

**CITY OF SANDY OAKS, TEXAS**

**ORDINANCE NO. 2022-198**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS AMENDING ORDINANCE 2016-66 CREATING THE POSITION OF ANIMAL CONTROL OFFICER; PROVIDING FOR APPOINTMENT, TENURE, COMPENSATION, GENERAL DUTIES, TRAINING REQUIRED AND REMOVAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in accordance with Section 22.071 of the Texas Local Government Code, the City Council of the City of Sandy Oaks (“City”) has determined that in addition to the members of the City Council, the other officers of the municipality are the secretary, treasurer, assessor and collector, municipal attorney, municipal engineer, and any other officers or agents authorized by the Council;

**WHEREAS**, in accordance with Section 22.071 of the Texas Local Government Code, the City Council by ordinance shall provide for the election or appointment of the officers provided by said section;

**WHEREAS**, in accordance with Section 22.071 of the Texas Local Government Code, the City Council may confer on other municipal officers the powers and duties of an officer provided for by said section;

**WHEREAS**, the City Council adopted Ordinance No. 2016-66 creating the position of Animal Control Officer, providing for appointment, tenure, compensation, general duties, training required, removal and other matters related to the position;

**WHEREAS**, Ordinance No. 2016-66 designates the City Marshal’s Office, now established as the Sandy Oaks Police Department, as the local health authority for purposes of animal control and created the position of Animal Control Officer within the Marshal’s Office;

**WHEREAS**, by Ordinance No. 2022-196, as amended, the City Council established the Animal Control Officer as the Local Rabies Control Authority with the authority to enforce the provisions of the City’s ordinances or rules related to animal control and desires to amend Ordinance No. 2016-66 to remove the City Marshal’s Office as the local health authority for purposes of animals and remove the Animal Control Officer from within the Marshal’s Office;

**WHEREAS**, the City Council is of the opinion that it is necessary and in the best interest and welfare of the City that an ordinance be passed amending Ordinance 2016-66 to remove the City Marshal’s Office as the local health authority for purposes of animal control and remove the position of Animal Control Officer from within the Marshal’s Office;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS:**

**SECTION 1. DESIGNATION AND POSITION ESTABLISHED.** The City Council hereby designates the Animal Control Officer as the Local Rabies Control Authority with the authority to enforce the provisions of the City's ordinances or rules related to animal control in conformance with Ordinance No. 2022-196 relating to the City's animal control regulations, as amended, and creates the position of Animal Control Officer.

**SECTION 2. APPOINTMENT OF ANIMAL CONTROL OFFICER.** The Animal Control Officer of the City shall be appointed, as needed, by the Mayor, subject to the approval of City Council.

**SECTION 3. TERM OF ANIMAL CONTROL OFFICER.** The Animal Control Officer shall serve for such a term that the Mayor may desire.

**SECTION 4. COMPENSATION OF ANIMAL CONTROL OFFICER.** The compensation of the Animal Control Officer shall be as from time to time determined by the City Council.

**SECTION 5. GENERAL DUTIES OF ANIMAL CONTROL OFFICER.** The Animal Control Officer shall:

- (a) Formulate rules and procedures, as necessary, to be approved by the City Council for the enforcement of any state or local rule, regulation or ordinances regulating animal control or animal nuisances within the City; and
- (b) Implement, administer, and enforce or supervise the implementation, administration and enforcement of any state or local rule, regulation or ordinance regulating animal control or animal nuisances within the City.

**SECTION 6. TRAINING AND CONTINUING EDUCATION.** The Animal Control Officer must complete a basic animal control course as provided by Chapter 829 of the Health and Safety Code ("Chapter 829") and complete 30 hours of continuing education as provided by Chapter 829. The Animal Control Officer must submit any certificate he or she receives pursuant to section 829.006 of Chapter 829 to the City Clerk for inclusion with records kept and maintained by the City.

**SECTION 7. VACCINATIONS.** Any person acting as Animal Control Officer or performing animal control duties on behalf of the Animal Control Officer shall receive necessary vaccinations against rabies prior to performing such duties of animal control.

**SECTION 8. REMOVAL**

- (a) The City Council may remove the Animal Control Officer for incompetency, corruption, misconduct, or malfeasance in office after providing the officer with due notice and an opportunity to be heard.
- (b) If the City Council lacks confidence in the Animal Control Officer, the Council may remove the officer at any time. The removal is effective only if


two-thirds of the elected alderman vote in favor of a resolution declaring the lack of confidence.

**SECTION 9. ANIMAL CONTROL BY SANDY OAKS POLICE DEPARTMENT OR CODE ENFORCEMENT.** Nothing in this Ordinance shall prohibit the Sandy Oaks Police Department or its peace officers of the or code enforcement officers or officials from implementing, administering, or enforcing of any state or local rule, regulation or ordinance regulating animal control or animal nuisances within the City.

**SECTION 10. SEVERABILITY.** If any section, paragraph, sentence, clause, phrase or word of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions despite invalidity or unconstitutionality.

**SECTION 11. EFFECTIVE DATE.** This Ordinance shall be effective immediately upon its passage.

**PASSED AND APPROVED THIS 24<sup>TH</sup> DAY OF FEBRUARY 2022.**

  
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Charles Fillinger, Mayor

**ATTEST:**

  
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Charlotte Rabe, City Clerk