

## **ORDINANCE NO. 3109**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING CODE OF ORDINANCES, CHAPTER 18 “ANIMALS”, ARTICLE V “DANGEROUS ANIMALS” BY ADDING A DEFINITION OF “AGGRESSIVE ANIMAL,” ESTABLISHING AN ADMINISTRATIVE REVIEW OF A DANGEROUS ANIMAL DETERMINATION BY THE CITY MANAGER OR HIS DESIGNEE; ADDING PROVISIONS RELATING TO THE DECLARATION OF AN ANIMAL AS AN AGGRESSIVE ANIMAL, THE PROCESS FOR APPEALING SAID DECLARATION, AND REQUIRING ENHANCED SAFEGUARDS, PREVENTATIVE MEASURES AND PENALTIES FOR PERSONS HARBORING AN AGGRESSIVE ANIMAL; PROVIDING A REQUIREMENT THAT ANY ANIMAL THAT IS DECLARED DANGEROUS BE STERILIZED IF ALLOWED TO REMAIN IN THE CITY; AMENDING THE PROCEDURES RELATING TO THE REVIEW AND APPEAL OF A PRIOR DETERMINATION; AND MAKING OTHER CONFORMING AMENDMENTS; CONTAINING A SAVINGS CLAUSE; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE OF NOT TO EXCEED \$2,000.00 FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has previously determined it necessary to regulate and control dangerous animals within the City; and

**WHEREAS**, many communities have regulated aggressive animals by having a dangerous animal designation and also an aggressive animal designation; and

**WHEREAS**, the “Dangerous Animal” designation does not apply until after an attack or act actually occurs which can be too late for victims who suffer pain, disfigurement and sometimes death as a result of said attack or act; and

**WHEREAS**, identifying aggressive animals before they become dangerous allows a more preventative and proactive response to protect citizens; and

**WHEREAS**, certain animals may be aggressive and potentially dangerous without having acted in a manner that makes them by definition “dangerous” under existing city ordinances; and

**WHEREAS**, the general health, safety and welfare of local citizens, especially children, have been subjected to unprovoked attacks by animals that have demonstrated behavior that makes them potentially aggressive or dangerous; and

**WHEREAS**, the City Council of the City of Farmers Branch finds it necessary and in the public interest to provide an administrative review of a dangerous or aggressive animal determination

by the City Manager or his designee after an animal has been declared dangerous or aggressive by the animal services manager prior to judicial review of the determination; and

**WHEREAS**, the City Council of the City of Farmers Branch finds it necessary and in the public interest to provide additional protection to citizens by regulating animals that exhibit aggressive behavior but have not acted in a manner that meets the definition of “dangerous animal” under current city ordinances; and

**WHEREAS**, the City Council of the City of Farmers Branch finds it necessary and in the public interest to require any animal declared dangerous to be sterilized as a requirement to maintain that animal in the city;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** The Code of Ordinances of the City of Farmers Branch Chapter 18 “Animals”, Article V “Dangerous Animals” is hereby amended as follows:

- A. Section 18-256 “Purpose of Article” is amended to read as follows:

**Sec. 18-256. Purpose of article.**

The purpose of this article is to provide a greater degree of safety and protection for citizens by establishing rules and regulations regarding the keeping and harboring of dangerous or aggressive animals within the jurisdictional boundaries of the city.

- B. Section 18-257 “Scope of Article” is amended to read as follows:

**Sec. 18-257. Scope of article.** The provisions of this article shall not apply to:

- (1) Dangerous or aggressive animals under the care, treatment, containment or observation of licensed veterinarians at a licensed veterinary facility; and
- (2) Dangerous or aggressive animals commercially boarded on the premises of lawful commercial kennels.

- C. Section 18-258 “Definitions” shall be amended by adding a new definition for the phrase “aggressive animal” to read as follows:

*Aggressive animal* means any animal that the animal services manager determines has, without provocation:

- (1) Approached a person upon any public or private property in a menacing fashion or apparent attitude of attack such that a reasonable person would believe the animal would cause physical injury to the person; or
- (2) Repeatedly attacked and injured other domestic animals within its own enclosure, provided, however that basic interaction and play among animals of the same species does not constitute an "attack" for purposes of this provision; or
- (3) Repeatedly bitten one (1) or more persons who are lawfully inside the animal's enclosure; or
- (4) Repeatedly attempted to climb over, dig under, chew through, break, or otherwise escape from its enclosure in an attempt to attack, chase, or harass a person or another domestic animal as observed by a person charged with enforcing this chapter; or
- (5) Bites or attempts to bite a person while at large in the city.

D. Subsection (e) "Notification and Appeal" of Section 18-262 "Dangerous Animals" shall be amended to read as follows:

(e) Notification and appeal.

- (1) If, after investigating a report of a dangerous animal, the animal services manager determines the animal is a dangerous animal, he/she shall notify the owner of that fact, as well as any known victim of the dangerous animal.
  - a. After finding an animal dangerous the owner of the animal shall immediately remand custody of the dangerous animal to the city, pending the outcome of any appeal. If such animal is not surrendered to the city, the animal services manager may obtain a warrant to seize such animal.
  - b. Animal services will care for the animal until the appeal is complete.
- (2) The notice shall be in writing and shall contain a statement that the owner has a right to appeal.
- (3) Notice shall be hand delivered or mailed certified mail, return receipt requested, to the owner's last known mailing address,

or delivered in person. A notice that is mailed is deemed received three days after it is placed in a mail receptacle of the United States Postal Service.

(4) Not later than five days after the date the animal services manager has notified the owner of an animal and the person or legal representative of the person complaining of an attack by the animal of his determination of whether or not an animal is a dangerous animal, an appeal of the determination of the animal services manager may be appealed to the City Manager or his/her designee by (i) the owner of the animal, if the animal was declared dangerous, or (ii) the person or the legal representative of the person complaining of the attack that was basis for the investigation of the animal, if the animal was not declared dangerous. Failure of the person owning or possessing the animal to request a hearing pursuant to this section shall result in the animal being declared a dangerous animal and subject the animal and the person owning or possessing the animal to the disposition provided by the article, which declaration and action shall become final. Failure of the person or legal representative of the person complaining of the attack to file an appeal shall result in a dismissal of the matter and the determination of the animal services manager shall become final. Upon receipt of the written appeal by the City Manager or his designee under this section, the City Manager or his designee may take the following actions:

a. Deny the appeal request and provide written notice of the same to the owner of the animal and person or legal representative of the person complaining of the attack; or

b. Conduct an administrative hearing to evaluate the determination no later than five (5) business days after the receipt of the written appeal. Notice of the administrative hearing shall be provided to the owner of the animal and the person or legal representative of the person complaining of the attack via hand delivery or certified mail, return receipt requested. The City Manager or designee shall conduct the administrative hearing in accordance with procedures established by the City Manager.

c. Upon the conclusion of the administrative hearing, the City Manager or designee shall:

(i) uphold the determination of the animal services manager; or

- (ii) declare the animal to be aggressive; or
- (iii) declare the animal to be neither dangerous or aggressive.

(5) Not later than five days after the date the owner of an animal and the person or legal representative of the person complaining of an attack are notified of the determination of the City Manager or his designee, an appeal of the determination of the City Manager or his designee may be filed in writing with the municipal court.

a. Failure to file a written appeal of the decision of the City Manager or his designee with the municipal court within the time provided by this paragraph (5) shall deprive the municipal court of jurisdiction to consider any appeal of the determination of the City Manager or his designee, which determination shall become final.

b. If the court makes a finding that the animal is dangerous and that the animal has caused serious bodily injury to a human, the court shall order the animal destroyed, which decision shall be final and not subject to appeal. If the court finds that such animal has injured or killed other domestic animals while such animal was at large, the court shall order the animal destroyed, removed from the city, or placed in secure confinement, which order shall be final and not subject to appeal .

(6) During the period of time while an appeal made pursuant to paragraphs (4) and/or (5) above is pending, the animal must be housed at the animal services facility or a holding facility approved by the animal services manager. The animal owner shall be responsible for all daily maintenance fees, quarantine fees, veterinarian bills, and other associated costs incurred by the city for the welfare and care of the animal. Should special circumstances impair or preclude the animal owner's ability to assume full financial responsibility, the animal services manager may reduce or waive such fees or costs.

E. Subsection (h) "Secure Confinement and Other Requirements" of Section 18-262 "Dangerous Animals" shall be amended to read as follows:

(h) Secure confinement and other requirements.

(1) Upon a determination and notification that an animal has been determined to be dangerous, the animal services manager, City Manager or designee, or the court may require the owner of a dangerous animal to comply with the following not later than the seventh day following said notification by the animal services manager, or not later than 48 hours of such determination becoming final following an unsuccessful appeal, whichever is later, if the dangerous animal is to be confined to a secure enclosure and not destroyed:

- a. Prior to reclaiming the animal from animal services, present proof that the owner has purchased liability insurance as required by section 18-264 of this code;
- b. Prior to reclaiming the animal from animal services, present proof of a current rabies vaccination of the dangerous animal if it is a dog or a cat;
- c. Prior to reclaiming the animal from animal services, present proof satisfactory to the animal services manager that the enclosure in which the animal will be kept is a secure enclosure;
- d. Prior to reclaiming the animal from the animal services division, present written permission from the property owner allowing the animal to return to the property if the owner of a dangerous animal rents or leases the property where the animal will be living;
- e. Pay an annual registration fee of \$100.00;
- f. Keep the dangerous animal in a secure enclosure as defined in Section 18-258 at all times when its owner is not present;
- g. Require that the dangerous animal, when exercised outdoors on property owned or leased by the animal's owner, be conducted in an enclosed area with a fence or wall not less than six feet (6.0') in height and with the dangerous animal secured by a leash no longer than four feet in length held by a person of sufficient strength to restrain the animal;
- h. Except as provided in paragraph g., above, require that a dangerous animal not be removed from a secured enclosure unless it is secured by a leash no longer than four

feet in length held by a person of sufficient strength to restrain the animal, and muzzled by a muzzling device sufficient to prevent the animal from biting a person or another animal;

i. Require that the city's animal services officer be admitted to the location and premises of all dangerous animals to periodically inspect for compliance with all sections of this article; and

j. Require the dangerous animal be sterilized.

(2) The animal services manager shall provide to the owner registering a dangerous animal a dangerous animal registration tag. Such tag shall be of a bright distinguishing color, shall contain the year of registration engraved on its tag face, and shall be larger than a normal license tag issued to dogs and cats. A dangerous animal registration shall be valid for one year from the date of issuance.

(3) The owner of a registered dangerous animal shall attach the tag to the animal's collar or similar device, and shall place such collar or device on the animal.

(4) If the owner of a registered dangerous animal sells or gives away the animal or moves the animal to a new address, the owner, prior to the date of the sale, gift, or move, shall notify the animal services manager of the animal's new address and owner, and receive written permission by the animal services manager for the move.

(5) If a new owner keeps a dangerous animal within the city, the new owner shall register the animal with the animal services manager prior to receiving it.

(6) Not less than 30 days prior to the expiration of the annual registration of a dangerous animal, the owner of the dangerous animal shall deliver to the animal services manager proof that the owner is continuing to maintain the required liability insurance, vaccination, and secure enclosure along with an annual re-registration fee of \$100.00.

(7) The animal services manager may request proof of liability insurance and the maintenance of a secure enclosure as deemed necessary to assure compliance with this article.

(8) If the owner of the dangerous animal fails to secure such animal as provided by the order of the animal services manager, City Manager or designee, or the court, such animal shall be impounded and humanely destroyed.

F. A new Section 18-262.1 titled "Aggressive Animals" shall be added to read as follows:

**Sec. 18-262.1. Aggressive Animals.**

(a) Any aggressive animal found running at large may be destroyed by any animal services officer or peace officer in the interest of public safety.

(b) For purposes of this article, a person learns the person is the owner of an aggressive animal when:

(1) The owner knows of an act described in the definition of "aggressive animal"; or

(2) The owner is notified by the animal services manager that the animal is an aggressive animal.

(c) Reporting.

(1) The animal services manager may receive a report concerning an aggressive animal. Such a report and supporting witness statement shall be in writing and sworn to on a form prescribed by the animal services manager.

(2) The animal services manager shall cause to have investigated all reports under this section.

(d) Determination.

If the animal services manager determines that an animal is an aggressive animal, the animal services manager shall order the aggressive animal be securely confined as defined by this section and otherwise comply with all requirements of this Section.

(e) Notification and appeal.

(1) If, after investigating a report of an aggressive animal, the animal services manager determines the animal is an aggressive animal, the animal services manager shall notify the owner of that determination, as well as any known victim of the aggressive animal.



a. After finding an animal to be aggressive, the owner of the animal shall maintain the animal in a secure enclosure as required by subsection (g)(1)a. of this section.

b. If the owner is unable or unwilling to maintain the animal in a secure enclosure, the owner shall immediately remand custody of the animal to the city, pending the outcome of any appeal. If such animal is not surrendered to the city, the animal services manager may obtain a warrant to seize such animal. If the animal is surrendered to the city, animal services will care for the animal until the appeal is complete at the expense of the owner.

(2) The notice of a determination that an animal is an aggressive animal shall be in writing and shall contain a statement that the owner has a right to appeal the determination.

(3) Notice of a determination that an animal is an aggressive animal shall be hand delivered or mailed certified mail, return receipt requested, to the owner's last known mailing address. A notice that is mailed is deemed received three days after it is placed in a mail receptacle of the United States Postal Service.

(4) Not later than five days after the date the animal services manager has notified the owner of an animal and the person or legal representative of the person complaining of an attack by the animal of his determination of whether or not an animal is an aggressive animal, an appeal of the determination of the animal services manager may be appealed to the City Manager or his/her designee by (i) the owner of the animal, if the animal was declared aggressive, or (ii) the person or the legal representative of the person complaining of the attack that was basis for the investigation of the animal, if the animal was not declared aggressive. Failure of the person owning or possessing the animal to request a hearing pursuant to this section shall result in the animal being declared an aggressive animal and subject the animal and the person owning or possessing the animal to the disposition provided by the section, which declaration and action shall become final. Failure of the person or legal representative of the person complaining of the attack to file an appeal shall result in a dismissal of the matter and the determination of the animal services manager shall become final. Upon receipt of the written appeal by the City Manager or his designee under this section, the City Manager or his designee may take the following actions:

a. Deny the appeal request and provide written notice of the same to the owner of the animal and person or legal representative of the person complaining of the attack; or

b. Conduct an administrative hearing to evaluate the determination no later than five (5) business days after the receipt of the written appeal. Notice of the administrative hearing shall be provided to the owner of the animal and the person or legal representative of the person complaining of the attack via hand delivery or certified mail, return receipt requested. The City Manager or designee shall conduct the administrative hearing in accordance with procedures established by the City Manager.

c. Upon the conclusion of the administrative hearing, the City Manager or designee shall:

(i) uphold the determination of the animal services manager; or

(ii) overturn the determination of the animal services manager.

d. If the determination of the animal services manager is upheld, the owner of the aggressive animal shall either remove the animal from the city or confine the animal to a secured confinement that complies with subsection (g)(1)a. of this section.

(5) Not later than five days after the date the owner of an animal and the person or legal representative of the person complaining of an attack are notified of the determination of the City Manager or his designee as to whether or not the animal that is the subject of the appeal is declared to be an aggressive animal an appeal of the determination of the City Manager or his designee may be filed in writing with the municipal court.

a. Failure to file a written appeal of the decision of the City Manager or his designee with the municipal court within the time provided by this paragraph (5) shall deprive the municipal court of jurisdiction to consider any appeal of the determination of the City Manager or his designee, which determination shall become final.

b. If the court makes a finding that the animal is aggressive, the court shall order the owner of the animal to

have the animal removed from the city, or placed in a secure confinement that complies with subsection (g)(1)a. of this section, which order shall be final and not subject to appeal .

(6) During the period of time while an appeal made pursuant to paragraphs (4) and/or (5) above is pending, the animal must be housed at the animal services facility or a holding facility approved by the animal services manager. The animal owner shall be responsible for all daily maintenance fees, quarantine fees, veterinarian bills, and other associated costs incurred by the city for the welfare and care of the animal. Should special circumstances impair or preclude the animal owner's ability to assume full financial responsibility, the animal services manager may reduce or waive such fees or costs.

(f) Election to remove from city.

If pursuant to the determination of the animal services manager, the City Manager or designee, or order of the court, the owner of the animal elects to have the animal removed from the city, such removal shall occur not later than the seventh day following notification by the animal services manager that the animal is aggressive, or not later than 48 hours following an unsuccessful appeal of a determination that the animal is an aggressive animal, whichever is later. Furthermore,

(1) Prior to removal from the city, the owner of an aggressive animal must submit proof that the animal has been microchipped and registered with a national registry.

(2) Prior to removal to another jurisdiction, the owner of an aggressive animal must submit proof that the receiving jurisdiction is aware that an animal, which has been declared aggressive by the City of Farmers Branch, will be residing within their jurisdiction and waives all liability claims against the City of Farmers Branch concerning the aggressive animal.

(3) Prior to removal from the city, the owner of an aggressive animal must report the disposition and exact address for relocation of such animal to the animal control manager in writing.

(g) Secure confinement and other requirements.

(1) Upon a determination and notification that an animal has been determined to be aggressive, the animal services manager, city manager or designee, or the court may require the owner of a

aggressive animal to comply with the following not later than seven days after such notification by the animal services manager, or not later than 48 hours after conclusion of an unsuccessful appeal of a determination that the animal is an aggressive animal, whichever is later, if the aggressive animal is to be confined to a secure enclosure and not removed from the city:

- a. Prior to reclaiming the animal from animal services or before the animal is allowed to remain in the custody of the owner, present proof satisfactory to the animal services manager that the enclosure in which the animal will be kept is a secure enclosure with a minimum fence height of six (6) feet and that the enclosure is adequate to prevent escape. Any gates in the secure enclosure must have a lock and remain locked at all times that the animal is contained therein.
- b. Prior to reclaiming the animal from animal services or before the animal is allowed to remain in the custody of the owner, the owner must present proof of a current rabies vaccination of the aggressive animal if it is a dog or a cat to the animal services manager.
- c. Prior to reclaiming the animal from the animal services division, present written permission from the property owner allowing the animal to return to the property if the owner of a aggressive animal rents or leases the property where the animal will be living.
- d. Pay an annual registration fee of \$50.00.
- e. Keep the aggressive animal in a secure confinement that complies with subsection (g)(1)a. of this section at all times when its owner is not present.
- f. Require that an aggressive animal not be removed from a secured enclosure unless it is secured by a leash no longer than four feet in length held by a person of sufficient strength to restrain the animal.
- g. Require that the city's animal services officer be admitted to the location and premises of all aggressive animals annually to periodically inspect for compliance with all sections of this article.

(2) The animal services manager shall provide to the owner registering an aggressive animal an aggressive animal registration tag. Such tag shall be of a bright distinguishing color, shall contain the year of registration engraved on its tag face, and shall be larger than a normal license tag issued to dogs and cats. An aggressive animal registration shall be valid for one year from the date of issuance.

(3) The owner of a registered aggressive animal shall attach the tag to the animal's collar or similar device, and shall place such collar or device on the animal.

(4) If the owner of a registered aggressive animal sells or gives away the animal or moves the animal to a new address, the owner, prior to the date of the sale, gift, or move, shall notify the animal services manager of the animal's new address and owner, and receive written permission by the animal services manager for the move.

(5) If a new owner keeps an aggressive animal within the city, the new owner shall register the animal with the animal services manager prior to receiving it.

(6) Not less than 30 days prior to the expiration of the annual registration of an aggressive animal, the owner of the aggressive animal shall deliver to the animal services manager proof that the owner is continuing to maintain the required secure enclosure along with an annual re-registration fee of \$50.00.

(h) The owner of an animal that has been determined to be aggressive by another jurisdiction is prohibited from having such animal within the city limits.

(i) The owner of an aggressive animal shall immediately notify the animal services manager of all attacks made by the animal on humans or domestic animals, or if the animal is at large. For the purposes of this chapter, immediate shall mean within ten minutes of the owner becoming aware of the attacks or the animal being at large. Notification shall be made to the city's emergency dispatch system (911).

(j) The owner of an aggressive animal shall notify the animal services manager of the death of such animal by providing satisfactory proof of such death.

(k) A person who owns or keeps custody or control of an aggressive animal commits an offense if the person fails to comply with requirements for owners of aggressive animals.

(l) A person commits an offense if he owns or keeps custody or control of an aggressive animal without having such animal currently registered as an aggressive animal with the city animal services division.

(m) The owner of an aggressive animal commits an offense if he sells or gives the animal to another person and fails to notify the other person at the time of the sale or gift that the animal is a registered aggressive animal.

(n) The owner of a registered aggressive animal commits an offense if he fails to display on such animal a current aggressive animal registration tag issued by the city's animal services division.

(o) The animal services manager shall be authorized to obtain a search and seizure warrant if there is reason to believe any requirements of this section are being violated.

(p) If the owner of the aggressive animal elects to keep an aggressive animal within the city but fails to secure such animal as provided by the order of the animal services manager, the City Manager or designee, or the court, if such aggressive animal is found at large, such animal shall be impounded and may be humanely destroyed.

G. Section 18-263 "Microchipping" shall be amended by amending subsection (a) to read as follows:

(a) Any animal declared dangerous or aggressive must be microchipped and registered for its life with the city's animal services division and a national registry prior to the animal services manager remanding custody to the owner of such animal.

H. Section 18-267 "Signs" shall be amended to read as follows:

**Sec. 18-267. Signs.**

Any person keeping a dangerous animal within the city shall display signs of a permanent nature stating "beware of dangerous animal". Any person keeping an aggressive animal within the city shall display signs of a permanent nature stating "beware of dog" or similar language approved by the animal services manager. Such signs shall be no less than eight inches by 12 inches in size with lettering no less than two inches in height. Lettering shall be white on a red background. Such signs shall be

posted conspicuously at the front and rear property line of the premises where the animal is being kept and on the animal's enclosure.

- I. Section 18-270 “Burden of Proof Regarding Identification” shall be amended to read as follows:

**Sec. 18-270. Burden of proof regarding identification.**

It is a rebuttable presumption, rebuttable by a preponderance of the evidence, that a declaration by the city's animal control officer of an animal as a dangerous or aggressive animal, and a party as an owner, pursuant to this article, establishes that fact as a matter of law. The burden to rebut that legal presumption lies with the owner of the animal.

- J. Section 18-272 “Periodic Review” shall be amended to read as follows:

**Sec. 18-272. Periodic review.**

(a) The owner of any animal found to be a dangerous or aggressive animal shall have the right to request a periodic review of that determination by the animal services manager. Such right to request a review shall accrue once within each time frame as follows:

(1) On or after the second anniversary of date the original determination became final; and

(2) On or after the second anniversary of the date each subsequent determination made pursuant to this section became final.

(b) At a periodic review hearing, it shall be the burden of the owner of the animal to prove by clear and convincing evidence that the animal is no longer a dangerous or aggressive animal or that an animal previously declared dangerous is merely an aggressive animal.

(c) Prior to the holding of a periodic review hearing, the animal services manager shall provide notice to the person who made the original complaint against the animal, if such information is available.

(d) Upon conclusion of the review of a prior determination, the animal services manager may:

(1) find no change in the status of the animal as previously determined;

(2) if the animal was previously determined to be a dangerous animal, declare the animal to be an aggressive animal or to no longer be either a dangerous or aggressive animal; or

(3) if the animal was previously determined to be an aggressive animal, to no longer be an aggressive animal.

(e) A determination made following a review made pursuant to this section may be appealed in the same manner and by the same parties as the initial determination.

(f) Notwithstanding subsection (a), of this section, the owner of an animal whose determination as a dangerous animal was final and not appealable on or before November 16, 2010, shall have the right to seek a review of said prior determination in accordance with this section on or after the first anniversary of the date the prior determination became final.

**SECTION 2.** In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

**SECTION 3.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 4.** In addition to such other penalties as may be set forth in this ordinance, any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 5.** If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than the portion so decided to be invalid or unconstitutional.

**SECTION 6.** This ordinance shall take effect from and after its passage and the publication of the caption of said ordinance as the law and the City Charter in such cases provides.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE 16<sup>TH</sup> DAY OF NOVEMBER, 2010.**

ATTEST:

APPROVED:

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Cindee Peters, City Secretary

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Tim O'Hare, Mayor



APPROVED AS TO FORM:

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Peter G. Smith, City Attorney