

**ORDINANCE NO. 1339-2022**

**AN ORDINANCE AMENDING THE RIVER OAKS CODE OF ORDINANCES, CHAPTER 8, "OFFENSES AND NUISANCES," ARTICLE 8.07 "PETS INSIDE MUNICIPAL BUILDINGS"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of River Oaks 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**, in the interest of the public health, safety, and welfare, the City has adopted ordinances prohibiting pets inside Municipal Buildings where the public is conducting business with the City; and

**WHEREAS**, since this ordinance and prohibition were passed in 2010, the laws has changed, necessitating an update to the language of the prohibition, in order to allow permitted uses, while excluding those animals which constitute a hazard to public health, safety, and welfare; and

**WHEREAS**, the City Council of the City of River Oaks does hereby deem it advisable and in the public interest to amend Chapter 8 "Offenses and Nuisances" and to revise Article 8.07 "Pets inside Municipal Buildings" of the River Oaks Code of Ordinances by prohibiting person or persons from bringing pets inside Municipal Buildings except as otherwise provided herein.

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

**SECTION 1.**

Chapter 8, "Offenses and Nuisances", is hereby amended by amending Article 8.07 "Pets inside Municipal Buildings" into the River Oaks Code of Ordinances (2020) as amended that now reads as follows:

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**ARTICLE 8.07 PETS INSIDE MUNICIPAL BUILDINGS**

**Section 8.07.001 Definitions**

In this Article:

Municipal building shall mean any building owned or operated by the City.

Pet shall mean domesticated animals including, but not limited to a cat, dog, rabbit, rodent, bird, and any other species of animal which is retained in a household, but such definition shall not include an Assistance animal or a service animal, as those terms are defined herein.

Assistance animal and service animal has the same meaning as that term is defined in the Americans With Disabilities Act, 42 U.S.C. § 12101, as amended. Assistance animals and service animals shall not be deemed "pets" for any purpose under this article.

Emotional support animal and comfort animal shall mean an animal which is not individually trained to do work or perform tasks for people with disabilities. Emotional support or comfort animals are deemed "pets" under section 8.07.002 (a) of this article.

### **Sec. 8.07.002 Prohibitions**

(a) Pets are prohibited and are not allowed access into municipal buildings where a sign or notice is clearly posted on the building, reading "No pets allowed, trained service animals only."

(b) When a person seeks to be admitted to a Municipal building with a service animal or assistance animal, to determine whether a dog is a service animal or assistance animal, a staff member or City manager may only inquire:

- whether the service animal or assistance animal is required because of a disability; and
- what work or task the service animal or assistance animal has been trained to perform.

(c) Any person or persons bringing or carrying pets inside municipal buildings where notice is posted as required by this Section is in violation of this section and is subject to penalties as provided in this Code, Section 1.01.009.

### **Sec. 8.07.003 Exceptions**

(a) Service animal or assistance animal Trainers. A service animal or assistance animal in training, while accompanied by an owner or handler, may be admitted to a Municipal building in the same manner as a Service animal or assistance animal.

(b) Pet clinics. Animal or pet clinics, when authorized by the city and conducted within a municipal building, are exempt from the provisions and prohibitions of this article.

(c) City manager authority. The city manager has the authority to consider requests and waive the provisions and prohibitions of this article for special community events. (Ordinance 1239-2019, sec. 40, adopted 8/13/19)

### **Sec. 8.07.004 Service animals must be controlled**

Service animals or assistance animals must be reasonably controlled while in any Municipal building. If a service animal or assistance animal is out of control, and the person handling the animal cannot regain control of the service animal or assistance animal, City staff may require the service animal or assistance animal be removed from the premises until control is regained.

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## **SECTION 2. CUMULATIVE**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of River Oaks, 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 3. SEVERABILITY**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase 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 sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

## **SECTION 4. PENALTY**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

## **SECTION 5. SAVINGS**

All rights and remedies of the City of River Oaks are expressly saved as to any and all violations of the provisions of any ordinances governing Health and Sanitation that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

## **SECTION 6. PUBLICATION**

The City Secretary of the City of River Oaks is hereby directed to publish in the official newspaper the caption, penalty clause, savings clause, publication clause and effective date clause of this ordinance one (1) time after the adoption of this ordinance in accordance with Chapter 5, Section 5.02 (c) of the Charter of the City of River Oaks.

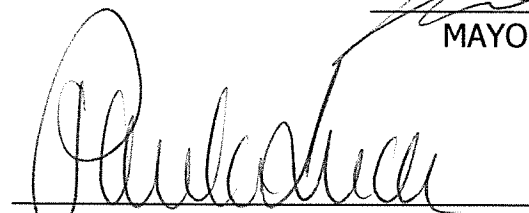
**SECTION 7. EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

**PASSED AND APPROVED ON THIS THE 8th DAY OF FEBRUARY 2022.**

  
MAYOR JOE ASHTON

**ATTEST:**

  
CITY SECRETARY