

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING SECTION 10-11(C) “FEEDING OF WATERFOWL,” OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, TO ESTABLISH PRESUMPTION REGARDING “REGULAR, ROUTINE OR HABITTUAL BEHAVIOR OR PRACTICE”; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, THAT:

Section 1. Chapter 10 – Animals, Section 10-11 – Feeding of Waterfowl, Subsection (c) of the Code of Ordinances, Town of Addison, Texas shall be amended to read in its entirety as follows:

Sec. 10-11. Feeding of waterfowl.

...

- (c) No person shall engage in the regular, routine, or habitual practice of feeding any waterfowl within any pond or lake within the town or within any public property adjacent thereto, or on any private property. No person shall regularly, routinely, or habitually create or foster any condition or allow any condition to exist or continue which results in a congregation or congestion of waterfowl. For purposes of this section, the behavior is presumed to be regular, routine or habitual when three (3) written warnings have been issued to the same individual within a sixty (60) day period. Once three (3) written warnings have been issued within a sixty (60) day period, it shall not be necessary to again establish regular, routine or habitual behavior by the issuance of written warnings for that individual. Regular, routine or habitual practice may also be established by other evidence.

Section 2. Penalty Clause.

Any person, firm or corporation violating any of the provisions or terms of this Ordinance or the Code of Ordinances, Town of Addison, Texas as amended hereby, commits a Class C misdemeanor punishable by a fine as set forth in Section 1-7 of the Code of Ordinances, Addison, Texas for each offense, and each and every day such violation shall continue shall constitute a separate offense.

Section 3. Savings.

The Code of Ordinance, Addison, Texas, shall remain in full force and effect save and except as amended by this Ordinance.

Section 4. Cumulative Clause.

This Ordinance shall be cumulative of all provisions of state or federal law and other ordinances of the Town of Addison, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 5. Severability Clause.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6. Effective Date.

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 10th day of November, 2015.

Todd Meier, Mayor

ATTEST:

By: _____
Laura Bell, City Secretary

APPROVED AS TO FORM:

By: _____
Brenda N. McDonald, City Attorney

Date of Publication: _____