

## **ORDINANCE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER 6, ANIMAL CARE AND CONTROL, SECTION 6-16 ANIMAL SHELTER ADVISORY COMMITTEE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AND THAT THE RECITALS ARE TRUE; CONTAINING A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A CUMULATIVE CLAUSE, AND EFFECTIVE DATE.**

**WHEREAS**, the City of Burleson, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City Council passed Ordinance B-749-06 on April 13, 2006 creating Chapter 6 Animal Care and Control of the Code of Ordinances; and

**WHEREAS**, Chapter 6 Animal Care and Control, Section 6-16 created the Animal Shelter Advisory Committee pursuant to Texas Health and Safety Code § 823.005; and

**WHEREAS**, the Animal Shelter Advisory Committee number of members and terms of the members is stated in Section 6-16(c); and

**WHEREAS**, all members of the Committee hold terms in compliance Chapter 2, Article II, Section 2-31(e) limiting the terms to three consecutive three year terms; and

**WHEREAS**, the City Council desires the term limits do not apply to three members of the Animal Shelter Advisory Committee, specifically the licensed veterinarian, the municipal official, and the member whose duties include the daily operation of an animal shelter.

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

### **Section 1.**

Subsection (c) of Section 6-16 "Animal Shelter Advisory Committee" of Chapter 6 "Animal Care and Control" of the City of Burleson Code of Ordinances is hereby amended to read as follows:

**"§ 6-16. Animal Shelter Advisory Committee.**

...

(c) The committee shall be in compliance with chapter 2, article II, section 2-31(e) for number of members and each member shall serve terms in compliance with chapter 2, article II, section

2-31(d). Notwithstanding the above, term limits shall not apply to the committee seats reserved for the one licensed veterinarian, the one municipal official, and the one person whose duties include the daily operation of an animal shelter.

...”

### **Section 2.**

The City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required by law and that public notice of the time, place and purpose of said meeting was duly given as required by the Texas Open Meetings Act.

### **Section 3.**

The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council 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 in the City.

### **Section 4.**

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

### **Section 5.**

Any complaint, notice, notice of violation, action, cause of action, hearing request, appeal, or claim which prior to the effective date of this Ordinance that has been initiated or arisen under or pursuant to any other ordinance(s) shall continue to be governed by the provision of that ordinance or ordinances, and for that purpose that ordinance or ordinances shall be deemed to remain and shall continue in full force and effect.

### **Section 6.**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Burleson, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

### **Section 7.**

This ordinance shall become effective immediately upon its passage and publication as required by law.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** by the City Council of the City of Burleson on this \_\_\_\_ day of \_\_\_\_\_, 2024.

**First Reading:** the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Final Reading:** the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Chris Fletcher, Mayor  
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

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Amanda Campos, City Secretary

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E. Allen Taylor, Jr., City Attorney