

TOWN OF FAIRVIEW, TEXAS

ORDINANCE NO. 2019-30

AN ORDINANCE OF THE TOWN OF FAIRVIEW, TEXAS, AMENDING THE CODE OF ORDINANCES, TOWN OF FAIRVIEW, TEXAS, CHAPTER 2 (ANIMAL CONTROL REQUIREMENTS) BY AMENDING SECTION 2.01.001 (DEFINITIONS) AND SECTION 2.01.005 RUNNING AT LARGE; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Fairview, Texas ("Town") has previously adopted ordinances, rules and regulations governing animal control that are codified as Chapter 2 of the Code of Ordinances, Town of Fairview, Texas ("Fairview Code"); and

WHEREAS, the Town of Fairview, Texas Town Council ("Town Council") has investigated and determined that it would be advantageous and beneficial to the Town and its citizens to amend Chapter 2 of the Fairview Code relating to offenses arising from animals at large; and,

WHEREAS, the Town Council has found and determined that this ordinance is necessary to protect residents and preserve the peace and tranquility of the Town, better assure the well-being of domestic dogs, and to otherwise preserve the public health, safety and welfare by establishing regulations regarding animals at large; and,

WHEREAS, the Town Council believes that our citizens should be protected from disturbance by animals running at large;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, THAT:

Section 1. Recitals Incorporated.

The above referenced recitals are incorporated herein as if set forth in full for all purposes.

Section 2. Amendments.

Section 2.01.001 (Definitions), of the Fairview Code is hereby amended by replacing the definition of "Running at large" as shown below; and by revising Section 2.01.005(a) Running at large, as shown below:

Sec. 2.01.001 Definitions

[...]

Running at large. An animal, other than a cat, shall be considered to be running at large unless it is restrained by a person responsible for the animal by means of a leash or chain of sufficient strength and length to control the actions of such animal or by means of being physically held and controlled by such person; provided, however, an animal shall not be considered to be running at large if the animal is entirely confined to the premises where the animal is harbored by means of: (1) a fence of sufficient strength and height to keep the animal entirely confined; (2) a chain or leash of length and sufficient strength to keep the animal entirely confined; (3) the direct supervision of the person responsible for the animal; or (4) a barrier commonly known as an “invisible or electronic fence” that is: (a) generally not visible to the human eye but keeps the animal entirely confined by means of laser ,sound or other technology; and (b) not capable of causing pain or discomfort to any human being that crosses its path.

[...]

Sec. 2.01.005 Running at large.

(a)(1) It shall be deemed unlawful for any person who harbors or is otherwise responsible for an animal, other than a cat, to fail to prevent the animal from running at large. Upon a person’s first violation, the person shall be provided a written warning (in lieu of a citation) that identifies the person and describes the animal(s) involved in the violation. A copy of said warning shall be kept on file in the town’s records. A warning in lieu of a citation shall not be issued for a violation committed by: (1) a person that was previously identified in a written warning; or (2) any person involving an animal that was the subject of a previous written warning.

Section 3. Savings, Severability and Repealing Clauses.

All ordinances of the Town in conflict with the provisions of this ordinance are repealed to the extent of that conflict. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The Town declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

Section 4. Penalty.


It shall be a Class C misdemeanor to violate any provision of this ordinance or the regulations adopted hereunder. The amount to be paid upon conviction shall not exceed the amount set forth

It shall be a Class C misdemeanor to violate any provision of this ordinance or the regulations adopted hereunder. The amount to be paid upon conviction shall not exceed the amount set forth and as applicable in the Fairview Code or in said regulations, or the highest amount allowed by law, whichever is lower. Each day such violation continues, or is permitted to continue, shall be deemed a separate offense. For all purposes, this ordinance is deemed to be a regulation that governs public health.

Section 5. Publication of the Caption Hereof and Effective Date.

This ordinance shall be in full force and effective from and after its passage and upon the posting and/or publication, if required by law, of its caption and the Town Secretary is hereby directed to implement such posting and/or publication.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL, OF THE TOWN OF FAIRVIEW, TEXAS on this 5th day of November, 2019.



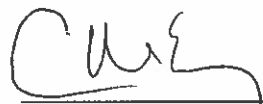
Henry Lessner, Mayor
Town of Fairview

ATTEST:

APPROVED AS TO FORM:



Tenitrus Bethel, Town Secretary



Clark McCoy, Town Attorney