

ORDINANCE

165-A

REPLACED BY

165-B

Ordinance No. 165-A

AN ORDINANCE AMENDING ORDINANCE NUMBER 165 OF THE CITY OF WALLIS, TEXAS, REGULATING ANIMALS WITHIN THE CITY; PROVIDING A PENALTY NOT TO EXCEED \$500.00 FOR VIOLATIONS; ESTABLISHING THE SEVERABILITY OF THIS ORDINANCE AND PROVIDING FOR ANY CONFLICTING PROVISIONS; AND ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE; BY ADDING A NEW SECTION IV-E TO ARTICLE IV AND TITLED "NUISANCES".

WHEREAS, the City Council of the City of Wallis, Texas has heretofore adopted an ordinance providing for regulation of Animals being Ordinance Number 165 on the 18th day of April, 2007, and

WHEREAS, the City Council of the City of Wallis has determined that said ordinance should be amended to add a new section defining and prohibiting nuisances caused by animals;

WHEREAS, notice of the agenda for this meeting, was given in accordance with law by posting the same at the place reserved and designated for notices of public meetings and public activities and prior to the adoption of this ordinance; and

AND NOW THEREFORE,

BE IT ADOPTED BY THE CITY COUNCIL OF THE CITY OF WALLIS, TEXAS:

1. The City Council of the City of Wallis having reviewed the findings of fact and conclusions as herein set out and adopts the same for inclusion in this ordinance if the same had been repeated verbatim herein.
2. Ordinance Number 165 of the City of Wallis, Texas is hereby amended by adding a new Section IV-E in Article IV, titled "Nuisances" as shown below.

"Sec. IV-E Nuisances

(a) Definition-The following activities, among others, shall be considered to be a public nuisance with respect to activities of animals: Destruction of property, creating or causing loud noises, overturning trash containers or spreading trash or like items, or engaging in or entering into any activity which may reasonably be considered to be a nuisance to persons, or property of others.

(b) Violations

- (1) Any violation of this article shall be punishable as provided in Article I, Section I-C.
- (2) In the event that a second or subsequent violation of this article shall occur by the same individual for the same act of nuisance, the city may correct such nuisance and impound the animal in accordance with Section IV-B of this Ordinance and then dispose of such animal in accordance with the ordinances of the city; provided, however, that the

owner of any animal so impounded under this section shall be allowed to take such animal from the place where impounded upon:

- (i) The payment of an impounding fee for each day or fractional part thereof that the animal was impounded.
- (ii) A showing that provisions have been made for prevention of further activities creating a nuisance by the animal.
- (iii) The payment of any fine levied under section I-C for a violation of this article.

(c) Duty of owner generally. No owner, keeper or person responsible for the supervision of any animal shall permit such animal to, or fail to prevent such animal from, creating a nuisance to persons, property or other animals within the city.

(d) Notice of complaint. Upon the receipt of a complaint that any person is allowing an animal to create a nuisance, the city shall give the owner or person responsible for control of such animal notice that a complaint has been made and a warning that the activity being complained of is a nuisance and in violation of this Code. In the event that the action complained of recurs or is not remedied, then a charge shall be filed by the city for violation of the provisions of this article."

3. The City Council finds, determines and declares that a sufficient written notice was posted and this Amending Ordinance was passed in accordance with the Open Meetings Act. The City Secretary is instructed to publish the Caption of Ordinance Number 2008-165 and the Caption of this Amending Ordinance in the Official Newspaper of the City of Wallis and in the manner provided and for the time required by Section 52.011(a) of the Local Government Code. The City Secretary is directed to attach the notice and date of publication to this Amending Ordinance.


PRESENTED on the 19th day of November, 2008, and passed and approved by a vote of 5 ayes and 0 nays at a regular meeting of the City Council of the City of Wallis, Texas.

APPROVED and EXECUTED this, the 19th day of November, 2008.

CITY OF WALLIS, TEXAS


TONY SALAZAR, Mayor

ATTEST:



D.J. SOMMERS, City Secretary
City Seal

ORDINANCE NO. 165-B

AN ORDINANCE AMENDING ORDINANCE NO. 165-A OF THE CITY OF WALLIS, TEXAS, REGULATING ANIMALS WITHIN THE CITY; BY AMENDING ARTICLE III TITLED "RABIES CONTROL, SECTION III-I "NUMBER OF ANIMALS PERMITTED;" PROVIDING A PENALTY NOT TO EXCEED \$500.00 FOR VIOLATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE.

WHEREAS, the City Council of the City of Wallis, Texas, adopted an ordinance providing for regulation of Animals being Ordinance Number 165 on the 18th day of April, 2007; and

WHEREAS, the City Council of the City of Wallis, Texas, determined that said ordinance should be amended to add a new section defining and prohibiting nuisances caused by animals being Ordinance Number 165-A on the 19th day of November, 2008; and

WHEREAS, the City Council of the City of Wallis is continually reviewing the provisions of the City Ordinances relating to nuisances, land use and other circumstances which generally impact the health, safety and well-being of residents, citizens and inhabitants and has determined that said ordinance should be amended to prohibit nuisances caused by the permitted number of animals allowed in kennels as defined herein;

WHEREAS, notice of the agenda for this meeting, was given in accordance with law by posting the same at the place reserved and designated for notices of public meetings and public activities and prior to the adoption of this ordinance; **AND NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALLIS, TEXAS:

1. The City Council of the City of Wallis having reviewed the findings of fact and conclusions as herein set out and adopts the same for inclusion in this ordinance as if the same had been repeated verbatim herein.
2. Ordinance Number 165-A, which amended Ordinance Number 165 of the City of Wallis, Texas is hereby amended by deleting the old Section III-I and adding a new Section III-I in Article III, titled "Rabies Control" as shown below.

"Sec. III-I Number of animals permitted.

(a) No person shall harbor or keep more than (a) four (4) dogs over the age of four (4) months, or (b) ten (10) dogs under the age of four (4) months, except in a clinic or hospital of a licensed veterinarian or an official animal pound so designated and approved by the City.

ORDINANCE NO. 165-B

AN ORDINANCE AMENDING ORDINANCE NO. 165-A OF THE CITY OF WALLIS, TEXAS, REGULATING ANIMALS WITHIN THE CITY; BY AMENDING ARTICLE III TITLED "RABIES CONTROL, SECTION III-I "NUMBER OF ANIMALS PERMITTED;" PROVIDING A PENALTY NOT TO EXCEED \$500.00 FOR VIOLATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE.

(b) No person shall harbor or keep more than (a) four (4) cats over the age of four (4) months, or ten (10) cats under the age of four (4) months, except in a clinic, or hospital of a licensed veterinarian or an official animal pound so designated and approved by the City."

3. All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed.

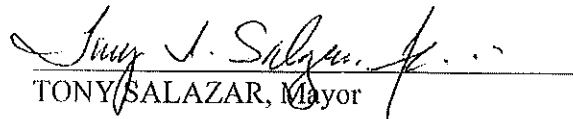
4. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance 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 Wallis, 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.

5. The City Council finds, determines and declares that a sufficient written notice was posted and this Amending Ordinance was passed in accordance with the Open Meetings Act. The City Secretary shall give notice of the enactment of this Ordinance Number 2011-165-B by promptly publishing it or its descriptive caption and penalty for violation in the official newspaper of the City in the manner provided for by Section 52.011(a) of the Local Government Code; the Ordinance to take effect upon publication. The City Secretary is directed to attach the notice and date of publication to this Amending Ordinance.

PRESENTED on the 20th day of APRIL, 2011, and passed and approved by a vote of 5 ayes and 0 nays at a regular meeting of the City Council of the City of Wallis, Texas.

APPROVED and EXECUTED this, the 20TH day of APRIL, 2011.

CITY OF WALLIS, TEXAS


TONY SALAZAR, Mayor

ATTEST:


D.J. SOMMERS, City Secretary

City Seal