

ORDINANCE NO. 14-2020

AN ORDINANCE OF THE CITY OF MARION, TEXAS, AMENDING ORDINANCE NO. 14-2009 ANIMAL ORDINANCE OF THE CITY OF MARION, TEXAS BY AMENDING ARTICLE 1 – DEFINITIONS SECTION I – DEFINITIONS TO DEFINE DOMESTIC ANIMALS AND INCLUDE PYGMY GOATS AND NIGERIAN DWARF GOATS; AMENDING ARTICLE III – LICENSING/COMMERCIAL PERMITS SECTION 1 – LICENSING PROCEDURES REGARDING ANIMALS THAT REQUIRE LICENSES; PROVIDING FOR THE REPEAL OF ORDINANCE SECTIONS IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 6, 2009, the Marion City Council adopted Ordinance No. 14-2009 Animal Ordinance regulating the ownership and presence of animals within the City;

WHEREAS, a request has been made to the City Council to allow the ownership of pygmy and Nigerian dwarf goats as domestic animals within the City;

WHEREAS, on May 4, 2020, the City Council received information regarding the use of pygmy and Nigerian dwarf goats as therapy animals;

WHEREAS, Ordinance No. 14,2009 does not currently contain a list of domestic animals;

WHEREAS, the City Council wishes to amend Ordinance No. 14-2009 to include under Article 1 – Definitions, Section I - Definitions a list of domestic animals for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the City; and

WHEREAS, it is necessary for the City to expand on the definition of domestic animal which will enable the officers and employees of the City to respond in a manner consistent with State law to unusual circumstances and conditions that arise from time to time with respect to the keeping, care and control of animals; and

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

Part 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that defining domestic animals is reasonable and necessary to protect the public health, safety and quality of life.

Part 2. Amendment. Ordinance No. 14-2009 Article 1 – Definitions, Section I - Definitions and Article III – Licensing/Commercial Permits Section 1 – Licensing Procedures are hereby amended to read as follows:

ARTICLE 1 – Definitions

Section I – Definitions

DOMESTIC ANIMAL: Tame, domesticated, pertaining to the family or household, such as a recognized domestic breeds of dogs, cats, birds, fish, gerbils, hamsters, nonpoisonous reptiles, guinea pig, mice, rat, potbellied pigs, pygmy goat, and Nigerian dwarf goat.

ARTICLE III – Licensing/Commercial Permits

Section I – Licensing Procedures

Any person owning, keeping, harboring, or having custody of a dog, cat, potbellied pig, pygmy goat or Nigerian dwarf goat over eight (8) weeks of age, within the City of Marion, must obtain a license as herein provided.

Written application for license shall be made to the Animal Control Officer or his designee which shall include: name of applicant, address of applicant, name of animal, description of animal, a rabies vaccination certificate from a licensed Veterinarian or rabies clinic (except of goats) and the licensing fee. The licensing period shall begin October 1st annually. License fees as specified in Article XIII shall be applied for each animal.

Part 3. Savings Clause. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting animals, licensing and registration within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Part 4. Repealer Clause. This Ordinance shall be cumulative of all provisions of state or federal law and other ordinances of the City except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Part 5. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity 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 invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Part 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

Part 7. Effective Date. This Ordinance shall be in force and effect from the date it is passed and approved.

PASSED AND APPROVED on this the 1st day of June 2020.



Victor A. Contreras, Mayor

ATTEST:



Maria Hernandez, City Secretary

