

CITY OF JOHNSON CITY

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOHNSON CITY REVISING AND AMENDING CHAPTER 2 ANIMAL CONTROL, ARTICLE 2.01 GENERAL PROVISIONS, SECTION 2.01.005 PROHIBITIONS OF THE CITY CODE OF ORDINANCES RELATED TO THE FEEDING OF ANIMALS; PROVIDING FOR A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE

RECITALS

WHEREAS, the City Council of the City of Johnson City ("City") enacted Chapter 2 *Animal Control* ("Ordinance") of the City's Code of Ordinances; and

WHEREAS, the City Council finds that revisions and upgrades to the Ordinance are necessary for conformance with current Texas law and for enforcement; and

WHEREAS, Texas Local Government Code Sections 215.025 grants the City authority to regulate animals; and

WHEREAS, Pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is necessary or proper for carrying out a power granted by law to the City.

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

ARTICLE I. FINDINGS OF FACT

The foregoing recitals are adopted as facts and are incorporated fully herein.

ARTICLE II. AMENDMENT AND ADOPTION OF CHAPTER 2 ANIMAL CONTROL, ARTICLE 2.01 GENERAL PROVISIONS, SECTION 2.01.005 PROHIBITIONS

- A. Amendment and Adoption. The City Council of the City of Johnson City hereby amends and revises Chapter 2. *Animal Control*, Article 2.01 *General Provisions*, Section 2.01.005 *Prohibitions* of the City's Code of Ordinances, as revised and as depicted in "*Attachment A*", attached hereto and incorporated fully herein for all intents and purposes, and to read as contained therein.
- B. Saving Provision. The amendment and revision of Chapter 2 *Animal Control* does not affect enforcement of any violation of the Ordinance committed at the time the Ordinance was in effect or punishment imposed under that Ordinance prior to its amendment and revision.

ARTICLE III. REPEALER AND SEVERABILITY

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All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

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.

ARTICLE IV. PUBLICATION AND CODIFICATION

The City Secretary is hereby directed to record and publish the Attachment in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code after publication in the City newspaper.

ARTICLE V. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and approval.

PASSED AND APPROVED this, the ____ day of _____, 2022, by a majority vote of the City Council of Johnson City, Texas.

CITY OF JOHNSON CITY, TEXAS

Rhonda Stell, Mayor

Attest:

Whitney Walston
City Secretary

CITY OF JOHNSON CITY CODE OF ORDINANCES
CHAPTER 2 *ANIMAL CONTROL*, ARTICLE 2.01 *GENERAL PROVISIONS*,
SECTION 2.01.005 *PROHIBITIONS*

Amended and Revised _____, 2022

Sec. 2.01.005 Prohibitions.

- (a) *Wild animals.* It shall be unlawful for anyone to keep or harbor any wild animal within the City limits. This section does not apply to zoological parks, performing animal exhibitions, or circuses.
- (b) *Vicious animals.* It shall be unlawful for anyone to keep or harbor any vicious or dangerous animal.
- (c) *Animal fighting.* No person shall possess or harbor any animal for fighting contests, nor shall any person train, torment, badger, bait, or use any animal for the reason of causing or encouraging the animal to attack human beings or domestic animals.
- (d) *Other prohibited animals.* It shall be unlawful for anyone to keep any hog, pig or swine, peacock, emu, ostrich, or hybrid wolf within the City limits, except when confined and in transit through the City.
- (e) *Disturbing the peace.* No person shall own an animal in such a manner that the peace or quiet of the public is unreasonably disturbed.
- (f) *Feeding animals.*

(1) It shall be unlawful for any person to feed wild animals, stray animals or feral/community cats, regardless of age, sex or temperament. It shall also be unlawful for any person to place food of any kind with the intent to feed wild animals, stray animals or feral/community cats or to leave, store or maintain food of any kind in a manner or area accessible to wild animals, stray animals or feral/community cats, including:

- a. On any vacant or undeveloped property or tract of land in any zoning area.
- b. On property not owned or occupied by the person feeding or attempting to feed said wild animals, stray animals or feral/community cats.
- c. On any fenced or unfenced property, even if owned or occupied by the person feeding or attempting to feed said wild animals, stray animals or feral/community cats.
- d. This section shall not apply to: animal services officers or police officers for the City of Johnson City during the course of their official duties or a person caring for an infant or injured wild animal that that is not capable of surviving on its own and said person possesses a valid Texas State Parks and Wildlife Rehabilitation Permit and said wild animal is kept in a secure manner and in accordance with all other city ordinances and state laws.
- e. This section shall not apply to: approved zoological parks, performing animal exhibitions or licensed circuses, primary and secondary schools, colleges and universities or zoological parks owned or operated by a governmental entity, provided that any such wildlife is kept in a secure manner and in accordance with all other city ordinances and state laws.
- f. This section shall not apply to birdfeeders used for the sole purpose of feeding wild birds within the boundaries of a person's owned or occupied property, or the feeding of water fowl within Johnson City city parks.
- g. This section shall not apply to: any person who is using food as an attractant to live trap a wild animal, a stray animal or a feral/community cat in a legally authorized or permitted manner.

(2) If upon investigation, an animal services officer or police officer for the City of Johnson City, determines that a person is in violation of this section, the animal services officer or

police officer at their discretion, may issue a warning or citation and time frame for compliance to said person. Each day that a violation is permitted to exist shall constitute a separate offense.