ORDINANCE NO. CO20.11.12.22.C1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, TO AMEND CHAPTER 2, ANIMAL CONTROL, OF THE CITY OF CEDAR PARK CODE OF ORDINANCES BY REPEALING CURRENT CHAPTER 2 AND ADOPTING REVISED CHAPTER 2, AS ATTACHED IN APPENDIX 1, AND AMEND APPENDIX A FEE SCHEDULE, ARTICLE 1.000 ANIMAL CONTROL RELATED FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That Chapter 2, Animal Control, of the Code of Ordinances of the City of Cedar Park, Texas, identified as Appendix 1is hereby adopted.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 8th day of December, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 22nd day of December, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Robert S. Lemon, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

CITY OF CEDAR PARK
TEXAS
CEDAR PARK, TEXAS

ORDINANCE NO. CO20.11.12.22.C1

APPENDIX 1

CHAPTER 2 ANIMAL CONTROL

ARTICLE 2.01 ADMINISTRATION AND GENERAL PROVISIONS

Sec. 2.01.001 Definitions

Unless specifically defined below, words and phrases used in this Chapter shall be construed so as to give them the same meaning as they have in common usage and so as to give these provision the most reasonable application, and as used herein, the singular shall include the plural and the plural the singular, and the masculine shall include the feminine and the feminine the masculine.

Animal. Any living, non-human, domesticated mammal, reptile, amphibian, fish, bird, insect, or arachnid being kept, maintained, fed, or harbored within the City.

Animal Control. The Animal Control Division of the Cedar Park Police Department, including Animal Control Officers and staff.

Animal Control Officer. An employee or agent of the City, designated by the Chief of Police, to administer and enforce the licensing, inspection, and enforcement requirements contained within this Chapter; the terms shall also include peace officers, code enforcement officers, and such other persons designated by the City to enforce the provisions of this Chapter.

At Large.

(A) Any Dog not on its Owner's property or the property of another person with such owner's consent which is:

(1) not secured by means of a leash, chain, or other restraint of sufficient strength to control the actions of such Dog;

(2) not fully contained within a cage, crate, kennel, or similar enclosure; or

(3) not fully confined to such property by a confinement fence of sufficient height and strength, excluding an Electric Fence or Invisible Fence, or by means of a leash, chain, or other restraint of sufficient strength to prevent the Dog from escaping the property and so arranged that the Dog shall remain upon the property the device is stretched to full length, and with such property owner's consent;

(B) Any Livestock or Fowl on its Owner's property or the property of another, regardless of consent, if such Livestock or Fowl is not fully confined as required by Article 2.05 of this Chapter; or

(C) Any Animal, other than a Dog, Cat, Livestock, or Fowl, not on its Owner's property or the property of another person with such owner's consent.

Cat. Any domesticated feline or member of the family Felis domestica, not including feral or wild felines.

City of Cedar Park or City. The City of Cedar Park, Texas, a municipal corporation duly formed pursuant to the laws of the State of Texas and having its principal place of business at 600 N. Bell Boulevard, Cedar Park, Texas 78613, including its officers, employees, agents, and representatives, and the corporate and extra-territorial boundaries within which the provisions of this Chapter may be enforced.

Cruelly Treated. Any Animal which has been tortured, seriously overworked, unreasonably abandoned, unreasonably deprived of necessary food, care, or shelter, cruelly confined, or caused to fight with another Animal, as defined in Section 821.021, Texas Health & Safety Code, et seq, as amended.

Dangerous Cat. A Cat that: (A) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the Cat was being kept and that was reasonably certain to prevent the Cat from leaving the enclosure on its own; (B) commits unprovoked acts in a place other than an enclosure in which the Cat was being kept and that was reasonably certain to prevent the Cat from leaving the enclosure on its own and those acts cause a person to reasonably believe that the Cat will attack and cause bodily injury to that person.

Dangerous Dog. A Dog that: (A) 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; or (B) 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, as defined by Texas Health & Safety Code § 822.041(2), as amended.

Dangerous Wild Animal. A lion, tiger, ocelot, cougar, leopard, cheetah, jaguar, bobcat, lynx, serval, caracal, hyena, bear, coyote, jackal, baboon, chimpanzee, orangutan, gorilla, or any hybrid thereof, as defined by Section 822.101, Texas Health & Safety Code, as amended, in addition to any Animal of a species that is wild by nature, normally found in a wild state, not naturally tame or gentle, and/or because of its size, toxicity, vicious nature, or other characteristics constitutes a danger to public health, safety, or welfare, including but not limited to, the following: all non-human primates, all four-legged mammals (other than Dogs, Cats, ferrets, gerbils, hamsters, mice, pot-bellied pigs, rabbits, and Livestock, as permitted herein this Chapter), all venomous reptiles and amphibians of any size and constricting reptiles of six (6) feet or more in length, all birds (other than Fowl and common household birds, as permitted by this Chapter), alligators, bats, crocodiles, emus, ostriches, or any hybrid of such Animals.

Dog. Any domesticated canine or member of the family Canis lupus familiaris.

Electric Fence or Invisible Fence. A training device only, and not to be constructed as an adequate containment fence, which uses a buried wire or other means along the perimeter of a premises that transmits a signal to a receiver attached to the collar of the Dog, which gives the Dog an electric shock or other warning when the Dog approaches the perimeter.

Food Establishment. As defined by Title 25 of the Texas Administrative Code, Section 229.162(40), as amended.

Fowl. Any birds belonging to the gamefowl, landfowl (Galliformes), or waterfowl (Anseriformes) biological orders, including but not limited to poultry, chickens, guineas, laying hens, turkeys, guineas, ducks, geese, pheasants, quails, peacocks, emus, and ostriches.

Livestock. Domesticated mammals and fowl, other than Dogs, Cats, ferrets, gerbils, hamsters, mice, pigs, pot-bellied pigs, rabbits, and common household birds, including but not limited to horses, cattle, mules, goats, sheep, miniature horses, and other similar Animals traditionally raised in an agricultural setting.

Microchip or Chip. An integrated circuit placed under the skin of an Animal for purposes of facilitating identification of the Animal.

Municipal Court. The City of Cedar Park Municipal Court, including its staff.

Off-Leash Area. A designated area of a City park facility within which Dogs may freely roam in compliance with posted rules for such City park facility and/or area.

Owner. Any person or persons, association, or entity, including any member of Owner's immediate family, employee, or agent, having the right of property, care, custody, or control of an Animal, who possesses, harbors, or maintains an Animal, or who knowingly permits an Animal to remain on or about any premises occupied by such person or persons, firm, association, or corporation for a period of three (3) days or more.

Police Department. The City of Cedar Park Police Department, including its officers and staff.

Public Nuisance or Public Nuisance Animal. Any Animal within the City that unreasonably disturbs, annoys, or alarms persons of ordinary sensibility, endangers the public health, safety, or welfare, or substantially interferes with the rights of citizens to quiet enjoyment of life or property, including but not limited to:

(A) An Animal that makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, meowing, crowing, or other utterances in an excessive, continuous or unreasonable fashion or at unreasonable hours, causing annoyance, disturbance, or discomfort to, or disrupting the quiet enjoyment of neighbors or others in close proximity to the premises where the Animal is kept or harbored;

(B) Any Dog in a park or public recreation area, unless the Dog is controlled by a leash or similar physical restraint or within a designated Off-Leash Area within a City park facility, in compliance with posted rules at such City Park facility and/or Off-Leash Area;

(C) Any Animal that damages any property other than that of its Owner;

(D) Any Animal that defecates on any common thoroughfare, street, sidewalk, passageway, road bypass, play area, park or any place where people congregate or walk upon any public property whatsoever, or upon any private property without the permission of the private property owner, if the Owner of such an Animal that soils, defiles, or defecates on any of the above areas fails to immediately remove the pet feces and droppings and place them in a designated waste receptacle or other suitable waste container;

(E) Any Animal that is found At Large more than three (3) times;

(F) Any Animal that causes unsanitary conditions in enclosures or surroundings where the Animal is kept or harbored, or that causes noxious or offensive odors which would be unreasonably annoying or discomforting to neighbors or others in close proximity to the premises where the Animal is kept or harbored;

(G) Any female Animal in heat (estrus) that is not confined so as to prevent attraction or contact with Animals other than the Owner's, unless for the purpose of planned breeding in compliance with all local, state, and federal laws;

(H) Any Animal, whether or not on the property of its Owner and without reasonable provocation, that approaches and hisses, barks, or growls at a person in an angry, threatening, and ill-tempered manner and causes that person to have an immediate reasonable fear of bodily injury, that bites, snaps at, or attacks a person or otherwise interferes with the freedom of movement of persons in a public right-of-way, or that attacks and seriously injures or kills another Animal that was properly confined, restrained, or under the physical control of its Owner as required by this Chapter;

(I) Any Dog or Cat that: (A) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the Dog or Cat was being kept and that was reasonably certain to prevent the Dog or Cat from leaving the enclosure on its own; or (B) commits unprovoked acts in a place other than an enclosure in which the Dog or Cat was being kept and that was reasonably certain to prevent the Dog or Cat from leaving the enclosure on its own and those acts cause a person to reasonably believe that the Dog or Cat will attack and cause bodily injury to that person;

(J) Any Animal that chases motor vehicles in a public right-of-way;

(K) Any Dog in violation of posted rules governing a City park facility and/or Off-Leash Area;

(L) Any Dangerous Wild Animal, as defined by Section 822.101, Texas Health & Safety Code, or this Section, as amended; or

(M) Any Animal that is a threat to public health, safety or welfare by virtue of the number of Animals maintained at a single property and the inadequacy of the care, conditions, or facilities.

Register* or *Registration. The responsibility of the Owner of Dog and Cat of four (4) months of age or older to provide information to the City and obtain from the City a license for such Dog or Cat, unless such Dog or Cat shall be temporarily within the possession of a veterinarian, pet shop, animal shelter, or humane society.

Registration Tag or Tag. An identification tag issued by an Animal Control Officer or their designee.

Sanitary. A condition of good order and cleanliness to minimize the possibility of disease transmission.

Shelter. A structurally sound and weatherproof shelter consisting of at least three (3) sides and a covered roof which provides access to shade from direct sunlight and regress from extremes of temperature, thereby providing for an Animal's health and comfort.

Tattoo. An indelible identification number placed on an Animal by means of inserting pigment under the Animal's skin.

Sec. 2.01.002 Administration

(A) Appointment and Duties of Animal Control Officer. The city manager or their designee shall appoint one or more Animal Control Officers and such assistants as may be required to enforce the provisions of this Chapter. An Animal Control Officer's duties shall include enforcement of all City and State ordinances and laws controlling the activities of wild and domestic animals within the City and shall be empowered to take all actions provided herein this Chapter, including but not limited to the authority to issue citations to persons who violate such laws or ordinances and for which the individual shall appear, pursuant to the lawfully issued citation or summons, at Municipal Court to respond to the alleged charge(s). The city manager or their designee shall prepare a Nuisance/Dangerous Animal Complaint Form for use in enforcement of this Chapter.

(B) Local Rabies Control Authority. The supervisor of Animal Control is hereby designated as the Local Rabies Control Authority for the purposes of Chapter 826 of the Texas Health & Safety Code (Rabies Control Act of 1982), as amended, and shall be responsible for performing the duties and responsibilities provided herein.

Sec. 2.01.003 Enforcement; penalty

(A) Primary enforcement of the provisions of this Chapter are vested in the Animal Control Officers; however, these provisions may also be enforced by peace officers, code enforcement officers, and such other persons as are designated by the City. Any and all references to Animal Control and/or Animal Control Officer herein shall contemplate and include each of the aforementioned individuals.

(B) Unless otherwise stated herein, the provisions of this Chapter are enforceable against an Owner and/or their Animal as set forth herein. Owner(s) of Animal(s) alleged to be in violation of this Chapter are responsible for such violations and subject to the penalty provisions of this Chapter and this Code of Ordinances, as amended.

(C) It shall be unlawful for any person to interfere with, obstruct, resist or oppose any enforcement of the provisions of this Chapter by an Animal Control Officer.

(D) In the enforcement of this Chapter, any person authorized to enforce the provisions of this Chapter shall have the authority to immediately tranquilize, capture, restrain, and/or destroy any animal to protect themselves, a third person, or another Animal from attack or threat of imminent injury, to prevent an Animal from enduring further unreasonable pain or suffering as a result of disease or injury, or when the Animal Control Officer deems such Animal a threat to the public health, safety, or welfare.

(E) Any person authorized to enforce the provisions of this Chapter shall have the right to pursue onto private property and apprehend an At Large Animal considered a nuisance without first requesting permission from the owner of the private property or without obtaining a search warrant.

(F) Unless otherwise provided by State law, any violation of this Chapter may be charged as a Class C Misdemeanor; and upon conviction, an Owner shall be fined as provided for in the general penalty provision in Section 1.01.009 of this Code of Ordinances, as amended. For those violations that are of a continuous nature, a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues and such fine may be levied for each day that a violation exists.

(G) If an Owner has been previously convicted of an offense under this Chapter and the Owner is subsequently convicted of an offense under the same provision of this Chapter, the Owner may be subject to an enhanced fine as set by the Municipal Court.

Sec. 2.01.004. Discrimination prohibited
Nothing herein this Chapter shall be construed to discriminate or permit discrimination against a person with a disability in violation of Section 121.003 of the Texas Human Resources Code, as amended, or the Americans with Disabilities Act, as amended, or any governing federal, state, or local regulation, rule, code, order, statute, ordinance, or law.

Sec. 2.01.005 Severability
If any one or more of these Sections, provisions, clauses, terms, or words of this Article or the application of such Sections, provisions, clauses, terms, or words to any situation or circumstance shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other Sections, provisions, clauses, terms, or words of this Article or the applications of such Sections, provisions, clauses, terms, or words to any other situations or circumstance, and it is intended that this Article shall be severable and shall be construed and applied as if any such invalid or unconstitutional Section, provision, clause, terms, or word had not been included herein.

ARTICLE 2.02 VACCINATION & REGISTRATION

Sec. 2.02.001 Vaccination
Every Dog and Cat over the age of sixteen (16) weeks shall be vaccinated against rabies, as required by Section 169.29(a) of the Texas Administrative Code, as amended.

Sec. 2.02.002 Registration
(A) To facilitate identification and recovery of Dogs and Cats, every Dog and Cat over the age of sixteen (16) weeks being kept, maintained, fed, or harbored within the City shall be Registered, and it shall be unlawful for the Owner of any Dog or Cat over the age of sixteen (16) weeks to possess, harbor, or maintain the Dog or Cat within the City unless a Registration fee has been paid to and a Registration Tag provided by the City for such Dog or Cat. The Registration fees set forth in the Appendix A, Article 1.000 of this Ordinance shall be due and payable on or before the date of each year that is the annual or triennial anniversary of the previous annual or triennial rabies vaccination, respectively. The Owner of a Dog or Cat that has received a triennial vaccine may pay the triennial Registration fee for the

period corresponding to such triennial vaccination. The Owner of the Dog or Cat shall pay a penalty of One Dollar ($1.00) for each month that the Owner fails to pay the Registration fee.

(B) At the time of an application for Registration, the Owner of a Dog or Cat shall present a written certificate of anti-rabies vaccination by a veterinarian. The certificate shall show the name and address of the Owner of the Dog or Cat, shall contain a description of the color, breed, sex and weight of the Dog or Cat, together with the type, amount, and duration of vaccine administered and the date of administration, and shall certify that the Dog or Cat was so vaccinated and immunized against rabies as required by Section 169.29(a) of the Texas Administrative Code, as amended. No Registration fee shall be accepted unless accompanied by the presentation of the current certificate of anti-rabies vaccination.

Sec. 2.02.003 Registration Tags to be issued

(A) Upon presentation to Animal Control of a completed application for Registration, a certificate of anti-rabies vaccination, and payment of the applicable Registration fee, Animal Control shall issue to the Owner a metallic Registration Tag which shall at all times be securely attached to a collar around the neck of the Dog or Cat for which said Registration fee was paid. Any Dog or Cat not wearing such collar and Registration Tag shall constitute prima facie evidence that such Dog or Cat is in violation of this Article.

(B) Alternatively, an Owner may submit to any participating licensed veterinarian within the City a completed application for Registration, a certificate of anti-rabies vaccination, and payment of the applicable Registration fee, and upon receipt of the same, such licensed veterinarian shall issue to the Owner a metallic Registration Tag which shall at all times be securely attached to a collar around the neck of the Dog or Cat for which said Registration fee was paid. Any licensed veterinarian may obtain from Animal Control Registration Tags to be issued to an Owner under this Article, provided such licensed veterinarian first tenders to Animal Control payment for each requested Registration Tag. For each Registration Tag issued by a licensed veterinarian under this Article, the issuing licensed veterinarian shall submit to Animal Control, within fourteen (14) days of the issuance of a Registration Tag, information relating to the Registration, including the Owner's name, address, and phone number; the Dog or Cat's breed, color, age, sex, and weight; date and duration (whether annual or triennial) of the Dog or Cat's most recent anti-rabies vaccination; and the number of the Registration Tag issued to the Dog or Cat. If any licensed veterinarian shall fail to comply with this Article, Animal Control may deny future purchase of Registration Tags for issuance pursuant to this Article.

(C) Confidentiality. A licensed veterinarian collecting Registration information and issuing Registration Tags under this Article shall preserve the confidentiality of such information pursuant to Section 826.0311, Texas Health & Safety Code, as amended.

Sec. 2.02.004 Issuance of duplicate Registration Tags

Should a current Registration Tag be lost or destroyed, it shall be the duty of the Owner to procure a duplicate Registration Tag. Upon Animal Control's receipt of an Owner's application for Registration, certificate of anti-rabies vaccination, and payment of the duplicate Registration Tag fee provided for in Appendix A, Article 1.000 of this Ordinance, Animal Control shall issue a duplicate metallic Registration Tag which shall at all times be securely attached to a collar around the neck of the Dog or Cat for which said duplicate Registration Tag fee was paid.

Sec. 2.02.005 Reports of rabies

A person who knows of an Animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or who knows of an Animal that the person suspects is rabid, shall report to Animal Control the incident, including the name and address of the victim and of the Animal's owner, if known, and any other information that may help in locating the victim or Animal, in accordance with Section 826.041, Texas Health & Safety Code, as amended.

Sec. 2.02.006 Quarantine of Animals

Quarantine of Animals shall be in accordance with Section 826.042, et seq, Texas Health & Safety Code, as amended, and 25 TAC § 169.27, as amended.

ARTICLE 2.03 PUBLIC NUISANCE ANIMALS

Sec. 2.03.001 Public Nuisance Animals Prohibited

It shall be unlawful for an Animal to be or create a Public Nuisance within the City. The Owner of a Public Nuisance Animal shall be culpable for any violations of this Section.

Sec. 2.03.002 Complaints of Public Nuisance Animals

(A) Whenever any person shall complain to the Animal Control Officer of an alleged Public Nuisance Animal, an Animal Control Officer shall promptly investigate the complaint and notify the owner of the Animal that a complaint has been received.

(B) If the Animal Control Officer does not observe a violation of this Article, then the Animal Control Officer shall promptly provide to the complaining person a Nuisance/Dangerous Animal Complaint Form.

(C) If the Animal Control Officer observes a violation of this Article, or receives from the complaining person a signed and completed Nuisance/Dangerous Animal Complaint Form, then a citation shall be issued to the Owner of the alleged Public Nuisance Animal, and, if deemed by the Animal Control Officer to be necessary in order to abate an imminent risk to public health, safety, or welfare, the Animal Control Officer may impound the alleged Public Nuisance Animal pursuant to Sections 2.04.002-.004 of this Ordinance without regard to whether the Animal is At Large.

Sec. 2.03.003 Completion and submission of Nuisance/Dangerous Animal Complaint Form

(A) The Nuisance/Dangerous Animal Complaint Form is to be completed voluntarily, truthfully, and accurately by the complaining person, signed, and then submitted to the Animal Control Officer, Police Department, or Municipal Court.

(B) By submitting a Nuisance/Dangerous Animal Complaint Form, the complaining person agrees to testify as the complaining witness if the matter should proceed to trial in Municipal Court.

ARTICLE 2.04 AT LARGE ANIMALS

Sec. 2.04.001 Unlawful to allow Animal to run At Large

(A) Violation.

No person shall cause, permit, or allow an Animal to be, and no Owner shall fail to prevent their Animal from being At Large within the City. Voice command alone shall not be sufficient restraint, confinement, or control. An At Large Animal Registered in a person's name shall constitute prima face evidence that such person is the Owner and such person allowed the Animal to run At Large. An At Large unregistered Animal which consistently returns to a residence shall constitute prima face evidence that the owner, lessee or occupant of such residence is the Owner of the Animal, and that such person allowed the Animal to run At Large.

(B) Exceptions. It shall not be a violation of this Section:

(1) if an Animal is fully confined within its Owner's vehicle or trailer, or the vehicle or trailer of another with such owner's consent, in compliance with the provisions of this Chapter; or

(2) if a Dog is within a designated Off-Leash Area within a City park facility, in compliance with posted rules at such City Park facility and/or Off-Leash Area.

Sec. 2.04.002 Impoundment

(A) Impoundment of Animals running At Large. An Animal Control Officer may seize any Animal, whether or not vaccinated and/or Registered, found running At Large within the City.

(B) Registry of impounded Animals to be kept. An Animal Control Officer, upon seizing any Animal, shall make a complete registry entering the breed, color, sex, species of such Animal, and determine if the Animal is registered. If registered, the Animal Control Officer shall obtain the name and address of its Owner and the number of the registration tag and make every reasonable effort to promptly notify the Owner of the impoundment.

(C) Liability for fees and expenses. The Owner of an impounded Animal shall be responsible for any fees and expenses incurred by Animal Control, the Williamson County Regional Animal Shelter, and/or their designee, for seizure, impoundment, medical treatment, and daily care and boarding of the impounded Animal. In addition to the impoundment fees and expenses, the Owner shall also be responsible for any fine and court costs for a Class C Misdemeanor violation of this Article, as provided by Section 2.01.003(F) of this Chapter.

(D) Procedure to redeem impounded Dogs. The Owner of any impounded Dog may redeem such Dog any time prior to the release to authorized third-party animal adoption agencies, shelter or rescue group, or destruction as set forth hereinafter by (1) paying the fees and expenses incurred by Animal Control, the Williamson County Regional Animal Shelter, and/or their designee, for seizure, impoundment, medical treatment, and care and daily boarding of the impounded Animal, and (2) having on their person a valid City Registration receipt and certificate of anti-rabies vaccination showing the Dog to have been

vaccinated as required by Section 169.29(a) of the Texas Administrative Code, as amended. In the event the Dog is not properly Registered prior to redemption, the Owner must Register said Dog immediately with the City; however, if the Dog is not vaccinated at the time of redemption, the Owner shall have vaccinated such Dog, submit to Animal Control a certificate of vaccination for such Dog, and have such Dog Registered. Failure to submit such certificate of vaccination to Animal Control and have such Dog Registered within seven (7) days after redemption shall be a violation of this Section.

(E) Procedure to redeem impounded Animals, other than Dogs. The Owner of any impounded Animal may redeem such Animal any time prior to the release to authorized third-party animal adoption agencies, shelter or rescue group, or destruction as set forth hereinafter by paying the fees and expenses incurred by Animal Control, the Williamson County Regional Animal Shelter, and/or their designee, for seizure, impoundment, medical treatment, and care and daily boarding of the impounded Animal.

(F) Authority to request and issue warrants. An Animal Control Officer may apply for and obtain a warrant or other legal writ from the municipal judge or justice court to seize any Animal alleged to be in violation of this Chapter. The municipal judge or justice of the peace shall have the authority to issue such warrant.

Sec 2.04.003 Disposition of impounded Animals

(A) Disposition. Any Animal impounded in accordance with the provisions of this Article shall be kept and so impounded by Animal Control, the Williamson County Regional Animal Shelter, and/or their designee, for a minimum period of seventy-two (72) hours, unless earlier redeemed by the Owner. During this period, an Animal Control Officer shall make all reasonable efforts to identify and contact the Owner of an impounded Animal, including review of the City's Registration records, contacting persons in the area where the Animal was found, and examination for an implanted microchip. At the expiration of the impoundment period, the impounded Animal becomes the property of the Williamson County Regional Animal Shelter and shall be maintained, released, and/or disposed of pursuant to its policies and procedures.

(B) Animal Control Officer to keep record of disposition of Animals. The Animal Control Officer or its designee shall keep all records as may be required to show, in detail, the disposition of all Animals impounded, fees and expenses collected, and such other information as may be required.

Sec. 2.04.004 Quarantine and impoundment facilities

Unless otherwise expressly stated herein this Chapter, all Animals seized, impounded, or quarantined by an Animal Control Officer under this Chapter shall be delivered to the Williamson County Regional Animal Shelter or such other suitable and humane facility as determined by Animal Control, in accordance with Section 826.051, Texas Health & Safety Code, as amended.

ARTICLE 2.05 KEEPING OF LIVESTOCK AND FOWL

Sec. 2.05.001 Keeping of Livestock

No person shall possess, harbor, or maintain any type of Livestock in any area of the corporate limits of the City that is not zoned such as to permit the keeping of Livestock. Where permitted, all Livestock weighing twenty (20) pounds or less at maturity shall be contained in a ventilated or open-air cage, pen, coop, or enclosure and be provided adequate shelter from the elements and a minimum of three (3) square feet of covered floor space per Animal. All areas within which Livestock are kept or harbored shall contain clean water and suitable food accessible to the Livestock and placed such that the Livestock cannot defile their contents, shall be at all times kept clean and sanitary in accordance with the health and sanitation laws of the State of Texas, shall not expose the Animal(s) to undue heat or cold, and all cages, pens, coops, and enlcosures in which Livestock are kept or harbored shall be a minimum of twenty-five (25) feet away from any property lines.

Sec. 2.05.002 Keeping of Fowl

No person shall possess, harbor, or maintain any type of Fowl in any area of the corporate limits of the City that is not zoned such as to permit the keeping of Fowl (see Chapter 11 of this Code). Where permitted, all Fowl shall at all times be confined in a fully enclosed and ventilated or open-air cage, pen, coop, or enclosure and be provided adequate shelter from the elements and a minimum of three (3) square feet of covered floor space per Animal sufficient to allow each Animal room to move around and stand without crowding each other; however, where permitted on lots of one (1) acre or more, Fowl may be kept or harbored free of such confinement, so long as the Fowl remains on its Owner's lot. All cages, pens, coops, or enclosures and areas within which Fowl are kept or harbored shall contain clean water and suitable food accessible to the Fowl and placed such that the Fowl cannot defile their contents, shall be at all times kept clean and sanitary in accordance with the health and sanitation laws of the State of Texas, shall not expose the Animal(s) to undue heat or cold, and shall be a minimum of twenty-five (25) feet away from any property lines.

Sec. 2.05.003 Livestock and Fowl not to run At Large

No person shall cause, permit, or allow Livestock or Fowl to be, and no Owner shall fail to prevent their Livestock or Fowl from being At Large within the City.

Sec. 2.05.004 Impoundment of Livestock or Fowl

Animal Control Officers are authorized to impound all Livestock or Fowl in violation of this Chapter, subject to terms and conditions established throughout this Chapter. Livestock will be held by a private contractor with the Owner being responsible for all impound, transportation, medical treatment, boarding, feeding, and any other expenses incurred in impounding the Livestock. All fees and charges must be paid prior to release of the Livestock.

Sec. 2.05.005 Liability

If necessary to ensure the public safety and avoid injuries to persons or damage to property, any Livestock or Fowl that is in danger of entering a public roadway may be tranquilized by an Animal Control Officer, or, if the Livestock or Fowl cannot be tranquilized or corralled in a timely manner and the circumstances are of an emergent nature, such Livestock or Fowl may be destroyed by an Animal Control Officer. Neither the City nor the Animal Control Officer(s) acting under this Article shall be liable for damages to or loss of such Livestock or Fowl.

ARTICLE 2.06 LEASHING AND UNLAWFUL RESTRAINT OF DOGS

Sec. 2.06.001 Leashing of Dogs

Any Dog, while not on the property of its Owner or not upon private property with the permission of the private property owner, or in any place open to the public, shall be secured by a leash, chain, or other restraint, not including an Electric Fence or Invisible Fence, that does not unreasonably limit the Dog's movement, as proscribed by Texas Health & Safety Code §§ 821.077-78, et seq, as amended, except that a Dog may freely roam without being secured by a leash, chain, or other restraint within a designated Off-Leash Area within a City park facility, in compliance with posted rules at such City Park facility and/or Off-Leash Area.

ARTICLE 2.07 TREATMENT OF ANIMALS; CRUELTY

Sec. 2.07.001 Care of Animals

(A) Owners of Animals shall provide adequate food for such Animals at suitable intervals of not more than twenty-four (24) hours and shall provide a quantity of wholesome foodstuff suitable for the physical condition and age of the Animal, served in a clean receptacle or container, sufficient to maintain an adequate level of nutrition for such Animal.

(B) If kept outdoors, Animals shall be provided with adequate outdoor shelter as set forth in the definitions of this Chapter.

(C) If kept indoors, Animals shall be provided with adequate indoor shelter which shall mean a properly ventilated and illuminated facility, sufficiently regulated by heating or cooling to protect the Animal from extremes of temperature, thereby providing for its health and comfort.

(D) Any vehicle in which an Animal is kept for any duration, shall be properly ventilated and sufficiently regulated to protect the Animal from extremes of temperature, thereby providing for its health and comfort, and any Animal kept, harbored, or maintained in a vehicle not so ventilated or regulated shall be presumed cruelly confined.

(E) Animals shall be kept in areas which maintain adequate sanitation which shall mean periodic cleaning and sanitizing of primary enclosures and housing facilities to remove excreta and other waste materials and dirt, so as to minimize health hazards, flies or odors.

(F) Animals shall be provided with adequate space which shall mean primary enclosures, and housing facilities shall be constructed and maintained so as to provide sufficient space to allow each Animal to make normal postural and social adjustments with adequate freedom of movement to maintain physical condition. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress or abnormal behavior patterns.

(G) Owners of Animals shall provide adequate veterinary care for their Animals. A sick, diseased or injured Animal shall be provided with a proper program of care by a veterinarian or humanely euthanized. Animals shall be provided with an adequate supply of clean, fresh potable water provided in a sanitary manner. If potable water is not accessible to the Animal at all times, it shall be provided daily for such duration and of sufficient quantity as necessary for the Animal's health and comfort.

Sec. 2.07.002 Suffering Animals
In the event an Animal Control Officer finds an Animal to be suffering, imminently endangered, or in need of immediate emergency care, they shall have the right forthwith to remove or have removed such Animal to a safe place for care at the Owner's expense or to order euthanization of the Animal when necessary to prevent further suffering. Return of the Animal to the Owner may be withheld until the Owner has made full payment for all expenses incurred by such removal, care, and/or euthanization.

Sec. 2.07.003 Molesting or Releasing Animals
It shall be unlawful for any person to in any manner, tease, annoy, disturb, molest or irritate an animal that is confined to the Owner's premises. It shall be unlawful for any person, except the owner of an Animal or their authorized agent, to willfully open any door or gate, or otherwise compromise the confinement of an Animal, on any private or public premises for the purposes of enticing or enabling any Animal to leave such private or public premises.

Sec. 2.07.004 Animal Enclosures
All pens, cages, coops, or enclosures wherein Animals are kept shall be securely built and maintained, adequate in size for the kind and number of Animals contained therein, and maintained in a sanitary condition; such enclosures shall be cleaned and maintained so as to not become offensive to residents or businesses adjacent thereto.

Sec. 2.07.005 Tampering With Traps and Equipment
It shall be unlawful for any person to remove, alter, damage, or otherwise tamper with any approved traps or equipment lawfully set by an Animal Control Officer for the purpose of capturing any Animal that may be deemed by an Animal Control Officer to be At Large or a Public Nuisance Animal.

Sec. 2.07.006 Right to Confine Animals
Any Animal found upon the private premises of person other than the Owner, may be humanely confined and held until such a time as the Animal Control Officer may be notified. Upon such notification, the Animal Control Officer shall respond immediately, and impound such Animal in accordance with the provisions of this Chapter.

Sec. 2.07.007 Restraint When Animal In Estrus
The Owner of a female Dog or Cat in estrus (heat) shall confine such female Dog or Cat in a house or other enclosure in such a manner that such female Dog or Cat cannot come into contact with Animals other than the Owner's, unless for the purpose of planned breeding in compliance with all local, state, and federal laws.

Sec. 2.07.008 Animal cruelty prohibited
Animal cruelty shall be regulated pursuant to Section 821.021, et seq, Texas Health & Safety Code, and Section 42.09, Texas Penal Code, as amended.

ARTICLE 2.08 ANIMALS CAUSING DEATH OF OR SERIOUS BODILY INJURY TO PERSONS

Section 2.08.001 Regulation
Animals causing death of or serious bodily injury to persons shall be regulated pursuant to Tex. Health & Safety Code, Section 822.001, et seq, as amended.

ARTICLE 2.09 DANGEROUS DOGS AND CATS

Sec. 2.09.001 Applicability
The provisions of this Article shall be applicable to both Dangerous Dogs and Dangerous Cats. The provisions of Tex. Health & Safety Code, Section 822.041, et seq, as amended, relating to Dangerous Dogs shall also apply to Dangerous Cats within the City of Cedar Park. To the extent of any conflict, the provisions of the Texas Health & Safety Code shall prevail.

Sec. 2.09.002 Offenses
(A) It shall be an offense by an Owner of a Dangerous Dog or Cat if the Dangerous Dog or Cat makes an unprovoked attack on another person outside the Dangerous Dog or Cat's enclosure and causes bodily injury to the other person. If an Owner is found guilty of an offense under this subsection, the Municipal Court may order the Dangerous Dog or Cat destroyed, as provided by Section 822.044, Tex. Health & Safety Code, as amended.

(B) It shall be an offense for any person to own, possess, harbor, or maintain a Dangerous Dog or Cat within the City, unless such Dangerous Dog or Cat is Registered as a Dangerous Dog or Cat and the Owner has complied with all requirements under this Article, as provided by Section 822.045, Texas Health & Safety Code, as amended.

Sec. 2.09.003 Complaints of Dangerous Dogs and Cats
(A) Complaint Process. Whenever any person shall complain to an Animal Control Officer of an alleged Dangerous Dog or Cat, the Animal Control Officer shall promptly investigate the complaint and notify the Owner of the Animal that a complaint has been received. If the Animal Control Officer does not observe a violation of this Article, then the Animal Control Officer shall promptly provide to the complaining person a Nuisance/Dangerous Animal Complaint Form.

(B) Complaint Form. The Nuisance/Dangerous Animal Complaint Form is to be completed voluntarily, truthfully, and accurately by the complaining person, signed, and then submitted to the Animal Control Officer, Police Department, or Municipal Court. By submitting a Nuisance/Dangerous Animal Complaint Form, the complaining person agrees to testify as the complaining witness if the matter should proceed to trial in Municipal Court.

(C) Investigation. After receiving a completed Nuisance/Dangerous Animal Complaint Form, an Animal Control Officer shall investigate whether the Dog or Cat is a Dangerous Dog or Cat. If the Animal Control Officer observes a violation of this Article or through their investigation reasonably believes that this Article has been violated, the Animal Control Officer shall issue a citation to the Owner of the alleged Dangerous Dog or Cat. Further, upon receiving a signed and completed Nuisance/Dangerous Animal Complaint Form, the Animal Control Officer may issue a citation to the Owner of the alleged Dangerous Dog or Cat based solely upon the submitted Nuisance/Dangerous Animal Complaint Form.

(D) Appeal of Initial Determination that Dog or Cat is Dangerous. An Owner, not later than the fifteenth (15th) day after the date the Owner is notified that a Dog or Cat owned by the Owner is a Dangerous Dog or Cat, may appeal the determination of the Animal Control Officer as provided by Section 822.0421, Texas Health & Safety Code, as amended.

Sec. 2.09.004 Seizure and impoundment of Dog or Cat pending hearing

(A) Upon an Animal Control Officer's issuance of a citation under this Article, an Animal Control Officer shall seize and impound the alleged Dangerous Dog or Cat unless and until otherwise ordered by the Municipal Court.

(B) It shall be an offense for a person to possess and fail to release to an Animal Control Officer an alleged Dangerous Dog or Cat that has been made the subject of a hearing under this Article.

(C) No person shall be allowed to reclaim the alleged Dangerous Dog or Cat from the time of seizure and impoundment until a hearing under this Article has been conducted.

Sec. 2.09.005 Hearing

(A) The Municipal Court, upon issuance of a citation to an Owner under this Article, seizure of a Dog or Cat under this Article, or on application under Section 2.09.006(C) of this Article, shall set a time for a hearing to determine whether an alleged Dangerous Dog or Cat is a Dangerous Dog or Cat or whether the Owner of the Dangerous Dog or Cat has complied with this Article. The hearing must be held not later than the tenth (10th) day after the date on which the alleged Dangerous Dog or Cat is seized or delivered, pursuant to Section 822.0423(a), Texas Health & Safety Code, as amended.

(B) Notice. The Municipal Court shall give written notice of the time and place of the hearing to:

(1) the Owner of the alleged Dangerous Dog or Cat or the person from whom the alleged Dangerous Dog or Cat was seized; and

(2) the person who made the complaint.

(C) Presentation of evidence. Any interested party, including the county or city attorney, is entitled to present evidence at the hearing, as provided by Section 822.0423(c), Texas Health & Safety Code, as amended.

(D) Defenses. In response to the allegation that a Dog or Cat is a Dangerous Dog or Cat, it is a defense that:

(1) The injury was sustained or the belief of attack and injury was held by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the Owner of the alleged Dangerous Dog or Cat;

(2) The person was teasing, tormenting, abusing, or assaulting the alleged Dangerous Dog or Cat or has, in the past been observed or reported to have teased, tormented, abused, or assaulted the alleged Dangerous Dog or Cat;

(3) The person was committing or attempting to commit a crime;

(4) The Animal that was attacked or killed was at the time teasing, tormenting, abusing or attacking the alleged Dangerous Dog or Cat;.

(5) The alleged Dangerous Dog or Cat was protecting or defending a person within immediate vicinity of the alleged Dangerous Dog or Cat from an unjustified attack or assault;

(6) The alleged Dangerous Dog or Cat was injured and responding to pain; or

(7) The alleged Dangerous Dog or Cat was protecting its offspring, itself, or its kennelmates.

(D) Appeal. An Owner or applicant may appeal the decision of the Municipal Court pursuant to Section 822.0423(d), Texas Health & Safety Code, as amended.

(E) Result of hearing. If the Court finds that an alleged Dangerous Dog or Cat is not a Dangerous Dog or Cat, the Court shall:

(1) order the Owner to pay any fees arising from the seizure or impoundment of the alleged Dangerous Dog or Cat within thirty (30) days of the order; and

(2) Upon payment of any such fees, order the release of the Dog or Cat to the Owner.

If the Court finds that an alleged Dangerous Dog or Cat is a Dangerous Dog or Cat, the Court, based on the least restrictive means necessary to protect the public health, safety, and welfare of the community according to all of the evidence presented, shall:

(1) order that the Owner of the Dangerous Dog or Cat follow all requirements set forth in Section 2.09.007 of this Article;

(2) order that the Dangerous Dog or Cat be permanently removed from the City; or

(3) order that the Dangerous Dog or Cat be destroyed.

If the Court finds that an alleged Dangerous Dog or Cat is a Dangerous Dog or Cat, the Court shall also:

(1) notify the Owner of the Court's decision as well as the ordered disposition of the Dangerous Dog or Cat by personal service or certified mail, return receipt requested, if the Owner is not present at the hearing; such personal service may be completed by the Animal Control Officer;

(2) order that the Owner of the Dangerous Dog or Cat pay any fees due for the impoundment of the Dangerous Dog or Cat within thirty (30) days of the order; and

(3) notify the facility where the Dangerous Dog or Cat is impounded of the Court's decision and the ordered disposition of the Dangerous Dog or Cat by personal service or certified mail, return receipt requested; such service may be completed by the Animal Control Officer.

(F) Removal of Dangerous Dog or Cat. If the Court orders the removal of a Dangerous Dog or Cat from the City, the Owner shall have five (5) days from the date of the order to remove the Dangerous Dog or Cat. The Owner must provide proof of the removal to the Court within five (5) days after the deadline to remove. If adequate proof is not provided to the Court within the required time, an Animal Control Officer shall investigate and if the Dangerous Dog or Cat is found within the City, the Animal Control Officer shall be authorized to immediately seize and impound the Dangerous Dog or Cat. Upon impoundment of such Dangerous Dog or Cat, the Dangerous Dog or Cat becomes the property of the City and it shall be humanely destroyed. If the Dangerous Dog or Cat has been previously removed from the City or is not present in the City on the date of the hearing, the Court shall order that the Dangerous Dog or Cat shall be permanently banned from the City and not be allowed to return.

(G) Destruction of Dangerous Dog or Cat. The destruction of an Animal ordered under this Article shall be performed by: (1) a licensed veterinarian; (2) personnel of a recognized animal shelter or humane society who are trained in the humane destruction of animals; or (3) personnel of a governmental agency responsible for animal control who are trained in the humane destruction of animals. Any such destruction shall be delayed until after the expiration of the Owner's deadline to appeal the Court's order under this Article or Chapter 822 of the Texas Health & Safety Code, as amended.

(H) Disobedience of Court Order. It shall be an offense for any person to possess and fail to release a Dangerous Dog or Cat that has been ordered destroyed or removed by the Court to an Animal Control Officer.

Sec. 2.09.006 Requirements for Owner of Dangerous Dogs

(A) Pursuant to Section 822.042(a), Texas Health & Safety Code, as amended, not later than the thirtieth (30^{th}) day after a person learns that the person is the Owner of a Dangerous Dog or Cat, the person shall:

(1) register the Dangerous Dog or Cat with Animal Control pursuant to this Article;

(2) restrain the Dangerous Dog of Cat at all times on a leash in the immediate control of a person or in a secure enclosure;

(3) obtain liability insurance coverage or show financial responsibility in an amount of at least One Hundred Thousand Dollars ($100,000) to cover damages resulting from an attack by the Dangerous Dog or Cat causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to Animal Control; and

(4) comply with all applicable federal, state, county, or municipal rules, regulations, requirements, or restrictions on Dangerous Dogs and Cats.

(B) The Owner of a Dangerous Dog or Cat who does not comply with Subsection (A) shall deliver the Dangerous Dog or Cat to Animal Control not later than the thirtieth (30th) day after the Owner learns that the Dog or Cat is a Dangerous Dog or Cat, as provided by Section 822.042(b), Texas Health & Safety Code, as amended.

(C) If, on application of any person, the Court finds, after notice and hearing under this Article, that the Owner of a Dangerous Dog or Cat has failed to comply with Subsection (A) or (B) of this Section, the Court shall order Animal Control to seize the Dangerous Dog or Cat and shall issue a warrant authorizing the seizure. Animal Control shall seize the Dangerous Dog or Cat or order its seizure and shall provide for the impoundment of the Dangerous Dog or Cat in secure and humane conditions, as provided by Section 822.042(c), Texas Health & Safety Code, as amended.

(D) The Owner shall pay any cost or fee assessed by Animal Control related to the impoundment and/or destruction of the Dangerous Dog or Cat, as provided by Section 822.042(d), Texas Health & Safety Code, as amended.

(E) The Court shall order Animal Control to humanely destroy the Dangerous Dog or Cat if the Owner has not complied with Subsection (A) before the eleventh (11th) day after the date on which the Dangerous Dog or Cat is seized or delivered to Animal Control. The Court shall order Animal Control to return the Dangerous Dog or Cat to the Owner if the Owner complies with Subsection (A) before the eleventh (11th) day after the date on which the Dangerous Dog or Cat is seized or delivered to Animal Control, as provided by Section 822.042(e), Texas Health & Safety Code, as amended.

(F) The Court may order the humane destruction of a Dangerous Dog or Cat if the Owner of the Dangerous Dog or Cat has not been located before the fifteenth (15th) day after the seizure and impoundment of the Dangerous Dog or Cat, as provided by Section 822.042(f), Texas Health & Safety Code, as amended.

(G) As provided by Section 822.042(g), Texas Health & Safety Code, as amended, a person learns that the person is the Owner of a Dangerous Dog or Cat when:

(1) the Owner knows of an attack described in this Article;

(2) the Owner receives notice that a justice court, county court, or municipal court has found that the Dog or Cat is a Dangerous Dog or Cat under Texas Health & Safety Code § 822.0423, as amended; or

(3) the Owner is informed by Animal Control that the Dog or Cat is a Dangerous Dog or Cat under Texas Health & Safety Code § 822.0421, as amended.

Sec. 2.09.007 Registration of Dangerous Dogs or Cats

(A) Pursuant to Section 822.043(a), Texas Health & Safety Code, as amended, an Owner of a Dangerous Dog or Cat shall annually present to Animal Control for the Dangerous Dog or Cat:

(1) Proof of liability insurance coverage or show financial responsibility in an amount of at least One Hundred Thousand Dollars ($100,000) to cover damages resulting from an attack by

the Dangerous Dog or Cat causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to Animal Control;

(2) Proof of current rabies vaccination of the Dangerous Dog or Cat;

(3) A written description and photographs of the secure enclosure in which the Dangerous Dog or Cat will be kept; and

(4) Payment of an annual registration fee of Fifty Dollars ($50).

(B) Animal Control shall provide to the Owner registering a Dangerous Dog or Cat a Registration Tag which shall at all times be securely attached to a collar around the neck of the Dangerous Dog or Cat for which said Registration fee was paid. Any Dangerous Dog or Cat not wearing such collar and Registration Tag shall constitute prima facie evidence that such Dangerous Dog or Cat is in violation of this Section, as provided by Section 822.043(b), Texas Health & Safety Code, as amended.

(C) If an Owner of a Registered Dangerous Dog or Cat sells or moves the Dangerous Dog or Cat to a new address, the Owner, not later than the fourteenth (14^{th}) day after the date of the sale or move, shall notify the animal control authority for the area in which the new address is located. On presentation by the Owner of the Dangerous Dog or Cat's prior Registration Tag and payment of a fee of Twenty-Five Dollars ($25), the animal control authority shall issue a new registration tag to be placed on the Dangerous Dog or Cat's collar, as provided by Section 822.043(c), Texas Health & Safety Code, as amended.

(D) An Owner of a Registered Dangerous Dog or Cat shall notify the office in which the Dangerous Dog or Cat was registered of any attacks the Dangerous Dog or Cat makes on people, as provided by Section 822.043(d), Texas Health & Safety Code, as amended.

Sec. 2.09.008 Attack by Dangerous Dog or Cat

(A) Offense. A person commits an offense if the person is the Owner of a Dangerous Dog or Cat and the Dangerous Dog or Cat makes an unprovoked attack on another person or Animal outside the Dangerous Dog or Cat's enclosure and causes bodily injury to the other person or Animal, as provided by Section 822.044(a), Texas Health & Safety Code, as amended.

(B) Destruction of Dangerous Dog or Cat. If a person is found guilty of an offense under this Section, the Municipal Court may order the Dangerous Dog or Cat destroyed pursuant to Section 822.044(c), Texas Health & Safety Code, as amended.

(C) Defenses. Pursuant to Section 822.046, Texas Health & Safety Code, as amended, it is a defense to prosecution under this Section that:

(1) the person is a licensed veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the Dog or Cat in connection with that position;

(2) the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses Dogs or Cats for law enforcement or corrections purposes.

(3) the person is a Dog trainer or an employee of a guard dog company under Chapter 1702, Occupations Code.

ARTICLE 2.10 DANGEROUS WILD ANIMALS

Sec. 2.10.001 Applicability of Article
The provisions of this Article shall apply throughout the City, except as set forth in Chapter 822, Subchapter E, of the Texas Health & Safety Code, as amended.

Sec. 2.10.002 Dangerous Wild Animals prohibited
It shall be unlawful to possess, harbor, or maintain, or have care, custody, or control of a Dangerous Wild Animal within the City.

ARTICLE 2.11 SANITATION

Sec. 2.11.001 Maintaining sanitary conditions on private property
It shall be unlawful for any person owning, possessing, harboring, or maintaining an Animal within the City to allow any waste matter from the Animal to collect and remain on the Owner's property or on the property of another person so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the Owner's or other person's property, or to abutting property of others.

Sec. 2.11.002 Maintaining sanitary conditions on public property
It shall be unlawful for any Animal to defecate on any common thoroughfare, street, sidewalk, passageway, road bypass, play area, park or any place where people congregate or walk upon any public property whatsoever, or upon any private property without the permission of the private property owner; except that it shall not be a violation if the Owner of an Animal that soils, defiles, or defecates on any of the above areas immediately removes the pet feces and droppings and places them in a designated waste receptacle or other suitable waste container.

Sec. 2.11.003 Animals prohibited in Food Establishments; Exceptions
Animals are prohibited on the premises of any Food Establishment, except as provided by Title 25 of the Texas Administrative Code, Section 229.167(p)(15), as amended, or pursuant to a variance granted as provided in Section 2.11.004, below.

Sec. 2.11.004 Variance to permit Dogs in outdoor eating areas of Food Establishments
Pursuant to 25 TAC § 229.171(c) of the Texas Food Establishment Rules, as amended, the local, state, or federal enforcement body or authorized representative having jurisdiction over a Food Establishment, may grant a variance to the prohibition stated in Sec. 2.11.004.

ARTICLE 2.12 BREEDING AND SALE OF ANIMALS

Sec. 2.12.001 Breeding of Animals prohibited

No person shall permit, facilitate, promote, or allow breeding of any Animals in any area of the corporate limits of the City that is not zoned such as to permit breeding (see Chapter 11 of this Code). Where permitted, all breeding activities shall be in accordance with the laws of the State of Texas.

Sec. 2.12.002 Sale of Animals prohibited

It shall be unlawful for any person to sell or make available for sale any Animal on the public streets, alleys, rights-of-way, parks, or other public property within the City, or upon property of another without such owner's consent; except that is shall not be a violation of this Section for the Williamson County Regional Animal Shelter, Humane Society, or any other shelter/rescue operation to sell or make available for sale or adoption Dogs or Cats on public property with the City's approval.

Sec. 2.12.003 Enforcement; Impoundment

(A) An Animal Control Officer shall have the authority to Impound any Animal deemed to be breeded, bred, sold, or for sale in violation of this Article.

(B) The Owner of any Animal Impounded pursuant to this Article shall be liable to the City in the amount of the Impoundment and boarding fees charged the Owner pursuant to the provisions of this Chapter, and any Animal Impounded pursuant to this Article shall be handled and disposed of in the same manner as any Animal which is so confined because of being found At Large within the City.

APPENDIX A

ARTICLE 1.000 ANIMAL CONTROL RELATED FEES

Sec. 1.001 Registration fees

(a) Registration fees

(1)	Annual - Altered	$5.00
	Annual – Unaltered	$10.00
(2)	Triennial – Altered	$15.00
	Triennial – Unaltered	$30.00
(3)	Penalty	$1.00 for each month Owner fails to pay Registration fee, in addition to any fine and court costs for a Class C Misdemeanor violation as provided by Section 2.01.003(F) of this Chapter
(4)	Dangerous Dog or Cat (Annual)	$50.00*
(c)	Duplicate Registration tags	$1.00/tag

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* Dangerous Dog or Cat Registration Fee shall be charged and payable pursuant to Section 822.043, Tex. Health & Safety Code, as amended.

APPENDIX 2