

ORDINANCE NO. 2024-35

AN ORDINANCE OF THE CITY OF LOCKHART, TEXAS LIMITING THE NUMBER OF DOGS AND CATS IN AND ON RESIDENTIAL PROPERTIES; PROVIDING FOR EXCEPTIONS; PROVIDING FOR PENALTIES; REPEALING ORDINANCE OR PART OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING AN EFFECTIVE DATE, SEVERABILITY CLAUSE, FINDINGS OF FACT, AND PROVIDING FOR OPEN MEETINGS.

WHEREAS, the City of Lockhart, Texas ("City") is a home rule city having authority to utilize police power regulation for the health, safety, and general welfare of the citizens of the City; and

WHEREAS, the City Council of the City ("City Council") has determined that there is a need to limit the number of dogs and cats located in and on residential property in the City; and

WHEREAS, the City Council has found that harboring more than five dogs and/or cats at one residential property is a nuisance and presents health and safety issues to the citizens of the City; and

WHEREAS, the City Council has determined that, in order to promote the health, safety, and welfare of the citizens of the City, there must be a limit on the number of dogs and cats in and on residential property within the City.

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

SECTION 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.

SECTION 2. PURPOSE AND SCOPE

The City Council of the City finds that, in order to promote the public health, safety, and welfare of the citizens of the City, the number of dogs and cats kept on and in residential property within the City limits must be regulated. It is the intent of this Ordinance to promote, protect, and improve the public health, safety, welfare of the citizens by limiting the number of dogs and cats permitted on and in residential property.

SECTION 3. DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply:

- (a) *Residential Property* means any real property, including but not limited to single-family homes, apartments, condominiums, and townhouses, that is zoned for residential use or where residential use has been authorized by the City.
- (b) *Dog* means a mammal which is a member of the species *Canis familiaris*.
- (c) *Cat* means a mammal which is a member of the species *Felis catus*.

SECTION 4. LIMITATION ON NUMBER OF DOGS AND CATS

(a) No person shall keep, own, or harbor more than a total of five (5) dogs and/or cats, combined, on any residential property within the city limits of Lockhart, Texas.

(b) Persons who, as of the effective date of this Ordinance, keep, own, or harbor more than five (5) dogs and/or cats, combined, must register all dogs and/or cats with the Lockhart Animal Shelter within ninety (90) days of the effective date of this Ordinance.

(c) Upon registration required by Section 4(b), persons shall not replace any dog or cat that dies until the total number of dogs and cats on the residential property falls to five (5) or below.

(d) Failure to comply with the registration requirement in Section 4(b) shall subject the person to penalties as outlined in Section 6 of this Ordinance.

SECTION 5. ENFORCEMENT AND PENALTIES

(a) The Lockhart Animal Control Department shall be the authority responsible for enforcing this Ordinance.

(b) A violation of Section 4(b) of this ordinance shall be considered a civil infraction.

(c) Upon determination of a violation of this Ordinance, the person in violation shall be issued a citation and shall have thirty (30) days to register the dogs and cats located on their property with the Lockhart Animal Shelter.

d) Failure to comply with the registration requirement within the specified time period may result in fines not exceeding \$200 for the first offense, \$300 for the second offense, and \$500 for each subsequent offense.

e) In addition to monetary fines, the City may pursue other legal remedies as provided by law to ensure compliance with this Ordinance.

SECTION 6. EXCEPTIONS

a) This Ordinance shall not apply to any licensed animal shelters, rescue organizations, commercial breeders licensed by the state, or persons within the City fostering dogs and/or cats for any licensed animal shelter or rescue organization. Persons within in the City fostering dogs and/or cats for any licensed animal shelter or rescue group shall register as an animal foster with the Lockhart Animal Shelter within 30 days of accepting their first foster animal or, if an existing animal foster, within 30 days of the effective date of this ordinance..

b) Any person seeking an exemption from the limitations set forth in this ordinance may apply for a variance with the Lockhart Animal Control Department. Variances may be granted on a case-by-case basis, subject to review and approval by the Animal Control Department.

c) An exemption to the limitations provided for in Section 4(a) is granted for citizens who currently possess more than five (5) dogs and/or cats as of the effective date of this ordinance, provided that they comply with the registrations requirements in Section 4(b), (c), and (d).

SECTION 7. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 8. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after its passage and publication in accordance with applicable law.

SECTION 9. OPEN MEETING COMPLIANCE

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

PASSED AND APPROVED by the City Council of the City of Lockhart, Texas, on this the 19th day of November 2024.

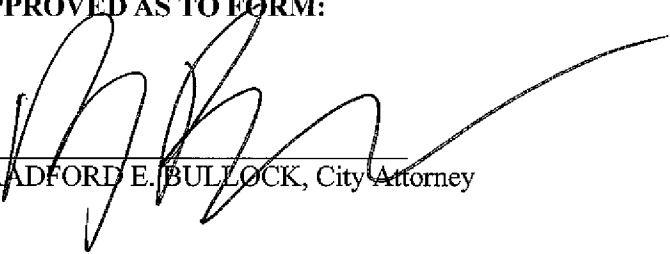
CITY OF LOCKHART, TEXAS


LEW WHITE, Mayor

ATTEST:


JULIE BOWERMON, City Secretary

APPROVED AS TO FORM:


BRADFORD E. BULLOCK, City Attorney