

ORDINANCE NO. 2024-34

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE' S CODE OF ORDINANCES, ORDINANCE NO. 2021-17, AS AMENDED, CHAPTER 18 (ANIMALS), ARTICLE I (IN GENERAL), SECTION 18-6 (IMPOUNDMENT, REDEMPTION, AND DISPOSITION OF ANIMALS), SUBSECTIONS (A)(2) AND (D)(1)(B) TO AMEND IMPOUNDMENT, REDEMPTION, AND DISPOSITION OF ANIMALS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Wylie, Texas ("City Council") finds that it is necessary and in the public interest to ensure the health and humane treatment of animals and the public in the City of Wylie, Texas ("Wylie" or "City"); and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Wylie to amend Chapter 18 (Animals), Article I (General), Section 18-6 (Impoundment, redemption, and disposition of animals), Subsections (a)(2) and (d)(1)(b) of the Wylie' s Code of Ordinances, Ordinance No. 2021-17, as amended ("Code of Ordinances");

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Chapter 18 (Animals), Article I (General), Section 18-6 (Impoundment, redemption, and disposition of animals), Subsections (a)(2) and (d)(1)(b) of the Wylie Code of Ordinances. Chapter 18 (Animals), Article I (General), Section 18-6 (Impoundment, redemption, and disposition of animals), Subsections (a)(2) and (d)(1)(b) is hereby amended as follows:

**“CODE OF ORDINANCES
Chapter 18 – ANIMALS
Article I – GENERAL**

...

Sec. 18-6. - Impoundment, redemption, and disposition of animals.

(a) *Impoundment.*

...

(2) *Owner's absence.* The animal services officer may impound an animal at the request of a peace officer, firefighter, or owner of the property where the animal is located when the owner of the animal has been arrested, hospitalized, is missing, has died, the home has been rendered inhabitable due to a fire, or when the owner is being lawfully evicted from his/her premises and there is no person present 17 years of age or older who will assume responsibility for the animal;

...

(d) *Disposition.*

(1) *Time limits.*

...

- b. An animal impounded at the request of a firefighter, peace officer, or property owner as required by subsection (a)(2) of this section shall be kept for not less than ten business days unless earlier reclaimed by the owner or the owner's agent or euthanized as allowed by this chapter.

...”

SECTION 3: Penalty. Any person, firm, corporation, or entity violating this Ordinance shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined a sum not exceeding two thousand dollars (\$2,000.00) if the violation relates to the public health and sanitation, otherwise the fine shall be a sum not exceeding five hundred dollars (\$500.00). Each continuing day’s violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. Wylie retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4: Savings/Repealing. All provisions of the Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 6: Effective Date. This Ordinance shall become effective from and after its passage and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 8th day of October, 2024.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary

Date of Publication: October 17, 2024, in the Wylie News