

ORDINANCE 3-20-94

AN ORDINANCE PROHIBITING ANY PERSON TO MAINTAIN OR KEEP LIVESTOCK IN THE CITY OF BERRYVILLE; PROVIDING THAT THE CITY SECRETARY NOTIFY THE OWNER OR PERSON IN CHARGE OF SUCH LIVESTOCK THAT IS KEPT OR MAINTAINED IN THE CITY OF BERRYVILLE; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE IN THE SUM OF FIFTY AND NO/100 (\$50.00) DOLLARS EACH AND EVERY DAY DURING WHICH THIS ORDINANCE IS VIOLATED; PROVIDING THAT IN THE EVENT THE TERM LIVESTOCK SHALL NOT INCLUDE HOUSEHOLD PETS SUCH AS DOGS AND CATS; PROVIDING THAT THIS ORDINANCE DOES NOT APPLY TO CONTIGUOUS TRACTS OF AT LEAST TWO (2) ACRES OR MORE OF AREA; THIS ORDINANCE PROHIBITS ANY PERSON TO PERMIT ANY LIVESTOCK TO ROAM AT LARGE IN THE CITY OF BERRYVILLE; SUPERSEDES OTHER ORDINANCE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERRYVILLE, TEXAS:

SECTION 1.

This entire ordinance is and shall be deemed an exercise of the police power of the State of Texas, and of the City of Berryville, for the public safety, comfort, convenience and protection of the citizens of said City; and all of the provisions hereof shall be construed for the accomplishment of that purpose.

SECTION 2.

It shall be unlawful for any person to maintain and keep livestock in the City of Berryville.

SECTION 3.

In the event that person shall maintain or keep livestock in the City of Berryville, the City Secretary shall notify the owner or person in charge of such livestock, either orally or in writing, to remove such livestock from the City of Berryville. Any person who, after receiving such notice, shall fail to remove such livestock, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined the sum of FIFTY & NO/100 DOLLARS (\$50.00). Each and every day that such livestock is maintained and kept after receipt of the notice provided for herein shall constitute a separate offense and shall be punishable as such.

SECTION 4.

The term "livestock" shall not include household pets such as dogs and cats.

SECTION 5.

This ordinance shall not apply to any owner or other person maintaining or keeping livestock in the City of Berryville on a contiguous tract containing at least two (2) acres or more of area.

SECTION 6.

It shall be unlawful for any person to permit any livestock to roam at large in the City of Berryville. Any person owning or having in charge any livestock shall be responsible for maintaining said livestock in an adequate enclosure so said livestock may not roam at large.

SECTION 7.

This ordinance supersedes ordinance 12-4-78.

SECTION 8.

The fact that the City of Berryville now has no ordinance governing the matters regulated herein so as to protect the citizens of the City of Berryville and their property and persons, as aforesaid, creates an emergency, which is here and now declared, and this ordinance shall take effect and be in force, from and after its passage and publication as provided by law.

PASSED AND APPROVED this the 14<sup>th</sup> day of March, 1994.

SEE AMENDMENT TO SECTION 5 OF THIS ORDINANCE DATED MAY 3, 1999. THIS AMENDMENT CHANGED ACREAGE FROM 2 ACRES TO 5 ACRES. AMENDMENT DATED MAY 3, 1999 WAS REVOKED AT A REGULAR BERRYVILLE CITY COUNCIL MEETING HELD ON JUNE 11, 2001 BY A UNANIMOUS DECISION OF THE CITY COUNCIL.

John T. McElvany, Mayor

Attest:

Sharyn Harrison  
City Secretary

Amendment to Berryville  
Ordinance 3-20-94 Section 5

This ordinance shall not include household pets to any owner or other person maintaining or keeping livestock in the City of Berryville on a contiguous tract containing at least two (2) acres or more of area. The property must be designated as TRACT NO A LOT by Henderson County Appraisal District. In addition, the property must be eligible for an Agriculture Exemption.

Passed and Approved this 9<sup>th</sup> day of November, 2009.