

ORDINANCE NO. 1223-2019

AN ORDINANCE AMENDING CHAPTER 2, “ANIMAL CONTROL”, OF THE RIVER OAKS CODE OF ORDINANCES (2006), AS AMENDED; AMENDING THE REGULATION OF THE FEEDING OF STRAY OR FERAL ANIMALS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks, Texas 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, the Legislature has codified many statutes that authorize municipalities to adopt regulations and procedures for the control of animals in the City; and

WHEREAS, the City Council of the City of River Oaks has previously adopted regulations on the feeding of stray or feral animals in the City; and

WHEREAS, the City Council of the City of River Oaks has determined that it is in the best interest of the City to amend and update these regulations.

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

SECTION 1.

That Chapter 2, “Animal Control,” of the City of River Oaks Code of Ordinances is amended by amending Section 2.06.005 to read as follows:

“2.06.005 Feeding stray or feral animals

No person shall intentionally place or leave any food or edible item on any public or private property for consumption by stray or feral animals, unless that person is:

- (1) An employee of a governmental agency acting in an official capacity; or
- (2) Person or agency relocating and/or removing wildlife from public or private property at the city’s request.”

SECTION 2.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinance 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provisions of such ordinance or such Code, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 3.

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

SECTION 4.

All rights and remedies of the City of River Oaks, Texas, are expressly saved as to any and all violations of the provisions of the Code of Ordinances of the City of River Oaks, Texas or any other ordinances affecting animal control which 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 5.

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 (\$2000.00) or the maximum amount allowed by law for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

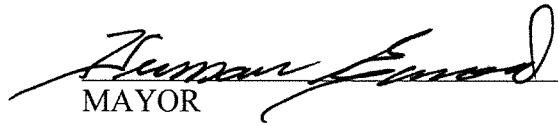
SECTION 6.

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

SECTION 7.

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 12th DAY OF MARCH 2019.


MAYOR

ATTEST:


CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY