

ORDINANCE NO. 2015-37

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE’S CODE OF ORDINANCES, ORDINANCE NO. 2005-07, AS AMENDED, CHAPTER 18 (ANIMALS), ARTICLE IV (ANIMAL SHELTER ADVISORY BOARD), SECTIONS 18-123 (NUMBER OF MEMBERS; QUALIFIED APPOINTMENT; TERMS) AND 18-128 (POWERS AND DUTIES) TO CLARIFY THE MEMBERSHIP AND LENGTH OF MEMBER TERMS OF THE ANIMAL SHELTER ADVISORY BOARD AND TO MODIFY THE BOARD’S REPORTING PROCEDURE; PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Wylie, Texas, (“City Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Wylie, Texas (“Wylie”) to amend Wylie’s Code of Ordinances, Ordinance No. 2005-07, as amended, (“Code of Ordinances”), by modifying Chapter 18 (Animals), Article IV (Animal Shelter Advisory Board), Sections 18-123 (Number of Members; Qualified Appointment; Terms) and 18-128 (Powers and Duties) for the purpose of clarifying the membership and length of member terms of the Animal Shelter Advisory Board and modifying the Board’s procedure for reporting to the City Council, as set forth below; and

WHEREAS, the City Council has investigated and determined that such amendment complies with the requirements of Chapter 823 of the Texas Health and Safety Code, as amended; and

WHEREAS, the City Council finds that it is in the best interest of Wylie and its citizens to amend the Code of Ordinances as set forth below.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Wylie’s Code of Ordinances, Chapter 18 (Animals), Article IV (Animal Shelter Advisory Board), Sections 18-123 (Number of Members; Qualified Appointment; Terms) and 18-128 (Powers and Duties). Wylie’s Code of Ordinances, Chapter 18 (Animals), Article IV (Animal Shelter Advisory Board), Sections 18-123 (Number of Members; Qualified Appointment; Terms) and 18-128 (Powers and Duties) are hereby amended to read as follows:

“ARTICLE IV. ANIMAL SHELTER ADVISORY BOARD

...

Sec. 18-123 Number of members; qualified appointment; terms.

The Board shall consist of five members. The board shall consist of one licensed veterinarian, one member of the City Council of the City of Wylie, Texas, the Animal Shelter Supervisor of the City of Wylie, Texas (whose duties include the daily operation of the Wylie animal shelter), one representative from an animal welfare organization and one resident of the City of Wylie, Texas, with all Board members to be appointed by the City Council for a term of two years, except for the Animal Shelter Supervisor who shall be a permanent member of the Board. Except for the Animal Shelter Supervisor, no Board member shall serve for more than three consecutive terms or six consecutive years (whichever is less); provided, however, that should a Board member's replacement not be qualified upon the expiration of any term of a Board member, then that Board member shall holdover on the Board until a qualified replacement Board member has been appointed. In addition to Board members, the city manager may appoint a staff designee as an ex officio member of the board, who shall have no right to vote on any matter before the Board. Each Board member shall serve without compensation, but may be reimbursed for actual expenses approved in advance by the City Council.

...

Sec. 18-128 Powers and duties.

- (a) ...
- (b) The Board, through its chairperson, shall report to the City Council concerning its activities and proposals by submitting to the City Council the approved minutes of each meeting of the Board and copies of all reports of inspections conducted by the Department of State Health Services, veterinarians or other authorities and all statistical reports of shelter operations considered and approved by the Board.

...”

SECTION 3: Savings/Repealing. The Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is

expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 5: Effective Date. This Ordinance shall be effective immediately upon its passage and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 10th day of November, 2015.

Eric Hogue, Mayor

**ATTESTED TO AND CORRECTLY
RECORDED:**

Carole Ehrlich, City Secretary

Dates of Publication: November 18th in the Wylie News