

**ORDINANCE NO. 2010-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CROWELL REGULATING THE POSSESSION, OWNERSHIP AND MAINTENANCE OF ANIMALS WITHIN THE CITY OF CROWELL; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the improper maintenance and possession of animals within the City creates situations which are hazardous to the health and safety of the City's residents and to the animals;  
**And**,

**WHEREAS**, the City Council desires to provide procedures for the enforcement of regulations for the safe maintenance of animals; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROWELL AS FOLLOWS:**

**PART 1. ENACTED.**

**THAT**, the following regulations for the maintenance and possession of animals within the City of Crowell are hereby enacted and as enacted shall read as follows:

**ARTICLE I**

**ANIMAL CONTROL**

**Sec. 1.01. Definitions.**

For the purposes of this ordinance; certain terms and words are hereby defined. Words used in the present tense include the future, the singular number includes the plural, and the plural the singular; reference to the male gender includes the female, and references to any person or animal without specifying gender include both male and female; the word "shall" is mandatory and directory wherever it is used in the Chapter. Other words defined are:

**Animal** means any living creature, except human beings, classified as a member of the Kingdom Animalia and including, but not limited to, mammals, birds, reptiles and fish.

**Animal Services Facility** means an establishment operated by the City or under contract to the City for the temporary confinement, safekeeping, and control of animals which come into the custody of the City.

**Animal Establishment** means any facility or business that has custody or control of animals within the City of Crowell including, but not limited to, pet shops, pet grooming facilities, animal auction facilities or commercial kennels. This term does not include veterinary or medical facilities, research or other facilities licensed by government agencies.

**Assistance Animal** means any animal professionally trained to assist a handicapped person.

**At large** means an animal (excluding cats) that meets one (1) of the following criteria:

(1) On premises of owner. Any animal not confined to the premises of the owner by some physical means of sufficient height, strength, length, and/or manner of construction to preclude the animal from leaving the premises of the owner. Any animal being contained by a fence that, because of the fence's lack of height or general disrepair, cannot properly restrict the animal, shall be considered at large.

(2) Off premises of owner. Any animal which is not physically and continually restrained by some person by means of a leash or chain of proper strength and length that precludes the animal from making unsolicited contact with any person, their clothing, their property, or their premises. The term shall not include animals being trained or exhibited while under the immediate physical or vocal control of a person, so long as the animal demonstrates complete and immediate compliance with all vocal commands of the person.

**Cat** means any live or dead cat (*Felis catus*)

**Cats** and related terms are defined as follows:

**Feral Cat** means any cat which is too poorly socialized to be handled (and therefore must be trapped and sedated for examination) and cannot be placed into a typical pet home.

**Free Roaming Cat** means cats which are not confined to the house or an enclosure and are at large

**Stray Cat** means cats which are currently or recently owned which may be lost from their homes.

**City Enforcement Agent or Enforcement Agent** means the person or persons, designated by the City Council to enforce this ordinance, his authorized representatives, or any other law enforcement officer. The City Enforcement Agent shall be responsible for the enforcement of this ordinance and any regulations promulgated hereunder, unless otherwise provided by law.

**Dangerous Animal** means:

- (1) Any individual animal which, because of its physical nature and/or vicious propensity, would constitute a danger to human life or property; or any animal that is possessed of tendencies to attack or to injure human beings or other animals;
- (2) An animal that commits an unprovoked attack on a human being; that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own;
- (3) An animal that commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own, and those acts cause a person reasonably to believe that the animal will attack and cause bodily injury to that person; or
- (4) An animal that makes an unprovoked attack on a domestic animal or domestic fowl that causes bodily injury or death; and which occurs when such animal is at large.

**Dangerous Wild Animal** means any animal not normally considered domesticated which, because of its size, vicious nature or other natural characteristic would constitute a danger to human life, property or domestic animals, or any animal that is restricted from ownership by any state or federal law including, but not limited to, the following animals:

- (1) Reptiles: venomous reptiles, crocodiles or alligators;
- (2) Birds: emus, ostriches, rheas, and any species illegal to own under federal or state law;
- (3) Mammals: ocelots, lions, tigers, jaguars, leopards, cougars, bobcats, wolves, dingos, coyotes, jackals, elephants, weasels, martins, minks, badgers, pandas, bears, raccoons, bats, foxes, skunks, cheetahs, servals, caracals, hyenas, baboons, chimpanzees, orangutans, gorillas, any species illegal to own under federal or state law, and any animal which is, or may be here after, listed as a "high risk" animal in the Texas Rabies Control Act; or
- (4) Any hybrid of any animal classified as a Dangerous Wild Animal.

**Department** means the State Health Department.

**Dog** means any live or dead dog (*Canis familiaris*).

**Estray** means any unbranded sheep, cattle, horses, or mules found running at large, or any branded sheep, cattle, horses, or mules found running at large, or any swine found running at large; but it does not mean nor include any unweaned animal specified in this section that is running with its mother.

**Identification** means a numbered metal tag issued by the City of Crowell and a registration tag issued by a veterinarian readily traceable to the current owner.

**Impound** means the placing of an animal in an animal services facility, or, the taking into custody of an animal for the purposes of transportation to an animal services facility under contract with the City.

**Inhumane** treatment of animals means any treatment of an animal prohibited by any provision of law, including federal, state and local laws, ordinances or rules.

**Livestock** means and includes, regardless of age, sex or breed, horses, consisting of all equine species including mules, donkeys, and jackasses; cows, consisting of all bovine species; sheep, consisting of all bovine species; llamas or alpacas; goats, consisting of all caprine species; fowl, consisting of but not limited to all turkey, chickens, ducks and geese; rabbits; pigs, consisting of all swine species, whether domestic or wild.

**Neutered Sterilized** means any animal, male or female, rendered incapable of breeding or being bred.

**Owner** means any person, partnership, corporation, association or legal entity that harbors, shelters, keeps, controls, manages, possesses or has whole or part interest in any animal. The occupant, owner or head of household of any premises where an animal remains for seventy-two (72) hours or more shall be refutably presumed to be the owner of such animal, unless the animal has been reported to the City Enforcement Agency as a stray animal. An occupant of any premises on which a dog or cat remains or customarily returns is a person responsible for it under this ordinance. If a person under the age of seventeen (17) years owns an animal subject to the provisions of this ordinance, the head of the household of which such person under the age of seventeen (17) years is a member shall be the person responsible for the animal under this ordinance. Such household head may himself be under the age of seventeen (17) years and therefore subject to prosecution under this ordinance. There may be more than one person responsible for an animal.

**Pet Animal** means any animal that may be kept as a pet within the City so long as all of the required provisions of this ordinance are met, and is not a Dangerous Wild Animal or a Wild Animal, including but not limited to the following animals:

- (1) Reptiles - Any non-venomous reptile that is not protected from ownership by any state or federal law;
- (2) Birds - Any birds commonly kept as pets that are not protected from ownership by any state or federal law, or any bird kept for falconry purposes by a state and federally permitted falconer;
- (3) Fish - Any fish commonly kept as pets that are not protected from ownership by any state or federal law; or

(4) Mammals — including but not limited to: any mammal commonly kept as pets including dogs, cats, ferrets, rabbits, guinea pigs, hamsters, hedgehogs, rats, mice, chinchillas, and sugar gliders.

**Public Nuisance** means the conduct of any owner in allowing an animal to:

- (1) Engage in conduct which establishes such animal as a "dangerous animal";
- (2) Damage, soil, defile or defecate on private property other than the owner's or on public property, unless such waste is immediately removed and properly disposed of by the owner of the animal;
- (3) Be "at large" (excluding registered cats);
- (4) Cause a disturbance by excessive barking or noise making near the private residence of another;
- (5) Produce odors or unclean conditions sufficient to offend a person of normal sensibilities standing or which creates a condition conducive to the breeding of flies or other pests;
- (6) Chase vehicles, or molest, attack or interfere with other animals or persons, or is at-large on public or private property; or
- (7) Create a condition that is dangerous to human life or health; renders the ground, the water, the air or the food a hazard or injurious to human life or health or that is offensive to the senses; or that is detrimental to the public health.

**Quarantine** means to take into custody, place in confinement, and isolate from human beings and other animals. The quarantine period for a dog, cat, or a domestic ferret for rabies observation is ten (10) days or 240 hours from the date and time of the bite, scratch or other exposure, or as recommended by the regional veterinarian from the Texas Department of State Health Services.

**Rabies Control Authority** means the City Enforcement Agent.

**Registration** means a rabies certificate issued by a licensed veterinarian and an identification tag recognized by the City Enforcement Agent and issued by The City of Crowell.

**Restraint** means to control an animal by physical means so that it remains on the premises of the owner, or, when off the owner's premises, by means of a cage, or leash or rope under the direct control of a person of sufficient strength to control the animal.

**Tether** means to chain, tie, fasten or otherwise secure an animal to a fixed point so that it can move or range only within certain limits.

**Vaccination** means the inoculation of an animal with a rabies vaccine that is licensed by the United States Department of Agriculture for use in that species and which is administered according to the label's directions by a veterinarian for the purpose of immunizing the animal against rabies.

**Veterinary Hospital** means any establishment maintained and operated by a licensed Veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

### **Sec. 1.02. Penalties.**

(a) Any animal that is found to be in violation of this ordinance may be impounded by the City Enforcement Agent. Additionally, any person or owner who violates or fails to comply with any portion of this ordinance may receive a notice of violation from the City Enforcement Agent and may be deemed guilty of a Class C misdemeanor and may be fined in an amount not to exceed \$500.00 for each animal in violation. Each day of violation of this ordinance shall constitute a separate offense.

(b) The City Enforcement Agent shall have the authority to issue citations for any violation of this ordinance and any other power or duty stated within the terms of this ordinance. If the person being cited is not present, the animal control officer may send the notice of violation to the alleged offender by registered or certified mail, return receipt requested, by depositing the same in the U.S. Mail, postage prepaid.

(c) It shall be unlawful for any person to knowingly prevent, interfere with, or obstruct the City Enforcement Agent in the performance of their duties. It shall be unlawful for any person to fail to comply with any lawful order of the local rabies control authority officer or any animal control officer of the city.

(d) The local rabies control authority officer, any animal control officer, or any peace officer is authorized to, including but not limited to:

(1) Humanely euthanize an animal which poses an imminent danger to a person or property or when a real or apparent immediate necessity exists for the destruction of an animal.

(2) Impound an animal which is diseased or endangers the health of a person or another animal.

(3) Impound any animal found to be running at large within the city.

(4) Humanely euthanize an impounded animal if the animal is suffering from injury, disease, or illness.

(5) Humanely euthanize any animal suspected of having rabies, or which animal manifests a disposition to bite, when such animal(s) is found at large after having made a reasonable, but unsuccessful, effort to capture the animal.

(6) Humanely euthanize any impounded, dangerous animal immediately upon impoundment, unless there is reason to believe that it has an owner.

(7) Humanely euthanize any wild animal immediately upon impoundment, so long as such act does not violate state or federal laws.

(8) Humanely euthanize any nursing baby animal impounded without the mother, or where the mother cannot or refuses to provide nutritious milk, to prevent further suffering.

(9) Humanely euthanize an animal when an owner no longer wishes responsibility for an animal or believes the animal to be in an ill or injured condition upon the owner signing a waiver, supplied by the City of Crowell, allowing the animal to be immediately euthanized.

(10) Humanely euthanize or transfer to a humane organization any impounded animal that is to be destroyed as a result of the animal being impounded for more than seventy-two (72) hours.

(e) In any complaint and in action or proceeding brought forth for the enforcement of any provision of this ordinance, it shall not be necessary to negate any exception, excuse, proviso, or exemption contained in this ordinance; and the burden of proof of any such exception, excuse, proviso, or exemption shall be on the owner or defendant as an affirmative defense.

(f) The City shall be entitled to pursue all other criminal and civil remedies to which it is entitled to under the authority of federal, state or local law.

(g) No person shall interfere in any manner or give false information to the local rabies control authority, local health director, the animal control officers and other authorized employees of the City in the performance of their duties.

#### **Sec. 1.03 Inhumane treatment of animals.**

(a) Animals shall be cared for, treated, maintained, and transported in a humane manner and not in violation of any provision of law, including federal, state, and local laws, ordinances, and administrative rules.

(b) In addition, a person commits an offense if:

(1) A person abandons or dumps any animal;

(2) A person who is in control of a motor vehicle that strikes a domestic animal and fails to report the accident to the city Animal Services Facility as soon as possible;

(3) A person tortures, cruelly beats, mutilates, clubs, or by any other means needlessly kills or injures any animal, wild or domestic, within the limits of the city;

(4) A person forces, allows, or permits any animal to remain in its own filth;

(5) A person keeps, shelters, or harbors any animal having a potentially life-threatening infestation of ticks, fleas, or other parasites, any other obvious life threatening illness, or injury, or any other communicable illness transmissible to animal or human, without having sought and obtained proper treatment from a licensed veterinarian for such infestation or illness;

(6) A person causes an animal to fight another animal or person;

(7) A person fails to provide, at all times, an animal with adequate wholesome food and potable water, proper shelter and protection from inclement weather, proper shade from the heat of the summer sun and veterinary care when needed to prevent suffering;

(8) A person, firm or corporation, raises or kills a dog or cat for its skin or fur;

(9) A person, firm or corporation mutilates any animal, whether such animal is dead or alive. Wild or domestic meat processors, medical or veterinary medical research, medical or veterinary medical necropsy, and school biology class use of animals shall not be considered mutilation;

(10) A person, firm or corporation attaches a collar or harness to an animal that is of an inadequate size so that it restricts the animal's growth or causes damage to the animal's skin;

(11) A person who owns or is in control of an animal permits such animal to be at large;

(12) A person who creates, maintains, permits or causes a public nuisance, as defined in this ordinance; or

(13) A person owns, keeps, harbors, or possesses horses, cattle, or other livestock in any manner that is a violation of this ordinance.

(c) The City Enforcement Agent shall utilize the authority granted by federal, state and local laws to lawfully seize and impound any animal if the investigating City Enforcement Agent or police officer has reason to believe that an animal has been, or is being cruelly treated, pending a hearing before the municipal court judge on the issues of cruelty and disposition of the animal. Seizure of the subject animal prior to receiving a warrant is hereby authorized if such a delay endangers the life or well being of the animal, or if it would unreasonably prolong the suffering of the animal needing immediate attention.



(d) This section shall not be interpreted to restrict the extermination of rats, mice, insects, other vermin, or any such animal deemed a nuisance by state law, through the use of traps, poisons, or other commercially available means when used in accordance with the manufacturer's directions as long as reasonable precautions are taken to ensure that no human, pet, or wild animal, other than the targeted species, comes into contact with the traps, poisons, or other means and that such use does not violate any other section of this ordinance.

(e) This section shall not be interpreted to restrict rodeos, livestock shows and livestock show associations, livestock auctions, horse clubs, or the activities and operations of 4H Clubs, F.F.A. Chapters and Agricultural Science classes, or FFA Club activities and operations.

**Sec. 1.04 Leaving animal unattended in vehicle.**

A person having charge or custody of an animal shall not place or confine such animal or allow such animal to be placed or confined in a motor vehicle or trailer under such conditions or for such a period of time as may endanger the health of the animal due to excessive heat, lack of food or water, or such other circumstances as may cause injury or death of the animal. City enforcement agents finding an animal being held in violation of this provision may cite the owner for violating this section, obtain a search warrant pursuant to state or federal law, and/or use reasonable force to remove an animal from a vehicle whenever it appears the animal's health or safety is, or soon will be endangered, and said neglected or endangered animal shall be impounded and held pending a hearing. It shall be the responsibility of the animal's owner to repair any damage caused by the removal of the animal from the dangerous situation by the City Enforcement Agent or peace officer.

**Sec. 1.05 Tethering dogs and other animals.**

It shall be unlawful for any person to tie or tether a dog or other animal to a stationary object for a period of time or in a location so as to create an unhealthy situation for the animal or a potentially dangerous situation for a pedestrian as determined by the City Enforcement Agent. The terms "unhealthy situation" and "potentially dangerous situation" shall include, but not be limited to the following:

- (1) To tether any animal in such a manner as to permit the animal access upon any public right of way
- (2) To tether any animal in such a manner as to cause the animal injury or pain or not to permit the animal to reach shelter, food and/or water or otherwise create an unsafe or unhealthy situation;
- (3) To tether any animal in such as manner as to permit the animal to leave the owner's property;
- (4) To tether any animal in an area that is not properly fenced so as to prevent any person or child from entering the area occupied by said animal;

- (5) To tether any animal in a manner whereby the animal is subject to harassment, or attacks by other animals;
- (6) To tether any animal with a tether that is less than ten (10) feet in length or less than five (5) times the length of the animal, whichever is greater;
- (7) To tether any animal with a tether that is not equipped with swivel ends;
- (8) To tether any animal in such a manner that does not prevent the animal from becoming entangled with any obstruction, from partially or totally jumping any fence, or from leaving part of its owner's property;
- (9) To fail to remove waste from the tethered area on a daily basis;
- (10) To tether any animal without using a properly fitted collar or harness;
- (11) To use choke-type collars to tether any animal; or
- (12) To use a tether that weighs more than one-fifth (1/5) of the animal's body weight.

**Sec. 1.06 Abatement and imminent threat; right of entry; search warrants.**

(a) City Enforcement agent or other law enforcement officers shall have the power to impound animals which create an animal nuisance per se for the purpose of abating a nuisance and in cases where animal control officers have reason to believe an animal has been or is being cruelly treated, has rabies or exhibits other violations of law as follows:

- (1) On public property, in all cases;
- (2) On private property, if:
  - a. the consent of the resident or property owner is obtained,
  - b. the officer reasonably believes there is immediate and imminent danger or peril to the public if the animal in question is not impounded, or
  - c. authorized by appropriate courts of law.
- (3) The officer has the right to pursue and apprehend animals running at large onto private property while enforcing the provisions of this ordinance.

Any animal observed by the City Enforcement Agent or peace officer to be in immediate danger, in the agent's or officer's opinion, may be removed from such situation by the quickest and most reasonable means available. It shall be the responsibility of the animal's owner to repair any damage caused by the removal of the animal from the dangerous situation by the City Enforcement Agent or peace officer.

(b) The City Enforcement Agent or assigned designee may order the abatement of the conditions which are not in accordance with this section, other applicable state or federal regulations or laws, or which otherwise constitute a nuisance. Failure to comply with the written notice constitutes grounds for the city to obtain any relief available to by law, including, but not limited to relief by injunction. Additionally, failure to comply with the written notice may subject the violator to administrative proceedings and criminal charges.

**Sec. 1.07 Defecation of animals on public and private property.**

(a) An owner, harbinger, or person in possession of an animal commits an offense if he knowingly permits, or by insufficient control allows the animal to defecate in the city on private or public property and fails to remove and dispose of any excreta the animal deposits.

(b) An owner, harbinger, or person in possession of an animal commits an offense if he:

(1) Fails to have in his possession materials or implements that, either alone or in combination with each other, can be used to immediately and in a sanitary and lawful manner both remove and dispose of any excreta the animal may deposit on the property.

(c) It is an affirmative defense to prosecution under subsection (a) or (b) that:

(1) The property was owned, leased, or controlled by the owner, harbinger, or person in possession of the animal at the time it defecated;

(2) The animal was specifically trained to assist a person with a disability and was in possession of that disabled person at the time it defecated or was otherwise present on the property;

(3) The owner of the property or person in control of the property had given prior consent for the animal to defecate on the property; or

(4) The animal is a police canine being used in official law enforcement activities.

**Sec. 1.08 Unabated nuisances.**

(a) A "continuing public nuisance" is defined as a public nuisance that, after notice as described in subsection (c) to the owner of an animal(s) or person in control of an animal(s), continues unabated, as determined by the City Enforcement Agent.

(b) The City Enforcement Agent may determine that a public nuisance exists through an investigation of any reported or perceived public nuisance, and may interview witnesses and/or conduct such hearings as he may determine are necessary, formally or informally. He shall make a determination based on the necessity to preserve the public health, safety and welfare of the community.

(c) Upon determining that a public nuisance exists, the City Enforcement Agent shall notify the animal's owner or the person in control of the animal. This notice shall be in writing and shall contain a statement that such person has a right to appeal. The notice shall set forth the noncompliance and ordering the owner to abate the public nuisance described in such notice within seven (7) days. Notice of a public nuisance shall include, but not be limited to, written notice of the existence of a public nuisance delivered by personal service, certified mail, return receipt requested, or left at the entrance to the premises where the animal(s) is harbored. A notice that is mailed is deemed received five (5) days after it is placed in a mail receptacle of the United States Postal Service.

(e) If such owner fails or refuses to comply with the demand for compliance in the notice within seven (7) days of such notice or publication, the City Enforcement Agent may order the abatement of the public nuisance by one of the following means:

(1) Impoundment of the animal(s) that is the source of the continuing public nuisance and the adoption of the animal(s) as provided in this ordinance, except that the owner, his agents or representatives, or family members may not adopt the animal(s) adjudged a continuing public nuisance;

(2) Impoundment and humane destruction of the animal(s) that is the source of the continuing public nuisance

(e) An owner or person in control of the animal(s), not later than seven (7) days after the date such person is notified that an animal is a continuing public nuisance, may appeal in writing the determination of the Animal Services Manager to the City Council. Upon receiving an appeal, the City Council shall hold a hearing at a time and place of their designation.

(f) The owner or person in control of the animal(s) determined to be a continuing public nuisance shall take action to abate the nuisance within forty-eight (48) hours of an unsuccessful appeal. The failure to bring such animal(s) into compliance shall be an offense and each day thereafter that such person fails to bring such animal(s) into compliance shall constitute a separate offense. If the owner or person in control of such animal(s) fails to bring such animal(s) into compliance as provided for by the City Council following appeal, such animal(s) may be impounded in accordance with subsection (d) of this section or humanely destroyed.

(g) The City Enforcement Agent shall be authorized, after due process, to obtain a search and seizure warrant for the purposes of enforcing this section.

## **Sec. 1.09. Impoundment and redemption.**

### **(a) Impoundment:**

(1) It is the duty of the enforcement agent to capture and impound such animals as are running at large or which are required to be impounded pursuant to other laws or ordinances or to protect public safety. Any officer of the city is authorized to take up and deliver in a humane manner to the Animal Services Facility any animal that may be found running at large in the city.

(2) The City Enforcement Agent shall impound and quarantine all dogs, cats and other animals exposed to, suspected to be exposed to, or infected with rabies, whether the dog, cat or other animal to be impounded is at large, on a leash, or confined to its owner's premises or whether it is currently vaccinated. Any animal which a licensed veterinarian suspects of having rabies shall be humanely euthanized. Any animal exposed to a rabid animal shall be humanely euthanized or quarantined at the owner's expense for a period mandated by the Texas Department of State Health Services Zoonosis Control Division, of not less than ten (10) days from the date of the last known exposure.

(3) The City Enforcement Agent shall impound an animal when the owner of the animal has been arrested, hospitalized, is missing, or has died, and there is no person present, seventeen (17) years of age or older, who will assume the legal responsibility of providing food, water and shelter for such animal.

(4) Any and all costs of impoundment or quarantine fees shall be paid by the animal's owner.

### **(b) Identification of impounded animals:**

(1) The city enforcement agent upon receiving an animal for impoundment shall make a complete registry, including the species, breed, color and sex of such animal, whether it has traceable identification, and the time and place of taking custody. If the animal has traceable identification, he shall enter the name and address of the veterinary clinic, year, the number of the registration tag, and or the number of the City registration tag, any other pertinent information. When kennel space allows, animals with traceable identification shall be kept separate from animals that do not have identification.

(2) If, by registration tag, the owner of an impounded animal can be identified, the city enforcement agent shall, as soon as possible, notify the owner by telephone or mail; however it is the responsibility of the owner to visit the shelter before the expiration of the designated holding period to reclaim lost pets.

(3) Impounded animals with no means of traceable identification shall be kept for not less than three (3) days, unless earlier reclaimed by the owner under acceptable conditions or earlier euthanized as allowed by this ordinance.

It is the responsibility of the owner to visit the shelter before the expiration of the designated holding period to reclaim lost pets.

(4) Animals with any type of traceable identification shall be kept for not less than ten (10) days, or not less than three (3) days from the time the owner is notified of their animal being impounded, whichever is the shorter time period, unless earlier reclaimed by the owner under acceptable conditions or earlier euthanized as allowed by the ordinance. If an animal has a tag that does not list the owner's phone number or address, and the person or business that is in possession of the owner's contact information will not release it to the City Enforcement Agency, then for the purposes of this section it shall be the responsibility of that person or business to notify the owner of the animal being impounded, and the animal shall be held for three (3) days after the City Enforcement Agent or his representative contacts the person or business in possession of the owner's contact information. It is the responsibility of the owner to visit the shelter before the expiration of the designated holding period to reclaim lost pets.

(c) Retention of impounded animals:

(1) An animal impounded at the request of a peace officer as required by this ordinance shall be kept for not less than ten (10) days unless earlier reclaimed by the owner under acceptable conditions or earlier euthanized as allowed by the ordinance. It is the responsibility of the owner to visit the shelter before the expiration of the designated holding period to reclaim such pets.

(2) An impoundment period is not required for an animal voluntarily released to the City Enforcement Agent by its owner.

(d) Redemption of impounded animals:

(1) Any owner of an animal that has been impounded under this ordinance who wishes to have it returned to him shall personally visit the Animal Services Facility where it is impounded. The City Enforcement Agent shall return the animal if the owner can provide sufficient proof of being the animal's owner and if such release will not impair the safety of the public or the animal. The owner of the animal must pay any and all fees set forth herein and must agree to abide by all of the requirements of this ordinance before the animal is returned. It is the responsibility of the owner to visit the shelter before the expiration of the designated holding period to reclaim lost pets.

(2) If an animal that requires a permit or registration is impounded by the City Enforcement Agent for violating this ordinance and the owner cannot prove that he is in possession of all required permit(s) or registration(s), the owner must meet all requirements of the required permit(s) or registration(s) and must purchase said permit(s) or registration(s) before the animal may be released from the Animal Services Facility.

(3) If an animal that requires a rabies vaccination is impounded by the City Enforcement Agent for violating this ordinance and the owner cannot prove that the animal has a current rabies vaccination, a citation for failing to vaccinate will be issued. The owner shall then have five (5) days to provide proof of obtaining a current rabies vaccination to the City Enforcement Agent or else he shall be cited again for violation of this ordinance. Each subsequent day that passes after the five (5) day period shall be considered a separate offense. For the purposes of this section, a rabies tag alone is not sufficient proof of an animal's current rabies vaccination.

**Sec. 1.10. Disposition of animals.**

(a) The City Enforcement Agent may dispose of impounded animals after the expiration of any required impoundment period by any of the following methods:

(1) The City Enforcement Agent shall be authorized to deliver the animal to a licensed facility that can place for adoption dogs or cats impounded by the City.

(2) The City Enforcement Agent may offer the animal to an animal welfare group that has a signed Transfer Agreement for Dogs and Cats on file with the City Enforcement Agency provided that the group sterilizes the animal prior to placing it into an adoptive home;

(3) The City Enforcement Agent may temporarily place the animal in a foster home that has a signed Foster Agreement for Dogs and Cats on file with the City Enforcement Agency;

(4) The City Enforcement Agent may deliver the animal to a licensed facility to be humanely euthanized by methods approved by the American Veterinary Medical Association or the Texas Department of State Health Services.

(b) The choice of which of these options to use shall be made at the sole discretion of the City Enforcement Agent unless otherwise mandated by a court order.

(c) Any impounded registered or unregistered animal which appears to be suffering from serious injury or disease and which is in great pain and suffering and probably will not recover or which appears to have an infectious disease which is a danger to humans or to other animals in the opinion of the City Enforcement Agent or which, due to its extremely violent nature, poses a substantial risk of bodily harm to the safety of Animal Services staff, may be humanely euthanized at any time during its holding period by the City Enforcement Agent. In the event such an animal is wearing an identification tag on its collar or harness, the City Enforcement Agent shall attempt to notify the owner by telephone before taking action.

(d) It shall be an affirmative defense to prosecution of the owner if he or she can show that, at the time of its impoundment, the animal that was at large due to a major natural disaster, fire, criminal or negligent acts of a third party who was not residing at the animal owner's residence. In such event, the owner shall only be subject only to the provisions of this ordinance that require a current rabies vaccination and city registration. An owner's claim of a fire or the criminal or negligent acts of a third party must be proven in one (1) or more of the following manners:

- (1) A certified copy of a city police or fire report verifying the incident; or
- (2) The affidavit of city police or fire personnel with direct knowledge of the incident.

(e) It shall be unlawful for a person to fail or refuse to deliver an unregistered or unvaccinated animal to a City Enforcement Agent or police officer upon demand for impounding.

**Sec. 1.11. Number of dogs and cats at residences / Kennel Permit**

(a) Except as provided by this section, no residence within the city shall harbor more than four (4) adult dogs, and four (4) adult cats, over the age of sixteen (16) weeks. No residence within the city shall harbor more than one (1) litter of puppies and one (1) litter of kittens.

(b) Any persons desiring to keep more than four (4) adult dogs, four (4) adult cats, or more than one (1) litter of puppies or kittens at premises occupied by them may apply with the City for a Kennel Permit. The applicant shall pay an application fee at the time of filing.

(c) The City is authorized to issue such a permit under the following conditions:

(1) A permit may be issued after an inspection by the City Enforcement Agent of the premises to determine compliance with the animal services regulations. A permit shall not be issued if it is found that the animals cannot be maintained without creating noise or odor nuisances, otherwise being detrimental to the public health, safety and welfare, or in a healthy or sanitary environment.

(d) Such permit may be revoked or deigned by the City Enforcement Agent for cause, including but not limited to, violations of the provisions of this ordinance or the inability of the permit holder to keep the animals without creating noise or odor nuisances, otherwise being detrimental to the public health, safety and welfare, or in a healthy or sanitary environment.

(e) All Kennel Permits issued under this section shall be valid for a period of twelve (12) months from date of issue and must be renewed annually. Premises must be re-inspected annually in order to renew the permit. When issued, the permit shall remain the sole property of the city and shall be valid only as to the applicant and location for which it was originally issued. The permit may not be sold or transferred, voluntarily or involuntarily, to any other person or entity.



(f) Any person either denied a Kennel Permit, or who has had their permit revoked, may file an appeal with the City Council. Such appeal must be made in writing within ten (10) days of receiving written notice from the City Enforcement Agent of the permit denial or revocation. If no appeal request is made within the ten-day period, the denial or revocation of the permit becomes final. Upon receiving an appeal, the City Council shall hold a hearing at a time and place of their designation. Based upon such hearing, the City Council shall make a final finding.

## **ARTICLE II RABIES AND ZOONOSIS CONTROL**

### **Sec. 1.12 Report of bite cases.**

(a) It shall be the duty of every physician or other practitioner to report to the City Enforcement Agent the names and addresses of persons treated for bites inflicted by a mammal, together with such other information as will be helpful in rabies control.

(b) It shall be the duty of every person owning or having custody of a mammal, which has bitten a human being, to report the same to the City Enforcement Agent.

### **Sec. 1.13 Quarantine.**

(a) A person commits an offense if the person fails or refuses to quarantine or present for quarantine or testing, an animal that is suspected of being involved in a bite. A person may be issued a citation for noncompliance or violating this provision. The City Enforcement Agent shall be authorized to obtain a search and seizure warrant if there is reason to believe any requirements of this section are violated.

(b) Should a potential outbreak of rabies within the city be suspected and the danger to the public safety from rabid animals be reasonably imminent, the City Enforcement Agent, with the concurrence of the Department, is hereby authorized to issue a quarantine proclamation, ordering persons owning, keeping, or harboring dogs, cats or other mammals to muzzle the same or confine them for such time as may be specified in such quarantine proclamation. Upon the publication of such proclamation by local newspapers, persons owning or harboring such animals shall confine them to premises unless they are effectively muzzled and under the control of an adult person by leash, cord, chain, or rope. Animals found at large in violation of this subsection may be destroyed by an officer of the City if such officer is unable with reasonable effort to apprehend such animals for impoundment.

**ARTICLE III.  
OTHER ANIMALS**

**Sec. 1.14 Complaint about a dangerous animal.**

(a) Upon receipt of a written complaint by the City Enforcement Agent, other law enforcement officer, or any person, charging that a particular animal is a dangerous animal, the Municipal Court shall conduct a hearing to determine whether such animal is dangerous unless the matter is resolved by agreement of all parties prior to such hearing. Such written complaints shall contain at least the following information:

- (1) Name, address and telephone number of complainants and witnesses;
- (2) A brief description of the incident or incidents which cause the complainant to believe such animal is a dangerous animal, including date, time and location;
- (3) A description of the animal and the name, address and telephone number of the owner of the animal, if known; and
- (4) Any other facts that the complainant believes to be important and relevant.

(b) Such hearing to determine if an animal is a dangerous animal shall be conducted within ten (10) days after receipt of the complaint, impoundment, or seizure of the animal, whichever occurs later. Any animal awaiting such hearing which was impounded for being at large, was at-large when the incident that causes the dangerous animal complaint to be filed occurred, or which has bitten or scratched any other person or animal shall be boarded at the owner's expense at the Animal Services Facility or any other state approved quarantine facility pending the outcome of the hearing and determination of whether such animal is a dangerous animal.

(c) If the animal is quarantined at a facility other than the Animal Services Facility, the facility shall be found to be in violation of this ordinance if the animal is released to any person, lost, stolen, or otherwise not able to be accounted for unless the quarantine facility first obtains written permission from the City Enforcement Agent to release the animal.

(d) Notice of such hearings shall be provided by the City Enforcement Agent or his designee to the owner of the animal by certified mail, return receipt requested, and to the complainant by regular mail. At such hearing all parties shall be given opportunity to present evidence on the issue of whether such animal is dangerous.

(e) Following the hearing;

(1) The Municipal Court may find that the animal is not a dangerous animal , in which case it shall be promptly returned to its owner's custody after all impound, boarding fees and any and all other required fees have been paid;

(2) The court shall order the animal destroyed if the court finds that the animal caused the death of a person by attacking, biting, or mauling a person; or

(3) If the animal has not caused the death of a person, the court may, but is not required to, order the animal destroyed if the court otherwise finds that the animal is a Dangerous Animal as defined in Section 1.01 of this ordinance;

(4) If the Court determines that the animal is a dangerous animal and further determines that the animal should not be destroyed then the Court may order the animal returned to the owner if the owner has fully complied with the requirements of part (g) below.

(5) An owner or person filing the action may appeal the decision of the municipal court in the manner provided for the appeal of cases from the municipal court. The animal subject to the appeal shall remain in the custody of the City Enforcement Agent pending appeal. The owner shall pay all cost of maintenance of the animal while the appeal is pending. The City Enforcement Agent may bill the owner weekly for the animal's maintenance.

(f) Notwithstanding the provision of part (e), the court may not order the animal destroyed if the court finds that the animal caused the serious bodily injury to a person by attacking, biting, or mauling the person and:

(1) The animal was being used for the protection of a person or person's property, the attack, bite, or mauling occurred in an enclosure, in which the animal was being kept, and:

(A) the enclosure was reasonably certain to prevent the animal from leaving the enclosure on its own and provided notice of the presence of an animal; and

(B) the injured person was at least eight years of age, and was trespassing in the enclosure when the attack, bite, or mauling occurred;

(2) The animal was not being used for the protection of a person or person's property, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the injured person was at least eight years of age and was trespassing in the enclosure when the attack, bite, or mauling occurred;

(3) The attack, bite, or mauling occurred during an arrest or other action of a peace officer while the peace officer was using the animal for law enforcement purposes;

(4) The animal was defending a person from an assault or person's property from damage or theft by the injured person; or

(5) The injured person was younger than eight years of age, the attack, bite, or mauling occurred in an enclosure in which the animal was being kept, and the enclosure was reasonably certain to keep a person younger than eight years of age from entering.

(g) If the Court finds that the animal is a dangerous animal, but does not order the destruction of the animal, the Court shall order that the owner comply with one or more of the following requirements:

(1) Removal of the dangerous animal from within the city limits, which case, the owner must provide, in writing, the destination address of where the animal is to reside and proof that the owner has alerted the agency responsible for animal services in that area to the City Enforcement Agent prior to the animal being released from the Animal Services Facility; or

(2) Registration and compliance with all of the following requirements of this article, at the owner's expense, before the animal is released from the Animal Services Facility or other state approved quarantine facility.

A. Obtain liability insurance coverage or showing financial responsibility in an amount of at least one hundred thousand dollars (\$100,000.00) to cover damages resulting from an attack by the dangerous animal causing bodily injury to a person or for damages to any person's property resulting from the keeping of such dangerous animal. A certificate of insurance or other evidence of meeting the above requirements shall be filed with the City Enforcement Agent;

B. Register with the City of Crowell by providing the name and address of the owner; the breed, age, sex, color and any other identifying marks of the animal; the location where the animal is to be kept if it is not at the address of the owner; and two (2) color photographs that clearly identify the dangerous animal;

C. Have the animal sterilized;

D. Construct a cage, pen or enclosure for the dangerous animal that has secure sides, a secure top attached to the sides, and either a secure bottom attached to the sides or embedment of the sides into the ground no less than two (2) feet. The pen or enclosure must be at least ten (10) feet away from neighboring property lines and completely encircled by a fence constructed in such a manner as to prevent a person or child from being able to reach the animal's pen or enclosure.

E. Not allowing the animal to go outside of its cage, pen or enclosure unless the animal is under physical restraint by the owner of record. No person shall permit a dangerous animal to be kept outside of its cage, pen or enclosure on a chain, rope or other type of leash unless the person is in physical control of the chain, rope or leash and the person is of competent strength to control the animal at all times. Dangerous animals shall not be tethered to inanimate objects, such as trees, posts, stakes, buildings, etc. All dangerous animals outside their cage, pen or enclosure must be securely fitted with a muzzle that will not cause injury to the animal nor interfere with its vision or respiration but shall prevent the animal from biting other animals or human beings.

F. Posting signs giving notice of a dangerous animal in the area or on the premises in which such animal is confined. Such signs shall be conspicuously posted at both the front and rear property entrances and shall bear letters that are not less than two (2) inches high, stating "DANGEROUS ANIMAL ON PREMISES." Such signs shall also display a symbol, that is understandable by small children, that warns of the presence of a dangerous animal;

G. Providing the animal with a fluorescent yellow collar visible at fifty (50) feet in normal daylight that is worn at all times so that the animal can be easily identified;

H. Registering it for life with the City Enforcement Agent; and

I. Paying the appropriate dangerous animal permit fee annually, as assessed by the City.

(h) The owner shall have fifteen (15) days from the declaration of the animal as dangerous, to comply with all of the required conditions as set forth by the Court's order. If the owner fails to meet any and all of the requirements, the animal may be humanely euthanized on the sixteenth (16th) day by the City Enforcement Agent or a licensed veterinarian.

(i) In the event that a registered dangerous animal escapes its cage, pen or enclosure or attacks a human being or another animal, the owner of the dangerous animal shall immediately notify the City Enforcement Agent. For the purposes of this ordinance, immediately shall defined as no less than thirty (30) minutes after the owner becomes aware of the escape or attack(s).

(j) In the event that a registered dangerous animal dies, the owner must present the body of the animal to the City Enforcement Agent or a licensed veterinarian for verification before disposal of its body.

(k) Prior to transferring ownership in any way or moving a registered dangerous animal, either inside or outside the city limits, the owner must obtain, in writing, permission from the City Enforcement Agent to transfer ownership or move the animal. If ownership of the animal is being transferred, the new owner will be required to comply with all provisions of this ordinance before the animal can be moved from the previous owner's custody. If the animal is being moved from the city limits, the owner must provide, in writing to the City Enforcement Agent, the destination address of where the animal is to be moved to and proof that the owner has alerted the agency responsible for animal services in that area.

(l) In the event that any owner of an animal declared to be dangerous violates any order of the Court, the animal may be immediately seized and impounded by the City Enforcement Agent. In addition, the animal shall be seized immediately if the animal bites, injures, or attacks a human being or another animal. Any animal already declared to be dangerous which is impounded due to any violation of this ordinance or seized for causing injury to a human being or another animal shall immediately become the property of the City of Crowell and shall not continue to be a registered dangerous animal.

(m) If an owner of a dangerous animal is found guilty of an offense under this section, the Court may order the dangerous animal be humanely euthanized by the proper facility authorized by the City Enforcement Agent or a licensed veterinarian.

(n) It shall be a violation for any owner of a permitted dangerous animal to refuse, upon request by the City Enforcement Agent to make his/her animal(s), premises, facilities, equipment, and any necessary permit(s) available for inspection for the purpose of ascertaining compliance with the provisions of this ordinance.

(o) The owner of an animal that has been determined to be dangerous by another jurisdiction is prohibited from bringing such animal into the city limits.

(p) The Chief Enforcement Agent shall be authorized to obtain a search and seizure warrant if there is reason to believe any requirements of this section are being violated.

#### **Sec. 1.15 Keeping of Dangerous Wild Animals.**

(a) It shall be unlawful to keep any wild animal within the corporate city limits with the following exceptions:

(1) A person and facility housing such dangerous wild animal(s) who has complied with all applicable federal, state, and local laws and regulations, including, but not limited to, the acquisition and retention of all applicable permits, prior to final adoption of this ordinance, may retain dangerous wild animals(s) in the above-described facility in compliance with all federal, state and local laws;

- (2) A governmental agency or entity acting in an official capacity;
- (3) A government-operated zoological park;
- (4) A permitted Wildlife Educational Center, animal exhibitions with valid state or federal permits; or
- (5) A holder of an Animal Dealer or Animal Establishment with a Wild Animal permit.

The possessor of the Dangerous Wild Animal shall possess and present upon request all applicable state and/or federal permits required to legally possess the species in question.

(b) Animal Establishments or Animal Dealers with Dangerous Wild Animals permit holders shall make written application to the City of Crowell to permanently keep each dangerous wild animal in their possession. The application must include the species and location of the animal, at least two pictures that clearly identify the animal, and proof that the center or person is in possession of the necessary state and/or federal permit(s) to possess such species.

**Sec. 1.16 Sale of dangerous wild animals.**

(a) It shall be a violation for any person to sell, offer to sell, give away, offer to give away, or otherwise transfer or attempt to transfer ownership of a Dangerous Wild Animal, unless specifically allowed by some other provision of this ordinance. Any person who finds a Dangerous Wild Animal that is at large must immediately notify the City Enforcement Agent. This section shall not be interpreted to restrict a person from giving ill, injured, or orphaned wildlife to a state and/or federally licensed wildlife rehabilitator or to a permitted Wildlife Educational Center.

(b) For the purposes of this ordinance, the City Enforcement Agent shall make the determination of whether any animal in question is a Pet Animal, a Wild Animal, or a Dangerous Wild Animal. In addition, for the purposes of this ordinance, immediately shall mean within thirty (30) minutes of the person finding that a wild animal or dangerous wild animal is at large.

**Sec. 1.17 Keeping of other animals; nuisance conditions.**

(a) It shall be unlawful for any person to park or leave standing any truck, trailer, or other vehicle that has been used for the hauling of livestock, animals or fowl in a residential area of the City when notified by a city enforcement officer that such vehicle is creating a nuisance due to odors, gases or fumes. Upon such notification, the owner, operator, driver or other person responsible for such vehicle shall move it to a location outside the city limits of Crowell.

(b) All manure and other excrement shall be disposed of in such a manner as to prevent it from becoming offensive to other persons living nearby.

**Sec. 1.18 Keeping of all Livestock**

(a) It shall be unlawful for any person other than a veterinarian to keep any livestock including but not limited to horses, cattle, sheep, goats, swine, fowl or rabbits within the city limits of Crowell for a period longer than twenty-four (24) hours except as follows;

(1) Livestock being kept as an FFA or 4-H project at an FFA or 4-H sponsored facility, to be exhibited in area or State stock shows between the dates of September 15 to March 15 of each calendar year;

(2) Livestock kept at a facility owned or sponsored by a livestock show association;

(3) Livestock being prepared for sale at a livestock sale facility;

(4) Livestock awaiting slaughter at a licensed processing facility;

(5) Livestock that have been kept and maintained by the property owner or legal resident at a location other than previously listed, prior to March 1, 2011, and that person has filed an affidavit issued by the City of Crowell stating such.

\*\* (6) The keeping of any livestock within the City of Crowell may be permitted after March 1, 2011 if the livestock belongs to a student that is enrolled in the Crowell ISD and is a member of the FFA or 4-H. These livestock animals must be for livestock show purposes only and must be validated by their agriculture teacher or county agent. Each student wanting to keep animals under this section will be required to fill out a form and have it signed by their Ag. teacher or County agent. All animals must meet the requirements of this section and any and all sections pertaining to the sanitary conditions of the property where livestock is being kept. Anyone with disagreements or conflicts of this, Sec. 1.18, may appeal in writing to the City Council.

**Sec. 1.19 Estray.**

It shall be unlawful for any person, firm, or corporation to allow an estray(s) to be unattended upon any public street, alley, and thoroughfare or upon the property of another in the corporate city limits. The person, firm, or corporation having ownership or right to immediate control of such estray(s) shall have the burden to keep such estray(s) off the public streets, alleys, and thoroughfares or the property of another in the city.

**\*\* Sec 1.18 (6) Amended on October 15, 2013**



**Sec. 1.20 Placement and baiting of animal traps.**

(a) It shall be unlawful for any person to place or place and bait or to permit the placing or placing and baiting of any trap designed for trapping animals in any highway, street, alley or other public place within the corporate limits of the city unless specific permission by the City Enforcement Agent has been granted. However, nothing in this ordinance shall prohibit a City Enforcement Agent from placing such traps on public or private property as may be necessary to capture animals running at large.

(b) It shall be unlawful for any person to remove, alter, damage, or otherwise tamper with a trap or equipment belonging to or set out by the City Enforcement Agent.

(c) Residents wishing to trap unwanted animals on personal private property may do so with the use of humane cage traps. Any trapping program must have prior written approval of the land manager or owner, and written notification of activities to the City Enforcement Agent.

(d) It shall be unlawful for any person to place or place and bait or to permit the placing or placing and baiting of any steel jawed trap (commonly known as a "bear trap," "wolf trap," "leg hold trap," or "coyote trap") within the corporate limits of the city.

(e) No person shall place any substance or article that has in any manner been treated with any poisonous substance in any place accessible to human beings, birds, dogs, cats or other animals with the intent to kill or harm animals. This shall include anti-freeze purposely left exposed to poison animals. This section, however, does not preclude the use of commercially sold poisons when applied in accordance with the manufacturer's directions for such use, in that person's residence, accessory structure or commercial establishment for the elimination of vermin, provided that such use does not violate any other section of this ordinance.

**ARTICLE FOUR  
FEES**

**Sec. 1.21 Fees for registrations, permits, and impoundment.**

(a) The cost of registrations and permits per animal shall be as follows:

Rabies vaccination fee (amount established by service provider)	_____
Dangerous animal permit	(annually) _____ \$75.00
Dangerous Wild Animal permit,	(annually) _____ \$25.00
Voluntary Release of Animal Fee (dogs & cats)	_____ \$40.00

Kennel Permit,	(annually) _____	\$25.00
City of Crowell Registration Fee (dogs & cats)	(annually) _____	\$ 5.00
Replacement Tag Cost	_____	\$ 5.00

(b) The cost of reclaiming animals from the city Animal Services Facility shall be as follows:

Impoundment (per animal) \_\_\_\_\_ \$50.00 plus Boarding fee

This fee will be reduced to \$25.00 if the impounded animal, has a current rabies vaccination certificate, and a current City of Crowell registration tag.

Boarding fee (daily for all or part of any one day) \_\_\_\_\_ \$5.00

(c) Small animal livestock (sheep, goats, fowl, etc.):

Capture and impoundment, per head \_\_\_\_\_ \$10.00

Boarding, per head per day \_\_\_\_\_ \$5.00

(e) Large animal livestock (cattle, horses, swine, etc.):

Capture and impoundment, per head \_\_\_\_\_ \$50.00

Boarding fee, per head per day \_\_\_\_\_ \$20.00

(f) Citations may be issued for failure to pay applicable fees.

**Sec. 1.22 Display of required permits and Inspections:**

It shall be a violation for any person who owns, harbors, or possesses an animal that requires a permit, or for any holder of a special use permit, to refuse, upon request by the department, to make his/her animal(s), premises, facilities, equipment, and any necessary registration(s) or permit(s) available for inspection for the purpose of ascertaining compliance with the provisions of this ordinance.

**PART 2. SEVERABILITY CLAUSE.**

If any section, sub-section, clause, phrase or portion of this ordinance shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase or portion shall be deemed to be a separate, distinct and independent provision and such invalidity shall not affect the validity of the remaining portions.

**PART 3. REPEAL.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

**PART 4. PUBLICATION.**

The City Secretary is authorized and directed to publish the caption and penalty prescribed by this ordinance in accordance with State Law.

**PART 5. EFFECTIVE DATE.**

This ordinance shall be in force and effect from and after its publication.

PASSED AND APPROVED on this the 15<sup>th</sup> day of October, 2013.