

CITY OF WILLOW PARK

ORDINANCE NO. 632-11

AN ORDINANCE AMENDING CHAPTER 2, "ANIMAL CONTROL" AND ARTICLES THEREIN RELATED TO THE DEFINITION OF RESTRAINT, SECURE ENCLOSURE AND PROVIDING FOR AN APPROPRIATE USE AND LOCATION OF A GUARD DOG PURSUANT TO THE MUNICIPAL CODE OF ORDINANCES OF 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 provide for the health, safety and maintenance of its residents; and

WHEREAS, the City finds that the regulation of a vicious or dangerous animal such as a guard dog is an appropriate and necessary public safety regulation.

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 2 "Animal Control", as follows:

1. Amend Article 2.100, "ANIMAL AND FOWL – GENERAL PROVISIONS" Section 2.101, "Definitions" as follows:
..."Restraint. An animal is under restraint under the following conditions:
 - (a) It is securely caged or confined to its owner's home, yard, or commercial establishment; or
 - (b) It is accompanied by its owner or trainer at a bona fide dog show, field trial or exhibition; or
 - (c) It is secured by a leash of at least five (5) and not more than ten feet (10') in length and of sufficient strength to control the animal while the animal is being walked. A longer chain or cable device may be used to secure an animal in a yard as long as the animal may not travel out of the yard while so restrained; or
 - (d) A specially trained dog is used by a blind or deaf individual to aid him/her within the city; or
 - (e) A guard dog is in the performance of duty in an ~~enclosed building or securely fenced and locked area~~ secure enclosure which is marked on all sides with signs in four inch (4") letters stating "Guard Dog" and clearly visible to the public; or
 - (f) A dog is in a place of public assembly and effectively and securely muzzled in order to prevent the dog from biting."

..."Secure enclosure. A ~~fenced area or non-residential~~ structure or fenced area attached thereto that is:

- (a) Locked;
- (b) Capable of preventing the entry of the general public; including children;
- (c) Capable of preventing the escape or release of a dog;
- (d) Clearly marked as containing a dangerous dog;
- (e) Located in an area that is not zoned

residential; and
(e) (f) In conformance with the requirements for enclosures established by the local rabies prevention authority.”

2. Amend Article 2.800, “CARE AND HUMANE TREATMENT OF ANIMALS” Section 2.803, “Guard Dogs” as follows:

“§2.803 Guard Dogs

(a) All guard dogs shall be registered with the rabies prevention officer prior to being used as guard dogs and thereafter registered annually. A properly registered guard dog may only be used in a secure enclosure. The dog license tag for a guard dog issued under § 2.308 shall be of an easily identifiable shape and color and must be worn on the dog at all times.”

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.

The Willow Park City Council in acting on Ordinance No. 632-11 did on the 21st day of March, 2011, 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	✓ _____	_____

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 or after its publication in a newspaper of general circulation.

PASSED AND ADOPTED this 21st day of March 2011.

/s/ Kenneth W. Hawkins

Mayor

ATTEST:

/s/ Joel Hoffman

City Secretary/Clerk

APPROVED AS TO FORM:

/s/ [Signature]

City Attorney