

CITY OF BRONTE
LIVESTOCK AND FOWL ORDINANCE
NO. 22-07

This Ordinance is to provide a safe and healthy environment within the city limits of the City of Bronte, for livestock, stock show, and other animals, a specific number of chickens, and the citizens of our community.

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ORDINANCE NO. 22-07

**AN ORDINANCE OF THE CITY OF BRONTE, TEXAS; REPEALING
Ordinance 19-11 dated September 19, 2019, and Ordinance 19-16, dated November 21, 2019**

WHEREAS, a person may own and keep Livestock, Fowl, Stock Show and defined Other Animals and a specific number of chickens, ducks, guineas, and turkeys. within the city, the conduct of the owner and the conditions that the Livestock, Stock Show and Other Animals are kept in, should be safe and healthy and not infringe on the surrounding homes and inhabitants.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BRONTE, TEXAS that Ordinance 19-11, adopted on September 19, 2019, and Ordinance 19-16 dated November 21, 2019, is hereby Repealing, Livestock Animals and Fowl Ordinance, all other provisions are in full force and effect, and that the following provisions are hereby enacted as part of the Livestock Animals and Fowl Ordinance of the City of Bronte, Texas:

I. GENERAL ADMINISTRATION

SECTION 1 – INTERFERENCE WITH ANIMAL CONTROL OFFICIAL

- (A) This provision may be enforced by the Animal Control Official and such other persons designated by the City of Bronte.
- (B) It shall be unlawful for any person to interfere with, obstruct, resist or oppose any Animal Control Official, or other person authorized to enforce the provisions of this Ordinance, while such person is apprehending an animal or performing other duties. It shall be unlawful to take or attempt to take any animal from any Animal Control Official or from any vehicle used by the official to transport any animal or to take or attempt to take any animal from the confinement area used to impound an animal.
- (C) In all instances of a violation of any provision in this Ordinance, whether the animal is impounded or not, the owner or keeper of such animal may be cited by the Animal Control Official, who has the authority to enforce this Ordinance for any violation.
- (D) Animal Control Official shall have the authority to shoot any animal to protect themselves, to protect a third party or to protect another animal from attack or threat of imminent injury or to prevent such animal from enduring further pain or suffering as a result of disease or injury. They shall also have the authority to tranquilize or trap any animal, fowl, livestock or wildlife.

SECTION 2 – RECORDS

It shall be the duty of the Animal Control Official, City of Bronte, or their designee, to keep or cause to be kept, accurate and detailed records of:

- (A) Impounding and Disposition. Impoundment and dispositions of all animals coming into his custody. Such records shall be kept for a period of at least three (3) years and shall give the description of all animals impounded, date of impounding, date of sale, or other disposition, the amount of money received from the sale, and the name and address of the purchaser.
- (B) Monies Received. Records regarding monies received under the provision of this Section shall be open to inspection at reasonable times by persons responsible for similar records of the city and shall be audited by the city auditor annually in the same manner as other city records are audited.

SECTION 3 – TEXAS CODE THAT GOVERN LIVESTOCK ANIMALS AND NON-LIVESTOCK

THE FOLLOWING LIST ARE SPECIFIC STATE LAWS, BUT NOT LIMITED TO, THAT WILL BE ENFORCED.

- Texas Agriculture Code, Title 6, Subtitle A: Bees and Non livestock Animal Industry. These sections discuss bees, aquaculture and eggs.
- Texas Agriculture Code 142, Title 6, Subtitle B: Livestock. This subtitle covers many aspects of livestock regulation. Topics include estrays, fencing, slaughter of animals, brands and marks, sale of certain species for food (such as bison and horses), and sales in general.
- Texas Agriculture Code, Title 6, Subtitle C: Control of Animal Diseases and Pests. This section discusses the prevention of diseases as well as the authority of the Texas Animal Health Commission.
- Texas Health and Safety Code, Chapter 821. This chapter, "Treatment of Animals," discusses the treatment of animals that are impounded or seized, outlining the process when local officials seize an animal due to cruel treatment.
- Texas Health and Safety Code, Chapter 822, Subchapter B. This chapter describes the circumstances under which a dog or coyote may be killed in relation to an attack on livestock.
- Texas Penal Code, Chapter 42, Section 42.09. This section sets out the criminal offense known as "Cruelty to Livestock Animals."
- Texas Penal Code, Chapter 42, Section 42.105. This section sets out the criminal offense known as "Cockfighting."
- Texas Property Code, Chapter 70, Section 70.003. This section, "Stable Keeper's, Garageman's, Pasture's, and Cotton Ginner's Liens," discussed the process of placing a lien on an animal when the owner fails to pay the amount charged for its care.
- Texas Administrative Code, Title 4, Part 1. These regulations from the Texas Department of Agriculture cover eggs, aquaculture, livestock facilities, and assorted marking incentive programs.
- Texas Administrative Code, Title 4, Part 2. The regulations from the Texas Department of Health Commission cover a variety of animal diseases and lists mandatory reporting of certain diseases.
- Texas Administrative Code, Title 31, Part 2. Texas Parks and Wildlife regulations related to commercially raising certain products.

SECTION 4 – DEFINITIONS

It seems that the following definitions are needed to explain the meaning of such for the purpose of this Ordinance.

Abandonment means abandoning any animal in the person's custody without making reasonable arrangements for assumption of custody by another person.

Animal control official means any person designated by the City of Bronte or by the State.

At Large. At large is any animal not restrained.

Estray. Means any stray horse, stallion, mare, gelding, filly, colt, mule, ninny, jack, jennet, swine, sheep, goat or head of any species of cattle.

Fowl. Shall include "poultry" and is any bird that is kept for its meat or eggs and includes, but not limited to chickens, hens, roosters, ducks, turkeys, and guineas.

Livestock. Shall include sheep, goats and any species of cattle that are bred, raised, fed, and sold for monetary gain.

One Animal Unit. Shall mean a calculation of one (1) animal unit equals or equivalent to, 1,000-pound per ½ acre. Which could be 6 sheep or goats, 1 cow and calf, a mule, or a horse total a 1000-pounds.

Other Animal. Shall include any horse (including miniature horses and ponies), donkey, stallion, mare, gelding, filly, colt, mule, ninny, jack, jennet.

Owner means any person who owns, keeps, harbors, controls, feeds, shelters or aids any animal; or any person who is the owner's agent left in charge of an animal or any person who states that he will be responsible for an animal.

Pen. Shall mean a confinement or enclosure, other than a perimeter fence, located on a tract of land, to house, gather, work, feed, or any other sort of confinement purpose, of any livestock, fowl, stock show and other animals.

Shelter. Shall mean a confinement or enclosure, other than a perimeter fence, located on a tract of land and to include barns, sheds, stables, hutches, coops or any structure to house of any livestock, fowl, stock show and other animals.

Stock Show Animals. Shall include sheep, goats, steers, pigs, rabbits and chickens.

Swine. Shall include pigs and hogs. All swine are prohibited in the corporate City Limits of Bronte with exception to Section 4 for Stock Show Animals.

II. KEEPING OF LIVESTOCK, FOWL, STOCK SHOW, AND OTHER ANIMALS

SECTION 1 – NUMBER OF FOWL LIMITED WITH ENCLOSURE REGULATIONS

It shall be unlawful for any person to keep any fowl within the corporate city limits of the City of Bronte, Texas, other than fifteen (15) fowl with the following stipulations:

- (1) Must obtain an annual permit from the City of Bronte.
- (2) Fowl are not allowed to run or fly at large or go upon the premises of another person.
- (3) Must confine Fowl to the back yard of the owner's premises by a proper fence, run or Fowl coop or hutch.
- (4) Fowl coops or enclosure are prohibited from being in the front yard or seen from the front yard of any residential dwelling.
- (5) All Fowl coops or enclosures must have a distance of at least seventy feet (70') from any residence, business, or institution other than the residence, business, or institution of the owners of such animals. Compliance with this distance requirement will be reviewed annually each time a permit application is filed. Rights of neighboring property owners will always prevail over permit rights.
- (6) All fowl enclosures, coops or hutches must be clean and disinfected to prevent build-up of debris, manure, broken egg material, droppings, and dirt, which could attract insects, rodents, and wildlife carrying disease agents; Must keep all water and food free of contamination and receptacles clean and sanitary.
- (7) Fowl enclosures or coops cannot be located on a lot or tract of land by itself.

SECTION 2 – NUMBER OF OTHER ANIMALS WITH ENCLOSURE REGULATIONS

- (A) Must obtain an annual permit from the City of Bronte.
- (B) It shall be unlawful for any person to keep horses, donkeys or mules or any other animal as defined herein, within the corporate city limits of the City of Bronte, Texas unless you have (1/2) acre or more of land, and all animals must be confined to a designated premise by proper fencing, with enough space for adequate movement and exercise for such animal.
- (C) All animal shelters or pens must be set a minimum distance of seventy feet (70') from any residence, business, or institution other than the residence, business, or institution of the owners of such animals. Compliance with this distance requirement will be reviewed annually each time a permit application is filed. Rights of neighboring property owners will always prevail over permit rights.
- (D) The size of the shelter or pens must have enough space for adequate movement for the number of animals kept in designated shelter or pen.
- (E) Excretion or fecal matter must be promptly removed from the property and all shelters and pens as often as necessary to prevent contamination of the inhabitants. "Promptly removed" is defined in this Section. It means "as often as necessary to prevent contamination of the inhabitants and to reduce disease, hazards, odors, rodents, and flies.
- (F) This provision is not intended to apply to school FFA or 4-H programs, supervised by school officials or county agents nor exhibitions utilizing livestock. See below Section 5 for Stock Show Animal Regulation Guidelines.

SECTION 3– PROHIBITION OF SWINE IN THE CITY LIMITS

It shall be unlawful for any person to keep or maintain swine, being pigs or hogs, in the corporate city limits of Bronte. This provision is not intended to apply to school FFA or 4-H programs, supervised by school officials or county agents nor exhibitions utilizing livestock. See below Section 4 for Stock Show Animal Regulation Guidelines.

SECTION 4 – NUMBER OF STOCK SHOW ANIMALS WITH REGULATION GUIDELINES

Any youth participant in a school, FFA or 4-H shall be able to keep stock show animals within the corporate city limits of the City of Bronte, Texas, with the following stipulations:

- (1) Any person wishing to keep qualifying Stock Show Animals at a location within the city limits shall obtain a permit from the FFA and /or 4H coordinator, with their approval.
- (2) The permit must specify the exact location of the shelter or pen with the dimensions of such. Any stock show animal shall be confined in a shelter or pen and shall not be allowed to roam the property with exception to daily exercise as instructed by your FFA /4H leader.
- (3) The shelter or pen shall be at least seventy feet (70') from any residence, business, or institution other than the residence, business, or institution of the owners of such animals. Compliance with this distance requirement will be reviewed annually each time a permit application is filed. Rights of neighboring property owners will always prevail over permit rights.
- (4) Pens cleaned daily (fecal material removed and placed in compost or disposal bin).
- (5) Fresh water always provided.
- (6) Adequate nutrition provided daily (feed, hay, etc.)
- (7) Bedding area kept in clean and neat and freshened as needed.
- (8) Animals should be always kept in good general health. If any signs or symptoms of sickness occur, consult your FFA/4H leader immediately to determine if veterinary care or treatment is needed.
- (9) This provision is not intended for regular livestock, fowl and other animals, just school FFA or 4-H programs, supervised by school officials or county agents.

III. DETERMINED PUBLIC NUISANCE- LIVESTOCK, FOWL, STOCK SHOW, AND OTHER ANIMALS INVESTIGATION OF CITIZEN COMPLAINTS

A. Public Nuisance. This Section has set provisions for ownership of livestock, fowl, stock show, and other animals. Any owner of such must always abide by these terms. These provisions of this Section will be enforced and hereby declared a public nuisance. It shall be unlawful for any person to own or maintain any livestock, fowl, stock show and other animals, in such a manner as to constitute a public nuisance. The following acts shall constitute a public nuisance:

- (1) Failure to obtain an annual permit from the City of Bronte.
- (2) Failure to restrain such animal or fowl.
- (3) It shall be unlawful if such animal or fowl at large damages public or private property.
- (4) An animal or fowl that defecates on property not belonging to or under the control of its owner.
- (5) It shall be unlawful to permit an animal or fowl to bawl, whine, howl, crow, cackle, or make any other noise excessively and for more than ten (10) consecutive minutes to the discomfort of the people and quiet of the neighborhood, or which makes any unreasonably loud, disturbing and unnecessary noise which is offensive to the ordinary sensibilities of the inhabitants of the city and which noise renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort.
- (6) It shall be unlawful to herd livestock along or upon any public right-of-way, except by officials, agents, or employees of the federal, state, or local government or agency; thereof, if such herding is done in the performance of official duties.
- (7) It shall be unlawful for the owner or custodian of any dead animal which is not intended as food for human consumption, to permit or allow such dead animal to remain upon the premises.

B. Citizen Complaints. This Section also has set a provision for complaints received regarding ownership of any livestock, fowl, stock show and other animals. If a complaint is submitted to the City of Bronte, verbal or written, concerning an owner who has a permitted animal or not, under the terms of this Ordinance, the complaint will be investigated by the City of Bronte and/or their designee. Necessary action shall be taken to determine if the ordinance is in violation. The complaint must reside within a 300-foot radius of the residents which is being reported for the violation.

IV. CARE AND TREATMENT OF LIVESTOCK, FOWL, STOCK SHOW AND OTHER ANIMALS

SECTION 1 – ADEQUATE FOOD, WATER AND SANITARY ENVIRONMENT

An animal owner must comply with the following rules:

- (A) Must maintain a sanitary environment for all livestock, fowl, stock show and other animals to reduce disease, hazards, odors, rodents, and flies.
- (B) Excretion or fecal matter must be promptly removed from the property and all shelters and pens as often as necessary to prevent contamination of the inhabitants. “Promptly removed” is defined in this Section. It means “as often as necessary to prevent contamination of the inhabitants and to reduce disease, hazards, odors, rodents, and flies.
- (C) Must have enough forage for the number of animal units grazing and/or access to enough food.
- (D) Must keep all water and food free of contamination and receptacles clean and sanitary.
- (E) Water must always be available, and containers shall be filled as needed.

SECTION 2 – CRUELTY TO LIVESTOCK ANIMALS

Texas Penal Code, Section 42, Cruelty to Livestock Animals, will be strictly enforced.

V. RESTRAINT AND CONFINEMENT OF LIVESTOCK, FOWL AND STOCK SHOW ANIMALS

Any owner of any livestock, fowl, stock show and other animals must maintain proper fencing and gates to keep all animals from being at large. Any owner of fowl must maintain proper enclosure, coops, or hutches to keep all fowl from being at large. In the event any animals and/or fowl are repeatedly at large, specifically, two (2) times in a 12-month period, the landowner’s livestock permit and/or fowl permit will be revoked.

VI. IMPOUNDMENT AND REDEMPTION

SECTION 1 – IMPOUNDMENT OF LIVESTOCK, FOWL, STOCK SHOW, AND OTHER ANIMALS

The Animal Control Official, City of Bronte or their designee, may remove and impound any estray livestock pursuant to the procedures found in V.T.C.A., Agriculture Code Chapter 142, or successor statute.

SECTION 2 – IMPOUNDMENT OF FOWL

The Animal Control Official, City of Bronte or their designee, may remove and impound any fowl found running at large within the corporate city limits.

SECTION 3 – DISPOSITION OF UNCLAIMED IMPOUNDED ANIMALS

Any impounded animal which is not timely reclaimed or adopted; or found to be infected with any livestock disease or rabies; or seriously injured; or determined by the Animal Control Official, City of Bronte, or their designee, to be unsalable shall forthwith be destroyed. The Animal Control Official or the City of Bronte shall make all decisions as to the condition, status, and disposition of such animal.

SECTION 4 – CONFINEMENT OF ANIMAL BY OWNER OR PRIVATE PREMISES

If any animal is found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal, temporarily pending its release to the Animal Control Official, City of Bronte, or their designee, or to the true owner of such animal.

SECTION 5 – NOTICE OF VIOLATION

Where the ownership of an animal found not restrained properly is known, a Notice of such violation must be issued by the Animal Control Official, City of Bronte, or their designee, to such owner. Upon issuance of any such Notice, a complaint will be filed with the Municipal Court and request that the Violator be summoned to appear and answer to such charges.

SECTION 6 – NOTICE TO OWNER OF TAGGED ANIMALS

Upon impounding animals found with current livestock permit or other identifying tags, the City of Bronte, or their designee shall make a reasonable effort to notify the owners of such animal(s) being impounded, and of the conditions whereby the owner may regain possession of such animal(s).

SECTION 7 – REDEMPTION REQUIREMENT

Any animal impounded under the provisions of this Article may be reclaimed by the owner upon the payment of all impoundment fees, as set by the City Council in the Fee Schedule Ordinance.

SECTION 8 – DISPOSITION OF UNCLAIMED OR UNREDEEMED ANIMALS

After the requirements of Notice, as set forth in Section 5 and Section 6, and the expiration of the seventy-two (72) hour holding period, any impounded animals that is unclaimed or unredeemed shall become the property of the City of Bronte which shall have the following powers:

- (A) Authority to Transfer Ownership. The City of Bronte, or their designee, may transfer ownership of any impounded animal or fowl that is unclaimed or unredeemed. In the event of such transfer of ownership, the person or agency to whom ownership is transferred, must pay for the animal's food and care while confined, and must comply with the applicable vaccination requirements.
- (B) Donated, Sick, Not Weaned or Injured Animals. The City of Bronte, or their designee, may destroy any animal or fowl by a humane method if the animals are not weaned, so sick or injured that its cure is impracticable, or its death is imminent. In any such events, such destruction may be done immediately without Notice or any waiting period.
- (C) Sale at Public Auction. The City of Bronte may sell any animal or fowl impounded under this provision of this Article at a public auction, after having held such animal for a minimum of five (5) days and after having published notice of such sale together with a general description of the animal or animals to be sold. Such notice shall appear one (1) time at least five (5) days prior to the date of the sale and shall state that such animals or animals will be sold to defray cost if not reclaimed prior to such date. The proceeds of any such sale shall be used to defray sale expenses and expenses of taking up and keeping of such animal. The balance, if any, shall be paid to the owner of the animal, if known, and if such owner if unknown, such balance shall be paid into the city treasury. Within six months after such sale, an owner may, upon proof of such ownership satisfactory to the City Council, be entitled to receive the amount paid into the city treasury because of such sale.

VII. REPORT DISEASED LIVESTOCK OR OTHER ANIMALS, QUARANTINE REGULATIONS, AND KILLING AND REMOVAL OF RABID ANIMALS

SECTION 1 – PHYSICIAN AND GENERAL PUBLIC MUST REPORT ALL DISEASE CASES

- (A) It shall be the duty of every physician or other practitioner to report to the City of Bronte the names and addresses of the owners of any and all diseased livestock or other animals being treated or in which the animal dies from such disease; together with such other information as will be helpful in disease control.
- (B) It shall be the duty to every person owning or having possession of an animal which has a diseased livestock or animal or who had an animal die of such disease, to report the same to the Animal Control Official, the City of Bronte, or their designee. At the discretion of Animal Control Official, the animal must be confine in an enclosure, or to securely hold the animal in an isolated area for the observation and examination by the Animal Control Official. As an alternative to the observation and examination phase, the Animal Control Official may give authority

to the City of Bronte to take the animal to a licensed veterinarian for the purpose of determining whether such animal is a disease infected animal. No person having custody or possession of such animal shall fail, refuse, or neglect to allow the authorities to inspect or examine such animal for the purpose of determining whether such animal has disease.

SECTION 2 – QUARANTINE REGULATION PATHOLOGICAL EXAMINATION

- (A) Animal Observation Period. Every animal which has any livestock disease, or which is suspected of having a disease, shall be promptly reported to the Animal Control Official, City of Bronte, or their designee, and shall thereupon be securely quarantined for a period of ten (10) days.
- (B) Quarantine Places. Quarantine shall be secured at the following options:
 - (1) A state approved quarantine facility in which case the owner of the animal suspected of having disease or rabies, shall pay the usual impoundment fees according to the Fee Schedule Ordinance.
 - (2) A licensed veterinary hospital, upon the owner's request and at his expense.
 - (3) Home quarantine is subject to the approval of the Animal Control Official or the City of Bronte with the following requirements:
 - (a) The owner of the animal is a resident of the City of Bronte and has proper confinement facilities at his residence.
 - (b) The owner of the suspect animal agrees that he will have the animal inspected by a licensed veterinarian immediately following the ten (10) day period and agrees to furnish the Animal Control Official or the City of Bronte with a Certificate of Health showing the animal to be free of disease or rabies; and
 - (c) The animal was not in violation of any laws or ordinances at the time of the possible exposure; and
 - (d) The animal is currently vaccinated; and
 - (e) The animal can be observed daily by the local authority.
- (C) Surrendered by Owner. Expense. Upon demand made by the Animal Control Official, City of Bronte, or their designee, it shall be unlawful for the owner to fail to surrender any animal which is suspected of having been exposed to disease or rabies, for quarantine. The expense of such quarantine, stated in the Fee Schedule Ordinance, will be to the responsible party of the animal.
- (D) Release to the Owner. The quarantined animal may be reclaimed by the owner when it is adjudged free of disease or rabies, upon payment of the impoundment fees, quarantine fees and another other expense related to the incident, and upon compliance with the vaccination requirement of this Article.
- (E) Pathological Examination- Local Authority Notified. When an animal under quarantine is diagnosed by a licensed veterinarian as being diseased or rabid or suspected of being diseased or rabid or dies while under observation, it shall be humanely destroyed, and the local authorities shall immediately send such findings to the State Health Department for pathological examination. The Animal Control Official shall notify the proper public health official with the reports of human contact and the diagnosis made of the suspected animal from the pathological examination.

SECTION 3 – CITY WIDE QUARANTINE

- (A) Condition Quarantine Period. The City Council of the City of Bronte, upon the recommendation of the Animal Control Official, City of Bronte, or their designees, a city-wide quarantine shall be invoked for a period of thirty (30) days, after the City Council has been notified by the State Health Department of a positive diagnosis of disease or rabies of an animal or after an investigation has determined there is an existing immediate threat of disease or rabies.
- (B) Extended Time Frame. In the event there are additional positive cases of diseases or rabies occurring during said thirty (30) day period of the existing city-wide quarantine, such period of quarantine may be reasonably extended for an additional period, or a reasonably determined duration.
- (C) Animals in Public. It shall be unlawful for any person to permit any animal to be at large or for any person to have an animal in a public place during the time of the quarantine.

VIII – VIOLATIONS AND PENALTIES

Any person, firm, or corporation found guilty of violating any of the provisions or terms of this ordinance shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense; together with all costs associated with such prosecution. Each and every day the offense continues shall be deemed to constitute a separate offense. In addition to and cumulative of all other penalties, the City of Bronte shall have the right to seek injunctive relief for any and all violations of the Ordinance.

IX. REPEALER

All provisions of ordinances or parts of ordinances of the City of Bronte in conflict with the provision of this ordinance are and by the terms of this ordinance shall be deemed amended and repealed and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

X - SEVERABILITY

If any section, paragraph, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of the Amendment to the Ordinance, as a whole or any part of provision thereof, other than the part so deemed to be invalid or unconstitutional.

EFFECTIVE DATE

This ordinance amendment shall become effective upon adoption by the City Council.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Bronte, Texas, this 20 day of October 2022.



Paul Gohman, Mayor

ATTEST:



Teresa Ballard, City Secretary