



**NOTICE OF A SPECIAL MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, OCTOBER 18, 2018 AT 12:00 P.M.
CONFERENCE ROOM 2-A
CITY HALL
200 W. VULCAN ST.
BRENHAM, TEXAS**

1. Call Meeting to Order

WORK SESSION

- 2. Discussion Regarding Proposed Changes to the City Council Meeting Dates for November and December 2018, and January 2019 Page 1**
- 3. Presentation and Discussion Regarding the Adoption of a Social Media Policy for the City of Brenham Pages 2-10**
- 4. Presentation and Discussion Related to the Amendment of Chapter 5, Animals and Fowl, of the Code of Ordinances of the City of Brenham Pages 11-44**

Adjourn

Executive Sessions: The City Council for the City of Brenham reserves the right to convene into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code, Chapter 551, including but not limited to §551.071 – Consultation with Attorney, §551.072 – Real Property, §551.073 – Prospective Gifts, §551.074 - Personnel Matters, §551.076 – Security Devices, §551.086 - Utility Competitive Matters, and §551.087 – Economic Development Negotiation

CERTIFICATION

I certify that a copy of the October 18, 2018 agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on October 15, 2018 at **11:45 AM**.

Kacey A. Weiss, TRMC

Deputy City Secretary

Disability Access Statement: This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ____ day of _____, 2018 at _____ AM PM.

Signature

Title

ARTICLE IV. KEEPING OF DOMESTIC BEES

Sec. _____. Certain conduct declared unlawful.

- (a) The purpose of this article is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.
- (b) In addition to the requirements set forth in this article, all beekeepers shall maintain their bee colonies in a manner that complies with the provisions of state law codified in the Texas Agriculture Code, Title 6, Subtitle A, Chapter 131 - Bees and Honey.
- (c) Notwithstanding compliance with the various requirements of this article, it shall be unlawful for any beekeeper to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

Sec. _____. Hives.

All bee colonies shall be kept in Langstroth-type hives with removable frames, which shall be kept in sound and usable condition.

Sec. _____. Fencing of flyways.

In each instance in which any colony is situated within twenty-five (25) feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height, consisting of a solid wall, fence, dense vegetation, or combination thereof, that is parallel to the property line and extends ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in vicinity of the apiary. It is a defense to prosecution under this section that the property adjoining the apiary tract in the vicinity of the apiary is undeveloped property for a distance of at least twenty-five (25) feet from the property line of the apiary tract.

Sec. _____. Water.

Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcocks, pet watering bowls, bird baths, or other water sources where they may cause human, bird or domestic pet contact.

Sec. _____. General maintenance.

Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed from the hive and all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

Sec. _____. Queens.

Each beekeeper must re-queen a colony at least once every two (2) years; however, a beekeeper must immediately re-queen a colony in any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation, or exhibits an unusual disposition towards swarming. Queens shall be clipped and marked so they are unable to swarm and can be easily located by a state beekeeping inspector upon inspection, and each beekeeper shall retain a record of the purchase of queen bees.

Sec. _____. Colony densities.

- (a) It shall be unlawful to keep more than the following number of colonies on any tract within the city, based upon the size or configuration of the tract on which the apiary is situated:
- (1) One-quarter ($\frac{1}{4}$) acre or less tract size—Two (2) colonies;
 - (2) More than one-quarter ($\frac{1}{4}$) acre but less than one-half ($\frac{1}{2}$) acre tract size—Four (4) colonies;
 - (3) More than one-half ($\frac{1}{2}$) acre but less than one (1) acre tract size—Six (6) colonies;
 - (4) One (1) acre or larger tract size—Eight (8) colonies;
 - (5) Regardless of tract size, where all hives are situated at least two hundred (200) feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies;
 - (6) Regardless of tract size, so long as all property other than the tract upon which the hives are situated, that is within a radius of at least two hundred (200) feet from any hive remains undeveloped property there shall be no limit to the number of colonies.
- (b) For each two (2) colonies authorized under the colony densities set out above, there may be maintained upon the same tract one (1) nucleus colony in a hive structure not exceeding one (1) standard nine and five-eighths ($9 \frac{5}{8}$) inch-deep ten-frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within thirty (30) days after the date it is acquired.

Sec. _____. Marking hives; presumption of beekeeping.

- (a) In each apiary the name and telephone number of the beekeeper shall be branded, painted or otherwise clearly marked upon the structure of at least two (2) hives and placed at opposite ends of the apiary. Instead of marking the hives, the beekeeper may conspicuously post a sign setting forth the name and telephone number of the beekeeper.
- (b) Unless marked in accordance with subsection (a), it shall be presumed for purposes of this article that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a hive or hives are situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the colony or colonies upon the tract, setting forth the name, address and telephone number of the other person who is acting as the beekeeper.

Sec. _____. Authorization and right of entry of state beekeeping inspector; violation of article.

- (a) For the purpose of enforcing the provisions of this article, the city health officer may at all reasonable times enter in and upon any premises within his jurisdiction. The director of public works is hereby authorized to designate a state beekeeping inspector to exercise the powers and duties of the city health officer to enforce the provisions of this article and to investigate the condition of the bees and/or hives and, if necessary, collect samples of bees to determine if the bees are diseased and/or Africanized. All expenses of the state beekeeping inspector's services will be charged to the owner of the property on which the hives are located and a copy of the inspection report will be retained by the city.
- (b) Any person or persons charged with any of the duties imposed by this article failing within the time designated by this article or within the time stated in the notice of the health officer, as the case may be, to perform such duties, or to carry out the necessary measures to the satisfaction of the health officer, shall be deemed guilty of a misdemeanor and upon conviction in the municipal court of the city shall be subject to a fine of not less than one dollar (\$1.00) and not to exceed one thousand dollars (\$1,000.00) for each offense, and each and every day a violation continues, it shall constitute a separate offense.

ARTICLE V. DOGS AND CATS

Sec. _____. Animal licensing.

It shall be unlawful for any person, firm or corporation to own, have, keep maintain, feed, house, stable or permit to be kept, maintained, fed, housed or stabled any dog or cat, over four (4) months of age, within the city limits unless such animal is licensed by the city's animal control authority.

The following shall apply to the licensing of dogs and cats within the city limits:

- a) All dogs and cats over four (4) months of age must be licensed;
- b) Licenses issued shall be of durable material and must be attached to the collar of the animal and must be worn at all times.
- c) All city animal licenses are valid for one (1) year and shall expire on the same date as the animals' rabies vaccination.
- d) City animal licenses are not transferrable.

The city shall offer two (2) licenses for dogs and cats:

- 1) **Unaltered Pet License:** If said animal has not been spayed or neutered, this license must be renewed annually. This license can be obtained: (1) from a state licensed veterinarian, doing business within the city, upon the animal being vaccinated for rabies; or (2) by providing proof of rabies vaccination to the City's animal shelter director. All fees associated with this license must be paid annually at time of renewal.
- 2) **Altered Pet License:** If said animal has been spayed or neutered, this license must be renewed annually. This license can be obtained: (1) from a state licensed veterinarian, doing business within the city, upon the animal being vaccinated for rabies; or (2) by providing proof of rabies vaccination to the City's animal shelter director. All fees associated with this license shall be paid upon the initial issuance of the license; renewals of this license will be free of charge.

Sec. _____. Exceptions

The following are exempt from the licensing provisions of this article:

- a) Licensed animal research facilities or shelters;
- b) An animal residing in the city for no longer than fourteen (14) days. New residents must apply for a license within thirty (30) days of establishing residency in the city;
- c) A feral cat;
- d) An animal being housed in the city temporarily following a severe weather event or man-made disaster occurring at the animal's permanent home. This exception is in effect for up to six (6) months, at which time the animal becomes a permanent resident of the city and is subject to the licensing provisions of this chapter; or
- e) Any registered service animal or animal kept, maintained, fed, housed or stabled by any state or federal law enforcement agency.

Sec. _____. Multi-Animal permit.

(1) Limits.

It shall be unlawful for any person to own, have, keep, maintain, feed, or house more than four (4) dogs and cats, or any combination thereof, over the age of four (4) months old.

It shall be unlawful for any person to own, have, keep, maintain, feed, or house more than fifteen (15) dogs and cats, or any combination thereof, under the age of four (4) months old.

(2) Permit.

In addition to meeting all other requirements of this chapter, a person who wants to own, have, keep, maintain, feed, or house more dogs and cats than is lawful under subsection (1) must apply for and be granted a multiple-animal permit from the city's animal control authority as set forth herein.

a. Multi-Animal Permit Application.

The application for a multiple-animal permit must be made on a form prescribed by the City and shall include, but not be limited to, the following information:

- i. The name, telephone number, and physical address of the applicant;
- ii. The total number of animals sought to be included under the permit and the species, breed, gender, and age of each animal;
- iii. The current City license number for each animal listed in the application;
- iv. A statement affirming that the applicant is familiar with the provisions of this chapter and a promise to maintain all animals in accordance with applicable legal requirements; and
- v. Any other information the City reasonably determines is necessary to issue a multi-animal permit.

b. Fee.

The City may require payment of a multi-animal fee when submitting an application under this section.

c. Consideration of multi-animal permit application.

A multi-animal permit shall be granted upon meeting the following criteria:

- i. Submittal of a complete and accurate application, including payment of any fees, and submittal of any required documentation;
- ii. Applicant has not been convicted of one (1) or more violations of this chapter or of any law relating to the care and humane treatment of animals nor has failed to appear in court in response to such a charge within the past twelve (12) months from date of application;
- iii. Applicant has not had a multi-animal permit under this section previously revoked within the past twelve (12) months from date of application; and
- iv. The address to which the multi-animal permit relates is not the same as one (1) for which a multi-animal permit has been revoked within the past twelve (12) months.

d. Revocation of a multi-animal permit.

A multi-animal permit may be revoked in the event one (1) or more of the following occur:

- i. The permit holder is convicted, receives deferred adjudication, or pleads guilty or no contest with respect to one (1) or more sections of this chapter or any law relating to the care and humane treatment of animals or fails to appear in court to respond to such a charge; or
- ii. The animal control authority determines that specific circumstances exist indicating that it is in the best interests of the animals or for the health and safety of the public to revoke the multi-animal permit.

e. Revocation process.

The process for revoking a multi-animal permit granted under this section is as follows:

- i. The animal control authority shall send written notice by certified mail to the current mailing address provided by the multi-animal permit holder in its application identifying the reason for revocation; and
- ii. The multi-animal permit holder shall have thirty (30) days to appeal such determination in writing to the municipal court judge. A hearing shall be held before the judge. If the judge determines that the multi-animal permit holder meets the criteria for revocation the judge shall order the revocation. The decision by the municipal court judge shall be in writing and shall be final.

Sec. ____ . Guard dogs.

The following requirements shall apply to guard dogs located in the city:

(1) Posting sign.

It shall be unlawful for any person to leave a guard dog unattended in any place in or out of a building unless a clearly visible warning sign is placed advising others of the presence of a guard dog before entering the place to which the dog has access.

(2) Unattended guard dog.

No guard dog shall be left unattended in any place except inside a building or other structure that will not allow the dog to exit such building on its own volition.

(3) Required fencing.

No guard dog shall be let out of doors unless it is in a fenced yard with a fence adequate to prevent the dog from leaving the premises.

ARTICLE VI. RABIES ENFORCEMENT

Sec. ____ . State regulations adopted.

The City hereby adopts by reference the Texas State Rabies Control Act, as amended, and the standards established by the appropriate state agency or rule-making board as minimum standards for rabies control and quarantine provisions within the City.

Sec. ____ . Designation of local rabies control authority.

The Animal Services Supervisor is hereby designated as the local rabies control authority as authorized under Chapter 826 of the Texas Health and Safety Code.

Sec. _____. Vaccinations.

- (a) Every dog or cat over four (4) months of age must be vaccinated once every twelve (12) months against rabies by a state licensed veterinarian and wear evidence of said vaccination.
- (b) A person commits an offense if he intentionally or knowingly owns or possesses a dog or cat, older than four (4) months, that has not been vaccinated for rabies.
- (c) It shall be a defense to any prosecution under this section if the person accused of the offense presents a certificate of vaccination, issued by a state licensed veterinarian, with a date of not more than twelve (12) months prior to date of the offense.
- (e) It shall be an affirmative defense to any prosecution under this section if:
 - (1) The animal was less than four (4) months old on the date of the offense; or
 - (2) The animal is of a species not susceptible to rabies.

Sec. _____. Report of bite cases.

It shall be the duty of every person, physician or other practitioner to report to the local rabies control authority the names and addresses of any persons treated for bites or scratches inflicted by animals. Any other information that may help in locating the victim or the animal shall also be reported.

Sec. _____. Report of rabies.

It shall be the duty of every licensed veterinarian to report to the local rabies control authority his diagnosis of rabies or of any animal observed by him as a rabies suspect.

Sec. _____. Quarantine of animals.

Any animal believed or reported to be rabid, may have been exposed to rabies or has bitten, clawed or scratched a person shall be quarantined for two hundred forty (240) hours at a state licensed animal hospital or veterinarian office for medical evaluation and rabies testing. The owner of such animal shall immediately notify the city's animal control authority and fully cooperate with all required precautionary procedures.

A person commits an offense if the person fails or refuses to present for quarantine or testing, an animal that is suspected of rabies as defined in this article. A person may be issued a citation for non-compliance for violating this provision. The animal control authority shall be authorized to obtain a search and seizure warrant if there is reason to believe any requirements of this article are violated.

Sec. _____. Release or disposition of quarantined animals.

Any animal, after the required two hundred forty (240) hour quarantine period, deemed free of rabies by a state licensed veterinarian may be reclaimed by the owner upon payment of all applicable fees related to the period of the quarantine and the appropriate animal licensing requirements have been met. If the owner does not reclaim the animal within four (4) days of notification, the veterinarian or local rabies control authority may sell the animal and retain the proceeds.

When an animal under quarantine is diagnosed by a state licensed veterinarian as being rabid, the veterinarian or the local rabies control authority shall humanely destroy the animal, at the owner's expense.

If an animal dies while under quarantine, the animal control authority shall send the head of such animal to the nearest state health department laboratory for testing. Any costs associated with such testing shall be at the owner's expense.

ARTICLE VII. IMPOUNDMENT AND DISPOSITION

Sec. _____. Impoundment.

The City shall maintain an animal shelter to house impounded or surrendered animals. The City Manager, or his designee, shall be designated as the caretaker of every impounded or surrendered animal immediately upon their intake at the animal shelter. The designated caretaker is authorized to provide protective vaccinations, by a state licensed veterinarian or by a person under the veterinarian's supervision, and any other medical care needed to help prevent the spread of disease in the shelter.

Upon impounding an animal, the animal control authority shall make a reasonable effort to notify the owner and inform that person of the conditions whereby custody of the animal may be regained pursuant to this article.

If an impounded animal is not claimed by the owners within three (3) business days after notification of impoundment by the animal control authority the animal shall be subject to disposal by adoption, transfer, or humane euthanasia. The City may deviate from this timeframe when dealing with a sick, injured, diseased, dangerous, and/or feral animal or when acting pursuant to a mutual agreement between the city's animal control authority and owner of the impounded animal.

If an animal has been impounded and has an identification tag, a microchip or other identification the animal control authority shall notify the owner by posting written notice at the address of the registered location of the animal, by telephone, by email, by regular mail or by whatever reasonable method is determined appropriate by the animal control authority. Notice shall be deemed sufficient if it is given pursuant to the information provided to the city for said license or as indicated on the identifying tag or microchip. Licensed animals not claimed by the owners within five (5) business day from the date notification was provided, shall be subject to disposal by adoption, transfer, or humane euthanasia. The City may deviate from this timeframe when dealing with a sick, injured, diseased, dangerous, and/or feral animal and when acting pursuant to a mutual agreement between the city's animal control authority and said owner of impounded animal.

If at any time during impoundment, the animal control authority determines an animal is in a state of disease, malnutrition, pain, suffering, or the like, the animal control authority may choose to euthanize such animal or have such animal assessed by a state licensed veterinarian. When having the animal assessed by a veterinarian, the animal control authority may make a determination as to the disposition of the animal after consideration of whether the owner of the animal can be located, the cost of medical treatment, whether the owner is willing or able to pay for such medical treatment, and whether euthanasia should be recommended to prevent further suffering by the animal.

Sec. _____. Redemption of impounded animals.

As outlined in this article, any impounded animal may be redeemed by the registered owner. Prior to redemption of any animal the owner shall pay all applicable fees as determined by the animal control authority and sign any citations which are to be issued. Payment of outstanding shelter fees are not considered to be in lieu of a fine, penalty, or city license fees.

No animal may be redeemed until such animal is properly licensed and vaccinated, pursuant to this chapter.

Sec. _____. Responsibility of animal's owner.

Disposal or redemption of an animal by any method specified herein does not relieve the animal's owner of liability for violations and/or any accrued charges.

Sec. _____. Disposition of animals.

The animal control authority may dispose of impounded animals after the expiration of any required impoundment and notification period by any of the following methods:

(1) Adoption:

- a. The animal control authority shall place for adoption dogs or cats impounded by the city under the following conditions:
 - (i) The animal control authority shall determine whether a dog or cat is healthy enough for adoption and if its health and age are adequate for the required rabies vaccination.

- (ii) There will be an adoption fee for all dogs and cats at an amount set by the City Council. The fee shall include, but not be limited to, the cost of sterilization, rabies vaccination, microchip and city licensing.
 - (iii) All animals adopted from the city's animal shelter shall be vaccinated against rabies, and sterilized within thirty (30) days of adoption. If, in the opinion of a state licensed veterinarian, there is a legitimate health risk justifying the delay of the sterilization, the adopter shall immediately notify the animal control authority so that another sterilization date can be selected. An adopter commits an offense if he fails to have the animal sterilized. For the purposes of this section, a legitimate health risk cannot be based solely on the animal's age.
- b. If an adopted animal dies on or before the sterilization completion date, the adopter must notify the animal control authority that the animal is deceased.
 - c. If an adopted animal is lost, stolen, or transferred to another owner before the sterilization date, the adopter must provide documentation to the animal control authority stating, that the animal is lost or stolen and a police report verifying the report of theft, or the identity of the new owner if transferred. The letter shall be delivered not later than seven (7) days after the date of the animal's disappearance and shall describe the circumstances surrounding the disappearance and the date of disappearance.
 - d. The animal control authority may reclaim an adopted animal if confirmation of the sterilization is not received.
- (2) The animal control authority may offer the animal to an animal welfare group provided that the group sterilizes and microchips the animal prior to placing it into an adoptive home; and
 - (3) The animal control authority may humanely euthanize the animal by methods approved by the American Veterinary Medical Association or the Texas Department of State Health Services.
- (b) The choice of which of these options to use shall be made at the sole discretion of the animal control authority unless otherwise mandated by a court order.
 - (c) Any impounded, licensed or unlicensed, animal which appears to be suffering from serious injury or disease and which is in immediate pain and suffering and probably will not recover or which appears to have an infectious disease which is a danger to humans or to other animals in the opinion of the animal control authority or which, due to its extremely violent nature, poses a substantial risk of bodily harm to the safety of the animal control authority, may be humanely euthanized at any time during its holding period by the animal control authority. In the event such an animal is wearing an identification tag on its collar or harness, the animal control authority shall attempt to notify the owner by telephone before taking any action.
 - (d) It shall be an affirmative defense to prosecution of the owner if he or she can show that, at the time of its impoundment, the animal that was at large due to a major natural disaster, fire, criminal or negligent acts of a third party who was not residing at the animal owner's residence.

In such event, the owner shall be subject only to the provisions of this chapter that require a current rabies vaccination and city license. An owner's claim of a fire or the criminal or negligent acts of a third party must be proven in one or more of the following manners:

- (1) A certified copy of a city police or fire report verifying the incident: or
 - (2) The affidavit of city police or fire personnel with direct knowledge of the incident.
- (e) It shall be unlawful for a person to fail or refuse to deliver an unlicensed or unvaccinated animal to the city animal control authority or police officer upon demand for impounding.

ARTICLE VIII. DANGEROUS DOGS

Sec. _____. Nuisance declared.

- (a) It is hereby declared to be a public nuisance that an owner or other person harbors, keeps, or maintains a dangerous dog in the City unless the owner complies with the requirements of this article.
- (b) It is hereby declared to be a public nuisance that an owner or other person harbors, keeps, maintains in the City, or brings to the City, a dog that has been declared dangerous outside of the City under one or more of the following:
 - (1) Chapter 822 of the Texas Health and Safety Code;
 - (2) A local law or ordinance adopted in accordance with Chapter 822; or
 - (3) A statute or ordinance that is substantially similar to Chapter 822 and that was adopted by another political subdivision outside of the City.

Sec. _____. Dangerous dog.

A dangerous dog means a dog that:

- (1) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than the enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person; or
- (3) commits an unprovoked attack on a person that causes serious bodily injury or death and occurs in an enclosure for which the dog was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own unless the person who was attacked was trespassing or otherwise violating the law by being within the enclosure; or
- (4) is at large and commits an unprovoked attack on a domestic animal that causes the death of the attacked animal; or

- (5) is at large and commits an unprovoked attack on a domestic animal that causes serious bodily injury to the attacked animal and the dog has already committed at least one unprovoked attack on a previous occasion against a human being or domestic animal.

Sec. ____ . Dangerous dog determination.

- (a) The Animal Services Supervisor (“supervisor”) or his or her designee may investigate all reports of incidents as described in the definition of a dangerous dog in Sec. 5-92. The supervisor may accept sworn statements from all victims and witnesses to the attack. If the supervisor determines that the dog is a dangerous dog, the supervisor shall notify the owner in writing of the determination.
- (b) Notwithstanding any other ordinance, an owner, not later than the 15th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the supervisor to municipal court.
- (c) To file an appeal under subsection (b), the owner must:
- (1) File a notice of appeal of the supervisor's dangerous dog determination with the municipal court;
 - (2) Attach a copy of the determination from the supervisor; and
 - (3) Serve a copy of the notice of appeal on the supervisor by mailing the notice through the United States Postal Service.
- (d) An owner may appeal the decision of the municipal court under subsection (c) in the manner described by Texas Health & Safety Code § 822.0424.

Sec. ____ . Requirements for owners of dangerous dog.

- (a) Not later than the 30th day after a person learns that the person is the owner of a dangerous dog, the person shall:
- (1) Register the dangerous dog with the animal control authority and pay an annual registration fee as determined by the City Council.
 - (2) Obtain and maintain 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 and provide proof of the required liability insurance coverage or financial responsibility to the animal control authority.
 - (3) Implant and maintain a microchip on the dangerous dog.
 - (4) Restrain the dangerous dog on a leash and collar to ensure the overall safety of the general public.
 - (5) Be in physical control of the dangerous dog when restrained on a leash and the person in physical control of the leash must be at least eighteen (18) years of age.
 - (6) When the dangerous dog is not restrained, as outlined in this section, it shall be in a secure enclosure. The enclosure shall be posted with signs on all sides in four-inch letters warning of the presence of a dangerous dog and shall include a symbol of dangerous dogs understandable by young children.

- (7) Surgically spay or neuter the dangerous dog and show proof of such to the animal control authority.
 - (8) Maintain current rabies vaccinations and proper licenses on the dangerous dog.
 - (9) Notify any boarding facility, caretaker, veterinary clinic or animal trainer that the dog is a dangerous dog prior to going to such location. Notify the owner of the property upon which the dangerous dog's enclosure is located that the dog is a dangerous dog if the owner of the dangerous dog is leasing the property.
- (b) If the supervisor determines that the owner of a dangerous dog has not complied with subsection (a) within the required time after learning that he or she is the owner of a dangerous dog, the supervisor shall provide written notice of such determination to the owner. Said owner shall, within 15 days of notice, deliver the dog to the animal control authority which shall refer the case to the municipal court for notice and hearing.
 - (c) The animal control authority may request the owner of a dangerous dog to show proof of compliance with subsection (a) above. If proof is requested, after the expiration of three days, if the animal control authority determines that the owner of a dangerous dog has not sufficiently presented proof that he or she is in compliance with subsection (a) above, the supervisor shall provide written notice of such determination to the owner. Said owner shall, within 15 days of notice, deliver the dog to the animal control authority which shall refer the case to the municipal court for notice and hearing.
 - (d) If, after notice and hearing as provided by Sec. 5-95, the court finds that the owner of a dangerous dog has failed to comply with the requirements of subsection (a) above, the court shall order the animal control authority to seize the dog and shall issue a warrant authorizing the seizure. The animal control authority shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.

Sec. _____. Compliance hearing.

- (a) The court, on appeal of the animal control authority's dangerous dog determination under Sec. 5-93(a) or application by any person, including the animal control authority, and upon finding that the owner of a dangerous dog has failed to comply with Sec. 5-94(a), shall set a time for a hearing. The hearing must be held not later than the tenth day after the date on which the dog is seized or delivered.
- (b) The court shall give written notice of the time and place of the hearing to:
 - (1) The owner of the dog or the person from whom the dog was seized; and
 - (2) The person who made the complaint.
- (c) Any interested party, including the county or city attorney, is entitled to present evidence at the hearing.
- (d) The court shall determine the estimated costs to house and care for the impounded dog during the appeal process and shall set the amount of bond for an appeal adequate to cover those estimated costs. An owner or person filing the action may appeal the decision of the municipal court in the manner described by Texas Health & Safety Code § 822.0424.

- (e) The court shall order the animal control authority to humanely destroy the dog if the owner has not complied with Sec. 5-94(a) before the 11th day after the date on which the dog is seized or delivered to the animal control authority, except that, notwithstanding any other law or local regulation, the court may not order the destruction of a dog during the pendency of an appeal under Texas Health & Safety Code § 822.0424. If, based on the recommendation of the animal control authority, the court determines, either after a hearing or without a hearing, that the owner has complied with Sec. 5-94(a) before the 11th day after the date on which the dog is seized or delivered to the animal control authority, the court shall order the animal control authority to return the dog to the owner.
- (f) An owner or person filing the action may appeal the decision of the municipal court in the manner described by Texas Health & Safety Code § 822.0424. During the appeal period, the dog shall remain in the custody, care and control of the animal control authority. If the appeal is ultimately unsuccessful, the owner of the dog shall be responsible for the dog's impoundment fees during the period the case was being appealed.
- (g) The owner shall pay all costs and or fees assessed by the City related to the seizure and impoundment of the dog, including, but not limited to, boarding fees, microchip procedure and rabies vaccination, and the cost of euthanasia of the dog if ordered by the court.

Sec. _____. Dangerous dog registration.

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

Sec. _____. Defenses.

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

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

Sec. _____. Violations.

- (a) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with any section of this article.
- (b) It shall be a separate violation of this article for any person to refuse or fail to surrender a dog subject to this article, or harbor, hide or secret, transport or secure the transport of a dog subject to this article, for the purpose of preventing its impoundment.
- (c) An offense under this section is punishable by a fine not to exceed \$2,000.

ARTICLE X. ANIMAL SHELTER ADVISORY COMMITTEE

Sec. _____. Name.

The Committee shall be named and referred to as the “Animal Shelter Advisory Committee,” (“Committee”) and shall be comprised of members appointed by the City of Brenham (“City”) City Council.

Sec. _____. Purpose and Responsibility.

The purpose and responsibility of the Committee shall include, but not be limited to, the following:

- A. To review and recommend procedures for the care and maintenance of the animal shelter facility and impounded animals to ensure compliance with state law.
- B. To periodically review the City’s animal control ordinances and make recommendations to the City Council for revisions as needed.

Sec. _____. Scope of Authority.

The Committee shall serve in an advisory capacity. All recommendations of the Committee regarding policies, procedures, and programming shall be presented to the City Council for final approval, as applicable.

The Committee shall be subject to and comply with all applicable local, state or federal laws, rules, regulations, acts or mandates.

Sec. _____. Membership Requirements.

The Committee must be comprised of: one (1) licensed veterinarian; one (1) county or municipal official; one (1) person whose duties include the daily operation of an animal shelter; one (1) representative from an animal welfare organization; and one (1) resident of Washington County, Texas.

Sec. _____. Member Selection.

All persons interested in serving on the Committee must complete an application which shall include information about the applicant's background, current and past occupations, involvement in and knowledge of issues related to the Committee, and any other information deemed appropriate by the City. All applications must be submitted to the City Secretary by October 1st of each year.

The Mayor and City Manager will review all submitted applications and make recommendations to the City Council regarding appointments to the Committee. Appointments to the Committee will be made by the City Council in December of each year or as soon as practicable thereafter.

Sec. _____. Organization.

The Committee shall consist of five (5) members all appointed by the City Council. All members shall be appointed to staggered three (3) year terms, expiring on December 31st of each calendar year.

The authority vested in the Committee shall be exercised only at a meeting of a quorum of its members. Three (3) members of the Committee shall constitute a quorum. Any action taken by the Committee shall be by simple majority vote of the members present at a properly constituted meeting. A member may cast only a single vote on any issue. Proxy votes are prohibited. Alternate and ex-officio members shall not vote.

The Committee members serve at the pleasure of the City Council. The City Council retains the right to remove any Committee member at any time and for any reason.

The terms of the members of the Committee shall be on a calendar year basis, i.e. terms shall begin on January 1 and end on December 31. In the event that appointments are not made prior to the expiration of a member's term, such member shall continue to serve until his/her successor is appointed by the City Council.

Resignations from the Board shall be submitted in writing to the Police Chief. Vacancies resulting from a resignation, or any other cause, will be filled by the City Council. Any person appointed to fill a vacancy shall serve for the remaining unexpired term of the position to which the person was appointed.

Members of this Committee shall not use their position for a purpose that is or gives the appearance of being a conflict of interest. In the event that a member becomes aware of a conflict of interest, or potential conflict of interest, with regard to any particular item being considered by the Committee, they shall immediately notify the Chairman and Police Chief and shall abstain from the consideration of and voting on the item, unless the Committee determines that no conflict of interest exists. A “conflict of interest” is generally defined as a situation in which a Board member’s personal interests might be served or financial benefits gained as a result of, or relating to, a decision of the Committee.

Sec. _____. Establishment of Member Positions.

For the purpose of establishing and maintaining three (3) year staggered terms, each member shall be assigned a Member Position. The following Member Positions are hereby established:

- Member Position 1: Initial term expiring December 31, 2019
- Member Position 2: Initial term expiring December 31, 2020
- Member Position 3: Initial term expiring December 31, 2019
- Member Position 4: Initial term expiring December 31, 2020
- Member Position 5: Initial term expiring December 31, 2019

Sec. _____. Officers.

A Chairperson and Vice Chairperson shall be elected annually by the members of the Committee. The Chairperson shall preside at all meetings of the Board and shall perform such duties as may be assigned by the Committee or the City Council. The Chairperson shall have the power to appoint subcommittees, as he/she deems necessary to achieve the objectives of the Committee. In the event there is a vacancy in the Chairperson position, or the Chairperson is otherwise unable to act, the Vice Chairperson shall perform the duties of Chairperson until such time as a Chairperson is elected by the members of the Committee to fill such vacancy, or is otherwise able to act.

In the absence of the Chairperson from a meeting of the Committee, the Vice Chairperson shall serve as the presiding officer during the meeting. If both the Chairperson and Vice Chairperson are absent from a meeting of the Committee, the Committee members present at the meeting shall elect a member of the Committee to serve as the temporary presiding officer during the meeting.

Resignation of the Chairperson from the Chairperson position shall be by letter to all other Committee members. If the Chairperson or Vice Chairperson resigns from their officer position but continues to serve on the Committee, the members shall elect a new Chairperson or Vice Chairperson as soon as practicable. If the Chairperson or Vice Chairperson resigns from their officer position and does not continue serving on the Committee, the member position will be considered vacant.

Sec. _____ . Staff Liaison.

A staff liaison will be designated by the City Manager and shall serve as a communications liaison between the Committee and the City. The staff liaison will perform support services, provide technical data, prepare agendas for the meetings, post notices of the meetings, prepare minutes of the meetings, and any other functions as requested by the City. The staff liaison shall be considered a non-voting, ex-officio member of the Committee.

Sec. _____ . Meetings and Communication.

The Committee shall meet quarterly and as needed, upon the direction of the Chairperson or Chief of Police.

An agenda of issues to be considered at each Committee meeting shall be posted on the external bulletin board at City Hall at least seventy-two (72) hours prior to the meeting time. All meetings of the Committee will be held in compliance with the provisions of the Texas Open Meetings Act and shall be open to the public, except as may otherwise be allowed by law.

Robert's Rules of Order shall govern all matters of parliamentary procedure in conducting Committee meetings.

Emergency meetings to address matters of an urgent nature may be called provided each member is notified by telephone or by personal contact, provided notice is posted at least two (2) hours prior to the meeting time, and provided said meeting is held in compliance with the applicable provisions of the Texas Open Meetings Act.

An agenda of each meeting and minutes of the meeting shall be delivered to each member of the Committee and the City Secretary's Office.

Sec. _____ . Attendance Requirements.

Members of the Committee are required to maintain regular attendance at all meetings. Members who cannot attend a meeting should, as soon as possible, notify the Chairman or staff liaison of his/her absence as soon as possible prior to the meeting.

Three (3) consecutive absences from regular meetings, or absences from more than twenty-five percent (25%) of the meetings in a six month period, shall cause the staff liaison to report the member's attendance record to the City Manager.

The City Manager shall review the circumstances of the absences and determine if the member should be recommended to the City Council for removal.

A Committee member who misses fifty percent (50%) of the scheduled meetings in a one (1) year period shall not be eligible for reappointment to the Committee.

Sec. _____ . Member Training.

All new Committee members shall attend training on the Texas Open Meetings Act, the Texas Public Information Act, and any applicable laws pertaining to the Committee. Such training must be held within ninety (90) days of the new member's appointment to the Committee.

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