
MEETING NOTICE

The Ordinance Review Committee of the City of Woodcreek, Texas will conduct a meeting at Woodcreek City Hall, 41 Champions Circle, Woodcreek, Texas. The meeting will be held on Tuesday, July 11, 2023 at 2:30 PM.

The public may watch this meeting live at the following link:

<https://zoom.us/j/91234514214?pwd=Ym0vZHhrbkhVZDBTR0pSelBLZVhBUT09>

Meeting ID: 912 3451 4214; Passcode: 351718

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request. This notice, as amended, is posted pursuant to the Texas Open Meetings Act (Vernon's Texas Codes Ann. Gov. Code Chapter 551).

The City of Woodcreek is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary's Office at 512-847-9390 for information. Hearing-impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

It is anticipated that members of other City Boards, Commissions, Panels and/or Committees may attend the meeting in numbers that may constitute a quorum of the other City Boards, Commissions, Panels and/or Committees. Notice is hereby given that this meeting, to the extent required by law, is also noticed as a meeting of the other City Boards, Commissions, Panels and/or Committees of the City, whose members may be in attendance. The members of the City Boards, Commissions, Panels and/or Committees may participate in discussions on the items listed on this agenda, which occur at this meeting, but no action will be taken by those in attendance unless such action item is specifically listed on an agenda during a regular or special meeting for the respective Board, Commission, Panel and/or Committee subject to the Texas Open Meetings Act.

The City Council may retire to Executive Session any time during this meeting, under Texas Government Code, Subchapter D. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Any citizen shall have a reasonable opportunity to be heard at any and all meetings of the Governing Body in regard to: (1) any and all matters to be considered at any such meeting, or (2) any matter a citizen may wish to bring to the Governing Body's attention. No member of the Governing Body may discuss or comment on any citizen public comment, except to make: (1) a statement of specific, factual information given in response to the inquiry, or (2) a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting per Texas Local Government code Sec. 551.042

Citizen comments will be allowed at the beginning of every meeting, or alternatively, before an item on the agenda upon which the citizen wishes to speak is to be considered. All citizens will be allowed to comment for **three (3) minutes** per person and shall be allowed more time at the Mayor or Chair's discretion. In addition, citizens may pool their allotted speaking time. To pool time, a speaker must present the names individuals present in the audience who wish to yield their three(3) minutes. Citizens may present materials regarding any agenda item to the City Secretary at or before a meeting, citizens attending any meeting are requested to complete a form providing their name, address, and agenda item/concern, but are not required to do so before speaking and presenting it to the City Secretary prior to the beginning of such meeting. Comments may only be disallowed and/or limited as per Government Code § 551.007(e).

Submit written comments by email to woodcreek@woodcreektx.gov by **NOON**, the day prior to the meeting. Please include your full name, home or work address, and the agenda item number. Written comments will be part of the official written record only.

AGENDA

CALL TO ORDER

ROLL CALL and ESTABLISH QUORUM

PUBLIC COMMENTS

CONSENT CALENDAR

1. Approval of Regular Meeting Minutes from June 6, 2023.

REPORTS FROM OFFICERS AND COUNCIL LIAISONS

Report by Ordinance Review Committee Liaison.
Report by City Manager.

REPORT OF SPECIAL (Select or Ad Hoc) Committees - None

SPECIAL ORDERS – None

UNFINISHED BUSINESS AND GENERAL ORDERS

2. Discuss and Take Possible Action on the Final Draft of Revisions to Chapter 93, Fire Prevention and Protection.
3. Discuss and Take Possible Action on the Final Draft of Revisions to Chapter 94, Fireworks.
4. Discuss and Take Possible Action on the Final Draft of Revisions to Chapter 90, Animals.

NEW BUSINESS

5. Discuss and Take Appropriate Action to Forward Budget Impacting Items and Events to City Council for Consideration and Possible Inclusion in the 2023-2024 Fiscal Year Budget Discussions.
6. Discuss and Take Possible Action To Change the Meeting Time of the Ordinance Review Committee, Beginning in August 2023.
7. Discuss and Take Possible Action on Committee Suggestions for Ordinances to Review For August Meeting.

ANNOUNCEMENTS - None

ADJOURN

POSTING CERTIFICATION

I certify that the above notice was posted on the **7th day of July, 2023 at 1:00PM**

By: 

Suzanne J. MacKenzie, City Secretary

ORDINANCE REVIEW COMMITTEE MEETING (CITY HALL)
June 06, 2023; 2:30 PM
Woodcreek, Texas

MINUTES

CALL TO ORDER

Chair Miller Called the Meeting to Order at 2:35P.

ROLL CALL and ESTABLISH QUORUM

PRESENT

Chairperson Donna Hector
Committee Member Jim Miller
Alt. Committee Member Emma Davenport
Alt. Committee Member Joe Branco

ABSENT

Committee Member Karen Duncan
Committee Member Randy Renter
Council Liaison Debra Hines

STAFF PRESENT

City Manager, Kevin Rule
City Secretary, Suzanne Mac Kenzie

PUBLIC COMMENTS

No Public Comments were offered.

CONSENT CALENDAR

1. Approval of Regular Meeting Minutes from May 2, 2023.

Motion was made by Vice-Chair Branco to approve the minutes. Motion was seconded by Member Davenport.

A roll call vote was held.

Voting Yea: Vice Chair Branco, Member Hector, Member Davenport, Chair Miller

Motion Passed: 4-0-0.

REPORTS FROM OFFICERS AND COUNCIL LIAISONS

Report by Ordinance Review Committee Liaison. - No report was offered.

Report by City Manager. - No report was offered.

Report by City Secretary. - No report was offered.

UNFINISHED BUSINESS AND GENERAL ORDERS

2. **Discuss and Take Possible Action On the Final Draft of Revisions to Chapter 93, Fire Prevention and Protection, As Prepared by City Staff.**

Motion was made by Vice-Chair Branco to finalize , with edit to 93.18(A). Motion was seconded by Member Hector.

A roll call vote was held.

Voting Yea: Member Hector, Member Davenport, Chair Miller, Vice Chair Branco

Motion Passed: 4-0-0.

3. **Discuss and Take Possible Action On the Final Draft of Revisions to Chapter 94, Fireworks, As Prepared by City Staff.**

Motion was made by Member Hector to send Chapter 94 to Council. Motion was seconded by Member Davenport.

A roll call vote was held.

Voting Yea: Member Davenport, Chair Miller, Vice Chair Branco, Member Hector

Motion Passed: 4-0-0.

NEW BUSINESS

4. **Workshop to Discuss Possible Revision of Chapter 90, Animals.**

Workshop Opened at 2:42P

Workshop Closed at 3:55P.

5. **Discuss and Take Possible Action On Any Revisions to Chapter 90, Animals.**

Motion was made by Vice-Chair Branco to have the City Secretary type up the changes that were made today. Motion was seconded by Member Hector.

A roll call vote was held.

Voting Yea: Chair Miller, Member Hector, Vice Chair Branco, Member Davenport

Motion Passed: 4-0-0.

ANNOUNCEMENTS

Next Meeting will be on July 11th at 2:30P

ADJOURN

Chair Miller Adjourned the Meeting at 4:02P.

James Miller, Chairperson

Suzanne Mac Kenzie, City Secretary

DRAFT

CHAPTER 93: FIRE PREVENTION AND PROTECTION¹

GENERAL PROVISIONS

§ 93.01 ARSON REWARD.

- (A) The City hereby offers a reward of \$500.00 to anyone who secures and furnishes information ~~necessary to~~ ~~and~~ which results in arrest and conviction of any person or persons who commit the crime of arson within the City's corporate limits ~~of said City.~~
- (B) This reward is a standing offer and shall be paid out of the General Fund of the City.
- (Ord. 85-11, 5-1-1985; Ord. 19-261 , 6-12-2019)

OPEN BURNING

§ 93.15 TITLE.

This subchapter shall be known, **cited and commonly referred to** as the "Open Burning Ordinance of the City of Woodcreek".

(Ord. 85-18C, 5-26-1998; Ord. 19-261 , 6-12-2019)

§ 93.16 PURPOSE.

The purpose of this subchapter is to protect public safety and property within the City.

(Ord. 85-18C, 5-26-1998; Ord. 19-261 , 6-12-2019)

§ 93.17 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Open burning. Any burning of brush, trash, wood, plastics, leaves, waste products or similar materials outdoors, other than in an incinerator designed and constructed for such purpose and having a written permit issued by the Fire Marshal.

Trash. ~~Any thing~~ **Anything** worthless and useless, building materials, twigs, trees, limbs, rubbish, garbage, rags and brush.

(Ord. 85-18C, 5-26-1998; Ord. 19-261 , 6-12-2019)

¹~~Cross reference(s) — Fireworks, see Ch. 94; Health and Sanitation, see Ch. 95.~~

§ 93.18 OPEN BURNING PROHIBITED; RESTRICTIONS.

- (A) It shall be unlawful for any person to burn any garbage, trash, brush or other waste, wood, plastic or organic material outdoors within the City, ~~unless such burning is authorized by the City, performed in a device or structure designed and constructed for such purpose and used in accordance with the manufacturer's instructions and provisions of this chapter.~~
- (B) The Fire Marshal, City Marshal and all City officials are granted the authority and responsibility of enforcing the following provisions of this subchapter.
- (1) Open burning within the City is declared to be a public nuisance and hazard to adjoining property.
 - (2) Open burning is prohibited at all times when a burn ban has been declared by Hays County.
 - (3) Absent a burn ban, small fires are permitted in residential fire pits or chimineas provided:
 - (a) The fire pit or chiminea is not located within five feet of ~~the~~ a residence or structure;
 - (b) The fire pit has large metal sides, built up concrete blocks, or is constructed of cement, rock, or similar non-flammable/non-conductive materials;
 - (c) The chiminea is placed on a non-flammable stand or is elevated to not be placed directly on the ground and/or structure.
 - (d) The fire pit or chiminea must be completely covered by a spark arrestor or similar fine metal grate to prevent flying sparks and embers;
 - (e) All fire pits must be based on a solid, non-flammable surface (rock, brick);
 - (f) **No Neighborhood Commercial preparation of food utilizing a bar-b-que, grill, smoker or individual device;**
 - (g) The fire must be attended at all times; and
 - (h) The property owner **or the fire attendant** has **the** means to extinguish the fire **at all times, if** ~~when~~ necessary.
 - (4) Any governmental entity, with permission from the City, may conduct open burning in the City limits to correct an obvious hazardous condition or to conduct fire training.
 - (5) It shall be unlawful for any person or persons to violate any verbal or written directive of the Fire Marshal, City Marshal or any City official when the directive prohibits, restricts, limits or sets guidelines for open burning.
 - (6) The Fire Marshal, City Marshal and all other officers of the City are granted the authority to enforce the provisions of this subchapter and impose temporary restrictions upon the use of outdoor fire pits or chimineas as conditions warrant.

(Ord. 85-18C, 5-26-1998; Ord. 18-242, 1-17-2018; Ord. 19-261 , 6-12-2019)

Cross reference(s)—Penalty, see § 93.99

§ 93.19 LIABILITY.

In addition to penalties provided in § 93.99 of this chapter, any person or persons conducting open burning shall be liable for property damage or injury, if any, caused as a result of his, her or their open burning.

(Ord. 85-18C, 5-26-1998; Ord. 19-261 , 6-12-2019)

§ 93.99 PENALTY.

- (A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this Code of Ordinances.
- (B) Any person, firm or corporation who violates any provisions of §§ 93.15 through 93.19 of this chapter, or any order made under authority of §§ 93.15 through 93.19 of this chapter, or who causes or permits any such violation of §§ 93.15 through 93.19 of this chapter, shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such.

(Ord. 85-18C, 5-26-1998; Ord. 19-261 , 6-12-2019)

ORC REVISION

CHAPTER 93: FIRE PREVENTION AND PROTECTION¹

GENERAL PROVISIONS

§ 93.01 ARSON REWARD.

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 - (2) Open burning is prohibited at all times when a burn ban has been declared by Hays County.
 - (3) Absent a burn ban, small fires are permitted in residential fire pits or chimineas provided:
 - (a) The fire pit or chiminea is not located within five feet of a residence or structure;
 - (b) The fire pit has large metal sides, built up concrete blocks, or is constructed of cement, rock, or similar non-flammable/non-conductive materials;
 - (c) The chiminea is placed on a non-flammable stand or is elevated to not be placed directly on the ground and/or structure.
 - (d) The fire pit or chiminea must be completely covered by a spark arrestor or similar fine metal grate to prevent flying sparks and embers;
 - (e) All fire pits must be based on a solid, non-flammable surface (rock, brick);
 - (f) No Neighborhood Commercial preparation of food utilizing a bar-b-que, grill, smoker or individual device;
 - (g) The fire must be attended at all times; and
 - (h) The property owner or the fire attendant has the means to extinguish the fire at all times, if necessary.
 - (4) Any governmental entity, with permission from the City, may conduct open burning in the City limits to correct an obvious hazardous condition or to conduct fire training.
 - (5) It shall be unlawful for any person or persons to violate any verbal or written directive of the Fire Marshal, City Marshal or any City official when the directive prohibits, restricts, limits or sets guidelines for open burning.
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(Ord. 85-18C, 5-26-1998; Ord. 19-261 , 6-12-2019)

DRAFT

CHAPTER 94: FIREWORKS

§ 94.01 TITLE.

This chapter shall be known, cited and commonly referred to as the "Fireworks Ordinance of the City of Woodcreek".

(Ord. 88-30A, 4-12-1995; Ord. 19-262 , 6-12-2019)

§ 94.02 PURPOSE.

The purpose is to protect the general welfare and safety of the citizens of the City.

(Ord. 88-30A, 4-12-1995; Ord. 19-262 , 6-12-2019)

§ 94.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Fireworks. Any firecrackers, ~~cannon crackers, sky rockets, torpedoes,~~ Roman candles, sparklers, **sky lanterns, squibs, fire balloons, star shells, gerbs** or any other substance **or device, in whatever combination by a designated name which is** intended for use in **obtaining** visible or audible pyrotechnic display, ~~and s~~Such terms shall include all articles or substances within the commonly accepted meaning of fireworks, whether herein ~~specially~~ **specifically** designated and defined or not.

Person. Any natural person, association of persons, partnership, corporation, agent or officer of a corporation.

(Ord. 88-30A, 4-12-1995; Ord. 19-262 , 6-12-2019)

§ 94.04 RESTRICTIONS AND RULES; AUTHORITY.

Law Enforcement, the Fire Chief, and the Fire Marshal are granted the authority and are responsible to enforce the following provisions of this chapter.

- (A) The sale and/or distribution of fireworks within the corporate limits of the City is prohibited.
- (B) It shall be unlawful for any person to ignite, detonate, discharge or fire any fireworks of any description within the City.
- (C) A sworn complaint may be filed in **a court with appropriate jurisdiction** ~~the Municipal Court of the City~~ charging that sale, distribution, igniting, detonating, discharging or firing of fireworks has taken place; specifying the time, date, location and persons charged. ~~; provided, however, that, t~~ This division ~~(C)~~ shall not be construed as requiring such a complaint in order to enforce this chapter.
- (D) A public display of fireworks may be authorized by the **County** Fire Marshal when any adult person, firm, corporation or association has made a written application at least ~~48 hours~~ **10 days** in advance of the date of the proposed display, it shall be the duty of the **County** Fire Marshal to make an investigation as to whether the proposed display may be hazardous to property or dangerous to any persons and shall grant or deny the application based upon his or her findings.

(Ord. 88-30A, 4-12-1995; Ord. 19-262 , 6-12-2019)

Cross reference(s)—Penalty, see § 94.99

§ 94.99 PENALTY.

Any person, firm or corporation who violates any provisions of this chapter, or any order made under authority of this chapter, or who causes or permits any such violation of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each day any violation of this chapter shall continue shall constitute a separate offense.

(Ord. 88-30A, 4-12-1995; Ord. 19-262 , 6-12-2019)

DRAFT

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(Ord. 88-30A, 4-12-1995; Ord. 19-262 , 6-12-2019)

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(Ord. 88-30A, 4-12-1995; Ord. 19-262 , 6-12-2019)

§ 94.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Fireworks. Any firecrackers, Roman candles, sparklers, sky lanterns, or any other substance or device, which is intended for use in visible or audible pyrotechnic display, such terms shall include all articles or substances within the commonly accepted meaning of fireworks, whether herein specifically designated and defined or not.

Person. Any natural person, association of persons, partnership, corporation, agent or officer of a corporation.

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- (B) It shall be unlawful for any person to ignite, detonate, discharge or fire any fireworks of any description within the City.
- (C) A sworn complaint may be filed in a court with appropriate jurisdiction charging that sale, distribution, igniting, detonating, discharging or firing of fireworks has taken place; specifying the time, date, location and persons charged. This division shall not be construed as requiring such a complaint in order to enforce this chapter.
- (D) A public display of fireworks may be authorized by the County Fire Marshal when any adult person, firm, corporation or association has made a written application at least 10 days in advance of the date of the proposed display, it shall be the duty of the County Fire Marshal to make an investigation as to whether the proposed display may be hazardous to property or dangerous to any persons and shall grant or deny the application based upon his or her findings.

(Ord. 88-30A, 4-12-1995; Ord. 19-262 , 6-12-2019)

Cross reference(s)—Penalty, see § 94.99

§ 94.99 PENALTY.

Any person, firm or corporation who violates any provisions of this chapter, or any order made under authority of this chapter, or who causes or permits any such violation of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each day any violation of this chapter shall continue shall constitute a separate offense.

(Ord. 88-30A, 4-12-1995; Ord. 19-262 , 6-12-2019)

DRAFT

CHAPTER 90: - ANIMALS

REVISED
TEXT

GENERAL PROVISIONS

- **§ 90.01 - DEFINITIONS.**

~~Exotic Animals, Fowls And Reptiles. Animals, fowls and reptiles normally not considered household pets, to include lions, tigers, jaguars, javelinas, bobcats, coyotes, wolves, llamas, pea fowl, falcons, alligators, and geese.~~

Exotic or Wild Animals: means and includes any mammal, amphibian, reptile, or fowl, which is of a species that is wild by nature and of a species, which, due to size, vicious nature, or other characteristic, is or may be dangerous to human beings. Such animals shall include, but not be limited to, lions, tigers, leopards, panthers, lynx, wolves, coyotes, deer, raccoons, ratites (ostriches, rheas, cassowaries, and emus), skunks (whether deodorized or not), monkeys whose average weight as an adult exceeds 20 pounds, foxes, javelinas, llamas, elephants, rhinoceroses, alligators, crocodiles, falcons, pea fowl, and all forms of poisonous reptiles; any species of animal which is considered endangered by international, federal, or state regulations. The term "wild or exotic animal," as used in this chapter, shall not include birds, ferrets, gerbils, hamsters, guinea pigs, mice, small lizards or turtles, or rabbits that are maintained as personal or household pets.

Handler. Any person(s) with whom an animal has been placed by the owner of such animal for the purpose of that person(s) having control of such animal on behalf of the owner.

Owner. Any person, persons, firms, corporations, or associations keeping, having custody, or harboring an animal, fowl, or reptile.

Running at Large. Not under the direct physical control of the owner or handler by leash, cord, ~~chain~~ or similar direct physical control and not being ~~kept physically restrained~~ prevented from leaving the premises of the owner.

Typical Farm Animals and Fowls. Equine, Hogshogs, cattle, horses, jacks, jennets, sheep, goats, chickens, geese, ducks, turkeys or like animals and fowls.

(Ord. 85-19C, 4-10-1996; Ord. [19-260](#), 6-12-2019)

- **§ 90.02 - TYPICAL FARM ANIMALS and FOWL.**

Typical farm animals and fowl will not be permitted within the City.

(Ord. 85-19C, 4-10-1996; Ord. [19-260](#), 6-12-2019)

Cross reference— Penalty, see [§ 90.99](#)

- **§ 90.03 - EXOTIC OR WILD ANIMALS, FOWL AND REPTILES.**

Exotic or Wild animals, ~~fowl and reptiles~~ will not be permitted within the City.

(Ord. 85-19C, 4-10-1996; Ord. [19-260](#), 6-12-2019)

Cross reference— Penalty, see [§ 90.99](#)

- **§ 90.04 - UNREASONABLY LOUD BARKING OR HOWLING BY DOGS.**

It shall be unlawful for a dog to make unreasonable loud barking or howling noise. For purposes of this section, *unreasonable loud barking or howling noise* is defined as barking or howling of such a degree of loudness and duration that it is ~~then and there~~ disturbing to a person or persons in the vicinity ~~of earshot of the dog.~~

- (A) Any such person or persons so disturbed must file a sworn, written complaint with the appropriate authorities to initiate prosecution under this section.
- (B) The owner or handler of the dog shall be deemed responsible for training or hiring someone to train the dog to be reasonably quiet.
- (C) Barking dogs are not allowed outside an enclosed residential area between the hours of 11:00 p.m. and 5:00 a.m.

(Ord. 85-19C, 4-10-1996; Ord. [19-260](#), 6-12-2019)

Cross reference— Penalty, see [§ 90.99](#)

- **§ 90.05 - DOGS UNDER DIRECT PHYSICAL CONTROL OF OWNER, HANDLER.**

(A) Every dog shall be kept under the direct physical control of an owner or handler or shall be physically restrained from leaving the premises of the owner or handler of such dog.

~~(B) It shall be unlawful for any owner or handler of a dog(s) to allow the dog(s) to defecate on any portion of the Quicksand Golf Course, recreation areas, green belts, street right-of-ways, esplanades, and privately owned lots upon which a dwelling exists unless all feces are immediately removed and discarded in a sanitary manner. This restriction applies to both a dog(s) running at large or a dog(s) under direct physical control of owner or handler.~~

(B) The owner/handler is responsible for removing any feces due to defecation of their dog from public or private property and discard it in a sanitary manner. This applies to ~~both dogs running at large and a dog(s) under direct physical control of the owner/handler~~ in areas including, but not limited to the golf course, recreation areas, green belts, street rights-of-way and privately owned property.

(Ord. 85-19C, 4-10-1996; Ord. [19-260](#), 6-12-2019)

Cross reference— Penalty, see [§ 90.99](#)

- **§ 90.06 - COMPLAINTS.**

Any complaint alleging violation of any portion of this subchapter must ~~be a sworn, written complaint filed with the appropriate authorities to initiate prosecution under this section.~~ follow the procedures outlined in the *APPLICATION FOR CITY OF WOODCREEK CITIZEN COMPLAINT FORM*, on file with the City.

Complaints to be filed pertaining to [§ 90.04](#) must follow the procedures outlined in the *BARKING DOG NOISE COMPLAINT FORM*, on file with the City.

(Ord. 85-19C, 4-10-1996; Ord. [19-260](#), 6-12-2019)

- **§ 90.07 – FEEDING OF WILD OR EXOTIC ANIMALS**

It shall be unlawful for any person to intentionally or knowingly feed any wild or exotic animals within the City limits. *Intentionally or knowingly feeding* shall consist of, but not be limited to, having an established receptacle within which corn, maize, oats, commercial mixes of any kind or any other vegetable matter that is not a live and growing plant, is maintained for the feeding of such wild animals in the City; physically handing any food product to a wild animal; intentionally or knowingly leaving food attractive to wild animals in an area where they commonly feed; and any other activity wherein a food commonly eaten by such wild animal is placed or left with the intent to feed them.

GEESE

- ~~**§ 90.16 – FEEDING GEESE PROHIBITED.**~~

~~It shall be unlawful for any person to intentionally or knowingly feed any wild Egyptian goose or any other member of the geese family, within the City limits. *Intentionally or knowingly feeding* shall consist of, but not be limited to, having an established receptacle within which corn, maize, oats, commercial mixes of any kind or any other vegetable matter that is not a live and growing plant, is maintained for the feeding of geese in the City; physically handing any food product to a goose; intentionally or knowingly leaving food attractive to geese in an area where geese commonly feed; and any other activity wherein a food commonly eaten by geese is placed or left with the intent to feed geese.~~

~~(Ord. 19-260, 6-12-2019)~~

~~**Cross reference** — Penalty, see § 90.99.~~

DEER

- ~~**§ 90.20 – FEEDING DEER PROHIBITED.**~~

~~It shall be unlawful for any person to intentionally or knowingly feed any whitetail deer, or any other member of the deer family, within the City limits. *Intentionally or knowingly feeding* shall consist of, but not be limited to, having an established receptacle within which corn, maize, oats, commercial mixes of any kind or any other vegetable matter that is not a live and growing plant, is maintained for the feeding of deer in the City; physically handing any food product to a deer; intentionally or knowingly leaving deer food in an area where deer commonly feed; and any other activity wherein a food commonly eaten by deer is placed or left with the intent to feed deer.~~

~~(Ord. 01-72B, 4-10-2002; Ord. 19-260, 6-12-2019)~~

~~**Cross reference** — Penalty, see § 90.99~~

- **§ 90.21 - INTERFERENCE WITH DEER TRAPPING PROHIBITED.**

It shall be unlawful for any person to intentionally or knowingly interfere with the City authorized deer trapping efforts. *Intentional or knowing interference* shall consist of, but not be limited to, tampering with any trapping equipment or nets, deterring deer from a trapping area physically or with the use of noise, removing deer feed left by City personnel or other authorized persons to attract deer to a trapping area or permitting dogs to enter the trapping area.

(Ord. 01-72B, 4-10-2002; Ord. 19-260, 6-12-2019)

Cross reference— Penalty, see [§ 90.99](#)

- **§ 90.22 - ENFORCEMENT.**

The Mayor, City Staff, and Law Enforcement, both regular and reserve officers, are empowered to enforce this subchapter.

(Ord. 01-72B, 4-10-2002; Ord. [19-260](#), 6-12-2019)

- **§ 90.99 - PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to [§ 10.99](#) of this Code of Ordinances.

(B) The penalty for any violation of §§ [90.01](#) through ~~90.06~~[90.05](#) of this chapter shall not exceed \$500.00. Each day any violation of §§ [90.01](#) through ~~90.06~~[90.05](#) of this chapter shall continue shall constitute a separate offense.

(C) The fine for the first conviction or violation of [§ 90.04](#) of this chapter shall not exceed \$200.00 or the maximum amount permissible under state law.

(D) The fine for the first conviction or violation of [§ 90.05](#) of this chapter shall not exceed \$200.00 or the maximum amount permissible under state law.

(E) ~~The fine for the first conviction or violation of [§ 90.06](#) of this chapter shall not exceed \$500.00 or the maximum amount permissible under state law.~~

(F) Any person convicted of violating any provision of §§ ~~90.20~~ [90.21](#) through ~~90.22~~ of this chapter shall be guilty of a misdemeanor and shall be subject to a fine in an amount not to exceed \$500.00 per occurrence.

(Ord. 85-19C, 4-10-1996; Ord. 01-72B, 4-10-2002; Ord. [19-260](#), 6-12-2019)

CHAPTER 90: ANIMALS

GENERAL PROVISIONS

- **§ 90.01 - DEFINITIONS.**

Exotic or Wild Animals: means and includes any mammal, amphibian, reptile, or fowl, which is of a species that is wild by nature and of a species, which, due to size, vicious nature, or other characteristic, is or may be dangerous to human beings. Such animals shall include, but not be limited to, lions, tigers, leopards, panthers, lynx, wolves, coyotes, deer, raccoons, ratites (ostriches, rheas, cassowaries, and emus), skunks (whether deodorized or not), monkeys whose average weight as an adult exceeds 20 pounds, foxes, javelinas, llamas, elephants, rhinoceroses, alligators, crocodiles, falcons, pea fowl, and all forms of poisonous reptiles; any species of animal which is considered endangered by international, federal, or state regulations. The term "wild or exotic animal," as used in this chapter, shall not include birds, ferrets, gerbils, hamsters, guinea pigs, mice, small lizards or turtles, or rabbits that are maintained as personal or household pets.

Handler. Any person(s) with whom an animal has been placed by the owner of such animal for the purpose of that person(s) having control of such animal on behalf of the owner.

Owner. Any person, persons, firms, corporations, or associations keeping, having custody, or harboring an animal, fowl, or reptile.

Running at Large. Not under the direct physical control of the owner or handler by leash, cord, or similar direct physical control and not being prevented from leaving the premises of the owner.

Typical Farm Animals and Fowls. Equine, hogs, cattle, horses, jacks, jennets, sheep, goats, chickens, geese, ducks, turkeys or like animals and fowls.

(Ord. 85-19C, 4-10-1996; Ord. [19-260](#), 6-12-2019)

- **§ 90.02 - TYPICAL FARM ANIMALS and FOWL.**

Typical farm animals and fowl will not be permitted within the City.

(Ord. 85-19C, 4-10-1996; Ord. [19-260](#), 6-12-2019)

Cross reference— Penalty, see [§ 90.99](#)

- **§ 90.03 - EXOTIC OR WILD ANIMALS, FOWL AND REPTILES.**

Exotic or Wild animals will not be permitted within the City.

(Ord. 85-19C, 4-10-1996; Ord. [19-260](#), 6-12-2019)

Cross reference— Penalty, see [§ 90.99](#)

- **§ 90.04 - UNREASONABLY LOUD BARKING OR HOWLING BY DOGS.**

It shall be unlawful for a dog to make unreasonable loud barking or howling noise. For purposes of this section, *unreasonable loud barking or howling noise* is defined as barking or howling of such a degree of loudness and duration that it is disturbing to a person or persons in the vicinity.

- (A) Any such person or persons so disturbed must file a sworn, written complaint with the appropriate authorities to initiate prosecution under this section.
- (B) The owner or handler of the dog shall be deemed responsible for training or hiring someone to train the dog to be reasonably quiet.
- (C) Barking dogs are not allowed outside an enclosed residential area between the hours of 11:00 p.m. and 5:00 a.m.

(Ord. 85-19C, 4-10-1996; Ord. [19-260](#), 6-12-2019)

Cross reference— Penalty, see [§ 90.99](#)

- **§ 90.05 - DOGS UNDER DIRECT PHYSICAL CONTROL OF OWNER, HANDLER.**

(A) Every dog shall be kept under the direct physical control of an owner or handler or shall be physically restrained from leaving the premises of the owner or handler of such dog.

(B) The owner/handler is responsible for removing any feces due to defecation of their dog from public or private property and discard it in a sanitary manner. This applies to dogs in areas including, but not limited to the golf course, recreation areas, green belts, street rights-of-way and privately owned property.

(Ord. 85-19C, 4-10-1996; Ord. [19-260](#), 6-12-2019)

Cross reference— Penalty, see [§ 90.99](#)

- **§ 90.06 - COMPLAINTS.**

Any complaint alleging violation of any portion of this subchapter must follow the procedures outlined in the *APPLICATION FOR CITY OF WOODCREEK CITIZEN COMPLAINT FORM*, on file with the City.

Complaints to be filed pertaining to § 90.04 must follow the procedures outlined in the *BARKING DOG NOISE COMPLAINT FORM*, on file with the City.

(Ord. 85-19C, 4-10-1996; Ord. [19-260](#), 6-12-2019)

- **§ 90.07 – FEEDING OF WILD OR EXOTIC ANIMALS**

It shall be unlawful for any person to intentionally or knowingly feed any wild or exotic animals within the City limits. *Intentionally or knowingly feeding* shall consist of, but not be limited to, having an established receptacle within which corn, maize, oats, commercial mixes of any kind or any other

vegetable matter that is not a live and growing plant, is maintained for the feeding of such wild animals in the City; physically handing any food product to a wild animal; intentionally or knowingly leaving food attractive to wild animals in an area where they commonly feed; and any other activity wherein a food commonly eaten by such wild animal is placed or left with the intent to feed them.

- **§ 90.21 - INTERFERENCE WITH DEER TRAPPING PROHIBITED.**

It shall be unlawful for any person to intentionally or knowingly interfere with the City authorized deer trapping efforts. *Intentional or knowing interference* shall consist of, but not be limited to, tampering with any trapping equipment or nets, deterring deer from a trapping area physically or with the use of noise, removing deer feed left by City personnel or other authorized persons to attract deer to a trapping area or permitting dogs to enter the trapping area.

(Ord. 01-72B, 4-10-2002; Ord. [19-260](#), 6-12-2019)

Cross reference— Penalty, see [§ 90.99](#)

- **§ 90.22 - ENFORCEMENT.**

The Mayor, City Staff, and Law Enforcement, both regular and reserve officers, are empowered to enforce this subchapter.

(Ord. 01-72B, 4-10-2002; Ord. [19-260](#), 6-12-2019)

- **§ 90.99 - PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to [§ 10.99](#) of this Code of Ordinances.

(B) The penalty for any violation of §§ [90.01](#) through [90.05](#) of this chapter shall not exceed \$500.00. Each day any violation of §§ [90.01](#) through [90.05](#) of this chapter shall continue shall constitute a separate offense.

(C) The fine for the first conviction or violation of [§ 90.04](#) of this chapter shall not exceed \$200.00 or the maximum amount permissible under state law.

(D) The fine for the first conviction or violation of [§ 90.05](#) of this chapter shall not exceed \$200.00 or the maximum amount permissible under state law.

(E)

(F) Any person convicted of violating any provision of [§90.21](#) of this chapter shall be guilty of a misdemeanor and shall be subject to a fine in an amount not to exceed \$500.00 per occurrence.

(Ord. 85-19C, 4-10-1996; Ord. 01-72B, 4-10-2002; Ord. [19-260](#), 6-12-2019)