

ORDINANCE NO. 092-001

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING SEC. 4-8 OF CHAPTER 4, ANIMALS AND FOWL, OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS; PROVIDING FOR ANIMAL NUISANCE; PROVIDING THAT OWNER OF ANIMAL IN VIOLATION BE GUILTY OF MISDEMEANOR; PROVIDING FOR PETITIONS COMPLAINING FOR BARKING, HOWLING, YELPING OR CROWING ANIMALS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That Sec. 4-8 of Chapter 4 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to read as follows:

Sec. 4-8 Animal Nuisance.

(a) The following shall be considered a public nuisance and a person commits an offense if the person knowingly allows;

(1) The keeping of any Animal in such a manner as to endanger the public health; annoy adjacent property owners by the accumulation of Animal wastes which cause foul and offensive odors or are considered to be a hazard to any other Animal or human being; or by continued presence of any Animal on the premises of another.

(2) All Animal pens, stables or enclosures in which any Animal may be kept or confined which, from the presence of animal excreta have become offensive or nauseous to a Person of ordinary sensibilities or injurious to public health.

(3) Persistent laxness in supervision of Animals so that their Running at Large results in disturbance to Persons of ordinary sensitivities.

(4) The keeping upon any property under the control of such person, any Animal which howls, barks, yelps or crows or any other unreasonable noise for any period of more than five (5) consecutive minutes to the discomfort of the people and quiet of the neighborhood, or which makes any unreasonably loud, disturbing and unnecessary noise in the City which is offensive to the ordinary sensibilities of the inhabitants of the City which noise renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort.

(b) Each, and every Person who violates any provision of this chapter and any Person who shall harbor or keep on his premises, or in or about his premises, or on premises under his control an Animal which violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined as hereinafter provided for a violation of this chapter, and each and every twenty-four (24) hours that such Dog, Cat or other Animal shall remain or be kept on any premises shall constitute a separate offense.

(c) The Addison Police Department and the Animal Control Offices shall have concurrent and joint authority for enforcement of this section. Whenever any Person shall complain to the Police Department or Animal Control Officer that an Animal which habitually howls, barks, yelps or crows is being kept by any Person in the City, the Police Department or Animal Control Officer shall notify the Owner of said Animal that a complaint has been received and that the Person should take whatever steps necessary to alleviate the howling, barking, yelping or crowing. If the unlawful act continues after such notification and upon the filing in Municipal Court of a complaint charging the Person with the violation, such complaint being supported by affidavits attested to the facts alleging the violation from at least two (2) citizens not from the same family, then such Person will be subject to criminal sanctions as set forth herein. Nothing herein contained shall restrict or prevent the issuance of a notice of violation by the Police Department, any peace officer, or the Animal Control Officer upon personal observance of or hearing of such Animal in violation.

SECTION 2. Any person, firm or corporation violating Sec. 4-8(a)(1) or 4-8(a)(2) of this Ordinance shall upon conviction be deemed guilty of a misdemeanor, and shall be subject to a fine not

to exceed the sum of Two Thousand and no/100 Dollars (\$2,000.00) for each offense, and any person, firm or corporation violating Sec. 4-8(a)(3) or Sec. 4-8(a)(4) of this Ordinance, shall upon conviction be guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of Two Hundred and no/100 Dollars (\$200.00) for each offense. Each day such violation continues shall constitute a separate offense.

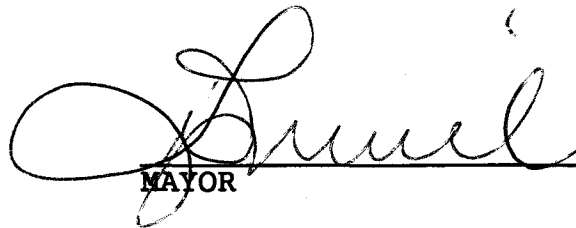
SECTION 3. That Chapter 4, "Animals and Fowl," of the Code of Ordinances, Town of Addison, Texas, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be 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 thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 6. This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the Town of Addison, and it is accordingly so ordained.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, this the 14th day of January, 1992.


MAYOR

ATTEST:


CITY SECRETARY

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