

ORDINANCE NO. 2006-09-26-001

(Revision of No. 2005-05-24-001)

AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS, ADOPTING ANIMAL CONTROL REGULATIONS DESIGNED TO PROTECT THE PUBLIC HEALTH AND SAFETY; PROVIDING FOR THE CONTROL, REGULATION, AND VACCINATION OF DOGS AND CATS; PROVIDING REGULATIONS FOR OTHER ANIMALS, FOWL, LIVESTOCK AND WILD AND EXOTIC ANIMALS; PROVIDING FOR IMPOUNDING AND DISPOSITION OF ANIMALS RUNNING AT LARGE OR OTHERWISE IN VIOLATION OF THIS ORDINANCE; PROVIDING FINES AND PENALITIES; REPEALING ALL PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the City of Kempner, Texas (herein the "City") and Lampasas County (the "County") desire to share governmental resources related to animal control and intend to enter an interlocal agreement designating Lampasas County as the Animal Control Authority for the city and providing for the County to provide animal control services to the City;

Whereas, to facilitate the sharing of governmental resources under an interlocal agreement, it is necessary for the City to adopt the County's animal control regulations;

Whereas, the City Council has reviewed and considered the animal control regulations adopted by the County and finds that said regulations will benefit the health, safety, and welfare of the City's residents;

Whereas, the proper care, regulation and control of animals, fowl and livestock is necessary for the health, safety and quality of life of the citizens of the City;

Whereas, the establishment of reasonable requirements for the care and control of dogs, cats, animals, fowl and livestock is necessary to protect such animals and the general public;

Whereas, it is necessary for the City to adopt requirements and regulations which will enable law enforcement and the Animal Control Authority to respond in a manner consistent with State law to unusual circumstances and conditions that arise from time to time with respect to the keeping, care and control of domestic, wild and exotic animals; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEMPNER, TEXAS, THAT:

Section 1. Findings. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Animal Control Regulations Adopted; Amendments.

(a) Animal Control Regulations Adopted. The City Council hereby adopts as an ordinance of the City the "Animal Control Regulations" for the control and regulation of animals within the City of Kempner to read as set forth in the "Rabies and Animal Control Order", as amended herein, attached to and incorporated in this ordinance as though fully transcribed herein for all purposes.

(b) Amendments: The Rabies and Animal Control Order is amended as follows:

(1) Section I, paragraph 1.03 is amended in its entirety to read as follows:

1.03 Animal Control Authority – Lampasas County or designee, or the person or entity designated by the City of Kempner to enforce the provisions of this Ordinance and applicable state law. This provision does not prevent other authorized law enforcement personnel from enforcing this Ordinance.

(2) Section 1 is amended by adding paragraph 1.125 to read as follows:

1.125 Order – Ordinance

(3) Section 1 is amended by adding paragraph 1.135 to read as follows:

1.135 Local rabies control authority – Lampasas County or designee, or a person or entity designated by the City of Kempner to perform the duties and enforce the applicable provisions set forth in this Ordinance.

(4) Section VI, paragraph 6.06 is amended in its entirety to read as follows:

6.06 Impoundment: Any dog found in the territorial limits of the City of Kempner in violation of this Order may immediately be impounded by the Animal Control Authority and kept for a period of 72 hours if unlicensed and 96 hours if licensed, after which time the dog becomes the property of the County or its designee. The dog shall then be humanely euthanized or placed for adoption in a suitable home according to policies and procedures of the Animal Control Authority.

(5) Section VII, subparagraph 7.01.A. is amended in its entirety to read as follows:

A. Animal Control Officer – Means the Animal Control Authority

(6) Section VIII, subparagraph 8.01.C. shall be deleted.

Section 3. Amendment Of Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

Section 4. Penalty. (a) Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of five hundred dollars (\$500.00). Allegation and evidence of a culpable mental state are not required for proof of an offence. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all other remedies provided herein.

(b) A person commits an offense if, with intent to deceive, he knowingly makes a false report or statement, either verbal or written, that is material to an investigation of an alleged violation of this Ordinance to an Animal Control Officer or other person authorized to enforce provision of this Ordinance.

(c) A person commits an offense if he reports to a person authorized to enforce provisions of this Ordinance an offense or incident within that person's concern knowing that the offense or incident did not occur.

Section 5. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code.

Section 6. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this 26th day of September, 2006.

Attest:

City of Kempner, Texas


Frances Spinney, City Secretary


Gene Isenhour, Mayor

