

ORDINANCE NO. 2016-

AN ORDINANCE OF THE CITY COUNCIL OF LEAGUE CITY, TEXAS, AMENDING CHAPTER 18, ENTITLED *ANIMALS*, OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY, TEXAS BY AMENDING SECTION 18-28 AND ADDING SECTION 18-33 PERTAINING TO ANIMAL CARE; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of League City regulates the care and maintenance of animals within its territorial limits to foster the responsible and humane treatment, care, and maintenance of animals; and

WHEREAS, it is the desire of the City Council of the City of League City to strengthen the rules regarding the proper care of animals and to restrict the practice of tethering dogs;

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

Section 1. That the Code of Ordinances is hereby amended to ADD a new Section 18-33, to be entitled *Animal Care and Maintenance*, to read as follows:

“Section 18-33. Animal care and maintenance.

(a) Chaining, Tethering, or Restraining Dogs. A person may not chain or tether a dog with any restraint unless said person is holding the restraint, except:

(1) During a lawful activity involving the restrained animal, such as walking on a leash, facilitating veterinary treatment, grooming, training, or law enforcement activity; or

(2) As required to protect the safety or welfare of a person or the dog, and the owner or handler remains with said dog throughout the temporary period of restraint, lasting no longer than is necessary for the person to complete a temporary task.

(3) By use of an overhead “trolley” system that is a minimum of ten (10) feet long, to which the dog is attached by a line or lead that allows the dog to move freely along the length of the trolley.

A person restraining a dog shall attach the restraint to a properly fitting collar or harness worn by the dog. A person may not wrap a chain or tether or other restraint directly around a dog's neck. The restraint used to manage a dog must, by design and placement, be unlikely to become tangled.

(b) Food, Water, and Shelter. Animals must be provided with food of sufficient quantity and quality to allow for normal growth or the maintenance of body weight. Animals must be provided access to potable water in a sanitary manner at least once every twelve (12) hours and in sufficient quantity to satisfy the animal's needs. Animals must be provided with adequate and accessible shelter to provide for their health and welfare, which shelter shall at a minimum protect the animal from inclement weather and direct rays of the sun that are harmful to the animal.

(c) Confinement Areas. A confinement area must provide sufficient space to allow each animal to turn about freely and to easily stand, sit and lie in a normal position. If an animal is maintained in an outdoor confinement area, that space should contain a shelter that complies with the requirements in Subsection (b) above.”

Section 2. That the Code of Ordinances is hereby amended to AMEND Subsection (d) of Section 18-28, entitled *Penalty*, to read as follows:

“(d) A person who violates section 18-32 or section 18-33 commits a class C misdemeanor punishable by:

(1) A fine not to exceed \$500.00, or

(2) If the person acts with criminal negligence, as defined by the V.T.C.A., Penal Code § 6.03(d), a fine not to exceed \$2,000.00.

(3) At the discretion of the court, a person may be eligible for deferment of penalties provided for herein through the performance of community service.”

Section 3. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 6. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 7. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. The Ordinance shall become effective ten (10) days after its passage.

PASSED first reading the ____ day of _____, 2016.

PASSED second reading the ____ day of _____, 2016.

PASSED AND ADOPTED the ____ day of _____, 2016.

PAT HALLISEY
MAYOR

ATTEST:

DIANA M. STAPP
CITY SECRETARY

APPROVED AS TO FORM:

NGHIEM V. DOAN
CITY ATTORNEY