

ORDINANCE NO. 525

AN ORDINANCE PROVIDING THAT NO MORE THREE CATS OVER THE AGE OF EIGHT WEEKS MAY BE KEPT AT A DWELLING UNIT; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code, and

WHEREAS, the City Council has determined that it is necessary and advisable to limit the number of cats that may be kept in a residence in order to ensure the protection of the health, safety, and general welfare of the citizens of the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS:

SECTION 1: Article II, "dogs and Cats", Chapter 3, "Animals and Fowl:", of the Code or ordinances of the City of River Oaks, Texas, as amended, is amended by adding Section 3-27 to read as follows:

"Section 3-27. Number of cats allowed.

- (a) An occupant of a single family dwelling unit commits an offense if the occupant keeps or harbors more than three (3) cats above the age of eight weeks on the premises of the dwelling unit.
- (b) If more than three (3) cats are found in or on a single family dwelling unit premises, it is presumed that the occupant of the dwelling unit is keeping or harboring the cats."

SECTION 2. Penalty. Any person violating a provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed \$500.00. A separate offense is to be committed on each day during which a violation occurs or continues.

SECTION 3. Cumulative. This ordinance is cumulative of all provisions of ordinances and the Code of the City of River Oaks, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances and the Code, in which event the conflicting provisions of the ordinances and Code are repealed.

SECTION 4. Severability. It is hereby declared to be the intention of the City Council that the phrases, 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 in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5. All rights and remedies of the City of River Oaks are expressly saved as to any and all violations and pending litigation, both civil and criminal, whether pending in court or not, under previous ordinances, shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6. Publication. The City Secretary of the City of River Oaks is hereby directed to publish this ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by Chapter 7, Section 4 of the Charter of the City of River Oaks.

SECTION 7. This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED this 10th day of November, 1999.

/s/ JACK ADKISON
Mayor Jack Adkison

ATTEST:

/s/ Joy Williams
City Secretary