

ORDINANCE NO. 2019-46

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROSENBERG, TEXAS, BY AMENDING CHAPTER 4, ARTICLE I, SECTION 4-10, ENTITLED, "PROHIBITED IN CITY PARKS", AS IT RELATES TO DOGS IN CERTAIN CITY PARKS; PROVIDING FOR SEVERABILITY; AND, PROVIDING A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF.

WHEREAS, Section 4-10 of the City Code of Ordinances prohibits the presence of dogs, among other animals, in City parks and,

WHEREAS, the Parks and Recreation Board has recommended amending said Ordinance to allow for leashed dogs within Seabourne Creek Nature Park; and,

WHEREAS, the Parks and Recreation Board further recommends that Riverbend Park be established as an off-leash dog park for the citizens of Rosenberg; and,

WHEREAS, the City Council finds it in the best interest for the peace, repose, and enjoyment of the citizens of Rosenberg to amend the Code of Ordinances to allow for canine companions in certain City parks; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROSENBERG:

Section 1. The Code of Ordinances of the City of Rosenberg, Texas, is hereby amended by amending Chapter 4, Article I, Section 4-10, to provide as follows:

"Sec. 4-10. – Prohibited in city parks.

- (a) *Prohibited.* All animals (except wildlife) including, but not limited to, dogs, cats, livestock and poultry, are hereby banned and prohibited from the city's parks. No such animal, whether running at large or under the physical control (including by cord, leash, chain or other confinement), or visible or audible control of any person shall be allowed in the following city parks and in any city parks which may be established in the future: Garcia, Travis, Sunset, Harwood, Brazos, Tony Becerra, Seabourne Creek Park Regional Sports Complex and the Civic Center.
- (b) *Penalty for violation.* Any animal found running at large within the boundaries of any city park is subject to impoundment at the city animal control shelter in accordance with section 4-116 et seq. The length of confinement, redemption and disposition of any animal shall be handled in accordance with the provisions of section 4-116 et seq.
- (c) *Citation.* Any person who knowingly takes or holds any animal into a city park, excepting Riverbend and Seabourne Creek Nature Park, shall be subject to citation by an animal control officer, a city police officer or other agent of the city, regardless of whether the animal was under the physical, visible or audible control of such person. The penalty levied in connection with such citation shall be the maximum allowable by state law.

(d) *Exception.* This section shall not apply to or restrict the use of a seeing-eye dog by a visually impaired person in any city park; provided the seeing-eye dog is under the physical control of such visually impaired person. This section shall not apply to Seabourne Creek Nature Park for dogs under the physical control of any person by cord, leash or chain. This section shall not apply to Riverbend Park which is to be established as a dog park.”

Section 2. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Rosenberg, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 3. Any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount as provided in Section 1-13 of the Code of Ordinances of the City of Rosenberg. Each day of violation shall constitute a separate offense.

PASSED AND APPROVED by a vote of 7 “ayes” in favor and 0 “noes” against on this the first reading in full compliance with the provisions of Section 3.10 of the Charter of the City of Rosenberg on this the 20 day of August 2019.

ATTEST:

Danyel Swint
Danyel Swint, **City Secretary**

APPROVED:

William Benton
William Benton, **Mayor**

APPROVED AS TO FORM:

Burl Minin
CITY ATTORNEY
Randle Law Office, Ltd., L.L.P.

