

ORDINANCE NO. 7-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CROSBYTON, TEXAS, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF CROSBYTON, BY AMENDING ARTICLE IV, ENTITLED "IMPOUNDED ANIMALS" BY AMENDING SECTION 18-121, ENTITLED "STRAY ANIMALS"; REGULATING THE RESTRAINT AND MAINTENANCE OF DOGS WITHIN THE CITY; AND BY ADDING SECTION 18-140 ENTITLED "PENALTY"; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that the improper restraint and maintenance of dogs within the city constitutes a hazard to the public health, safety and welfare and a public nuisance **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROSBYTON AS FOLLOWS:

PART 1: THAT, Chapter 18 of the Code of Ordinances of the City of Crosbyton is hereby amended by amending Article IV, entitled "Impounded Animals" by amending Section 18-121, entitled "Stray Animals" and by adding section 18-140, entitled "Penalty" which sections shall read as follows:

18-121. Running at Large - Maintenance

All dogs within the City shall be cared for in accordance with the following:

a. It shall be unlawful for the owner, caregiver or keeper of any dog to permit such dog to run at large within the city. A dog is at large if it is not within an enclosure adequate to contain the dog upon or within property owned or leased by its owner, caregiver or keeper or restrained by a leash or harness personally held by the owner, caregiver or keeper of the dog.

b. It shall be unlawful for the owner, caregiver or keeper of any dog to restrain or anchor a dog by means of a tether, chain, cable, rope or cord, unless the tether or other restraint is being personally held by the owner, caregiver or keeper of the dog. No dog may be attached to any inanimate object.

c. Any dogs confined within a fenced yard or run must be provided with at least 100 square feet of space for each dog. Any dog kept within a house without a yard shall be provided an enclosure or run for such dog with at least 100 square feet for each dog. The enclosure shall be constructed of chain link or similar type material with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from the enclosure. The top of the enclosure shall be covered with material to provide the dog with shade and protection from the elements.

Section 18-140. Penalty

Any owner caregiver or keeper of any dog who shall violate any provision of this article shall be guilty of a misdemeanor and upon conviction may be fined not less than \$1.00 or more than \$500.00; provided further, no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state. Each day the violation occurs or continues shall constitute a separate offense.

PART 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed and declared of no further force and effect.

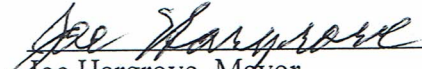
PART 3: If any section, sub-section, clause, phrase or portion of this ordinance shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase or portion shall be deemed to be a separate, distinct and independent provision and such invalidity shall not affect the validity of the remaining portions.

PART 4: This ordinance shall take effect upon completion of publication as provided by law.

PART 5: The city secretary is hereby authorized and directed to cause the publication of the descriptive caption hereof together with the penalty provisions for violation thereof.

READ, APPROVED AND ADOPTED at a regular meeting of the City Council on the 20th day of July, 2004.

CITY OF CROSBYTON



Joe Hargrove, Mayor

ATTEST:



Margot Hardin, City Secretary