

ORDINANCE NO. 08-530-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSHIRE, TEXAS, AMENDING SECTION 4 "LIMIT" OF ORDINANCE NO. 06-484-9 ESTABLISHING RULES AND REGULATIONS GOVERNING THE KEEPING OF DOGS AND CATS WITHIN THE CITY; RESTRICTING THE NUMBER OF DOGS AND CATS A PERSON MAY KEEP, HARBOR, POSSESS, MAINTAIN OR ALLOW TO BE KEPT, HARBORED, POSSESSED OR MAINTAINED UPON OR WITHIN ANY PREMISES OWNED, OCCUPIED, OR UNDER THE CONTROL OF A PERSON WITHIN THE CITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION OF THE ORDINANCE; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION.

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WHEREAS, the Legislature of the State of Texas has, in section 826.015, TEXAS HEALTH AND SAFETY CODE, as amended, authorized municipalities to adopt rules establishing a local rabies control program; and

WHEREAS, the City Council of the City of Brookshire has found and determined that it is in the public interest, good order, and welfare of the citizens of the City to regulate and control the spread of rabies among the dog and cat population in the City of Brookshire; and

WHEREAS, the City Council of the City of Brookshire has found and determined that it is in the public interest, good order, and welfare of the citizens of the City to regulate and control the spread of rabies among the dog and cat population by limiting the number of dogs and cats that are kept at one location.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF BROOKSHIRE, TEXAS:

Section 1. All of the findings set forth above are true and correct and are adopted and incorporated into this ordinance for all purposes.

Section 2.

Section 4. Limit.

A. It shall be unlawful for any person to keep, harbor, possess, maintain or allow to be kept, harbored, possessed or maintained more than four (4) dogs or four (4) cats, or a combination of said animals with the total number not exceeding eight (8), over three (3) months old, upon or within any premises owned, occupied, or under the control of such person within the City except where specifically exempt in this Ordinance.

B. It shall be unlawful for any veterinary hospitals, pet shops, kennels, circus, or animal shelter to keep, harbor, possess, maintain or allow to be kept, harbored, possessed or maintained more than forty (40) dogs or forty (40) cats or a combination of said animals with the total number not exceeding sixty (60) upon or within any premises owned, occupied, or under control of such agency within the City.

C. Any facility listed in subsection B of this section shall ensure that:

1. all animals remaining on the premises shall be examined by a licensed veterinarian within seven (7) days of being acquired and thereafter at least once every thirty (30) days;
2. all animals be kept in a sanitary and well ventilated area at all times;
3. all animal pens are kept clean and capable of being inspected on a weekly basis. A minimum of twenty (20) square feet for each dog and nine (9) square feet for each cat must be provided;

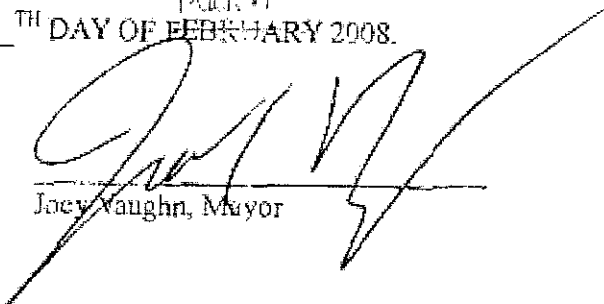
4. all animals which have been on the premises more than twenty-five (25) days have been vaccinated;
5. records be kept for the acquiring, disposition, and destroying of each animal kept at said facility;
6. no animals be destroyed or disposed of on the premises; and that all animals be available and visible during the monthly inspection by the Chief of Police of the City.
7. failure to comply with this section may result in a denial or suspension of a permit to operate.

Section 3. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

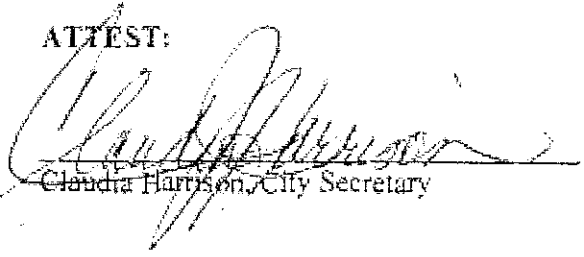
Section 4. All ordinances or parts of ordinances inconsistent or in conflict herewith are hereby repealed.

Section 5. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Brookshire, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this ⁹⁰ ~~10~~ ^{MARCH} ~~FEBRUARY~~ DAY OF 2008.


Joey Vaughn, Mayor

ATTEST:


Claudia Harrison, City Secretary