entity which provides housing for animals pursuant to an agreement with the town.
- (b) *Determination of health of animals for adoption.* A determination of the health of an animal in connection with the animal's adoption shall be determined by the business entity which provides housing for animals pursuant to an agreement with the town.

(Ord. No. 960, § 2, 6-16-2009)

Secs. 18-97—18-114. - Reserved.

DIVISION 4. - ANIMAL RESTRAINT

Sec. 18-115. - Restraint of animals.

- (a) It shall be unlawful for an owner or person in control of an animal to fail to keep the animal under restraint in a securely enclosed or confined area and in a manner that will isolate the animal from the public and other animals except for animals owned or under the control of the owner.
- (b) It shall be unlawful for an owner to fail or refuse to exercise diligent care and control of his or her animal to prevent such animal from becoming a public nuisance.
- (c) It shall be unlawful for a person to use a chain, rope, tether, leash, cable or other device to attach a dog to a stationary object or trolley system.
- (d) It is an affirmative defense to a violation of subsection (d) that the dog tethering:
 - (1) Is during a lawful animal event, veterinary treatment, grooming, training or law enforcement activity;
 - (2) Is required to protect the safety or welfare of a person or the dog, and the dog's owner maintains direct physical control of the dog;
 - (3) Occurs in the direct physical control of the owner in a designated town dog park; or
 - (4) Occurs on the owner's premises and:
 - a. While the dog is within the owner's direct physical control; and
 - b. Prevents the dog from advancing to within 15 feet of the edge of any public street.
- (e) The affirmative defenses provided in subsection (e) are only available if the following specifications are met:
 - (1) The chain, rope, tether, leash, cable or other device is attached to a properly fitted collar or harness worn by the dog;
 - (2) The chain, rope, tether, leash, cable or other device is not placed directly around the dog's neck;
 - (3) The chain, rope, tether, leash, cable or other device does not exceed 1/20th of the dog's body weight;
 - (4) The chain, rope, tether, leash, cable or other device, by design and placement allows the dog a reasonable and unobstructed range of motion without entanglement; and
 - (5) The dog has access to adequate shelter and clean and wholesome water.
- (f) A person commits an offense if the person fails to comply with this section.
 - (1) An offense under this section is a class C misdemeanor. If a person fails to comply with this section with respect to more than one dog, the person's conduct with respect to each dog constitutes a separate offense.
 - (2) An offense under this section is punishable by a fine not to exceed \$2,000.00.
- (g) This section does not prohibit a person from walking a dog with a hand-held leash.

(Ord. No. 960, § 2, 6-16-2009)

Secs. 18-116—18-124. - Reserved.

DIVISION 5. - REGISTRATION

Sec. 18-125. - Animal registration requirements.

Animals in the Town of Little Elm are not required to be registered with the town. However, all applicable state laws must be followed.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Secs. 18-126—18-139. - Reserved.

ARTICLE V. - RABIES CONTROL

Sec. 18-140. - State law adopted.

The Town of Little Elm hereby adopts the Rabies Control Act of 1981 (V.T.C.A., Health and Safety Code ch. 826) as amended, and the standards established by the Texas Board of Health as minimum standards for rabies control and quarantine provisions within the Town of Little Elm. In addition thereto, all of the rabies control provisions of this chapter, which are adopted pursuant to V.T.C.A., Health and Safety Code §§ 826.015 and 826.033, shall have application within the Town of Little Elm. A copy of the statute may be obtained from the animal services officer.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-141. - Reporting of rabies cases or suspected rabid animal required; confinement of animals.

- (a) *Reporting of rabies required.* It shall be the duty of the owner, custodian or the veterinarian to report to the animal services supervisor all cases of rabies or suspected rabies of which any of the persons have knowledge.
- (b) *Confinement.* Any animal having rabies or symptoms thereof or suspected of having rabies, or which has been exposed to rabies, shall be immediately released by the owner to the town for confinement in a veterinary hospital approved by the town, or for confinement in the animal shelter, or immediately upon facts having come to the attention of the owner or custodian of such animal with respect to its being rabid or having been exposed to rabies, such dog, cat or other animal shall be immediately and securely quarantined and kept under supervision of the animal services supervisor for a period of not less than ten days.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-142. - Procedure when animal has bitten person or animal; exceptions thereto; quarantine fees.

- (a) *Procedure.* When any dog, cat or other animal has bitten, scratched or otherwise attacked a person or animal, any person having knowledge of such incident shall immediately notify the town and such dog, cat or other animal shall be confined in the animal shelter or in a veterinary hospital for a period of ten (10) business days at the expense of the owner and such dog, cat or other animal shall during such period of confinement be subject to inspection by town personnel or a licensed veterinarian. After the ten-day period the owner shall be notified of the date that his or her right to reclaim the animal is terminated and property rights to the animal are extinguished and granted five (5) additional business days to pick up the animal. The charge for each day of confinement of the animal shall be reflected on the current adopted development services comprehensive fee schedule. After the expiration of this period, time limit the owner's right to reclaim the animal is terminated, the property rights to the animal are extinguished, and ownership is immediately transferred to the Town. Subsequently, the animal services supervisor may ~~then~~ adopt out or dispose of the animal.
- (b) *Exceptions to procedure.* If the animal in question has a valid and current vaccination, was not running at large at the time of the exposure, and is not a repeated biting animal, the animal services officer may allow the owner to secure the animal on his property if the owner can provide secure and adequate facilities for such confinement, provided that the animal be inspected by a veterinarian at the end of the quarantine period. The animal services officer shall also be granted access to the animal at any time during the ten-day quarantine to insure the conditions of the quarantine are being met. Failure to allow inspection of the animal will result in revocation of the home quarantine. Police K-9 shall be exempt from the confinement requirements. The police K-9 shall be checked by a licensed veterinarian immediately and at the end of the ten-day period.
- (c) *Quarantine fee.* The owner of any dog or cat held in quarantine for observation purposes shall be charged a fee reflected on the current adopted development services comprehensive fee schedule.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Secs. 18-143—18-154. - Reserved.

ARTICLE VI. - DANGEROUS ANIMALS

DIVISION 1. - DANGEROUS ANIMALS—GENERALLY

Sec. 18-155. - State law adopted.

The town council hereby expressly adopts the regulations and procedures outlined in V.T.C.A., Texas Health and Safety Code § 822.001 et seq., as amended.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-156. - Application.

For purposes of this article VI, division 1 only, the term "dangerous animal" shall include a "dangerous dog", unless otherwise stated.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-157. - Nuisance declared.

It is hereby declared to be a public nuisance that an owner or other person harbors, keeps or maintains a dangerous animal in the town unless the owner complies with the requirements of this article.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-158. - Dangerous animals.

No person shall knowingly sell, own, offer for sale, breed, possess, keep, buy or attempt to buy, or train a dangerous animal within the Town of Little Elm unless the owner has received the proper permit(s) pursuant to this chapter.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-159. - Finding of an animal as "dangerous".

- (a) A person learns that the person is the owner of a dangerous animal when:
 - (1) The owner knows of an attack as described in section 18-1, definition of "Dangerous animal" or "Dangerous dog"; or
 - (2) The owner is informed by the animal services officer that the animal is a dangerous animal.
- (b) Upon receipt of a written sworn notarized affidavit by any person, charging that a particular animal is dangerous, an animal services officer may investigate the incident to determine whether such animal is, in fact, dangerous. If the animal has bitten a human then the animal must be held at the animal shelter or at an approved quarantine veterinarian clinic for the period required by law. Any written sworn notarized affidavit shall contain at least the following information, if known:
 - (1) Name, address and telephone number of the complainant and witnesses;
 - (2) Date, time and location of the incident(s);
 - (3) A complete description of the animal including breed, color, sex, size, etc.;
 - (4) Name, address and telephone number of the animal's owner, if known, and/or the premises where the animal is kept;
 - (5) A statement that the animal bit or attacked with as much detail as possible with regard to the incident and whether medical attention was required; and
 - (6) Any other facts that the complainant believes to be relevant.
- (c) The following will apply regarding the investigation to determine whether an animal shall be declared "dangerous":

- (1) The owner of the animal shall deliver the animal to the animal services officer for impoundment within five days of the notice that a sworn complaint has been filed.
- (2) The suspect animal shall be seized by the animal services officer pursuant to a sworn complaint, and impounded and if necessary medically examined at the owner's expense if the animal caused serious bodily injury to a person requiring medical treatment. An animal causing serious bodily injury shall be held at an animal shelter pending the outcome of an investigation and determination as to whether the animal is, in fact, classifiable as dangerous. Such an investigation to determine if an animal is dangerous shall be conducted within ten days after receipt of the complaint or seizure of the animal.
- (3) Notice of the investigation shall be provided by an animal services officer to the owner of the animal either in person or by certified mail, return receipt requested. The complainant in the matter shall also be notified either in person or by certified mail, return receipt requested of the investigation. During the investigation all parties shall be given the opportunity to present evidence on the issue of whether such animal is to be declared dangerous.
- (d) Upon conclusion of an investigation to determine if an animal is dangerous, the animal services officer may find that the animal is not dangerous. In such case, the animal shall be returned to the owner, provided the animal has been properly vaccinated and registered, and all impoundment and medical fees paid.
- (e) Notification to an owner that his dog has been declared dangerous shall include the following information:
 - (1) Failure to comply with the requirements will result in the animal's seizure, the termination of ownership and destruction of the animal.
 - (2) The owner has the right to appeal the decision to a justice or municipal court of competent jurisdiction and that such appeal must be filed, in writing, not later than the 15th day after the date the owner is notified.
 - (23) The owner may appeal that decision of the justice or municipal court in the same manner as appeal for other cases.
- (f) No animal shall be declared a dangerous animal if the threat, injury or damages caused by the animal were the result of a willful trespass upon another's property; or the person injured was tormenting, abusing or assaulting the animal or its owner, or was committing or attempting to commit a crime at the time of injury.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-160. - Requirements for owner of dangerous animal.

- (a) Not later than the 30th day after a person learns that the person is the owner of a dangerous animal, the person shall:
 - (1) Register the dangerous animal with the animal services officer and pay the applicable registration fee;

- (2) Restrain the dangerous animal at all times on a leash in the immediate control of a person or in a secure enclosure as described in section 18-1, "Secure enclosure". A dangerous animal on a leash or in a secure enclosure shall also be subject to the following:
- a. All dangerous dogs, if not in a secure pen, shall be securely confined indoors.
 - b. No dangerous animal may be kept on a porch, patio, or in any part of a house or structure that would allow the animal to exit such building of its own volition. In addition, no dangerous animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the animal from exiting the structure.
 - c. No person shall permit a dangerous animal to be kept outside its cage, pen or enclosure on a chain, rope or other type of leash unless the owner is in physical control of the chain, rope or other type of leash. Dangerous animals shall not be leashed to inanimate objects such as trees, posts, buildings, etc. Signs giving notice of the dangerous animal shall be prominently displayed so that all persons entering said property are immediately notified a dangerous animal is being kept at the location.
- (3) Further secure the dangerous animal with a muzzle in a manner that will not cause injury to the animal, nor interfere with its vision or respiration but shall prevent it from biting any person or animal when the dangerous animal is taken off the property of the owner for any reason;
- (4) Obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous animal causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal services officer. Acceptability of such proof of liability insurance coverage shall be subject to the final review and approval of the town attorney, which coverage shall require that it may not be cancelled without prior written notification to the town not less than 30 days prior to cancellation. It shall be unlawful for an owner of any dangerous dog found in the town to fail or refuse to present proof to an animal services officer or a designated representative, upon request of current liability insurance coverage as required under this section;
- (5) Provide to the animal services officer the name and address of the owner, breed, age, sex, color and any other identifying marks of said animal; the location where the animal is to be kept if not at the address of the owner; two color photographs of the dangerous animal;
- (6) Provide the dangerous animal with a fluorescent yellow collar visible at 50 feet in normal day light so that the animal can be identified;
- (7) Spay or neuter the dangerous animal; and
- (8) Microchip the dangerous animal for its life with a national registry, and present proof to the animal services officer. The owner of the dangerous animal shall microchip the animal by implanting a microchip identification device on the animal within seven calendar days after being notified by the animal services officer or by the municipal court that such animal is dangerous. The cost of the service shall be at the owner's expense.

(b) The owner may permanently remove the dangerous animal from the town limits, upon compliance with the following conditions:

- (1) The new owner must comply with local and state regulations for owning a dangerous dog and acknowledge, by sworn affidavit, that he/she has been advised that the dog has been deemed dangerous, is aware of the state law requirements and agrees to be bound by state law requirements.
- (2) The name, address and phone number of the location the animal will be kept must be submitted to animal services officer.
- (3) The animal services officer shall notify the local authority of the classification of said animal as dangerous.
- (4) Proof of compliance with the local and state laws from the local authority relating to dangerous dogs must be provided to the town.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-161. - Failure to comply with requirements.

If the owner of an animal determined to be dangerous under this article fails or refuses to comply with all the requirements specified in section 18-160, ownership shall be transferred to the Town and the animal shall be seized by the animal services officer and euthanized by the animal services officer, or its authorized agent, or a licensed veterinarian.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-162. - Violations.

- (a) A person who owns or keeps custody or control of a dangerous animal or dangerous dog commits an offense if the person fails to comply with any of the requirements of this article.
- (b) Criminal responsibility for the keeping of a dangerous dog may be established by intent, knowledge or recklessness.
- (c) Violation of any section under this article is punishable by a fine not to exceed \$2,000.00.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-163. - Defense.

- (a) It is a defense to prosecution under this article that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter or person employed by the state or a political subdivision of the state to deal with stray animals, and that the person has temporary ownership, custody or control of the animal; provided, however, that for any person to claim under this section, that person must be acting within the course and scope of his or her official duties as regards to the dangerous animal or dangerous dog.

- (b) It is a defense to prosecution under this division that the person is an employee of the institutional division of the Texas Department of Criminal Justice or of a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes; provided, however, that for any person to claim a defense under this section, that person must be acting within the course and scope of his or her official duties with regard to the dangerous dog.
- (c) It is a defense to prosecution under this division that the dog at issue is a trained guard dog in the performance of official duties while confined or under the control of its handler.

(Ord. No. 960, § 2, 6-16-2009)

Secs. 18-164—18-169. - Reserved.

DIVISION 2. - REQUIREMENTS FOR ANIMALS OTHER THAN DOGS

Sec. 18-170. - Registration of a dangerous animal other than a dog.

- (a) The animal services officer shall annually register a dangerous animal if the owner presents proof of:
 - (1) Liability insurance or financial responsibility as required in section 18-160;
 - (2) Current rabies vaccination of the dangerous animal, if such vaccination is available for the species;
 - (3) The secure enclosure in which the animal will be kept; and
 - (4) Payment of an annual registration fee as reflected on the current adopted development services comprehensive fee schedule.
- (b) The owner of a dangerous animal shall notify the animal services officer within 24 hours if the dangerous animal is at large, unconfined, has attacked a human being or another animal, has died, or has been sold or given away. If the animal has been sold or given away, the former owner shall provide the animal services officer with the name, address and telephone number of the new owner. If the new owner's address is in the town or if the animal is kept in the town, the animal services officer shall notify the new owner by certified mail, return receipt requested, or in person that the animal has been determined to be a dangerous animal and provide the new owner a copy of the requirements contained in this article. The new owner must be given notice to comply with the requirements for owners of dangerous animals, if the animal is physically located for any time within the town. It shall be unlawful for new owners to fail to comply with any requirement of this article. The same reporting requirements are imposed on any and all subsequent owners of the dangerous animal.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-171. - Attack by dangerous animal other than a dog.

- (a) A person commits an offense if the person is the owner of a dangerous animal other than a dog and the animal makes an unprovoked attack on a person or another animal outside the animal's enclosure and causes bodily damage to the person or other animal.

- (b) An offense under this section is a class C misdemeanor, unless the attack causes serious bodily injury or death, in which event the offense is a class A misdemeanor.
- (c) If a person is found guilty of an offense under this section, the court may order the dangerous animal destroyed by an animal control officer or licensed veterinarian.
- (d) In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000.00. The town attorney may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the town.

(Ord. No. 960, § 2, 6-16-2009)

Secs. 18-172—18-179. - Reserved.

DIVISION 3. - REQUIREMENTS FOR DANGEROUS DOGS

Sec. 18-180. - Dangerous dog determination.

An owner learns that he/she is the owner of a dangerous dog when one of following events occurs:

- (1) The owner knows of an attack as described in V.T.C.A., Health and Safety Code §§ 822.041(2)(A) or (B) and as provided herein;
- (2) The dog makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own;
- (3) The dog commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person;
- (4) The owner is informed by the animal services officer that the dog is dangerous as determined by the animal services officer through investigations and upon sworn statements. The owner may appeal this decision to the municipal court within 15 days; or
- (5) The owner receives notice that the municipal court has found the dog is dangerous after a hearing on the matter, either on a report of an attack that caused bodily injury, or after an owner fails to comply with the requirements of an owner of a dangerous dog.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-181. - Dangerous dog incident.

A dangerous dog incident means an incident as described in section 18-1, definition of "Dangerous dog".

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-182. - Reporting of incident.

- (a) A person may report a dangerous dog incident as set forth in section 18-159 of this article to the animal services officer.
- (b) The animal services officer shall provide a sworn report describing the dangerous dog incident to the town prosecutor's office.
- (c) The town prosecutor's office shall evaluate the case and determine whether to file a dangerous dog incident report with the municipal court ("court"). If such a report is filed and the court finds probable cause to believe that the dog is a dangerous dog as stated in the report, the court shall order the animal services officer or his designee to seize the dog and the court shall issue a warrant authorizing the seizure. The animal services officer shall seize the dog and shall provide for the impoundment of the dog in secure and humane conditions until the court determines one of the following:
 - (1) That the dog is not a dangerous dog pursuant to section 18-183 of the Code;
 - (2) That the dog is a dangerous dog and the court or animal services officer finds the owner has complied with the ownership of a dangerous dog pursuant to section 18-187; or
 - (3) That the dog should be humanely destroyed or is deceased.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-183. - Hearing for dangerous dog determination.

- (a) The court, upon receiving a report of an incident, finding probable cause, and issuing a warrant authorizing the seizure of a dog under section 18-182, shall set a time for a hearing to determine whether the dog is a dangerous dog. The hearing must be held not later than the tenth day after the date on which the dog is seized or delivered.
- (b) The court shall give written notice of the time and place of the hearing to:
 - (1) The owner of the dog or the person from whom the dog was seized;
 - (2) The person who made the complaint; and
 - (3) Any witnesses.
- (c) Any interested party, including the town prosecutor attorney, is entitled to present evidence at the hearing.
- (d) The court shall issue its ruling within 24 hours from the conclusion of the hearing.
- (e) Appeals from convictions under this division shall be handled like other appeals from convictions in municipal court. During the appeal period, the dog shall remain in the custody, care and control of the animal services officer. If the appeal is ultimately unsuccessful, the owner of the dog shall be responsible for the dog's impoundment fees during the period the case was being appealed.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1002, § 2, 2-16-2010; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-184. - Failure to comply.

- (a) If, upon application, a justice court, county court or municipal court finds that the owner has failed or is failing to comply with this division, the court shall order the animal services officer to seize the dog and shall issue a warrant authorizing the seizure of the dog. The animal services officer shall seize or cause to be seized the dog and provide for impoundment under secure, humane conditions. The owner shall pay any cost or fee assessed by the town related to the seizure, acceptance and impoundment of the dog. The owner then has eleven (11) calendar days after the seizure to comply or the court shall transfer ownership to the Town and order the dog must be ordered humanely destroyed. After fifteen (15) calendar days, if the owner cannot be located, then the court shall transfer ownership to the Town and order ~~the dog after 15 days if the owner cannot be found to be humanely destroyed.~~
- (b) Failure to comply constitutes a misdemeanor, which upon conviction, is punishable by a fine not to exceed \$500.00. Subsequent offenses are class B misdemeanors and shall be referred to the appropriate court.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-185. - Destruction of dog.

- (a) A dog must be destroyed if the court finds that the dog caused the death of a person. The dog may be ordered destroyed if the court finds it caused only serious bodily injury by attacking, biting or mauling a person. If such findings are not made, the court is to release the dog to the owner, the person from whom the dog was seized or to any other authorized person upon compliance with this article.
- (b) Exceptions to destruction. Even if the dog caused serious bodily injury to a person by attacking, biting or mauling, the court may not order its destruction if it also finds one of the following to be true:
 - (1) The dog was being used for protection of a person or a person's property and:
 - a. The attack, bite or mauling occurred in the dog's enclosure;
 - b. The enclosure was reasonably certain to prevent the dog from leaving the enclosure on its own;
 - c. Notice was provided of the presence of the dog;
 - d. The injured person was at least eight years old; and
 - e. Was trespassing in the enclosure at the time of the attack, bite or mauling.
 - (2) The dog was not being used for the protection of a person or a person's property but:
 - a. The attack, bite or mauling occurred in the dog's enclosure;
 - b. The injured person was at least eight years old; and
 - c. Was trespassing in the enclosure at the time of the attack, bite or mauling.
 - (3) The attack, bite or mauling occurred during an arrest or other action by a peace officer while the peace officer was using the dog for law enforcement purposes;

- (4) The dog was defending a person from an assault or person's property from damage or theft by the injured person; or
- (5) The injured person was younger than eight years old and:
 - a. The attack, bite or mauling occurred in the dog's enclosure; and
 - b. The enclosure was reasonably certain to keep a person younger than eight years old from entering the enclosure.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-186. - Failure to surrender dog.

It shall be a separate violation of this division for any person to refuse or fail to surrender a dog subject to this article, or harbor, hide or secret, transport or secure the transport of a dog subject to this article, for the purpose of preventing its impoundment.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-187. - Additional requirements for owners of a dangerous dog.

- (a) The owner of a dangerous dog shall notify the animal services officer within 24 hours if the dangerous dog is at large, unconfined, has attacked a human being or another animal, has died, or has been sold or given away.
- (b) If an owner of a registered dangerous dog sells or moves the dog to a new address, that owner, not later than the 14th day after the date of the sale or move, shall notify the animal services officer for the area in which the new address is located. Upon selling or moving the registered dangerous dog, that owner must notify the new owner or person who has care and control of the dog that he or she is keeping or owning a dog that has been declared dangerous.
- (c) The owner of a registered dangerous dog shall notify the office in which the dangerous dog was registered of any attacks the dangerous dog makes on people or other animals.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-188. - Culpable mental state.

Criminal responsibility for the keeping of a dangerous dog may be established by intent, knowledge or recklessness.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-189. - Dogs that attack domestic animals.

- (a) The animal services officer or police officer, to the extent applicable, shall adhere to procedures relative to dogs that are a danger to animals, as set forth in V.T.C.A., Health and Safety Code § 822.011B et seq.

- (b) Dogs deemed to be dangerous due to attacks on domestic animals shall be subject to the procedures set forth in this division for registration, hearing, determination and/or destruction.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Secs. 18-190—18-199. - Reserved.

ARTICLE VII. - ADOPTIONS AND STERILIZATION

Sec. 18-200. - Requirements for adoption.

- (a) The animal shelter may not release a dog or cat for adoption unless the animal: (1) has a microchip implantation; (2) has been sterilized; and (3) has received rabies vaccination according to article V of this chapter or the release is made to an owner who has signed an agreement to have the animal sterilized and vaccinated.
- (b) The adoption sterilization agreement must contain:
 - (1) A sterilization completion date, which is:
 - a. The 30th day after the date of adoption in the case of an adult animal; or
 - b. The 30th day after a specific date estimated to be the date an adopted infant female animal becomes six months old or an adopted infant male becomes eight months old.
 - (2) A statement, printed in conspicuous, bold print, that sterilization of the animal is required, and that if the animal is not sterilized on or before the appropriate date the owner commits a criminal offense punishable as a class C misdemeanor.
- (c) Except as provided by this subsection, a new owner who signs an adoption sterilization agreement under this section shall have the adopted animal sterilized on or before the sterilization completion date stated in the agreement. If the sterilization completion date falls on a Saturday, Sunday or legal holiday, the deadline is extended to the first day that is not a Saturday, Sunday or legal holiday. The animal shelter may extend the deadline for 30 days on presentation of a written report from a licensed veterinarian stating that the life or health of the adopted animal may be jeopardized by surgery. There is no limit of the number of extensions that may be granted for this reason.
- (d) When adopting an animal from the animal shelter, a new owner must sign an adoption agreement and must present photo identification to the town so that the town can make a copy of it.
- (e) It shall be unlawful for a person who obtained a dog or cat from the animal shelter and executed an adoption sterilization agreement for the adopted animal to fail or refuse to have the animal sterilized by the date specified in the sterilization agreement or in subsequent extension(s) of the deadline as may be granted by the animal shelter pursuant to subsection (c) of this section.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-201. - Confirmation of sterilization, death or lost or stolen animal.

- (a) Except as provided by subsections (b) and (c) of this section, every new owner who signs an adoption sterilization agreement under section 18-200 of this article shall provide the animal shelter from which the owner adopted a dog or cat, a certificate of sterilization signed by the veterinarian who performed the surgery and briefly describe the animal and provide the date of sterilization. It shall be unlawful for a person who obtains a dog or cat from the animal care and control center and who has executed a sterilization agreement for the subject animal to fail or refuse to provide a certificate of sterilization for the animal to the animal care and control center by seven days from the date the animal is sterilized.
- (b) If the adopted animal dies on or before the deadline provided by section 18-200 of this article, the new owner shall provide to the animal shelter, no later than seven days from the date of the animal's death, a signed letter stating that the animal is dead, describing the cause of death, if known, and providing the date of death. The letter required by this subsection is in lieu of the letter required by subsection (a) of this section.
- (c) If an adopted animal is lost or stolen before the sterilization completion date, the new owner shall deliver to the animal shelter a signed letter stating that the animal is lost or stolen. The letter must be delivered not later than the seventh day after the date of the animal's disappearance and must described the circumstances surrounding the disappearance and provide the approximate date of the disappearance. The letter required by this subsection is in lieu of the letter required by subsection (a) of this section.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-202. - Noncompliance with sterilization agreement; animal shelter right of reclamation.

The animal shelter may issue a citation the new owner if the animal shelter does not receive the following from the new owner after the expiration of the seventh day after the sterilization completion date agreed to under section 18-200: We do not want to reclaim the animal.

- (1) A certificate of sterilization under subsection 18-201(a); or
- (2) A letter stating the animal has died under subsection 18-201(b); or
- (3) A letter stating that the animal is lost or stolen under subsection 18-201(c) from the new owner.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-203. - Affirmative defense.

It shall be an affirmative defense to sections 18-200 and 18-201 that a dog or cat is claimed from the animal shelter by a person who is the present owner of the animal, provided:

- (1) The animal is not determined to be vicious; and
- (2) The animal has not been determined to be a public nuisance, or threat to the public.

(Ord. No. 960, § 2, 6-16-2009)

Secs. 18-204—18-224. - Reserved.

ARTICLE VIII. - LIVESTOCK

Sec. 18-225. - Adoption of state law.

The town council hereby expressly adopts the regulations and procedures regarding the securing of livestock outlined in V.T.C.A., Agriculture Code ch. 143A, as amended.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-226. - Livestock required to be fenced in.

- (a) It shall be unlawful for any person to keep on premises under his control any livestock without providing adequate fences or barriers that will prevent such livestock from damaging shrubbery and other property situated on adjacent property. All livestock shall be kept in a suitable pen or enclosure situated no less than 300 feet from any inhabited dwelling. This distance requirement shall not apply to the dwelling of the owner of the livestock.
- (b) All pens and other enclosures wherein livestock are kept within the town shall be maintained and kept in such a manner as to protect the public health and safety and shall not be allowed to become unsanitary, offensive or disagreeable to persons residing in the vicinity thereof, nor shall they be so maintained or kept as to breed flies or other insects or in any manner cause any injury to the public or any person residing in the town.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-227. - Places prohibited for livestock.

It shall be unlawful for any person to ride or allow any type of livestock upon any public school grounds, college grounds, public park, property or municipal grounds within the town except those designated as bridle paths or other designated riding or exhibiting areas for animals. On streets, horses shall be ridden as close as possible to the curb and in no event shall horses be allowed on highways. It shall be unlawful for any person to ride or allow any type of livestock upon the property of another within the town except with the express consent of the owner of the person in charge of such property obtained prior thereto.

(Ord. No. 960, § 2, 6-16-2009)

Sec. 18-228. - Permit required for keeping of livestock.

It shall be unlawful for any person to keep livestock in the town without first obtaining a permit from the animal services supervisor. Such permit shall be valid only for the location for which it was issued. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain a permit. Every person who is a keeper of any livestock shall make application in writing upon forms prescribed and furnished to said person for a permit to keep livestock. The animal services supervisor may refuse to issue a permit if it determines that the area

in which the livestock is to be kept is insufficient, including, without limitation, an area that is too small for the livestock or an area that is too close to a residential dwelling. For purposes of determining the sufficiency of area for the livestock permit, the animal services supervisor may consider any publicly available information, the conditions present at the premises where the permit is requested and any other relevant factors. Appeals to the decision of the animal services supervisor shall be considered by the town manager, whose determination is final.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-229. - Impounding of livestock.

The animal services officer shall take appropriate measures for the safety of the public with regard to any livestock found at large.

(Ord. No. 960, § 2, 6-16-2009; Ord. No. 1301, § 2, 10-20-2015)

Sec. 18-230. - Disposal of impounded livestock.

- (a) In the event that ownership of livestock impounded under this chapter can not be determined, and after being held for a period of three (3) calendar days, the livestock becomes the property of the Town and may be impounded by the Denton County Sheriff's Department. At such time the livestock shall become the responsibility of the Denton County Sheriff's Department. Should the owner be located within the three-day period, the owner shall pay all required fees set forth in this chapter. The town, by this provision, intends to comply with any applicable provision of state law relative to the impoundment of strays.
- (b) If impounded livestock are sold at public auction by Denton County Sheriff's Department, the county holding facility will apply such amount of the proceeds as necessary to satisfy the fees and costs incurred because of animal impoundment and auction, any fees and costs incurred by the town for impounding the livestock, restitution for any damage sustained by a property owner for said livestock having been at-large, upon submission of a notarized affidavit and satisfactory proof of such damage. Upon payment of all fees, costs and restitution, any remaining monies shall be returned to the owner of the livestock, upon submission of a sworn, notarized affidavit that the applicant was in fact the owner of the livestock immediately prior to the sale.

(Ord. No. 960, § 2, 6-16-2009)

Secs. 18-231—18-239. - Reserved.

ARTICLE IX. - ANIMAL SHELTER ADVISORY COMMITTEE

Sec. 18-240. - Little Elm Animal Shelter Advisory Committee.

The Little Elm Animal Shelter Advisory Committee is hereby created and established, which shall abide by all applicable state laws and be organized as follows:

- (1) The Little Elm Animal Shelter Advisory Committee shall consist of five regular members who shall be appointed by town council.
- (2) Terms expire at the end of September every three years beginning in 2015.
- (3) Term limits shall not apply, so long as each member serves at the will and pleasure of town council.
- (4) The committee shall meet as needed and as often as necessary to satisfy state law.
- (5) Membership shall include a licensed veterinarian, one representative from an animal welfare organization, one municipal official, one person whose duties include the daily operations of the animal shelter, and one at-large position as appointed by the town council.
- (6) Duties shall include making recommendations to animal services regarding policies and procedures of the animal shelter operations, making recommendations to town council on revisions to chapter 18 (Animals) of the Little Elm Code of Ordinances, making recommendations to town council on revisions to applicable fees, and general discussion of animal related issues within the town.
- (7) Nothing herein grants the committee privilege to manage staff, issue policy, create or alter fees, or otherwise interfere with the operations of the Little Elm Animal Shelter. Recommendations shall be considered for implementation by the appropriate authority (town staff or town council, depending upon the nature of the recommendation).

(Ord. No. 1301, § 2, 10-20-2015)

Secs. 18-241—18-260. - Reserved.