

ORDINANCE NO. 2015-

AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY, TEXAS ENTITLED "ANIMALS" TO DESIGNATE THE CITY AS A BIRD SANCTUARY AND TO DECLARE CERTAIN ACTIVITIES TO BE UNLAWFUL.

WHEREAS, the City Council deems it necessary and in the best interests of the citizens to designate the City of League City as a bird sanctuary and to prohibit certain activities within the City that are inconsistent with said designation;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. The City Council of the City of League City, Texas, hereby amends Article I of Chapter 18 of the Code of Ordinances of the City of League City, Texas, entitled "Animals" by adding Section 18-33, to be entitled "*Area designated as bird sanctuary*"; adding Section 18-34, to be entitled "*Birds protected and nuisance abatement*"; and adding Section 18-35, to be entitled "*Exceptions*" to read as follows:

"Sec. 18-33. Area designated as bird sanctuary.

The entire area within the corporate limits of the City of League City shall be and is hereby designated a bird sanctuary, and the city manager or his designee is hereby authorized to erect appropriate signs and markers at highway entrances to the city and at other places to evidence this designation. All persons and entities within the City are hereby encouraged to adopt and implement practices that promote the establishment and nurturing of habitats for birds and other wildlife.

Sec. 18-34. Birds protected and nuisance abatement.

It shall be unlawful within the city for any person to intentionally:

- (a) poison or shoot or attempt to shoot or kill with any firearm, air rifle, bow and arrow, slingshot or any other apparatus that is capable of propelling a projectile at a target;
- (b) trap, ensnare or otherwise catch; or
- (c) take, disturb, or destroy the eggs of

any wild bird, regardless of age.

Sec. 18-35. Exceptions.

- (a) It shall be an exception to the application of Section 18-34 (b) and (c) for:

(1) the City of League City to conduct periodic maintenance of its rights-of-way and easements, including without limitation drainage channels and drainage ways, in order to preserve the health, safety, and welfare of its residents, provided such maintenance is performed in compliance with federal and state laws; or

(2) the City's Animal Control Official or his designee to physically remove or relocate any birds or nests that constitute a nuisance or health hazard, provided the removal or relocation is achieved in as humane a manner as practicable, within current federal and state laws, and by obtaining any necessary permits.

(b) It shall be an exception to the application of Section 18-34 (b) and (c) for a pest control professional licensed by the state to physically remove or relocate any birds or nests that constitute a nuisance or health hazard on property at the property owner's request, provided the removal or relocation is achieved in as humane a manner as practicable, within current federal and state laws, and by obtaining any necessary permits.

(c) It shall be an exception to the application of Section 18-34 (c) above for the owner or lessee of property to remove a bird's nest that constitutes a nuisance on said property."

Section 4. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED on first reading the ____ day of _____, 2015.

PASSED on second reading the ____ day of _____, 2015.

PASSED AND ADOPTED on the ____ day of _____, 2015.

TIMOTHY PAULISSEN
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN
City Attorney