



City of Rowlett

Official Copy

Ordinance: ORD-043-16

4000 Main Street
Rowlett, TX 75088
www.rowlett.com

AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING ARTICLE I (“IN GENERAL”) OF CHAPTER 6 (“ANIMALS”) TO AMEND SUBPART (a) OF SECTION 6-7 BY REVISING PROVISIONS RELATING TO ANIMAL NUISANCES; TO AMEND ARTICLE VIII (“IMPOUNDMENT”) OF CHAPTER 6 (“ANIMALS”) BY AMENDING SECTION 6-276 RELATING TO THE DISPOSITION OF IMPOUNDED ANIMALS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rowlett, Texas, hereby finds and determines that the ownership of animals presumes a responsibility to the animal and to the citizens of the City; and

WHEREAS, many pet owners keep or maintain their animals in an outdoor environment in often densely occupied residential subdivisions and fail to prevent their animals from creating excessive noise; and

WHEREAS, a balance must be made between the rights of pet owners and the competing rights of nearby residents in residential areas to enjoy the quiet and comfort of their own homes; and

WHEREAS, it is the policy of the City of Rowlett to minimize exposure of citizens to the physiological harm and discomfort of excessive noise and to protect, promote and preserve the public peace, health, comfort, convenience, safety and welfare; and

WHEREAS, recent case law suggests that the absence of clear provisions dealing with the forfeiture of ownership rights of pet owners who have abandoned their pets in animal shelters may give rise to claims against municipalities and animal shelters.

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

SECTION 1. That the Code of Ordinances, City of Rowlett, Texas, be and is hereby amended by amending subsection (a) of Section 6-7 of Article I, “In General,” of Chapter 6, “Animals,” by amending noise prohibitions, without amendment, repeal or change to any other subsection, part or provision of Section 6-7, such that subsection (a) of Section 6-7 shall henceforth read in its entirety as follows:

“CHAPTER 6. ANIMALS

...

ARTICLE I. IN GENERAL

...

Sec. 6-7. Animal nuisance.

(a) Noise. A person commits an offense if he knowingly or recklessly harbors an animal that unreasonably barks, howls, crows or makes other unreasonably loud or persistent noise near a private residence that disturbs the peace and quiet of a person of ordinary sensibilities. If the noise lasts for a period of at least 15 minutes, even if the noise is sporadic within the 15 minute period, such shall be prima facie evidence of a violation of this provision and that the same constitutes a nuisance.

...

SECTION 2. That the Code of Ordinances, City of Rowlett, Texas, be and is hereby amended by amending Section 6-276 of Article VIII, "Impoundment," of Chapter 6, "Animals," by declaring a forfeiture of ownership of animals abandoned after impoundment, without amendment, repeal or change to any other section, part or provision of Article VIII of Chapter 6, such that Section 6-276 shall henceforth read in its entirety as follows:

"CHAPTER 6. ANIMALS

...

ARTICLE VIII. IMPOUNDMENT

...

Sec. 6-276. Disposition.

If the owner has not redeemed such impounded animal within three (3) days from its capture and impoundment, ownership of the animal shall be deemed forfeited by the owner and shall automatically revert to the City. Transfer of ownership for animals wearing a current city license tag will occur six days after impoundment. The foregoing periods shall be extended for any period in which the animal is held under quarantine. As a precondition of forfeiture of ownership, the City shall take reasonable steps to notify or make the animal available for retrieval by the owner. An owner may nevertheless redeem the animal following the time periods stated herein; provided, however, that if the owner has failed to redeem the animal, the animal may be given to a nonprofit humane organization, placed for adoption, humanely destroyed, or disposed of in any manner deemed reasonable by the City."

SECTION 3. That all ordinances of the City of Rowlett, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Rowlett not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Rowlett, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

At a meeting of the City Council on November 15, 2016 this Ordinance be adopted. The motion carried by the following vote:

Ayes: 7 Mayor Gottel, Mayor Pro Tem Dana-Bashian Deputy Mayor Pro Tem Sheffield, Councilmember van Bloemendaal, Councilmember Hargrave, Councilmember Brown, and Councilmember Bobbitt.

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Approved by [Signature]
Mayor

Date November 15, 2016

Approved to form by [Signature]
City Attorney

Date November 15, 2016

Certified by [Signature]
City Secretary

Date November 15, 2016

