

**ORDINANCE 16-11-1024**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING CHAPTER 4, ENTITLED "ANIMAL CONTROL", ARTICLE 4.01, ENTITLED "GENERAL PROVISIONS", BY AMENDING SECTION 4.01.001, ENTITLED "DEFINITIONS" AND SECTION 4.01.004, ENTITLED "LIMITATION OF NUMBER OF ANIMALS", OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS/REPEALER CLAUSE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500), EXCEPT THAT VIOLATIONS OF PUBLIC HEALTH AND SAFETY REGULATIONS SHALL BE SUBJECT TO A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000), FOR EACH DAY OR PORTION THEREOF THAT A VIOLATION OCCURS OR CONTINUES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Murphy, Texas (the "City") recognizes the need for laws regulating animals located within the City to protect the health, safety, and welfare of the public and for the humane treatment of animals; and

**WHEREAS**, staff has reviewed the existing Animal Control Ordinance codified in Chapter 4 entitled "Animal Control" of Title I, entitled "General Ordinances" of the Code of Ordinances of the City of Murphy, Texas and has determined that it is necessary to amend sections of Chapter 4 to regulate the fostering of animals in order to address the existing number limitation on animals and to place reasonable regulations on foster providers; and

**WHEREAS**, the City has the authority and the power to adopt regulations relating to the control of the public health of its citizens, the City Council hereby finds and declares that it is in the interest of the public health, safety and general welfare to establish the regulations set forth in this ordinance for the fostering of animals within the limits of the City of Murphy.

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

**SECTION 1.  
INCORPORATION OF PREMISES**

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.  
AMENDMENTS**

**2.01** Section 4.01.001 entitled "Definitions" of Article 4.01, entitled "General Provisions" of Chapter 4, entitled "Animal Control" of Title I, "General Ordinances" of the Code of Ordinances of the City of Murphy is hereby amended to adopt a definition for "Foster Providers", and to add the term to the list of existing definitions in alphabetical order, each of which shall be and read in their entirety as follows and all other provisions of Section 4.01.001 not expressly amended hereby shall remain the same:

**Sec. 4.01.001 Definitions**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning:

*"Foster Providers"* – A person who volunteers to provide and does provide temporary care for an animal for a period of time until a permanent home can be found for the animal.

**2.02.** Section 4.01.004 entitled "Limitation of number of animals" of Article 4.01, entitled "General Provisions" of Chapter 4, entitled "Animal Control" of Title I, "General Ordinances" of the Code of Ordinances of the City of Murphy is hereby amended to modify subsection 4.01.004(b) and to add subsection 4.01.004 (c) and (d) which shall be and read in its entirety as follows and all other provisions of Section 4.01.004 not expressly amended hereby shall remain the same:

**Sec. 4.01.004 Limitation of number of animals**

...

(b) It shall be unlawful for any Person to keep within the city, in any residential district, more than four (4) adult domesticated animals of the same species on a residential lot, except as expressly provided in this section. The residence shall be permitted to keep one (1) litter only at any given time.

(c) Foster providers who comply with the requirements of this section shall be allowed to keep one (1) additional domesticated animal while participating in a fostering program provided that the foster providers comply with all requirements of this section.

(d) A foster provider shall comply with the following criteria in order to continue to keep one (1) additional animal as authorized by this section:

- (1) Upon taking possession of the animal, provide written documentation to the City of the date the possession commenced and temporarily register the animal with Animal Control. Temporary registration shall

commence upon the documented date of possession. Fees shall be waived;

- (2) A maximum of six (6) months from the date of the temporary registration shall be allowed for animals to remain in foster care with the foster provider;
- (3) Once the animal is no longer at the home, the foster provider shall contact Animal Control and remove the animal registration.

### **SECTION 3. SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

### **SECTION 4. SAVINGS/REPEALER CLAUSE**

Any provision of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

### **SECTION 5. PENALTY**

It shall be unlawful for any Person to intentionally, knowingly or recklessly violate or fail to comply with any provision of this ordinance. Such person shall be fined, upon conviction, not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00), except that violations of provisions of this Ordinance that govern public health and sanitation, other than vegetation and litter violations, shall be punishable by a fine of not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$500.00), as authorized by state law. A separate offense shall be deemed committed upon each day or portion thereof upon which a violation occurs or continues.

**SECTION 6.  
EFFECTIVE DATE – PUBLICATION**

This Ordinance shall become effective immediately upon its passage and publication as required by the City Charter and by law.

**DULY PASSED, APPROVED AND ADOPTED** by the City Council of the City of Murphy, Texas, on this the 1st day of November, 2016.



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Eric Barna, Mayor  
City of Murphy

ATTEST:



Susie Quinn, City Secretary  
City of Murphy



APPROVED AS TO FORM:



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Wm. Andrew Messer, City Attorney