

AN ORDINANCE OF THE TOWN/CITY OF NEW HOPE, TEXAS ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN/CITY OF NEW HOPE, TEXAS, PROVIDING REGULATIONS FOR ANIMALS AND FOWL, DEFINING TERMS PROVIDING RABIES CONTROL MEASURES; REQUIRING VACCINATION AND REGISTRATION; PROVIDING FOR THE QUARANTINE OF ANIMALS UNDER CERTAIN CONDITIONS; PROVIDING FOR IMPOUNDMENT OF CERTAIN ANIMALS; REGULATING THE RUNNING AT LARGE OF CERTAIN ANIMALS INCLUDING DOGS; PROVIDING FOR A LOCAL HEALTH AUTHORITY OR DESIGNEE TO ENFORCE AND HANDLE ANIMAL CONTROL WITHIN THE TOWN/CITY; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE-, PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE, AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN/CITY COUNCIL OF NEW HOPE, TEXAS:

**CHAPTER 3
ANIMAL AND FOWL
ARTICLE 1. DEFINITIONS**

Section 3-1. Definitions.

A. Domestic Animals shall include all species of animals commonly accepted as being domesticated.

B. Animals shall mean any living creature, including but not limited to, dogs, cats, horses, birds, fish, mammals, reptiles, insects, fowl, and livestock, but specifically excluding human beings.

C. Pet Animal shall include dogs, cats, rabbits, rodents, birds, reptiles, and any other species of animal that are sold or retained as a household pet but shall not include skunks, nonhuman primates, and any other species of wild, exotic, or carnivorous animal that may be further restricted in this law.

D. Wild Animal shall mean any poisonous or dangerous reptile or any other species of animal that commonly exists in a natural, unconfined state and is usually not domesticated, including, but not limited to, foxes, opossums, raccoons, squirrels, leopards, panthers, tigers, lions, lynx, unless certified for medical, biological, herpetological, or other scientific research or study. This definition shall apply regardless of state or duration of captivity.

E. Vicious Animal shall mean any individual animal or any species that has on one previous occasion, without provocation, attacked or bitten any person or other animal, or any individual animal that the local health authority or supervisor of animal control has reason to believe has a dangerous disposition, or any species of animal that the local health authority or supervisor has reason to believe has a dangerous disposition likely to be harmful to humans or other animals

F. Animal Control Officer shall mean any person or agency designated by the Local Health Authority to be an enforcement officer to enforce the provisions of this ordinance

G. Small Livestock shall mean all types of domesticated swine, sheep and goats.

H. Large Livestock shall mean horses or any member of the domesticated horse family including, but not limited to, mules, donkeys and ponies; and all types and varieties of cattle.

I. Owner shall mean any person, firm, or corporation having title to any animal; or a person who has, harbors, keeps, or causes or permits to be harbored or kept, any animal in his care, or who permits an animal to remain on or about his premises.

J. Local Health Authority shall mean the person or entity designated by the Town/City Council of the Town/City of New Hope to enforce and supervise animal control within the Town/City.

K. Running at Large shall mean an animal that is not restrained in a fenced yard or an enclosed structure, or an electronic fence, or restrained by leash, or by holding the animal in the hands, or by having direct supervision and control of the animal.

L. Animal Control shall mean the animal control function of the Town/City of New Hope.

M. Dog shall mean any live or dead dog (Canis Familiaris).

N. Cat shall mean any live or dead cat (Felis Catus).

O. Harboring shall mean the act of keeping or caring for an animal or of providing a premise to which the animal returns for foods, shelter, or care.

P. Stray Animal shall mean any animal for which there is no identifiable owner or harborer.

Q. Vaccinated shall mean properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed to practice in the State of Texas.

R. Currently Vaccinated shall mean vaccinated and satisfying the following criteria:

1. The animal must have been at least three (3) months of age at the time of vaccination.

2. At least thirty (30) days have elapsed since the initial vaccination.

3. No more than twelve (12) months have elapsed since the most recent vaccination.

S. Registration Tag shall mean that tag issued by the Local Health Authority or Animal Control Agency designated by the Town/City.

ARTICLE II. RABIES CONTROL

Section 3-2. Vaccinations.

Every owner of a dog or cat three (3) months of age or older shall have such animal vaccinated against rabies. All dogs or cats vaccinated at three (3) months of age or older shall be revaccinated at one (1) year of age and annually thereafter. Any person moving into the Town/City from a location outside of the Town/City shall comply with this section of this ordinance within thirty (30) days after having moved into the Town/City. If the dog or cat has inflicted a bite on any person or another animal, the owner of said dog or cat shall immediately report such fact to the Local Health Authority or agency designated by the Town/City to enforce this ordinance. No rabies vaccine shall be administered until after the ten (10) day observation period.

Section 3-3. Certificate of Vaccination.

Upon vaccination, the veterinarian or the Local Health Authority providing such service shall execute and furnish to the owner of the dog or cat, as evidence thereof, a certificate upon a form furnished by the veterinarian or Local Health Authority. The veterinarian or Local Health Authority shall retain a duplicate copy. Such certificate shall contain the following information:

- A. The name, address, and telephone number of the owner of the vaccinated dog or cat;
- B. The date of vaccination;
- C. The type of rabies vaccine used;
- D. The year and number of rabies tag; and
- E. The breed, age, color, and sex of the vaccinated dog or cat.

Section 3-4. Rabies Tags.

Concurrent with the issuance and delivery of the certificate of vaccination referred to in Section 3-13, the owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated dog or cat a metal tag, serially numbered to correspond with the vaccination certificate number, and bearing the year of issuance, and the name of the issuing party and his address. The owner shall cause the collar or harness, with the attached metal tag, to be worn by his dog or cat at all times.

Section 3-5. Duplicate Tags.

In the event of loss or destruction of the original tag provided in Section 3-13, the owner of the dog or cat shall obtain a duplicate tag. Vaccination certificates (and tags) shall be valid only for the animal for which it was originally issued.

Section 3-6. Proof.

It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this ordinance.

Section 3-7. Harboring Unvaccinated Animals.

It shall be unlawful for any person to harbor any dog or cat that has not been vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.

Section 3-8. Animals Exposed to Rabies.

Any person having knowledge of the existence of any animal known to have been or suspected of being exposed to rabies must immediately report such knowledge to the local health authority, giving any information that may be required. For any animal known to have been or suspected of being exposed to rabies, the following rules must apply:

A. Animals having a current vaccination must be revaccinated immediately and confined according to the method prescribed by the local health authority for a period of not less than ninety (90) days; and

B. Animals not having a current vaccination should be humanely destroyed. However, if the owner of such an animal elects, he may, at his expense and in a manner prescribed by the local health authority, confine said animal. Such animal must be vaccinated immediately following exposure and quarantined for not less than six (6) months. A revaccination shall be done one (1) month prior to release from quarantine.

ARTICLE III. REPORTING CASES OF HUMANS BITTEN BY ANIMALS SUSCEPTIBLE TO RABIES

Section 3-9 Reporting Procedures.

The following procedures shall apply to reporting cases of humans bitten by animals susceptible to rabies:

A. Any person having knowledge of an animal bite to a human will report the incident to the local health authority as soon as possible, but not later than twenty-four (24) hours from the time of the incident.

B. The owner of the biting animal will place that animal in quarantine under the supervision of the local health authority as prescribed in Article IV.

C. Utilizing standardized reporting forms provided by Texas Department of Health, the local health authority will investigate each bite incident.

D. Bites to a human from rodents, rabbits, birds, and all cold-blooded animals are excluded from the reporting requirements of this section.

ARTICLE IV. QUARANTINE PROCEDURE FOR ANIMALS

Section 3-10. Procedure for Quarantine.

When an animal that has bitten a human is identified, the owner is required to produce the animal for ten (10) days confinement at the owner's expense. Usual and customary fees of the facility will be applied. Refusal to produce said dog or cat or other animal constitutes a violation of this Article and each day of such refusal constitutes a separate and individual violation. The ten (10) day

observation period will begin on the day of the bite incident. The animal must be placed in the animal control facilities specified for this purpose, if available. However, the owner of the animal may request permission from the local health authority for home quarantine if the following criteria can be met:

A. Secure facilities must be available at the home of the animal's owner and must be approved by the local health authority.

B. The animal is currently vaccinated against rabies.

C. The animal control officer, local health authority, or licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the local health authority must be notified by the person having possession of the animal. At the end of the observation period, the release from quarantine must be accomplished in writing.

D. There was no violation involving the animal at the time of the bite.

E. If the biting animal cannot be maintained in secure quarantine, it shall be humanely destroyed and the brain submitted to a TDH certified laboratory for rabies diagnosis.

Section 3-11. Non-Interruption of Observation.

It shall be unlawful for any person to interrupt the ten (10) day observation period.

Section 3-12. Procedure for Wild Animals.

No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely killed in such a manner that the brain is not mutilated. The brain shall be submitted to a TDH certified laboratory for rabies diagnosis.

ARTICLE V. ANIMAL REGISTRATION

Section 3-13. Registration Procedure.

No owner shall have within the Town/City any dog or cat four (4) months of age or older unless such dog or cat is currently registered with the Local Health Authority. A current metal registration tag issued by the Local Health Authority, or a veterinarian authorized by Local Health Authority to issue the tag, must be affixed to a collar or harness that must be worn by the dog or cat at all times. No dog or cat shall be registered until it has a current rabies vaccination.

A. Application for initial issuance or renewal of each registration must be made by the owner in writing or in person and be accompanied by a fee of Ten Dollars **(\$10.00)**. Owner must present a copy of the most recent vaccination records. If the cat or dog being registered has been neutered or spayed and proof of such surgical sterilization can be shown to an animal control officer or a veterinarian authorized to issue such registrations, the fee will then be Five Dollars **(\$5.00)**. Dogs and cats under the age of six (6) months shall be registered at the sterilized fee. Animals may be exempt from the sterilization provision upon

written recommendation from a veterinarian that such alteration would be harmful or dangerous to the animal.

B. Registration certificates shall be renewed annually. The registration period will be from January 1 to December 31. Certificates for the new period shall be available for sale at least thirty (30) days in advance of the sixty (60) days following January 1st and shall constitute a valid registration upon issuance.

C. Registration tag(s) and/or vaccination certificates shall be valid only for the animal for which it was originally issued.

D. If there is a change in ownership of a registered dog or cat, the new owner must have the registration transferred to his name within thirty (30) days of the change. There shall be no charge for said transfer. Application for such transfer shall be made to the Local Health Authority in writing or in person.

E. Fee exempt registrations may be issued for the following: (1) Police or sheriff's department dog, and (2) dogs trained to assist the audio or visually impaired person. Eligibility for fee-exempt registration does not relieve the owner of his responsibility under other provisions of this chapter.

Section 3-14. When Registration May Be Refused.

The supervisor of animal control may refuse to register a cat or dog or revoke a permit issued to any person who has been convicted in any duly authorized court of jurisdiction in the State of Texas or resides with any person so convicted of any of the following:

A. Cruelty to animals as defined in the Texas Penal Code, Article 42.1 1, Inhumane Treatment, or negligence to an animal, and,

B. Conviction of four (4) or more separate and distinct violations of an animal control ordinance of a municipality in the State of Texas within any twelve (12) month period. Any person denied such a registration may appeal the refusal to a municipal judge.

The municipal judge shall uphold, overturn, or modify the Local Health Authority's refusal to issue a registration certificate.

Section 3-15. Guard Dog To Be Registered

Every person having care, control, or custody of any dog that has received guard dog training must register such dog with the supervisor of animal control. Any dog, which has received guard dog training, may be destroyed when such dog is found running at large. The owner or keepers of guard dogs shall be subject to the other provisions of this section. An ID collar identifying the dog as a guard dog must be worn at all times and the dog must wear a muzzle out of confinement.

ARTICLE VI. WILD, EXOTIC AND VICIOUS ANIMALS

Section 3-16. Prohibition of or Permits for Wild or Exotic Animals.

No person shall harbor any wild or exotic animal within the corporate limits of the Town/City of New Hope, Texas without approval of a special permit by the Town/City Council of the Town/City of New Hope, and the Local Health Authority.

Section 3-17. Prohibition of Vicious Animals.

It shall be unlawful for any person to harbor a vicious animal within the corporate limits of the Town/City of New Hope.

ARTICLE VII. RUNNING AT LARGE

Section 3-19. Running at Large Prohibited

A. A person who harbors a dog commits an offense, without regard to his mental state, if he fails to restrain the dog in a fenced yard or an enclosed structure, or by leash, or by holding the dog in the hands, or by having direct supervision and control of the animal.

B. A person who harbors any animal other than a cat commits an offense, without regard to his mental state, if he fails to restrain the animal in a fenced yard or an enclosed structure, or by leash, or by holding the animal in the hands, or by having direct supervision and control of the animal.

C. It shall be presumed that any animal that does damage to public or private property, or attacks a person or other animal, or otherwise disrupts the lawful use of public or private property by third parties, is not under the direct supervision and control of any person even though the person is in the presence of the animal.

Section 3-20. Impoundment.

An animal control officer is authorized to impound such animal running at large, other than a cat, and may impound a cat under conditions specified in Article XI of this ordinance, or when he has received a complaint that the cat has caused a nuisance or hazard to the health or welfare of human or animal population.

ARTICLE VIII. KEEPING HABITUAL BARKING DOGS PROHIBITED

Section 3-21. Prohibition.

It shall be unlawful for any person knowingly to keep or harbor any dog that habitually barks, howls or yelps, in such a manner that such barking, howling or yelping disturbs the peace and quiet of the neighborhood to such an extent that it annoys persons living in the neighborhood who are of ordinary sensibilities.

Section 3-22. Notice and Complaints.

Whenever any person shall complain in writing to the Local Health Authority of a dog or dogs that habitually bark, howl or yelp, the Local Health Authority shall notify the owner of said dog(s) that a complaint has been received and that the owner should take whatever steps are necessary to alleviate the barking, howling, or yelping. Such notice shall be sent certified mail return receipt requested, or be personally served by an Animal Control Officer. Such notice shall state that a Code Violation for harboring a

habitual barking dog or dogs will be filed in the Municipal Court in the event a second complaint is received after 10 days from the date of the notice letter.

Section 3-23. Citation.

If the warning notice mentioned above is ineffective as evidenced by the filing of a second complaint, a citation shall be issued for violation of this Article.

ARTICLE IX. SANITARY CONDITIONS REQUIRED

Section 3-24. In General.

The owner or person in possession of animals shall keep yards, pens, and enclosures in which such animals are confined in such a manner as not to give off odors offensive to persons of ordinary sensibilities residing in the vicinity or to breed or attract flies, mosquitoes, or other noxious insects, or in any manner, to endanger the public health or safety, or to create a public nuisance.

Section 3-25. Specific Regulations.

All persons keeping such animals shall comply with the following regulations:

A. Manure shall be removed from pens, stables, yards, cages, and other enclosures as necessary to maintain sanitary conditions and handled or disposed of in such manner as to keep the premises free of any nuisances.

B. Mound storage of droppings or manure between such removals shall be permitted only under such conditions as to protect against the breeding of flies and to prevent migration of fly larvae (maggots) into the surrounding soil.

C. Watering troughs or tanks shall be provided that are equipped with adequate facilities for draining the overflow so as to prevent the breeding of flies, mosquitoes, and other insects.

D. No putrescible material shall be allowed to accumulate on the premises, and all such material used to feed that is unconsumed shall be removed and disposed of by burial or other sanitary means.

ARTICLE X. HUMANE TREATMENT OF ANIMALS REQUIRED

Section 3-26. Requirements.

The following requirements are established for pet and animal care and not intended to contravene with the provisions for animal cruelty as provided in the Texas Penal Code.

A. No owner shall fail to provide his animal(s) with sufficient good wholesome food and water, proper shelter, and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

B. No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

C. No owner of an animal shall abandon such animal.

D. Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency

E. The use of steel jaw traps shall be prohibited.

ARTICLE XI. IMPOUNDMENT

Section 3-27.

Animals that may be impounded:

A. Cats and dogs not exhibiting evidence of being vaccinated or registered;

B. Any animal infected with rabies or kept under conditions that could endanger the public or animal health,

C. Any animal found running at large, as that term is defined herein;

D. Any animal treated in a manner determined by an animal control officer to be cruel and inhumane;

E. Any animal that has bitten a human being or needs to be placed under observation for rabies determination, as determined by an animal control officer;

F. Any animal that presents a violation of any provisions of this ordinance.

Section 3-28. Right to Confine Certain Animals.

If any of the animals named in this ordinance are found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal in a humane manner until he can notify an animal control officer to retrieve the animal for impoundment. When so notified, it shall be the duty of the animal control officer to impound such animal as herein provided.

Section 3-29. Owner Notification.

Reasonable effort shall be made by the Local Health Authority to contact the owner of any animal impounded that is wearing a current registration tag; however, final responsibility for location of an impounded animal is that of the owner.

Section 3-30. Regulations Relating to Impounded Animals.

The owner can resume possession of any impounded animal upon payment of impoundment fees, handling fees, and any veterinarian bills incurred by the Local Health Authority for the welfare of the animal, and upon compliance with vaccination and registration provisions of this code, except where herein prohibited.

A. Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by any court having jurisdiction over such matter

B. If any animal is being held in quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from quarantine.

C. The New Hope Town/City Council shall select and establish a place for impounding animals under any provisions of this ordinance.

D. Any animal not reclaimed by the owner may be humanely euthanized after being impounded for 72 hours, except that any animal wearing a current registration certificate tag shall be impounded for not less than 168 hours.

E. Any impounded vicious or wild animal, unless there is reason to believe it has an owner, may be immediately disposed of as may be deemed appropriate by the supervisor of animal control.

F. Any nursing baby animal impounded without its mother or where the mother cannot or refuses to provide nutritious milk, may be immediately euthanized to prevent further suffering.

G. Any impounded dog or cat not wearing a registration certificate tag may be given up for adoption after 72 hours of impoundment, except those under quarantine. Any impounded dog or cat wearing a current registration tag may be given up for adoption after 168 hours of impoundment.

H. An owner who no longer wishes responsibility for an animal, or believes the animal to be in an ill or injured condition may sign a written waiver supplied by animal control allowing the animal to be immediately given up for adoption or euthanized in a humane manner, providing that no warm-blooded animal that has bitten a human being shall be euthanized before expiration of the ten (10) day quarantine period.

I. Any impounded animal that appears to be suffering from extreme injury or illness may be euthanized or given to a non-profit humane organization for the purpose of veterinary care, as determined by the Local Health Authority.

ARTICLE XII. IMPOUNDMENT FEES

Section 3-31.

Impoundment fees for all animals, including daily handling fees, quarantine fees, and adoption fees shall be those fees recommended by the Local Health Authority and adopted by separate ordinance duly passed by the Town/City Council of the Town/City of New Hope.

ARTICLE XIII. ADOPTION

Section 3-37. Conditions For Adoption.

Adoption of a dog or cat from the animal shelter may take place under the following conditions:

A. The animal has been classified as adoptable by the Local Health Authority,

B. The prospective adopter can meet all of the adoption guidelines as set forth by the Local Health Authority;

C. The prospective adopter obtains all necessary vaccination, registration, and sterilization; and,

D. The prospective adopter pays the current adoption fees.

E. The Local Health Authority shall refuse to allow a person to adopt a dog or cat from the animal shelter when the Local Health Authority has reason to believe that person would not be able to obtain a registration certificate under this ordinance, would not have proper facilities for care of the animal, wants the animal for purposes of resale or purposes other than pet ownership, would not be suitable owner within the sole discretion of the Local Health Authority, or that the animal would be a hazard to humans or other animals in the opinion of the Local Health Authority.

ARTICLE XIV. PAYMENT OF IMPOUNDMENT FEES

Section 3-38. Owner Liability.

Every owner of an animal impounded by an animal control officer or voluntarily impounded by the owner, shall be liable for all costs and fees incurred by such impoundment.

ARTICLE XV. PENALTY

Section 3-39. Fine for Each Day of Violation.

The designated representative of the Town/City may cite any person who violates any provision of this ordinance and, if convicted in municipal court, shall be fined not more than Five Hundred Dollars (\$500.00) and each and every day the provisions of this ordinance are violated shall constitute a separate offense.

ARTICLE XVI. ENFORCEMENT

Section 3-40 . Procedure for Enforcement.

Pursuant to V.T.C.A., Health & Safety Code, § 826.017, the Town/City Council shall designate a Local Health Authority who will, among other duties, enforce the animal control regulations of this chapter. Such Local Health Authority may be a municipal health officer, an animal control officer or an entity that the Town/City Council considers appropriate. If the Local Health Authority is to be a private entity the Town/City Council may make such appointment by entering into a contract to carry out the activities required by this chapter. The Local Health Authority or one of its animal control officers shall have full authority to enforce this chapter, however, such authority shall not be construed to prevent any other person, citizen or city officer from filing and prosecuting a complaint in the Municipal Court or any other court having jurisdiction over such matter. The Local Health Authority and its animal control officers shall have the following duties:

A. The Local Health Authority and its animal control officers shall be the primary enforcement authority of the provisions of this chapter and the animal control ordinances of the Town/City.

B. The Local Health Authority or an animal control officer shall have the authority to issue citations for any violation of this ordinance. A citation is the official notice to a person that

he or she is to appear in the Municipal Court to answer a violation. The citation is similar to the traffic ticket issued for a traffic violation, however it does not have to be on any specific form, its only purpose is to give notice of the filing of the violation in the court.

C. If the person being cited is not present, the Local Health Authority or animal control officer may send the citation to the alleged offender by registered or certified mail.

D. It shall be unlawful for any person to interfere with the Local Health Authority or animal control officer in the performance of duties.

E. The Local Health Authority and any animal control officer are authorized to go onto any private property within the Town/City of New Hope, Texas for the purpose of determining whether or not any provision of the ordinance has been violated and to impound any animal kept or harbored in violation of any terms of the ordinances codified by this chapter.

SECTION 2. REPEALING CLAUSE

All parts of ordinances, inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. SAVINGS CLAUSE

An offense committed before the effective date of this ordinance shall be governed by the prior law and the provisions of the Code of Ordinances, as amended and in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 4. SEVERABILITY CLAUSE

If any article, paragraph or subdivision, clause or provision of this ordinance shall be adjudged invalid or held 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 or unconstitutional.

SECTION 5. PENALTY CLAUSE

That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the Town/City of New Hope, Texas, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect after its passage and the publication of the caption as the law and charter in such cases provide.

DULY PASSED by the Town/City Council of the Town/City of _____, Texas, on the _____ day of _____.