

ORDINANCE NO. O-2014-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING TYLER CITY CODE CHAPTER 14 TO INCREASE THE ANIMAL CARE ADVISORY BOARD TO A NINE MEMBER BOARD; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and general welfare of citizens; and

WHEREAS, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Local Government Code Section 51.072(a) states that a home-rule municipality has full power of self-government; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for good government, peace, or order of the municipality; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make and enforce local police, sanitary, and other regulations, and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the City, and for the performance of the functions thereof; and

WHEREAS, Section 6 of the Tyler City Charter states that pursuant to the provisions of and subject only to the limitations imposed by State law and the Charter, all powers of the City shall be vested in an elective Council, which shall, among other duties, enact legislation; and

WHEREAS, Texas Health and Safety Code Chapter 823 establishes regulations related to animal shelters; and

WHEREAS, Texas Health and Safety Code Section 823.005(a) generally provides that the governing body of a county or municipality in which an animal shelter is located shall appoint an advisory committee to assist in complying with the animal shelter provisions in Texas Local Government Code Chapter 823; and

WHEREAS, it is important to increase the membership of the Animal Care Advisory Board by amending Tyler City Code Chapter 14 to provide the desired representation on said Board for Smith County and Tyler Junior College; and

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

PART 1: That Tyler City Code Chapter 14, "Animals", is hereby amended by amending Article V., Sec. 14-50. a. "Establishment, membership" to read as follows:

ARTICLE V. Animal Care Advisory Board

Sec. 14-50. Animal Care Advisory Board

a. Establishment, membership.

1. Regular, voting board members. There is hereby created in and for the City a board to be known as the "Tyler Animal Care Advisory Board," which shall be composed of nine (9) regular voting members who shall serve without compensation and who shall be appointed by the City Council. Members, presiding officer and other officers shall serve as set forth in Section 1-20. Pursuant to State law, membership shall include at least 1) one licensed veterinarian; 2) one municipal official; 3) one person whose duties include the daily operation of an animal shelter; 4) one representative from an animal welfare organization, (5) one representative to be designated by the Smith County Commissioners Court, and (6) one representative to be designated by the Tyler Junior College District Board. (Ord. No. 0-2014-27; 3/26/14)

2. *No changes.*

b. *No changes.* (Ord. No. 0-2013-113; 12/11/13)

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That this ordinance shall be effective on and after its date of passage and approval by the City Council.

PASSED AND APPROVED this the 26th day of March, A.D., 2014.



BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

APPROVED:

DEBORAH G. PULLUM, CITY ATTORNEY

ATTACHMENT 1

**CURRENTLY APPOINTED BOARD MEMEBERS TO THE
ANIMAL CARE ADVISORY BOARD**

Previously Appointed Animal Care Advisory Board Members	Board composition requirement met (if any)	Term
1) Michael Maris	one licensed veterinarian	02/2014-08/2016
2) Gary Swindle, Chief of Police	one municipal official	02/2014-08/2016
3) Chris Lennon, Code Enforcement Manager	one person whose duties include the daily operation of an animal shelter	02/2014-08/2016
4) Todd Tutt, SPCA	one representative from an animal welfare organization	02/2014-08/2015
5) Marjorie Ream	regular board member	02/2014-08/2015
6) William McCord III	regular board member	02/2014-08/2015
7) Mary Ann Clifford	regular board member	02/2014-08/2015
8) one representative to be designated by the Smith County Commissioners Court,	Smith County representative	02/2014-08/2016
9) one representative to be designated by the Tyler Junior College District Board	Tyler Junior College representative	02/2014-08/2016