

ORDINANCE NO. 0091

AN ORDINANCE ENFORCING ANIMAL CONTROL REGULATIONS IN THE TOWN OF INDIAN LAKE, TEXAS, APPLYING TO ALL ANIMALS, LIVESTOCK, DOGS, CATS, FOWL, INSECTS, REPTILES, AND ANY OTHER ANIMALS TO BE KEPT WITHIN THE TOWN LIMITS, REPEALING ANY ORDINANCE IN CONFLICT HEREWITH AND PROVIDING FOR A PENALTY.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF INDIAN LAKE, TEXAS:

DIVISION 1 – ANIMAL CONTROL REGULATIONS

Section 1.0 Applicability

This ordinance shall apply to all animals, livestock, dogs, cats, fowl, insects, reptiles, and any other animals to be kept within the city limits. The Chief of Police or his or her designee has the authority and responsibility to enforce the provisions of this ordinance.

Section 1.1 Definitions

As used in this ordinance, the following words shall have the meanings ascribed to them in this section:

Aggressive Dog: Any dog that the Chief of Police determines has, without provocation:

- (1) Repeatedly attacked and injured other domestic animals within its own enclosure, provided, however that basic interaction and play among animals of the same species does not constitute an “attack” for purposes of this provision; or
- (2) Bitten one (1) or more persons who are lawfully inside the animal’s enclosure; or
- (3) Repeatedly attempted to climb over, dig under, chew through, or otherwise escape from its enclosure in an attempt to attack, chase, or harass a person or another domestic animal as observed by a person charged with enforcing this chapter.

Animal: Any living, vertebrate creature, domestic or wild, other than homo sapiens.

Animal care and control center: Any facility operated or designated by the town for the purpose of impounding and caring for animals as prescribed by law.

At large or running at large: Any condition where an animal is not kept under restraint.

Bodily injury: Any trauma, laceration, or wound resulting in physical pain, illness, or any impairment of physical ability.

Cat: A commonly domesticated member of the Felidae (feline) family, other than a lion, tiger, bobcat, jaguar, panther, leopard, cougar or other prohibited animal.

Cat license: A legally granted privilege issued upon compliance with the terms of this chapter, to own, keep, harbor, or have custody or control of a cat within the town.

Cat license tag: A metal tag issued by the town for attachment to a cat collar which displays a serial number corresponding to the number of cat license for such animal, and which shows the year the license was issued by the town or a designated veterinarian.

Dangerous Dog: A dog that:

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

Direct physical control: Within the owner's observation and in such proximity as to afford 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: A commonly domesticated member of the Canidae (canine) family, other than a wolf, jackal, fox, dingo, coyote, or other prohibited canines.

Dog License: A legally granted privilege issued upon compliance with the terms of this chapter, to own, keep, harbor or have custody or control of a dog within the town.

Dog License Tag: A metal tag authorized by the town for attachment to a dog collar which displays a serial number corresponding to the number of dog license for such animal, and which shows the year the license was issued by the town or a designated veterinarian.

Fowl: Any bird.

Owner: Any person who owns, keeps, shelters, maintains, feeds, harbors or has temporary or permanent custody of a domestic or prohibited animal, or who knowingly permits a domestic or prohibited animal to remain on or about any premises occupied by that person over which that person has control. An animal shall be deemed to be owned by a person who harbored it, fed it, or sheltered it for three (3) consecutive days or more, except wildlife which flies or roams about freely.

Person: An individual, association, partnership, corporation, trust, estate, joint-stock company or foundation.

Public Nuisance: A condition declared by the Chief of Police or his designee to be dangerous to human life, health or welfare, or declared to threaten to become detrimental to the public health or welfare.

Rabies: An acute viral disease of man and animal affecting the central nervous system, usually transmitted by an animal bite.

Serious bodily injury: An injury characterized by severe wounding 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.

Unprovoked attack by dog: Any attack by a dog against a human being or other animal where the attacking dog was not hit, kicked, or struck by the human being with any object or part of the human being's body, nor was any part of the attacking dog's body pulled, pinched, or squeezed by the human being, nor was the attacking dog taunted or teased by the human being, nor was the human being in the attacking dog's territory or on the property of the attacking dog's owner at the time of the attack.

Vaccinated Animal: An animal vaccinated against rabies within the past twelve (12) months by a licensed veterinarian.

Vaccination Certificate: The certificate issued by a licensed veterinarian on a form approved by the Texas Department of Health for presentation to an animal care and control center as a condition precedent to the granting of a dog or cat license and showing on its face that, at the time of such presentation, the dog or cat covered thereby has been vaccinated for rabies.

Vicious Animal: Any animal which has been raised for the sole or partial purpose of gamesmanship or any animal which has a habit or reputation of charging, biting, mauling or attacking any human or animal.

Section 1.2 Keeping of Animals Regulated

- (a) The keeping of livestock, fowl, insects, reptiles or other animals within town limits shall be expressly prohibited unless an individual desiring to keep such animal or animals complies with this ordinance.
- (b) A license for the keeping of any animal(s) will be required from the Town of Indian Lake, and will be issued upon compliance with the requirements as provided by this ordinance.

- (c) The provisions of this ordinance are applicable upon any person staying or residing more than seven (7) days within the corporate town limits.

Section 1.3 Bees, Wasps, and Vicious Animals

- (a) It shall be unlawful to keep or harbor any bees within the corporate limits of the Town of Indian Lake.
- (b) It shall be unlawful to keep or harbor any dangerous animal or vicious animal within the corporate limits of the Town of Indian Lake.
- (c) A nest of stinging insects, yellow jackets, hornets and/or wasps located within the corporate limits of Town of Indian Lake is hereby deemed a public nuisance and failure of the owner of the premises to eliminate such nest shall be a violation of this ordinance.

Section 1.4 Animal Waste

No person shall allow any animal waste to accumulate on private or public property in the Town of Indian Lake. Waste from pets must be cleaned up immediately by the owner. Any person violating this provision of this ordinance shall be deemed guilty of an offense, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) and not more than one-hundred dollars (\$100.00) per day per offense. This section shall not apply to animal waste produced by livestock kept in accordance with this ordinance.

Section 1.5 Animals at Large

No dogs or cats shall run at large within the city limits. Any dog or cat running at large shall be impounded if the same is not on a leash or contained within a securely fenced area. Dogs may not be left unattended or chained if not on the premises of the owner. No animal may be restrained on a chain or tether shorter than 10 feet in length. The owner must make certain that the chain or tether is of sufficient grade or quality as required to restrain the animal according to its size, weight and strength. Each dog or cat kept within the town shall have a license for each said dog or cat. The requirements for such license are as provided herein. Any animal found in violation of this ordinance is subject to be picked up by town officials. If an animal is picked up, it will be held by the town for seventy-two (72) hours. During this period, efforts will be made to identify and advise the owner of such animal to claim it and resolve any associated charges and/or fees. If, after the seventy-two (72) hour period, the owner cannot be located, attempts will be made to place the animal with a humane society in the local area. If those attempts are successful, the animal will be transported to such accepting shelter. If the attempts are unsuccessful, the animal will be turned over to the Cameron County Health Department to be euthanized. If the owner is subsequently identified, he/she will be required to pay all fees and/or charges for the above-described services. Payment of these fees and/or charges shall not negate fines, which can be assessed by the town for violation of the provisions of this ordinance. If such fees, fines and/or charges are not paid, the town may file charges against the owner for non-payment in municipal court and/or small claims court.

Section 1.6 Number of Animals / Care of Animals

It shall be unlawful for any person or persons to keep more than (3) three dogs, three (3) cats or any combination thereof within the town limits of the Town of Indian Lake unless such be a litter of puppies or kittens. In such a case, the litter must be disposed of within 8 weeks of birth. It is unlawful for any person to have within the town corporate limits a kennel where dogs or cats are sold (Ord # 70; Section 4).

Section 1.7 Issuance of Licenses for Animals Kept Within the City Limits.

- (a) Dogs and Cats – A dog and cat license shall be issued upon the following requirements:
- (1) The owner shall fill out such a form or forms listing information about the animal such as sex, weight, color, age, pet owner's address and other information such as may be required by the Town of Indian Lake.
 - (2) Proof of rabies vaccination by a licensed veterinarian shall be presented at the time of the application for the license.
 - (3) A fee as provided in the fee schedule found in Division 4 of this ordinance shall be paid to the Town of Indian Lake for issuance of the license and tags.
 - (4) The licensure shall be yearly, with owner required to show current proof of vaccination against rabies each year at the Police Dept office. Registration period will be the first two (2) working weeks in January.
 - (5) Upon the issuing of each dog and/or cat license, a tag bearing the tag number shall be issued by the Town of Indian Lake and placed on the collar of each dog or cat. In the event of loss or destruction of the original tag, the owner shall obtain a duplicate tag.
 - (6) It shall be lawful and a violation of this section to remove such tag from any licensed dog or cat.
 - (7) Failure to register a dog or cat with Town of Indian Lake shall be a violation of this section, and the owner shall be imposed a fine not to exceed Five Hundred Dollars (\$500.00).
- (b) If a dog or cat bites any person or other animal within the town limits, the owner of said dog or cat shall immediately notify the Chief of Police who,

at his or her own election, shall order the dog or cat held on the owner's premises or shall have it impounded for a period of two weeks at the county health facilities. The dog or cat shall be examined immediately after it has been bitten anyone and, at the end of two weeks, if the animal is determined by a veterinarian to be free of rabies, it shall be released to its owner. If the dog or cat dies within the two-week period, its remains shall be sent to the department of health for examination.

- (c) The owner and/or custodian of any animal requiring veterinarian care, or impounding, licensing, euthanasia, or disposition services as the result of any provision of this ordinance shall be responsible for all such expenses.

Section 1.8 Barking, Whining, or Howling Animals

No owner or owners shall fail to exercise proper care and control of his/her animal or animals to prevent them from becoming a public nuisance by barking, whining or howling in an excessive, continuous or untimely fashion to such an extent as to interfere with or disturb the comfort and repose of any person of ordinary sensibilities in the immediate vicinity. The owner(s) will be issued a verbal warning after first complaint, a written warning after the second complaint, and a citation after the third and subsequent complaints.

Section 1.9 Horses on Public Streets

It shall be unlawful for any person to ride or lead any horse on or across any public street in the Town of Indian Lake. Exception to the above prohibition may be made for parades, law enforcement activities, and other exceptions as granted by the town Mayor. Application for such exception shall be made to the town's Mayor. Appeals from decision of the Mayor may be made to the Board of Alderman at its next regularly scheduled meeting.

Section 1.10 Town-owned animal traps

Town-owned live animal traps will be issued for residents' use by the Chief of Police or his designee upon request with a signed receipt required at the time of delivery. Residents who own live animal traps are encouraged to list them with the police department and may deliver the trap to another resident if there are no town-owned traps available for use. Regardless of whether the live-animal trap is town-owned or resident-owned, the Town Police Office must be notified when an animal is trapped. Only the Chief of Police is authorized to make arrangements with Cameron County Animal Control for disposal.

Section 1.11 Harboring Wild Animals

It shall be unlawful to keep or harbor any wild animal within the corporate limits of the town, except licensed commercial establishments dealing in the sale of these animals, and zoos that have proper facilities for restraint and care of these animals. The Animal Control Officer may establish conditions under which it would be permissible to keep or harbor wild animals in the Town on a temporary basis.

Section 1.12 Hogs Prohibited

It shall be unlawful for any person to have, keep, raise, breed, feed or maintain upon any premises situated within the town, any hog, pig or swine of any kind, including pot bellied pigs.

Section 1.13 Keeping of Livestock – Number of Head Per Acre

It shall be unlawful for any person, firm or corporation to own, have, keep, maintain, feed, house, stable or permit or cause to be owned, kept, maintained, fed, housed or stabled any horses, mules, cows, cattle, sheep and/or goats upon any premises or property within the corporate limits of the Town of Indian Lake, Texas, unless such premises comprise an area of three (3) acres or more at a single location; provided the total or maximum number of horses, mules, cows, cattle and other livestock kept upon any such premises inside the Town shall not exceed one head or one animal per acre of land for horses, mules, cows or cattle, nor shall exceed five animals per acre of land for sheep or goats.

Section 1.14 Livestock Proximity to Church, School or Residence

It shall be unlawful for any person, firm or corporation to own, have, keep, maintain, feed, house, stable or permit or cause to be owned, kept, maintained, fed, housed or stabled any livestock, including horses, mules, cows, cattle, sheep or goats upon any premises in said Town, within a distance of one hundred (100) feet of any church, school, public building, or residence except upon written consent of the owner of the affected premises. Written consent of the owner of the affected premises may be revoked with six months notice to the owner of the animal(s). Said consent may be revoked also upon a hearing by the town health officer and 60 days' notice to the property owner.

Section 1.15 Livestock at Large Prohibited

It shall be unlawful for any person to allow any livestock belonging to him or under his control to be running at large within the town. The town may establish a prima facie case by proving the ownership of the animal and that the animal was running at large. Any livestock kept within the corporate limits of the Town of Indian Lake shall be kept on premises enclosed with fencing of sufficient strength and height and of appropriate type to prevent the escape of such livestock.

Section 1.16 Running at Large – Fowl

It shall be the duty of the person owning or having within his management or control any chickens, turkeys, geese, ducks, or other domestic fowl to keep same enclosed upon his own premises in such manner that same cannot go upon the public streets, highways, alleys or parkways of the town or upon the private property of others.

Section 1.17 Local Restriction for Fowl

It shall be unlawful for any person to keep, possess or maintain in the town any fowl, or any pens, enclosures or other structure in which any such fowl are kept or possessed within twenty-

five (25) feet of any church, school, hospital or residence other than the residence of the keeper, possessor or owner of such fowl. The distance of twenty-five (25) feet is to be measured in a straight line from the nearest point of any pen, enclosure or other such structure in which fowl are kept to the nearest point of such actual residence or place of human habitation or church, school or hospital.

DIVISION 2 – RABIES CONTROL

Section 2.0 Vaccinations

All dogs and cats over the age of four months must be vaccinated against rabies in accordance with state law.

Section 2.1 Certificate of Vaccination

Upon vaccination the veterinarian shall execute and furnish to the owner of the dog or cat as evidence thereof, a certificate upon a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy. Such certificate shall be signed by a certified veterinarian.

Section 2.2 Rabies Tags

Concurrent with the issuance and delivery of the certificate of vaccination referred to in Section 2.1, the owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated dog or cat a tag serially numbered to correspond with the vaccination certificate number and bearing the year of issuance and the name and address of the issuing veterinarian.

Section 2.3 Duplicate Tags

In the event of loss or destruction of the original tag provided in Section 2.1, the owner of the dog or cat shall obtain a duplicate tag.

Section 2.4 Proof

It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this ordinance.

Section 2.5 Harboring Unvaccinated Animals

It shall be unlawful for any person to harbor any dog or cat which has not been vaccinated against rabies as provided herein, or which cannot be identified as having a current vaccination certificate.

Section 2.6 Animals Exposed to Rabies

Any person having knowledge of the existence of any animal known to have been or suspected of being exposed to rabies must immediately report such knowledge to the local health authority

and must provide any information which the health authorities may require. If an animal is known to have been or suspected of being exposed to rabies, the following rules will apply:

- (1) Unvaccinated animal(s) which have been bitten or directly exposed by physical contact with a rabid animal or its fresh tissues shall be:
 - (A) Humanely euthanized, or
 - (B) If sufficient justification for preserving the animal exists, the exposed animal shall be immediately vaccinated against rabies, placed in strict isolation for (6) months and given a booster vaccination one (1) month prior to release from isolation.
- (2) Vaccinated animals which have been bitten or otherwise significantly exposed to a rabid animal should be:
 - (A) Humanely euthanized, or
 - (B) If sufficient justification for preserving the animal exist, the exposed vaccinated animal should be given a booster rabies vaccination and placed in strict isolation for three (3) months.
- (3) These provisions apply only to domestic animals for which an approved rabies vaccine is available.

Section 2.7 Duty to Report Animal Bites

Any person having knowledge that an animal has bitten a human shall immediately report the incident to the health authority. Every physician or other medical practitioner who treats a person or persons for such bites shall within twelve (12) hours report such treatment to the local health authority or his agent, giving name, age, sex, and precise location of the bitten person or persons and such other information as the local health authority may require.

Section 2.8 Exclusions from Reporting Requirements

Bites from rodents, rabbits, birds, and reptiles are excluded from the reporting requirements of this ordinance.

Section 2.9 Suspected Rabies Case

Any veterinarian who clinically diagnoses rabies or any person who suspects rabies in a dog, cat, or any other domestic or wild animals shall immediately report the incident to the local health authority or his agent stating precisely where such animal may be found. If a known or

suspected rabid animal bites or attacks a domestic animal, such incident shall also be reported as required above.

Section 2.10 Confinement of Dogs and Cats

Any dog or cat which has bitten a person shall be observed for a period of ten (10) days from the date of the biting. The local health authority shall designate the procedure and place of observation. If the dog or cat is not allowed quarantine at home, confinement shall be impoundment at any veterinary hospital of the owner's choice. Such confinement shall be at the expense of the owner. Stray dogs or cats whose owners cannot be located shall be confined in the County Health animal shelter or a veterinary hospital. The owner of any dog or cat that has been reported to have inflicted a bite on any person shall on demand produce said dog or cat for impoundment, as prescribed in this section. Refusal to produce said dog or cat constitutes a violation of this section, and each day of such refusal shall constitute a separate and individual violation. At no time shall a dog or cat be allowed an at-home quarantine if it is in violation of any provision of this ordinance.

Section. 2.11 Removal of Dogs and Cats from Confinement

It shall be unlawful for any person to remove from any place of confinement any dog or cat, which has been confined as authorized, without the consent of the local health authority.

Section 2.12 Procedures for Other Animal Bites

Procedures concerning bites from other animals shall be discussed with the local health authority, animal control officer, or the Texas Department of Health for proper disposition. Any wild animal which has bitten a person should be caught and euthanized and the brain immediately submitted to a qualified laboratory for rabies examination. An exception to this rule may be allowed for large, exotic, or valuable zoo species, which, by reason for their close confinement, would be unlikely rabies vectors. Rodents, rabbits, birds, and reptiles are not considered to be transmitters of the rabies virus and should not be submitted for laboratory examination for rabies.

DIVISION 3-REGULATION OF DANGEROUS OR VICIOUS DOGS

Section 3.0 Procedures to determine whether a dog is vicious

Upon receipt of a complaint alleging a dog to be vicious signed by one or more residents of the Town of Indian Lake, the Chief of Police or his/her designee shall request a hearing before the Indian Lake Municipal Judge in a civil proceeding within thirty (30) days of serving notice to the dog owner. The purpose of the hearing shall be to determine whether such dog is, in fact, vicious. The dog owner shall be notified by a certified letter of the date, time, place, and purpose of the hearing and may attend and have an opportunity to be heard.

- (A) In making the determination as to whether a dog is vicious, the Municipal Judge shall consider, but is not limited to, the following criteria:
1. Provocation
 2. Severity of attack or injury
 3. Previous aggressive history of the dog
 4. Observable behavior of the dog
 5. Site and circumstances of the Incident giving rise to the complaint
 6. Statements from witnesses and other interested parties
 7. Reasonable enclosures already in place
 8. Height and weight of the dog.
- (B) No dog shall be declared vicious if the threat, injury, or damage was sustained by a person who:
1. Was committing crime or willful trespass or other tort upon the premises occupied by the owner of the dog; or
 2. Was teasing, tormenting, abusing, or provoking the dog; or
 3. Was committing or attempting to commit a crime.
- (C) No dog shall be declared vicious as the result of protecting or defending a human being, any other animal, or itself against an unjustified attack or assault.
- (D) Within five (5) days of the hearing, the Municipal Judge shall determine whether to declare the dog vicious and shall within five (5) days after such determination, notify the dog's owner by certified mail of the dog's designation as a vicious dog and the specific restrictions and conditions for keeping the dog. If the dog is declared vicious, its owner shall confine the dog with a securely enclosed and locked pen or structure, and whenever the dog is removed from such secure enclosure it shall be physically restrained and under restraint as defined in this ordinance.

Section 3.1 Chief of Police to Investigate Incidents; Rule on Dangerous Dogs: Appeals

- (A) If a person reports an unprovoked attack as defined in section 1.1, the Chief of Police or his or her designee may investigate the incident. If, after receiving the sworn statements of any witnesses, the Chief of Police or his or designee determines that the dog is a dangerous dog, he/she shall notify the owner of that fact.
- (B) An owner, not later than the 30th day after the date the owner is notified that his/her dog is a dangerous dog, may appeal the determination of the Chief of Police or his or her designee to the municipal court or a court of

competent jurisdiction. An owner may appeal the decision of the municipal court in the same manner as appeal for other civil cases.

Section 3.2 Requirements for Owners of Dangerous Dogs

- (A) Not later than the 30th day after a person learns that he/she is the owner of a dangerous dog, he/she shall:
 - (1) Register the dangerous dog with the Chief of Police or his or her designee;
 - (2) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure; and
 - (3) Obtain liability insurance coverage or show financial responsibility in an amount of at least one hundred thousand dollars (\$100,000.00) to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person or other animal.

- (B) For purposes of this section, a person learns that he/she is the owner of dangerous dog when:
 - (1) The owner knows of an unprovoked attack as described in Section 1.1; or
 - (2) The Chief of Police or his or designee informs the owner that the dog is a dangerous dog.

Section 3.3 Registration of Dangerous Dogs

- (A) The Chief of Police or his or her designee shall formally register a dangerous dog if the owner:
 - (1) Presents proof of:
 - (a) Liability insurance or financial responsibility as required by section 3.2
 - (b) Current rabies vaccination of the dangerous dog; and
 - (c) The secure enclosure in which the dangerous dog will be kept; and
 - (2) Pays an annual registration fee as provided for in the fee schedule found in the Division 4 of this code.

- (B) The Chief of Police or his or her designee shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog's collar.
- (C) If an owner of a registered dangerous dog sells or moves the dog to a new address within the town, he/she, not later than the 7th day after the date of sale or move, shall notify the Chief of Police or his or her designee. On presentation by the current owner of the dangerous dog's prior registration tag and payment of fee as provided for in the fee schedule found in section 4.0 of this ordinance, the Chief of Police or his or her designee shall issue a new registration tag to be placed on the dog's collar.
- (D) Every owner of a registered dangerous dog shall notify the Chief of Police or his or her designee by whom the dog was registered of any attacks the dangerous dog makes on people or other animals.

Section 3.4 Attacks by Dangerous dogs

- (A) A person commits an offense if his/her dangerous dog makes an unprovoked attack on another person or other animal outside the dogs' enclosure and causes bodily injury to the other person. Should the attack cause serious bodily injury or death, the person may be subject to other criminal prosecution under the laws of the State of Texas in a court of competent jurisdiction.
- (B) If a person is found guilty of an offense under this ordinance, the court may order that the dangerous dog be euthanized.
- (C) In addition to criminal prosecution, a person who commits an offense under this division is liable for a civil penalty as provided for in the general penalty provisions found in Section 4.1 of this ordinance. The city 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 of Indian Lake.

Section 3.5 Defenses

- (A) It is a defense to prosecution under this ordinance that the person is a 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 in connection with and while performing the duties of that position.

- (B) It is a defense to prosecution under this ordinance that 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 for law enforcement or correctional purposes and while performing the duties of that position.
- (C) It is a defense to prosecution under this ordinance that the person is a dog trainer or an employee of a guard dog company under the Texas Department of Public Safety Texas Private Security Bureau and such person has temporary ownership, custody, or control of the dog in connection with and while performing the duties of that position.

Section 3.6 Exemption of town officials from liability

All of the regulations provided in this ordinance 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 article, 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.

Section 3.7 Incorporation by reference

Any reference made in this ordinance 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.

Section 3.8 Parental responsibility

- (A) If an animal is owned or purported to be owned by an individual who is younger than seventeen (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 ordinance.

DIVISION 4-FEES AND PENALTIES

Section 4.0 Fee Schedule

The following fee schedule is adopted. Visitors staying more than (1) week in the Town of Indian Lake will be issued a temporary license at no cost.

Dog/Cat Town Tag	\$7.50
Duplicate Dog/Cat Town Tag	\$2.50
Dog/Cat running at large-1 st Offense	\$85.00
Dog/Cat running at large-2 nd and Subsequent Offense	\$125.00
Dog/Cat no Vaccination	\$85.00
Dangerous Dog Annual registration Tag	\$100.00
Impoundment Fee (per day)	\$15.00

Section 4.1 Penalties

Any person, firm or corporation violating any provision of this ordinance shall be punished by a fine not to exceed five hundred dollars (\$500.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 4.2 Conflicts

Ordinance 0087 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED AND APPROVED THIS _____ DAY OF _____, 2012.

BARBARA COLLUM, MAYOR

ATTEST:

DIANA ELLIOT, CITY SECRETARY