

**ORDINANCE NO. 0220  
AMENDMENT NO. 2**

**AN ORDINANCE AMENDING ORDINANCE NO. 0220 OF THE TOWN OF HORIZON CITY TO REVISE PROVISIONS RELATING TO ENFORCEMENT OF THE ORDINANCE TO PROVIDE FOR THE COUNTY OF EL PASO WITH ENFORCEMENT AUTHORITY FOR ANIMAL CONTROL FIELD SERVICES WITHIN THE TOWN LIMITS, INSTEAD OF THE CITY OF EL PASO; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, REPEALER, AND SEVERABILITY.**

**WHEREAS**, the City Council of the Town of Horizon City (“City Council”) is authorized by the Texas Government Code, Section 51.001, to adopt an ordinance that is for the good government, peace, or order of the City and is necessary or proper for implementing a power granted by law to the City; and

**WHEREAS**, the Town adopted Ordinance No. 0220 on February 12, 2015 to establish regulations concerning animal nuisances and keeping of animals within the Town, and further adopted Amendment 1 to Ordinance No. 0220 on November 10, 2015 in order to revoke the requirements for registration of dogs and cats and provide for enforcement of the ordinance; and

**WHEREAS**, it is proposed that under an Interlocal Agreement with the County of El Paso (“County”), the County will become the Enforcing Agency under the ordinance instead of the City of El Paso effective February 1, 2017, and the Interlocal Agreement with the City of El Paso will be revised to provide that they will provide only shelter services and no longer be the Enforcing Agency on the same effective date.

**WHEREAS**, it is necessary to make appropriate adjustments to the language of the Ordinance to provide for County enforcement of the ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HORIZON CITY, TEXAS that;**

**ARTICLE I. ENACTMENT OF AMENDMENTS**

Pursuant to Sections 51.001 and 51.012 of the Texas Local Government Code, the City Council of the Town of Horizon City hereby enacts and adopts this Amendment No. 002 to Ordinance No. 0220, which created animal regulations for the Town of Horizon City and related matters, to

amend Article I, Sections III, VI and VII, by amending the subsections set forth under each section as follows:

**SECTION I. DEFINITIONS**

“Enforcing Agency” shall mean the County of El Paso and its Sheriff’s Office Animal Control Division and programs.

**SECTION VII. FEES AND IMPOUNDMENT**

The owner of any animal detained and impounded by the Enforcing Agency shall be entitled to resume possession of such animal upon compliance with the laws and regulations of the Enforcing Agency and the payment of any impoundment, board and quarantine fees as established by the Enforcing Agency or as have been established by an Interlocal Agreement between the Town of Horizon City and the County of El Paso.

Any animal detained or impounded under the provisions of State law or this Ordinance or held by the Enforcing Agency in the jurisdiction of the Enforcing Agency, and not reclaimed in the manner and time periods as provided by the laws and regulations of the Enforcing Agency and its animal services program, will become the property of the Enforcing Agency and be subject to its regulations governing animal impoundment, redemption and disposition.

**ARTICLE II. FINDINGS OF FACT**

That this ordinance was duly enacted with all requisites and formalities incident thereto the enactment of ordinance, and such is evidenced by the signatures below; and further that the foregoing recitals are incorporated into this ordinance by reference as findings of fact as if expressly set forth herein.

**ARTICLE III. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the effect of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**ARTICLE IV. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

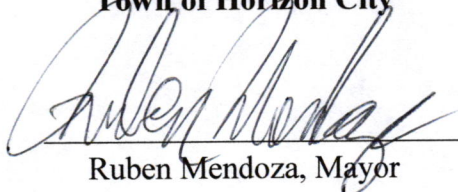
**ARTICLE V. PROPER NOTICE AND MEETING**

It is officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52, Texas Local Government Code.

PASSED AND APPROVED this the 14<sup>th</sup> day of February 2017, by a vote of 4 (ayes) to 3 (nays) to 0 (abstentions) of the Town Council of Horizon City, Texas.


**Town of Horizon City**

By:

  
Ruben Mendoza, Mayor

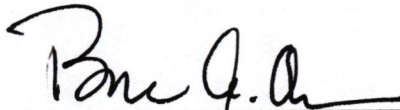
**ATTEST:**

By:

  
Elvia Schuller, City Clerk



**APPROVED AS TO FORM:**



Bertha A. Ontiveros, Assistant City Attorney

First Reading: 12/13/2016  
Second Reading: 1/10/2017 (postponed)  
2/14/2017