

ORDINANCE NO. 22-486

AN ORDINANCE BY THE COUNCIL OF THE CITY OF RICHWOOD, TEXAS, AMENDING CHAPTER 3 – ANIMALS, ARTICLE I – GENERAL, SECTION 3-9 AND 3-36; PROVIDING FOR A PENALTY; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE IMMEDIATELY UPON ITS PASSAGE.

WHEREAS, City Council heard from residents requesting to amend the ordinance regulating nuisance animals within the City of Richwood;

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

Section 1: That Section 3-9. - Unrestrained and nuisance animals is hereby amended to read as follows:

- (a) It shall be the duty of the humane officer or his duly authorized assistants, or any police officer of the city to pick up unrestrained animals or nuisance animals.
- (b) It shall be a violation of this ordinance for any person to keep, own, possess, harbor, or allow to remain upon premises under his control an unrestrained or nuisance animal.
- (c) An unrestrained or nuisance animal, excluding felines, is one which is not:
 - (1) Inside the animal owner's fenced yard;
 - (2) At the end of a leash controlled by a responsible person;
 - (3) In the animal owner's, or individual with the animal owner's consent, house, apartment or completely enclosed structure, such as kennel, cage, etc.;
 - (4) Tied or staked upon open or unfenced land;
 - (5) On a real property controlled by the owner; or
 - (6) Restrained by other means such as electric collars, underground fences, etc.
- (d) A nuisance animal, **including felines for (d)1,2,4,5,6 only**, is one which:
 - (1) Molests or attacks people;
 - (2) Attacks other animals;
 - (3) Is repeatedly at large;
 - (4) Damages private or public property;
 - (5) Disturbs any person, including but not limited to the act of continual barking, howling or yowling that continues for more than 10 minutes.;
 - (6) Creates an offensive odor.

Section 2: That Section 3-36 - Unrestrained and nuisance animals is hereby amended to read as follows:

It shall be the duty of the humane officer or his duly authorized agents, or any police officer of the city to pick up unrestrained animals or nuisance animals. **A stray or feral cat causing a nuisance may be impounded. Congregating stray or feral cats may be considered a nuisance when damaging the property of others. Cats without tipped ears and/or tags may also be impounded for public safety reasons.**

Section 3: Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance 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 Richwood, 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, or whether there be one or more parts.

Section 4: Repeal. All other ordinances or parts of ordinances in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed.

Section 5: Penalty. Any person who violates this article shall be guilty of a misdemeanor, and upon conviction thereof shall be fined as provided in section 1-6 of the Code of Ordinances of the City of Richwood

Section 6: Effective date. The city secretary shall publish the caption of this ordinance and this ordinance shall be effective and in full force immediately upon its passing and adoption.

PASSED, APPROVED, AND ADOPTED this 14th day of February, 2022.

Steve Boykin, Mayor

ATTEST:

Kirsten Garcia, City Secretary

APPROVED AS TO FORM:

R.P. Matthew Allen, City Attorney