

ORDINANCE NO. 2016-07

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 14, SECTION 14-44 IN ITS ENTIRETY, REGULATING INVISIBLE AND ELECTRONIC PET CONTAINMENT SYSTEMS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the use of invisible and electronic pet containment systems is in use in the City of Burnet; and

WHEREAS, the City has received reports of animals at large that were purported to be contained using an invisible and electronic pet containment system.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT;

Section. 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section. 2. Amendment. Section 14-44, Chapter 14 of the Burnet Code of Ordinances shall be added as follows:

Section 14-44. Invisible and electronic containment systems.

(a) An Electronic Pet Containment (EPC) is a system or device, including but not limited to, fences, or collars that controls the movement of an animal by emitting an electric shock when the animal nears the boundary of the owner's, keeper's, harborer's or maintainer's (collectively known herein as "Owner" property or other defined boundary created by the Owner for the purpose of containing the animal.

(b) EPCs in the city of Burnet shall adhere to the following criteria:

(1) Every Owner of an existing EPC shall have ninety (90) days from the date of the adoption of this ordinance to obtain a permit to operate their EPC and to pay any applicable fees.

(2) Newly installed EPCs must obtain a permit within thirty (30) days of the installation.

(3) Failure of the Owner to obtain a permit for their EPC within the designated time frame shall cause the Owner to be in violation of this section.

(4) All EPCs shall be installed completely on the Owner's property, however in no case shall the EPC be installed closer than ten feet (10') of any curb or a public sidewalk.

(5) Warning signs shall be erected to inform members of the public that an EPC system is in operation on the property. Such signs shall be prominently displayed on all sides of the property that are visible to the public. Said signs shall state the following; "PET CONTAINED BY ELECTRONIC CONTAINMENT SYSTEM". Sign shall be black lettering on a white background with each letter being no smaller than three-fourths inch (3/4") in height and shall be of such construction suitable for outdoor use including acrylic, plastic or metal.

(6) Systems must be active. Active systems are those that are always on, rather than a passive system that initially trains an animal and then is taken down.

(7) Such active systems must be maintained and continuously operated so as to prevent the animal from escaping from within the boundaries of the EPC.

(8) It shall be expressly prohibited to use an EPC to control an animal that has been declared a dangerous or vicious animal as provided for in Section 14-102 – Dangerous Animals, of the City of Burnet Code of Ordinances.

(9) In addition to any penalty for non-compliance with this section, a permit may be revoked by the city and the EPC may be required to be discontinued and/or removed upon a showing that the EPC is not being operated or maintained in accordance with the conditions of the permit or in compliance with this ordinance.

(10) Except as otherwise provided for herein, operating an EPC without a valid permit shall constitute a violation of this ordinance.

Section 3. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

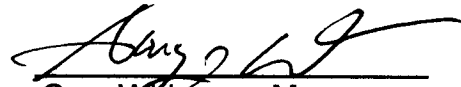
Section 4. Effective Date. This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

Section 5. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on first reading this the 22nd day of March, 2016.

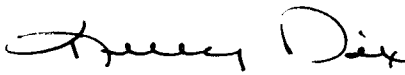
FINALLY PASSED AND APPROVED on this the 26th day of April, 2016.

CITY OF BURNET, TEXAS



Gary Wademan, Mayor

ATTEST:



Kelly Dix, City Secretary

