

Village of Point Venture

ORDINANCE NO. 2021-08-18

AN ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS, AMENDING CHAPTER 3 OF THE VILLAGE OF POINT VENTURE CODE OF ORDINANCES; PROVIDING RULES AND REGULATIONS FOR ANIMAL NOISE; PROVIDING FINDINGS OF FACT; PROVIDING FOR REPEAL, SEVERABILITY, SAVINGS, PUBLICATION AND CODIFICATION; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Point Venture (“Village Council”) seeks to provide for the public health, safety and welfare of its citizens; and

WHEREAS, pursuant to Section 51.001 of the Texas Local Government Code, the Village of Point Venture may adopt and amend ordinances for the good government, peace and order of the Village, as necessary or proper for carrying out a power granted by law to the Village; and

WHEREAS, the Village Council has previously adopted regulations governing animals, as codified in Chapter 3 of the Village of Point Venture Code of Ordinances; and

WHEREAS, the Village Council finds the amendment of the animal noise regulations is necessary for the good government, peace and order of the Village.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF POINT VENTURE, TEXAS:

SECTION 1. Findings of Fact. All of the above recitals and premises are hereby found to be true and correct legislative and factual findings of the Village Council of the Village of Point Venture, Texas and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. Amendment. The Code of Ordinances of the Village of Point Venture, Texas is hereby amended by deleting Section 3.03.014 of Chapter 3 thereof and substituting therefor a new Section 3.03.014 of Chapter 3 to provide as follows:

...
...
**“VILLAGE OF POINT VENTURE, TEXAS
CODE OF ORDINANCES**

...
CHAPTER 3 ANIMAL CONTROL

...
ARTICLE 3.03 OFFENSES

3.03.014 Unreasonable Noise

- (a) Violation; declaration of nuisance. It shall be unlawful for any person to keep or harbor an animal which by loud, frequent or habitual barking, howling, whining or screeching causes annoyance that interferes with another person’s enjoyment or rightful use of his or her property. Unreasonable barking, howling, whining or screeching noises are defined as a nuisance whether the animal is on the animal owner’s premises or not. For purposes of this section, the term “frequent or habitual barking, howling, whining or screeching” shall mean continuous barking, howling, whining or screeching for a duration of at least fifteen (15) minutes.
- (b) Affirmative defense. It shall be an affirmative defense to prosecution that the noise occurred when a person was trespassing or threatening to trespass upon private property in which the animal is kept.
- (c) Complaints. Any person who believes there has been a violation of this section shall have the right to file a complaint against the owner or keeper of such animal with Village Code Enforcement at the Village Office, which may be adjudicated in the municipal court of the Village of Point Venture. Any complaints filed with municipal court must be supported by a signed complaint by a person other than a Village Code Enforcement officer.”

SECTION 3. Repeal. All provisions of the ordinances of the Village of Point Venture in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, and all other provisions of the ordinances of the Village of Point Venture not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. Severability. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be illegal, invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect

the validity of any remaining provision of the Code of Ordinances or the Code of Ordinances as a whole.

SECTION 5. Savings. All rights and remedies of the Village of Point Venture are expressly saved as to any and all violations of the provisions of any ordinances regulating animals which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6. Publication and Codification. The Village Secretary of the Village of Point Venture is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code. The Village Secretary is further directed to have this Ordinance codified at the next available codification update.

SECTION 7. Open Meeting. The Village Council of the Village of Point Venture hereby finds and determines that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 8. Penalty. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Five Hundred Dollars (\$500.00), in accordance with the enforcement and penalty provisions, and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues. Further, if the Village Council of the Village of Point Venture determines that a violation of this Ordinance creates a threat to the public safety, the Village may bring suit in the District Court to enjoin such violation and may exercise all available remedies as allowed by law.

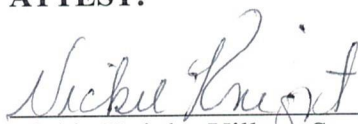
SECTION 9. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

DULY PASSED AND ADOPTED by the Village Council of the Village of Point Venture, Texas, on the 15th day of September, 2021.


Eric Love, Mayor

APPROVED AS TO FORM:

ATTEST:


Vickie Knight, Village Secretary

Caroline Kelley, Village Attorney