

ORDINANCE 2022-04

AN ORDINANCE AMENDING THE CITY OF MORGAN'S POINT RESORT, CODE OF ORDINANCES TO UPDATE PROVISIONS REGARDING CHAPTER 2 ANIMAL CONTROL; THE SEVERABILITY OF THIS ORDINANCE AND PROVIDING FOR ANY CONFLICTING PROVISIONS; AND ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE

WHEREAS, the City of Morgan's Point Resort has adopted a Code of Ordinances (Code); and

WHEREAS, the City of Morgan's Point Resort wishes to update the Code with said revisions.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MORGAN'S POINT RESORT, TEXAS:

Section 1. Chapter 2 Animal Control of the Morgan's Point Resort Code of Ordinances is hereby amended;

Exhibit A "Section 2.01.001 Definition change definition of "At Large" and Section 2.01.003 Owner responsibility: registration of dogs and cats- adding subsections "d) to (f)

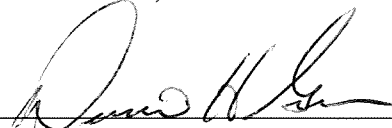
SEVERABILITY OF ORDINANCE

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

EFFECTIVE DATE

That this Ordinance shall take effect immediately.

PASSED AND APPROVED this the 10th day of May 2022, by 5 (Ayes) to 0 (Nays) with no abstentions by a vote of the City Council of the City of Morgan's Point Resort, Texas.




Dennis Green, Mayor
City of Morgan's Point Resort, Texas

ATTEST:



Ophelia Rodriguez, City Secretary
City of Morgan's Point Resort, Texas



Neale Potts, City Attorney
City of Morgan's Point Resort, Texas

CHAPTER 2

ANIMAL CONTROL

ARTICLE 2.01 GENERAL PROVISIONS*

Sec. 2.01.001 Definitions

For the purposes of this chapter, and as used herein, the following terms shall have the meaning in this section given them:

Current Definition & Ordinance:

At large. Off the premises of the owner and not under the complete control of the owner by leash, halter, cage, or other means of confinement.

Sec. 2.01.003 Owner responsibility; registration of dogs and cats

(a) **Animals at large.** An owner or guardian of an animal commits an offense if by criminal negligence he permits an animal to go at large upon the premises of others or upon the streets and other ways of the city (enforcement will be determined by the animal control officer or police officer).

(b) **Nuisances.** An owner or guardian of an animal commits an offense if by criminal negligence he allows his animal to create a nuisance as defined herein.

(c) **Registration of dogs and cats.** It shall be unlawful for the owner or guardian of any dog or cat in the city to fail to obtain an annual license tag for such animals from the city and to display (except cats) such tag from the collar or harness about the neck of such animal. The city will review the receipt issued by the licensed veterinarian and if in order will issue a metal tag for registration. A permanent record of tags issued will be maintained in the city files.

(Ordinance 14-7A, sec. 1, adopted 2/15/05)

✓ Suggested definition Change:

At Large.

(1) Not under the control of the owner either by leash, ~~chain~~, cord, or other suitable material attached to a collar or harness; or

(2) Not restrained securely within an enclosure or fence.

✓ ADD (d) - (f) to: Sec.2.01.003 **Owner responsibility; registration of dogs and cats**

(d) Restraint of animals. An owner or guardian of an animal commits an offense if by criminal negligence he fails to keep the animal in an adequate enclosure, which is one that complies with all of the requirements of this subsection.

(1) Subject to the further requirements of this subsection, an enclosure shall be an area that is completely surrounded by a substantial fence or other structure of sufficient strength, height, construction, materials, and design as to prevent any domestic animal from escaping from the area and to isolate the animal from the public and from other animals not under the control of the same owner. Enclosure requirements for Dangerous Dogs will exceed the requirements described in this subsection and will be determined on a case by case basis by city officials.

(2) For all dogs, an enclosure shall have an outside-perimeter barrier that is a minimum height of forty-eight (48) inches when measured from the ground. Any portion of a building that is intended to form part of an enclosure must have a continuous wall (inclusive of windows and doors) that meets the applicable height requirement.

(3) All non-building portions of an enclosure, including gates, shall be constructed of chain link, welded wire, wrought iron, brick, mortared stone, concrete block, wood stockade, or other similar fencing-type material approved by the director.

(4) Where a building forms a part of an enclosure, there shall be minimal separation between the building and the remaining parts of the enclosure to prevent escape of the animal or animals intended to be contained.

(5) An enclosure shall be designed, erected, and maintained in accordance with all applicable zoning and building regulations of this Code.

(6) When not in use, all gates shall be closed and secured in a manner that prevents an animal from leaving the enclosure.

(7) Broken or damaged portions of an enclosure shall be repaired with like material and provide a seamless barrier that reasonably inhibits or prevents escape.

(8) If petitioned by an owner, the director may modify or waive the requirements of subsections (2), (3), and (7), provided that the director determines that proposed alternate measures will adequately contain the animal(s) in question. In considering a petition, the director may take into account factors that include, but are not limited to, zoning requirements, deed restrictions and covenants, and the size and physical characteristics of the animal or animals to be enclosed. The decision of the director shall be final and un-appealable.

(e) It shall be unlawful for a person to use a chain to attach a dog to a stationary object or trolley system for restraint.

(f) This subsection does not prohibit a person from walking a dog with a hand-held leash.