

ORDINANCE 10-08

AN ORDINANCE AMENDING SECTIONS 8-27, 8-62, 8-85, AND 8-118 OF CHAPTER 8, ARTICLES II, III, IV AND V OF THE CODE OF ORDINANCES OF THE CITY OF WILLS POINT, TEXAS, PERMITTING THE CITY OF WILLS POINT TO APPREHEND AND IMPOUND LIVESTOCK, CHICKEN, OTHER FOWL, AND ANIMALS RUNNING AT LARGE WITHIN THE CITY LIMITS OF WILLS POINT AND TO APPREHEND AND HUMANELY DISPOSE OF POISONOUS AND/OR DANGEROUS ANIMALS FOUND WITHIN THE CITY LIMITS, AND PROVIDING FOR AN EFFECTIVE DATE, PENALTY PROVISIONS, REPEALER, AND SEVERABILITY CLAUSE; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE.

WHEREAS, Chapter 8 of the Code of Ordinances of the City of Wills Point, Texas provides for animal services within the City of Wills Point, Texas (the "City");

WHEREAS, pursuant to Texas Local Government Code section 51.001, the City Council may adopt an ordinance, rule or police regulation that is for the good government, peace or order of the City or the trade and commerce of the City;

WHEREAS, the City is responsible for supporting and promoting the health, safety and welfare of its citizens;

WHEREAS, pursuant to Texas Local Government Code section 51.012, the City Council may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that the City Council considers necessary for the government, interest, welfare, or good order of the City as a body politic;

WHEREAS, the City Council of the City of Wills Point, Texas has determined that Article II., Section 8-27, Article III, Section 8-62, Article IV, Section 8-85 and Article V, Section 8-118 of Chapter 8 of the Code of Ordinances of the City of Wills Point, Texas should be amended to permit the City of Wills Point to apprehend, impound and/or dispose of certain animals found running at large within the City limits as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLS POINT, TEXAS:

Chapter 8, Article II, Section 8-27; Chapter 8, Article III, Section 8-62; Chapter 8, Article IV, Section 8-85; and Chapter 8, Article V, Section 8-118 of the Code of Ordinances of the City of Wills Point, Texas shall be deleted, and the following Sections shall be inserted in their place:

Section 1.

"Sec. 8-27 No liability for impoundment.

- (a) The City shall at no time ever incur liability because of the impoundment of any animal. In the event of loss, destruction, illness, deformity or other injury to an animal subject to

impoundment at any time during the tenure of impoundment, such loss shall be the loss of the owner. If the owner of an impounded animal does not redeem it within the period of impoundment, disposition will be in accordance with this chapter.

Sec. 8-62. Prohibiting animals or domesticated livestock from running at large; impoundment.

- (a) It shall be unlawful for any person to permit or allow any domesticated animal and/or livestock to range, graze, or run at large upon any property of another or any public place without the consent of the owner or the owner's agent.
- (b) Said animal and/or livestock running at large shall be apprehended and impounded, at the owner's expense for a period of 30 days. At such time, public notice will be given and after ten additional days the animal or livestock shall be sold at public auction. Each domesticated animal or head of livestock shall constitute a separate offense.

Sec. 8-85. Prohibiting chickens and/or other fowl from running at large; impoundment.

- (a) It shall be unlawful for any person to permit chickens and/or other fowls to range, graze, or run upon any property of any other person without the permission of said person.
- (b) Said chickens and/or other fowls running at large shall be apprehended and impounded, at the owner's expense for a period of 30 days. If the owner of an impounded chicken(s) and/or fowl(s) does not redeem it within the period of impoundment, public notice will be given and after ten additional days, the chickens and/or other fowls shall be disposed of in accordance with this section.
- (c) Any chicken(s) and/or fowl not redeemed within the above-stated time periods after impoundment, or release from quarantine, shall become the property of the City and shall at the direction of the animal control officer, City administrator or their designee be placed for adoption, transferred to a bona fide humane society or humanely destroyed.

Sec. 8-118 Unlawful to keep, display or harbor poisonous, dangerous animals; disposition.

- (a) It shall be unlawful for any person to keep, display, or harbor any poisonous reptile and/or dangerous animal within the corporate limits of the City.
- (b) Any poisonous reptile and/or dangerous animal within the corporate limits of the City shall be apprehended by the City and humanely destroyed."

Section 2. All penalty provisions adopted by the City, as amended, shall remain applicable to the regulations adopted by this Ordinance. Specifically, any person violating any provisions of this Ordinance shall be subject to a fine not to exceed two-thousand dollars (\$2,000.00) for each offense, and each and every day that such offense shall continue shall be deemed to constitute a separate offense.

Section 3. All ordinances, orders or resolutions passed and adopted by the City Council of the City of Wills Point, Texas, are hereby repealed to the extent that these ordinances, orders or resolutions, or parts thereof, are in conflict with this Ordinance.

Section 4. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

Section 5. This Ordinance shall become effective immediately upon its passage and publication according to state law, and it is accordingly so ordained.

Section 6. The City Secretary of the City of Wills Point, Texas is hereby directed to publish this Ordinance in the local newspaper as soon as practicable and as according to law.

PASSED AND APPROVED THIS THE _____ DAY OF November, 2010.

Scott McGriff, Mayor

ATTEST:

Carla Oldacre, City Secretary

APPROVED AS TO FORM:

T. Shaina Primeaux, City Attorney