

ORDINANCE NO. 2024-22

AN ORDINANCE OF THE CITY OF MINERAL WELLS, TEXAS, AMENDING CHAPTER 18 “ANIMALS”, ARTICLE I “IN GENERAL”, SECTION 18-4 “ANIMAL NUISANCE” OF THE MINERAL WELLS CODE OF ORDINANCES; PROHIBITING THE FEEDING OF CERTAIN ANIMALS ON CERTAIN PUBLIC PROPERTY AND VACANT LOTS; PROVIDING EXCEPTIONS; PROVIDING FOR A PENALTY NOT EXCEEDING \$2,000.00 FOR ALL VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Mineral Wells (the “City”) is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code;

WHEREAS, the City has the power to “pass such ordinances as may be expedient for maintaining and promoting the peace, welfare and government of the city” pursuant to Article II, Section 5 of the City Charter;

WHEREAS, pursuant to that authority, the City Council of the City of Mineral Wells (the “City Council”) adopted Chapter 18, “Animals” of its Code of Ordinances to regulate animals within the City limits;

WHEREAS, the City Council finds it necessary to amend Section 18-4 “Animal Nuisance” in said Chapter to prohibit the feeding of certain animals on public property and on vacant, undeveloped properties and to provide exceptions to that prohibition; and

WHEREAS, the City Council has concluded that the adoption of this Ordinance is in the best interest of the health, safety, and welfare of the citizens of the City of Mineral Wells, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINERAL WELLS, TEXAS:

SECTION 1. AMENDMENT TO CHAPTER 18, ARTICLE I, SECTION 18-4. Chapter 18 “Animals”, Article I “In General”, Section 18-4 “Animal Nuisance” of the Mineral Wells Code of Ordinances is hereby amended in the following, and all other articles, chapters, sections, paragraphs, sentences, phrases and words not expressly amended hereby are hereby ratified and affirmed.

Sec. 18-4. Animal nuisance.

(a) It shall be unlawful for any person to cause or maintain an animal nuisance in the city. For purposes of this chapter, the term “animal nuisance” is defined as:

(1) The keeping of any animal, which, by causing a frequent or long, continued barking, cry or noise, shall disturb any person of ordinary sensibilities in the vicinity.

(2) The keeping of any animal in such a manner as to:

(A) Endanger the public health;

(B) Annoy neighbors by the accumulation of animal wastes which cause foul and offensive odors, or are considered to be a hazard to any other animal or human being; or

(C) Allow the continued presence of the owner's animal on the premises of another.

(3) All animal pens, stables or enclosures in which any animal may be kept or confined which, from use, have become offensive to a person of ordinary sensibilities.

(4) The keeping of bees in such a manner as to deny lawful use of adjacent property or endanger personal health or welfare.

(5) Persistent laxness in the supervision of cats so that their running at large results in disturbance to persons of ordinary sensibilities.

(6) Feeding cats or dogs on any public sidewalk or street.

(7) Feeding wild animals, stray animals, or a feral/community cat on any city-owned property.

(8) Feeding wild animals, stray animals, or a feral/community cat in any public parks.

(9) Feeding wild animals, stray animals, or a feral/community cat on any vacant or undeveloped property or tract of land in any zoning area.

(b) Exceptions. This section shall not apply to:

(1) Animal control officers, code enforcement officers, or police officers during the course of their official duties or a person caring for an infant or injured wild animal that is not capable of surviving on its own and said person possesses a valid Texas Parks and Wildlife Rehabilitation Permit or said wild animal is kept in a secure manner in accordance with all other city ordinances and state laws;

(2) Feeders used for the sole purpose of feeding wild animals within the boundaries of a person's owned or occupied property, or the feeding of waterfowl within city parks; and

(3) Any person who is using food as an attractant to live trap a wild animal, a stray animal, or a feral/community cat in a legally authorized or permitted manner.

SECTION 2. SAVINGS/REPEALING CLAUSE. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 3. PENALTY. Any person, firm, entity or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding \$2,000.00. Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Mineral Wells from filing suit to enjoin the violation. Mineral Wells retains all legal rights and remedies available to it pursuant to local, state and federal law.

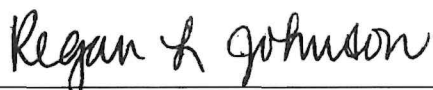
SECTION 4. OPEN MEETINGS. That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that a public notice of the time, place, and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

SECTION 5. SEVERABILITY. Should any section, subsection, sentence, clause, phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Mineral Wells hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption and after publication as required by law.

PASSED AND APPROVED on this the 1st day of October, 2024.

APPROVED:


Regan Johnson, Mayor

ATTEST:


Sharon McFadden, City Clerk

