

ORDINANCE NO. 17-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BROWNWOOD, TEXAS, BY AMENDING SECTION 50-68 TO ALLOW DOGS ON LEASHES ON THE WALKING TRAIL OF THE BERT V. MASSEY, II SPORTS COMPLEX; TO PROHIBIT DOGS IN THE FENCED AREA OF THE BROWNWOOD SOCCER COMPLEX WHILE LEAGUE SANCTIONED SOCCER GAMES AND TOURNAMENTS ARE BEING PLAYED; PROVIDING A NO WAIVER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 50-68 of the City of Brownwood's Code of Ordinances currently prohibits dogs at the Bert V. Massey, II Sports Complex (the "Sports Complex") during the April 1 to August 31 time period;

WHEREAS, the City has completed the construction of a walking trail that runs around and through the Sports Complex and the Brownwood Soccer Complex;

WHEREAS, the City Council desires to amend Section 50-68 of the City's Code of Ordinances to permit dogs on leashes on the City's walking trail at the Sports Complex;

WHEREAS, Soccer-4-Fun, the Centex Soccer Association and other leagues play their league sanctioned soccer games and tournaments at the Brownwood Soccer Complex;

WHEREAS, the City Council desires to amend Section 50-68 of the City's Code of Ordinances to prohibit dogs in the fenced area of the Brownwood Soccer Complex while league sanctioned soccer games and tournaments are being played at the Complex; and

NOW, THEREFORE, be it ordained by the City Council of the City of Brownwood, Texas, that:

SECTION I. PROHIBITION OF DOGS IN BERT V. MASSEY, II SPORTS COMPLEX AND BROWNWOOD SOCCER COMPLEX

Section 50-68. is hereby amended to read as follows:

"§50-68 Prohibition of dogs in the Bert V. Massey, II Sports Complex and the Brownwood Soccer Complex.

- (a) Dogs, regardless of whether they are leashed, unleashed or carried, are prohibited in the Bert V. Massey, II Sports Complex during the April 1 to August 31 time period only.
- (b) Dogs, regardless of whether they are leashed, unleashed or carried, are prohibited in the fenced area of the Brownwood Soccer Complex while league sanctioned soccer games and tournaments are being played by Soccer-4-Fun, the Centex Soccer Association and other leagues (or any successor leagues or associations).
- (c) Notwithstanding the foregoing, (i) guide dogs aiding a totally or partially blind persons or otherwise incapacitated person shall be permitted in the Bert V. Massey, II Sports Complex and the Brownwood Soccer Complex; and (ii) dogs, provided that they are on a leash at all times, may be on the designated portion of the walking trail located in the Bert V. Massey, II Sports Complex.

SECTION II. MISCELLANEOUS

A. Non-Waiver. Nothing in this Ordinance shall preclude the City from exercising any right or remedy it may have in law or equity to enforce the terms and conditions of the Ordinance.

B. Severability. If any provision of this Ordinance or the application of any provision of this Ordinance to any person is, to any extent, held invalid or unenforceable by a tribunal of competent jurisdiction, the remainder of this Ordinance and the application of such provision to other persons or circumstance shall not be affected by such holding. In case of such event, this Ordinance and all of its remaining provisions shall, in all other respects, continue to be effective. In the event the law invalidating such an Ordinance provision is subsequently repealed, rescinded, amended or is otherwise changed so that the provision which had previously been held invalid or unenforceable, no longer conflict with the laws, rules or regulations then in effect, the previously invalid or unenforceable provision shall return to full force and effect.

SECTION III. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after the date of its passage and approval and its publication in the local newspaper.

PASSED AND APPROVED on First Reading this the 13th day of December, 2016.

PASSED AND APPROVED on Second Reading this the 10th day of January, 2017.

PASSED AND APPROVED on Third/Final Reading this the 10th day of January, 2017.

STEPHEN E. HAYNES, Mayor

ATTEST:

CHRISTI WYNN, City Secretary

APPROVED AS TO FORM:

PAT CHESSER, City Attorney