

ORDINANCE NO. 2022-31

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 74 (ENTITLED "PARKS AND RECREATION") BY ESTABLISHING A NEW SECTION 74.11 (ENTITLED "ANIMALS IN CITY PARKS"); PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, City Council has established city parks for the benefit and enjoyment of the community; and

WHEREAS, City Council adopted City Code Chapter 74, to provide park operational rules and regulations to ensure City parks are provide a positive recreational experience; and

WHEREAS, it has been reported to City Council that defecation left by horses ridden in Hamilton Creek Park has caused consternation to other park goers and staff; and

WHEREAS, City Council adopts this Ordinance to prohibit horseback riding in city parks and to address other matters related to animals in city parks; and

WHEREAS, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and

WHEREAS, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

Section one. Amendment. The Code of Ordinances, Chapter 74 (entitled "*Parks and Recreation*") is hereby amended by adding a new Section 74-11 (entitled "*Animals in City Parks*") to read as follows:

Sec. 74-11 - Animals in City Parks.

- (a) *Ducks, fish, and indigenous animals residing in the park.*
 - (1) Except as provided in subsection (2) or (3) immediately below, it is unlawful to kill, injure, harass, or remove any duck, or other species of wild bird or any indigenous mammal, amphibian, or reptile inhabiting a City Park.

- (2) Fishing is permitted in Hamilton Creek Park, subject to compliance with all state and city laws and regulations.
 - (3) Upon authorization of the City Manager, a City employee or agent may take reasonable and necessary action to remove or eradicate animals presenting a potential danger to the public or a City Park's ecosystem.
- (b) *Dogs.* Dogs are allowed in City Parks subject to the following:
- (1) Dogs must be on a leash at all times while in a City Park.
 - (2) Any person walking a dog is responsible for the animal(s) at all times and shall have the animal(s) under control at all times while in a City Park.
 - (3) All dogs must have a valid license and current vaccinations; and must wear a collar with vaccinations and license tags.
 - (4) It shall be unlawful to bring a dog into a City Park showing aggressive behavior towards people or other animals.
 - (5) It shall be unlawful to bring a dog into a City Park and permit or allow the dog to defecate therein unless the owner or the person having control or custody of the dog immediately removes, and properly disposes of the feces.
- (c) *Equine.*
- (1) Except as provided in subsection (2) immediately below, horseback riding shall be unlawful in any City Park.
 - (2) Horseback riding may be allowed in a City Park provided the activity is associated with a City sponsored or approved event, and City Council explicitly authorized horseback riding in a City Park or City Parks by ordinance, resolution, or minute order.
- (d) *Other domesticated, indigenousness, or exotic animals.* Except as provided in subsections (b) and (c) above it shall be unlawful for any person to bring any species of domesticated indigenousness, or exotic animals into any City Park.

Section two. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section three. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled "general penalty").

Section four. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled "Repealer") shall be controlling.

Section five. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section six. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

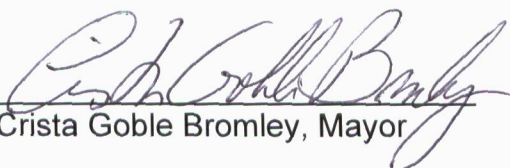
Section seven. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section eight. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.


Passed on first reading on the 24th day of May, 2022

Passed, Approved and Adopted on the 14th day of June, 2022

CITY OF BURNET


Crista Goble Bromley, Mayor

ATTEST:


Kelly Dix, City Secretary

