

ORDINANCE NO. 2019-20

AN ORDINANCE RELATED TO THE UNLAWFUL RESTRAINT OF AN ANIMAL; CREATING AN OFFENSE WITHIN THE CITY OF TAYLOR, TEXAS; PROVIDING FOR A FINE OR PENALTY OF THIS ORDINANCE AS A MISDEMEANOR SUBJECT TO A FINE NOT TO EXCEED \$500.00 FOR EACH OFFENSE, EXCEPT HOWEVER, WHERE DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW FOR SUCH OFFENSE, IN WHICH EVENT THE PENALTY SHALL BE FIXED BY STATE LAW AND IF DEEMED A VIOLATION OF ANY PROVISIONAL LAW THAT GOVERNS FIRE SAFETY, ZONING, OR PUBLIC HEALTH AND SANITATION, THE PENALTY SHALL NOT EXCEED THE SUM OF \$2,000.00 FOR EACH OFFENSE; AND HAVING A SAVINGS CLAUSE; AND HAVING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE; AND HAVING A PUBLICATION CLAUSE.

WHEREAS, the City of Taylor, Texas, desires to adopt an Ordinance disallowing the unlawful restraint of an animal; and

WHEREAS, it is deemed in the best interest of the City of Taylor, Texas, to disallow the unlawful restraint of an animal; and

WHEREAS, it is the desire of the City to provide an Ordinance regulating the unlawful restraint of an animal.

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

SECTION 1. All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

SECTION 2. Definitions.

- (A) "Adequate shelter" means a clean and sturdy structure that:
- (1) allows the animal protection from rain, hail, sleet, snow, and subfreezing temperatures; and
 - (2) is large enough to allow the animal to stand erect, sit, turn around, and lie down in a normal manner.

- (B) "Collar" means any collar constructed of nylon, leather, or similar material, specifically designed to be used for an animal.
- (C) "Harness" means any harness constructed of nylon, leather, or similar material, specifically designed to be used for an animal.
- (D) "Owner" means a person who owns or has custody or control of an animal.
- (E) "Properly fitted" means, with respect to a collar or harness used for an animal, a collar or harness that:
 - (1) is the appropriate size for the animal based on the animal's size and body weight;
 - (2) does not choke the animal or impede the animal's normal breathing or swallowing; and
 - (3) is attached to the animal in a manner that does not allow for escape and does not cause pain or injury to the animal.
- (F) "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches an animal to a stationary object or trolley system.

SECTION 3. Unlawful Restraint of Animal.

- (A) An owner may not leave an animal outside and unattended by use of a restraint unless the owner provides the animal access to:
 - (1) adequate shelter;
 - (2) an area that allows the animal to avoid standing water;
 - (3) shade from direct sunlight; and
 - (4) potable water.
- (B) An owner may not restrain an animal outside and unattended by use of a restraint that:

- (1) is a chain;
- (2) has weights attached;
- (3) is shorter in length than the greater of:
 - (a) five times the length of the animal, as measured from the tip of the animal's nose to the base of the animal's tail;
or
 - (b) 10 feet;
- (4) is not attached to a properly fitted collar or harness; or
- (5) causes pain or injury to the animal.

SECTION 4. Exceptions.

- (A) Section 3 does not apply to:
- (1) an animal restrained in a public camping or recreational area in compliance with the requirements of the public camping or recreational area as defined by a federal, state, or local authority or jurisdiction;
 - (2) an animal restrained while the owner and animal are engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by this state if the activity for which the license is issued is associated with the use or presence of an animal;
 - (3) an animal restrained while the owner and animal are engaged in conduct directly related to the business of shepherding or herding cattle or livestock;
 - (4) an animal restrained while the owner and animal are engaged in conduct directly related to the

business of cultivating agricultural products;
or

(5) an animal left in an open-air truck bed for no longer than necessary for the owner to complete a temporary task that required the animal to be left in the truck bed.

(B) Section 3(b)(3) does not apply to a restraint that is attached to a trolley system that allows an animal to move along a running line for a distance that equals or exceeds the lengths specified under that subdivision.

(C) This subchapter does not prohibit a person from walking an animal with a handheld leash.

SECTION 5. Penalty.

Any person violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be subjected to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, except where a different penalty has been established by State law for such offense in which event the penalty shall be fixed by state law and if deemed a violation of any provision which governs fire safety, zoning or public health or sanitation shall be punished by a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation is continued shall be deemed to constitute a separate offense. Any other penalty allowed by law may be in addition to and cumulative with the penalty stated herein.

SECTION 6. Severability.

If any article, paragraph, or part of a paragraph of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not invalidate or impair the validity, force or effect of any other article, paragraph or part of a paragraph of this Ordinance which shall remain in full force and effect.

SECTION 7. Repealer.

All provisions of any Ordinance of the City of Taylor, Texas, in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 8. Publication.

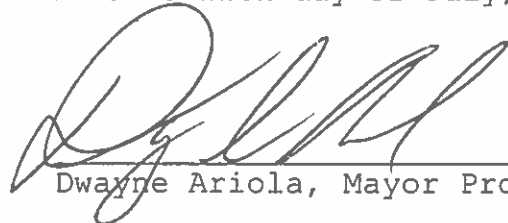
The City Clerk is hereby authorized and directed to publish the caption of this Ordinance, together with the penalty provision contained therein, in the manner and for the length of time prescribed by law.

SECTION 9. Effective Date.


This Ordinance shall become effective October 9, 2019.

In accordance with Article VIII, Section 1 of the City Charter, Ordinance No. 2019-20 was introduced before the Taylor City Council on the 27th day of June, 2019.

PASSED, APPROVED, and ADOPTED on this 11th day of July, 2019.


Dwayne Ariola, Mayor Pro-Tem

ATTEST:


Dianna Barker, City Clerk

APPROVED AS TO FORM:

Ted W. Hejl, City Attorney

