

ORDINANCE NO. 1584

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 70 (TITLED "PARKS AND RECREATION"), ARTICLE II (TITLED "CONDUCT IN PUBLIC PARKS") BY AMENDING SECTION 70-33 (TITLED "DOMESTIC ANIMALS"); PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND DIRECTING THE CITY SECRETARY TO PUBLISH THE CAPTION IN ACCORDANCE WITH THE CITY CHARTER.

WHEREAS, Section 2.02 of the City's Charter permits the City to pass and enforce ordinances, not inconsistent with the Charter and State law, upon any subject expedient for the life; general welfare; health, morals; comfort; safety; amusement; quiet; prosperity; and convenience of the City, its inhabitants, and property; and may provide suitable penalties for the violations of any ordinance;

WHEREAS, Chapter 70 of the City's Municipal Code of Ordinances regulates the City's parks; and

WHEREAS, The City is in the process of constructing, operating, and maintaining a dog park(s) within the City's city limits. The City's *Domestic Animals* ordinance needs to be revised to allow dogs to be off leash within the confines of the City's dog park; and

WHEREAS, the City Council finds that the amendment of Chapter 70 of the City's Municipal Code of Ordinances by amending section 70-33 to allow dogs to be off leash within the confines of the dog park promotes the health and wellbeing of animals and residents within the City's city limits; and

WHEREAS, the City Council desires to amend the City's Municipal Code of Ordinances to revise Section 70-33 to allow dogs to run at large within the confines of the City's dog park.

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

Section one. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section two. The City of Bay City, Texas Code of Ordinances, Chapter 70 (titled "Parks and Recreation"), Article II (titled "Conduct in Public Parks"), Section 70-33 (titled "Domestic Animals" is hereby amended by adding language that is underlined (underlined) and deleting language that is stricken (~~stricken~~) as follows:

Sec. 70-33. - Domestic animals.

No person in a park shall have been responsible for the entry of a dog or other domestic animal into areas other than automobile parking concourses and walks immediately adjacent thereto,

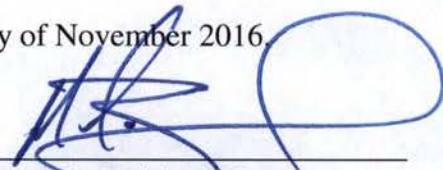
and in such other areas as may be clearly marked by signs bearing the words "Domestic Animals Permitted in this Area." Nothing contained in this section shall be construed as permitting the running of dogs at large, except as provided by Section 14-7. All dogs in those areas where animals are permitted shall be restrained at all times on adequate leashes not greater than six feet in length, except as provided by Section 14-7.

Section three. Cumulative and Conflicts. This Ordinance shall be cumulative of all provisions of ordinances of the City of Bay City, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

Section four. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section five. Effective Date. This Ordinance shall become effective upon its adoption by the City Council and publication of the caption hereof in accordance with Section 5.01(i) of the City Charter.

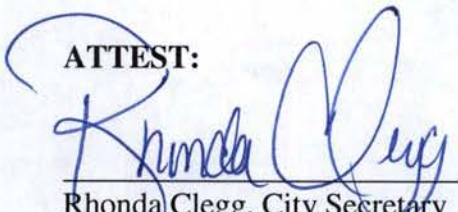
PASSED AND APPROVED on this 17th day of November 2016.



Mark A. Bricker, Mayor
City of Bay City, Texas

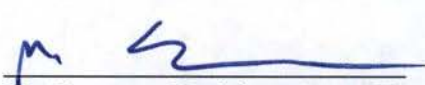


ATTEST:



Rhonda Clegg, City Secretary
City of Bay City, Texas

APPROVED AS TO FORM:



M. Shannon Kackley, Asst. City Attorney
DENTON NAVARRO ROCHA BERNAL HYDE & ZECH,
PC

Council Member:

Voted Aye

Voted No

Absent

Julie L. Estlinbaum

Bill Cornman

Chrystal Folse
Mayor Pro Tem

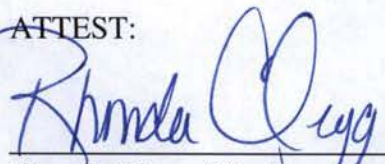
Steven Johnson

Carolyn Thames

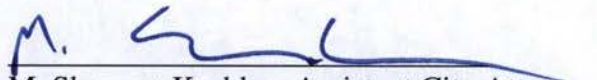
Mark A. Bricker, Mayor,

City of Bay City

ATTEST:


Rhonda Clegg, City Secretary

APPROVED AS TO FORM:


M. Shannon Kackley, Assistant City Attorney
City of Bay City
DENTON, NAVARRO, ROCHA,
BERNAL, HYDE & ZECH, P.C.

