

ORDINANCE NO. 19-260
CITY OF WOODCREEK, TEXAS

AMENDMENT TO CHAPTER 90 OF THE CODE OF ORDINANCES

AN ORDINANCE ESTABLISHING AN AMENDMENT FOR THE CITY OF WOODCREEK CODE OF ORDINANCES AMENDING CHAPTER 90 – ANIMALS; TO ESTABLISH POLICIES FOR TYPES OF ANIMALS ALLOWED, CONTROL OF ANIMAL BEHAVIOR OUTSIDE OF THE HOME, FEEDING OF WILD ANIMALS WITHIN THE CITY, AND INTERFERENCE WITH TRAPPING; DEFINING TERMS, PROVIDING PENALTIES, AND PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Woodcreek (“City Council”) desires to declare the City an animal friendly community;

WHEREAS, the City Council has general authority to adopt the regulations herein relating to the general care and sanitation regarding animals within the City limits,

WHEREAS, the City Council being a general-law municipality, the City has exclusive control to regulate the feeding of wild animals within the City limits,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodcreek:

1. FINDINGS OF FACTS

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 90: Animals of the Code of Ordinances of the City of Woodcreek is amended as to read as Attachment A, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby authorized and directed to record and publish the language of Chapter 90, as amended by this Ordinance, in the City's Code of Ordinances.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon its passage and the publication of caption of this ordinance.

7. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed and attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED this, the 12th day of June, 2019, by a vote of 5 Ayes and 0 Nays and 0 Absent and Not Voting

CITY OF WOODCREEK

ATTEST:

William P. Scheel, Mayor

Linda Land, City Secretary

Attachment A

City of Woodcreek – Code of Ordinances

📖 CHAPTER 90: ANIMALS

Section

General Provisions

- 90.01 Definitions
- 90.02 Typical farm animals
- 90.03 Exotic animals, fowl and reptiles
- 90.04 Unreasonably loud barking or howling by dogs
- 90.05 Dogs under direct physical control of owner, handler
- 90.06 Complaints

Deer

- 90.16 Feeding Geese Prohibited
- 90.20 Feeding deer prohibited
- 90.21 Interference with deer trapping prohibited
- 90.22 Enforcement
- 90.99 Penalty

GENERAL PROVISIONS

📖 § 90.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EXOTIC ANIMALS, FOWLS AND REPTILES. Animals, fowls and reptiles normally not considered household pets, to include lions, tigers, jaguars, javelinas, bobcats, coyotes, wolves, llamas, pea fowl, falcons, alligators, and geese.

HANDLER. Any person(s) with whom an animal has been placed by the owner of such animal for the purpose of that person(s) having control of such animal on behalf of the owner.

OWNER. Any person, persons, firms, corporations or associations keeping, having custody or harboring an animal, fowl or reptile.

RUNNING AT LARGE. Not under the direct physical control of the owner or handler by leash, cord, chain or similar direct physical control and not being kept physically restrained from leaving the premises of the owner.

TYPICAL FARM ANIMALS AND FOWLS. Hogs, cattle, horses, jacks, jennets, sheep, goats, chickens, geese, ducks, turkeys or like animals and fowls.

§ 90.02 TYPICAL FARM ANIMALS.

(A) Typical farm animals will not be permitted within the city.

§ 90.03 EXOTIC ANIMALS, FOWL AND REPTILES.

Exotic animals, fowl and reptiles will not be permitted within the city.

§ 90.04 UNREASONABLY LOUD BARKING OR HOWLING BY DOGS.

It shall be unlawful for a dog to make unreasonable loud barking or howling noise. For purposes of this section, ***UNREASONABLE LOUD BARKING OR HOWLING NOISE*** is defined as barking or howling of such a degree of loudness and duration that it is then and there disturbing to a person or persons in the vicinity of the dog. Any such person or persons so disturbed must file a sworn, written complaint with the appropriate authorities to initiate prosecution under this section. The owner or handler of the dog shall be deemed responsible for training or hiring someone to train the dog to be reasonably quiet. Barking dogs are not allowed outside an enclosed residential area between the hours of 11pm-5am.

§ 90.05 DOGS UNDER DIRECT PHYSICAL CONTROL OF OWNER, HANDLER.

(A) Every dog shall be kept under the direct physical control of an owner or handler or shall be physically restrained from leaving the premises of the owner or handler of such dog.

(B) It shall be unlawful for any owner or handler of a dog(s) to allow the dog(s) to defecate on any portion of the Quicksand Golf Course, recreation areas, green belts, street right-of-ways, esplanades and privately-owned lots upon which a dwelling exists unless all feces are immediately removed and discarded in a sanitary manner. This restriction applies to both a dog(s) running at large or a dog(s) under direct physical control of owner or handler.

§ 90.06 COMPLAINTS.

Any complaint alleging violation of any portion of this subchapter must be a sworn, written complaint filed with the appropriate authorities to initiate prosecution under this section.

GEESE

📖 §90.16 FEEDING GESE PROHIBITED.

It shall be unlawful for any person to intentionally or knowingly feed any wild Egyptian goose or any other member of the geese family, within the city limits. ***INTENTIONALLY OR KNOWINGLY FEEDING*** shall consist of, but not be limited to, having an established receptacle within which corn, maize, oats, commercial mixes of any kind or any other vegetable matter that is not a live and growing plant, is maintained for the feeding of geese in the city; physically handing any food product to a goose; intentionally or knowingly leaving food attractive to geese in an area where geese commonly feed; and any other activity wherein a food commonly eaten by geese is placed or left with the intent to feed geese. Penalty, see **§90.99**.

DEER

📖 § 90.20 FEEDING DEER PROHIBITED.

It shall be unlawful for any person to intentionally or knowingly feed any whitetail deer, or any other member of the deer family, within the city limits. ***INTENTIONALLY OR KNOWINGLY FEEDING*** shall consist of, but not be limited to, having an established receptacle within which corn, maize, oats, commercial mixes of any kind or any other vegetable matter that is not a live and growing plant, is maintained for the feeding of deer in the city; physically handing any food product to a deer; intentionally or knowingly leaving deer food in an area where deer commonly feed; and any other activity wherein a food commonly eaten by deer is placed or left with the intent to feed deer.

📖 § 90.21 INTERFERENCE WITH DEER TRAPPING PROHIBITED.

It shall be unlawful for any person to intentionally or knowingly interfere with the city-authorized deer trapping efforts. ***INTENTIONAL OR KNOWING INTERFERENCE*** shall consist of, but not be limited to, tampering with any trapping equipment or nets, deterring deer from a trapping area physically or with the use of noise, removing deer feed left by city personnel or other authorized persons to attract deer to a trapping area or permitting dogs to enter the trapping area.

📖 § 90.22 ENFORCEMENT.

The Mayor, City Staff, and Law Enforcement, both regular and reserve officers, are empowered to enforce this subchapter.

📖 § 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) The penalty for any violation of §§ 90.01 through 90.06 of this chapter shall not exceed \$500. Each day any violation of §§ 90.01 through 90.06 of this chapter shall continue shall constitute a separate offense.

(C) The fine for the first conviction or violation of § 90.04 of this chapter shall not exceed \$200 or the maximum amount permissible under state law.

(D) The fine for the first conviction or violation of § 90.05 of this chapter shall not exceed \$200 or the maximum amount permissible under state law.

(E) The fine for the first conviction or violation of § 90.06 of this chapter shall not exceed \$500 or the maximum amount permissible under state law.

(F) Any person convicted of violating any provision of §§ 90.20 through 90.22 of this chapter shall be guilty of a misdemeanor and shall be subject to a fine in an amount not to exceed \$500 per occurrence.