

CITY OF ROYSE CITY, TEXAS  
ORDINANCE NO. 09-01-700

**AN ORDINANCE OF THE CITY OF ROYSE CITY, TEXAS, AMENDING SECTION 2.01.005(h) DENIAL OR REVOCATION OF ANIMAL REGISTRATIONS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

**WHEREAS** the City of Royse City, Texas, is a home rule municipality acting under its home rule charter and authority vested by state law;

**WHEREAS** the City Council has previously provided for the regulation and registration of certain animals within the City;

**WHEREAS** the City Council has previously established mechanisms for the denial or revocation of dog and cat registrations;

**WHEREAS** the City Council believes that following provisions will be protect the citizens of the City and animals residing in the City.

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

**SECTION 1**

That section 2.01.005(h) of the City of Royse City Code of Ordinances be amended to read as follows:

- “ (h) Denial or revocation
- (1) The supervisor of animal control may refuse to register a cat or dog, or revoke a permit issued to any person who has been convicted in any duly authorized court of jurisdiction in the state, or resides with any person so convicted, of any of the following:
- (A) Cruelty to animals as defined in ~~the Texas Penal Code~~, section 42.09 of the Texas Penal Code (Cruelty to Livestock Animals)~~et seq.~~, section 42.092 of the Texas Penal Code (Cruelty to Nonlivestock Animals), inhumane treatment or negligence to an animal; ~~or~~and

- (B) Conviction of four (4) or more separate and distinct violations of an animal control ordinance of a municipality in the state within any twenty-four (24)~~twelve~~-month period.
- (2) Any person denied such a registration is entitled to appeal such denial to an Administration Adjudication Hearing pursuant to the Administrative Hearing Process as established by Article 7.02 of the Code of Ordinances.
- (A) The ~~municipal judge~~ Administrative Hearing Officer shall uphold, overturn or modify the supervisor of animal control's refusal to issue a registration certificate.
- (B) Section 7.02.014, Judicial Review, of the Administrative Hearing Process does not apply to appeals from denials or revocations of cat or dog registrations. ”

## **SECTION 2**

That all provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

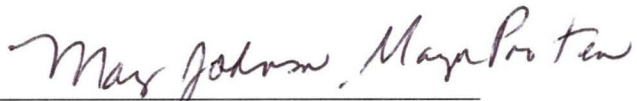
## **SECTION 3**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Royse City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

## **SECTION 4**

This Ordinance shall be effective upon its passage and publication as required by law.

**DULLY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROYSE CITY, TEXAS on this 13<sup>th</sup> day of January, 2009.**

  
JIM MELLODY, Mayor

ATTEST:

Brenda Craft  
BRENDA CRAFT, City Secretary



APPROVED AS TO FORM:

[Signature]  
JASON DAY, City Attorney

Dates of Publication: 1<sup>st</sup> Jan 28, 2009 2<sup>nd</sup> Feb 4, 2009

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