

CITY OF WILLOW PARK

ORDINANCE NO. 618-10

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 2, "ANIMAL CONTROL" AND CHAPTER 9, "SUBDIVISION" BY AMENDING CERTAIN ARTICLES, DEFINITIONS, AND SECTIONS TO PROVIDE FOR THE ADEQUATE AND EFFICIENT ENFORCEMENT OF ANIMAL CONTROL LAWS BY THE CITY OF WILLOW PARK, TEXAS; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park, TX is a municipal corporation organized under the laws of the State of Texas; and

WHEREAS, it is the intent of the City of Willow Park to protect the health, safety and welfare and well being of its citizens; and

WHEREAS, the municipal offices of the City perform certain functions related to the preservation of health, safety and general welfare of its citizens; and

WHEREAS, the City has been delegated certain authority to adopt or amend an ordinance that is for the peace or order of the municipality including the person and property of citizens therein pursuant to Chapter 51, TEX. LOCAL GOV'T CODE; and

WHEREAS, the City is authorized to adopt and enforce those regulations reasonably necessary to protect the public health, pursuant to Chapter 121, TEX. HEALTH AND SAFETY CODE.

NOW THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

SECTION 1. AUTHORIZATION

The Mayor, or his designee, is hereby authorized and directed to implement the applicable provisions of this ordinance.

SECTION 2. AMENDMENT

Amendments to Chapter 21 "Animal Control", as follows:

1. Amend Article 2.100, "ANIMAL AND FOWL – GENERAL PROVISIONS" Section 2.101, "Definitions" the definition of Animal Establishment as follows:

"Animal establishment. Any pet shop, kennel, grooming shop, auction, performing animal exhibition, flea market, or other facility engaged in the handling of domestic animals, excluding veterinary clinics, hospitals ~~and~~ or individual(s) earing licensed or having a certificate of occupancy to care for animals in ~~their private residence in compliance with the terms of this chapter.~~"

2. Amend Article 2.100, "ANIMAL AND FOWL – GENERAL PROVISIONS" Section 2.101, "Definitions" the definition of Releasing Agency as follows:

"Releasing agency. An animal pound, animal control center, animal shelter, or nonprofit organization licensed or possessing a certificate of occupancy to care engaged in earing for animals."

3. Amend Article 2.100, "ANIMAL AND FOWL – GENERAL PROVISIONS" Section 2.102, "Purpose of Scope" as follows:

"§ 2.102 Purpose of Scope

(a) It is the purpose of this chapter:

- (1) To provide regulations by which the transmission of rabies to human beings and domestic animals can be prevented and controlled in the city;
- (2) To ~~discharge the increase of~~ regulate and control unwanted, stray dogs and cats in the city;
- (3) To encourage responsible animal ownership and care;
- (4) To protect the public health, safety and welfare of the city.

- (b) The provisions of this chapter shall not be construed to authorize the keeping of any animal in violation of any other city ordinance, state or federal statute or law.

4. Amend Article 2.100, "ANIMAL AND FOWL – GENERAL PROVISIONS" Section 2.105, "Violations; Penalties" as follows:

"§ 2.105 Enforcement, Violations, and Penalties-Penalty

- (a) Any violation, disobedience, omission, neglect, failure or refusal to comply with the enforcement of any of the provisions of this chapter shall be punishable by a fine not to exceed two thousand dollars (\$2,000.00) for each violation. Each day that a violation is permitted to exist shall constitute a separate offense.
- (b) If any person is found guilty of having violated § 2.801 of this chapter, any license held by such person under this chapter shall be automatically revoked.
- (c) Enforcement of the provisions of this chapter may be by any municipal police officer, or person designated by the City Administrator, except for the provisions of Art. 2.500 which shall be enforced by the rabies prevention officer, or designee."

5. Amend Article 2.100, "ANIMAL AND FOWL – GENERAL PROVISIONS" Section 2.401, "Required; Application; Fees, Tags; Records" Subparagraph (a) as follows:

§ 2.401 "Required; Application; Fees, Tags; Records

(a) License Requirements:

- (1) It shall be unlawful for any person to own, keep, harbor or ~~have custody of~~ possess any dog or cat over four (4) months of age within the city without first obtaining a valid license for said animal as provided in this article. Upon payment of the applicable license fee, the license is valid for one (1) year from the date of the most recent rabies vaccination.
- (2) It is a defense to prosecution under § 2.401(a)(1) for an animal

establishment or a releasing agency located within the city to own, keep, harbor or ~~have custody of~~ possess a dog or cat over four (4) months of age without first obtaining a valid license for said animal if the animal establishment or releasing agency is offering the said animal for sale or adoption and said animal is being kept under restraint on the premises of the animal establishment or releasing agency."

6. Amend Article 2.100, "ANIMAL AND FOWL – GENERAL PROVISIONS" Section 2.8_01, "Unlawful Acts Enumerated" Subparagraph (f) as follows:

"(f) If a county sheriff, constable, or deputy constable ~~municipal police officer~~ or an officer who has responsibility for rabies prevention/animal control in a municipality has reason to believe that an animal has been or is being "cruelly treated" as defined by Chapter 821, Subchapter B, TEX. HEALTH AND SAFETY CODE, that person may apply to a justice court in the county or to a municipal court in the municipality in which the animal is located for a warrant to seize the animal. The officer executing the warrant shall cause the animal to be impounded and shall give written notice to the owner of the animal of the time and place of the hearing."

7. Amend Article 9.300, "ISSUANCE OF BUILDING, MOVING & OCCUPANCY PERMITS & PROVISION OF UTILITY SERVICES" Section 9.302, "Certificate of Occupancy Permit Required" as follows:

§ 9.302 Certificate of Occupancy Permit Required

All residential or commercial ~~building(s)~~ structures hereafter erected, structurally altered, occupied, used or undergoing a "change in use" shall have a certificate of occupancy permit and safety permit that has been issued by the city inspector stating that the ~~building or structure~~ building structure and proposed use ~~to~~ of the building structure or premises complies with all city ordinances and all other regulations pertaining to construction or use of the structure in the City of Willow Park,

Texas. A "change in use" shall be construed to mean any change in occupancy or type of business.

SECTION 3. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Resolution.

SECTION 4. SEVERABILITY

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 5. REPEAL OF CONFLICTING ORDINANCES

All Ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

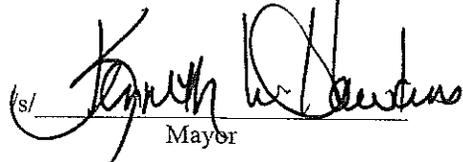
SECTION 6. PUBLICATION

City Secretary is hereby instructed to publish the caption of this ordinance in a newspaper of general circulation after its adoption

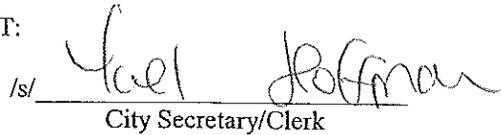
SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect on and after its publication in a newspaper of general circulation.

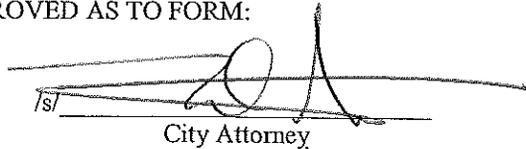
PASSED AND ADOPTED this 21st day of June, 2010.

/s/ 
Mayor

ATTEST:

/s/ 
City Secretary/Clerk

APPROVED AS TO FORM:


City Attorney

The Willow Park City Council in acting on Ordinance No. 618-10 did on the 21st day of June, 2010, vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Kenneth Hawkins, Mayor	_____	_____
Barry K. Tatum, Place 1	✓ _____	_____
Gene Martin, Place 2	✓ _____	_____
Barry Brown, Place 3	_____	_____
Mark Hickerson, Place 4	✓ _____	_____
Hale Alderman, Place 5	✓ _____	_____