

ORDINANCE NO. _____

CITY OF WOODCREEK, TEXAS

AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE IX ("GENERAL REGULATIONS"), CHAPTER 90 ("ANIMAL"); PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.

WHEREAS, the City Council recognizes the unique qualities of the City of Woodcreek as primarily a residential neighborhood where most residences are located on one-third of an acre lot or less, and thus can be considered in close proximity to one another throughout a majority of the land located within the municipal boundaries of the City and thus under the jurisdiction of the City of Woodcreek; and

WHEREAS, the City Council finds it relevant, desirable and reasonable to prohibit the personal ownership of some exotic and farm animals on premise for all private residences located within the municipal boundaries due to certain characteristics of such animals, including but not limited to size, predator nature, domestication history and practices, likelihood to spread or carry communicable diseases, and other important features of the animals' care and habitat that make private, in-home or outdoor captivity, at a personal residence unsuitable and undesirable within the municipal boundaries of the City of Woodcreek; and

WHEREAS, the City Council further finds that the private ownership on the premise of any lot within the municipal boundaries of the City of Woodcreek of certain exotic and wild animals may be deemed a public nuisance and create a public health hazard; and

WHEREAS, the City Council additionally recognizes that the feeding of certain wild animals such as geese and deer to be undesirable: and

WHEREAS, the City Council finds that to prohibit residents from feeding such wild animals within the municipal boundaries of the City of Woodcreek is essential to protect citizens as they are apt to draw predators to the area; and

WHEREAS, the City Council recognizes that such acts of feeding of wild animals at a private residence can promote overpopulation of a species, thus creating a public nuisance and posing a public health hazard; and

WHEREAS, the City Council finds it is desirable and reasonable to regulate such private ownership of certain animals and to prohibit the feeding of certain wild animals to protect the public health, safety, and welfare of all citizens; and

WHEREAS, section 51.012 of the Local Government Code provides a Type A general law municipality, such as the City of Woodcreek, Texas, may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodcreek:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 90 (“Animals”) of the Code of Ordinances of the City of Woodcreek is amended so as to read in accordance with Attachments A, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby authorized and directed to record and publish the language of Chapter 90 as amended by this Ordinance, in the City's Code of Ordinances.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon its passage and the publication of caption of this ordinance as provided by law.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. 27

PASSED & APPROVED this, the ___ day of October 2023, by a vote of ____ (ayes) to ____ (nays) and ____ (abstentions) of the City Council of Woodcreek, Texas.

Jeff Rasco, Mayor

Suzanne Mac Kenzie, City Secretary

Attachment "A"

City of Woodcreek

CODE OF ORDINANCES

TITLE IX: GENERAL REGULATIONS

CHAPTER 90: ANIMALS

§ 90.01 DEFINITIONS.

Exotic or Wild Animals. means and includes any mammal, amphibian, reptile, or fowl, which is of a species that is wild by nature and of a species, which, due to size, vicious nature, or other characteristics, is or may be dangerous to human beings. Such animals shall include, but not be limited to, lions, tigers, leopards, panthers, lynx, wolves, coyotes, deer, raccoons, ratites (ostriches, rheas, cassowaries, and emus), skunks (whether deodorized or not), monkeys whose average weight as an adult exceeds 20 pounds, foxes, javelinas, llamas, elephants, rhinoceroses, alligators, crocodiles, falcons, pea fowl, and all forms of poisonous reptiles; any species of animal which is considered endangered by international, federal, or state regulations. The term "wild or exotic animal," as used in this chapter, shall not include birds, ferrets, gerbils, hamsters, guinea pigs, mice, small lizards or turtles, or rabbits that are maintained as personal or household pets.

Handler. Any person(s) with whom an animal has been placed by the owner of such animal for the purpose of that person(s) having control of such animal on behalf of the owner.

Owner. Any person, persons, firms, corporations or associations keeping, having custody or harboring an animal, fowl or reptile.

Running at Large. Not under the direct physical control of the owner or handler by leash, cord, or similar direct physical control and not being prevented from leaving the premises of the owner.

Typical Farm Animals and Fowls. Equine, hogs, cattle, horses, jacks, jennets, sheep, goats, chickens, geese, ducks, turkeys or like animals and fowls.

§ 90.02 TYPICAL FARM ANIMALS AND FOWL

Typical farm animals and fowl will not be permitted within the City.

§ 90.03 EXOTIC OR WILD ANIMALS.

Exotic or wild animals will not be permitted within the City.

§ 90.04 UNREASONABLY LOUD BARKING OR HOWLING BY DOGS.

It shall be unlawful for a dog to make unreasonable loud barking or howling noise. For purposes of this section, *unreasonable loud barking or howling noise* is defined as barking or howling of

such a degree of loudness and duration that it is disturbing to a person or persons in the vicinity or earshot of the dog.

(A) Any such person or persons so disturbed must file a written complaint with the City of Woodcreek.

(B) The owner or handler of the dog shall be deemed responsible for training or hiring someone to train the dog to be reasonably quiet.

(C) Barking dogs are not allowed outside an enclosed residential area between the hours of 11:00 p.m. and 5:00 a.m.

§ 90.05 DOGS UNDER DIRECT PHYSICAL CONTROL OF OWNER, HANDLER.

(A) Every dog shall be kept under the direct physical control of an owner or handler or shall be physically restrained from leaving the premises of the owner or handler of such dog.

(B) The owner/handler is responsible for removing any feces due to defecation of their dog from public or private property and discard it in a sanitary manner. This applies to dogs in areas including, but not limited to the golf course, recreation areas, green belts, street rights-of-way and privately owned property.

§ 90.06 COMPLAINTS.

Any complaint alleging violation of any portion of this subchapter must follow the procedures outlined in the APPLICATION FOR CITY OF WOODCREEK CITIZEN COMPLAINT FORM, on file with the City.

Complaints to be filed pertaining to § 90.04 must follow the procedures outlined in the BARKING DOG NOISE COMPLAINT FORM, on file with the City.

§ 90.07 FEEDING OF WILD AND EXOTIC ANIMALS

It shall be unlawful for any person to intentionally or knowingly feed any wild or exotic animals within the City limits. *Intentionally or knowingly* feeding shall consist of, but not be limited to, having an established receptacle within which corn, maize, oats, commercial mixes of any kind or any other vegetable matter that is not a live and growing plant, is maintained for the feeding of such wild animals in the City; physically handing any food product to a wild animal; *intentionally or knowingly* leaving food attractive to wild animals in an area where they commonly feed; and any other activity wherein a food commonly eaten by such wild animal is placed or left with the intent to feed them

This paragraph does not apply to hummingbird feeders, wild bird feeders, or squirrel feeders that are suspended off the ground.

§ 90.21 INTERFERENCE WITH DEER TRAPPING PROHIBITED.

It shall be unlawful for any person to intentionally or knowingly interfere with the City authorized deer trapping efforts. *Intentional or knowing interference* shall consist of, but not be limited to, tampering with any trapping equipment or nets, deterring deer from a trapping area

physically or with the use of noise, removing deer feed left by City personnel or other authorized persons to attract deer to a trapping area or permitting dogs to enter the trapping area.

§ 90.22 ENFORCEMENT.

The Mayor, City Staff, and Law Enforcement, both regular and reserve officers, are empowered to enforce this subchapter.

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 90.99 of this Code of Ordinances.

(B) The penalty for any violation of § 90.01 through 90.05 of this chapter shall not exceed \$500.00. Each day any violation of § 90.01 through 90.05 of this chapter shall continue shall constitute a separate offense.

(C) The fine for the first conviction or violation of § 90.04 of this chapter shall not exceed \$200.00 or the maximum amount permissible under state law.

(D) The fine for the first conviction or violation of § 90.05 of this chapter shall not exceed \$200.00 or the maximum amount permissible under state law.

(E) Any person convicted of violating any provision of §§ 90.21 of this chapter shall be guilty of a misdemeanor and shall be subject to a fine in an amount not to exceed \$500.00 per occurrence.