

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS; AMENDING ORDINANCE NO. 03-06-44, PARAGRAPH N. OF SECTION 6 PROHIBITING PETS AND ANIMALS ON ATHLETIC FIELDS AND OTHER DESIGNATED AREAS IN PARKS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Frisco, Texas ("Frisco") to amend Ordinance No. 03-06-44 as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Ordinance No. 03-06-44, Section 6 (General Provisions) Paragraph n. (Unlawful to allow animals in/on athletic fields/facility or in concession/restroom areas). Ordinance No. 03-06-44, Section 6 (General Provisions), Paragraph n. (Unlawful to allow animals in/on athletic fields/facility or in concession/restroom areas) is hereby amended to read as follows:

- n. Unlawful to allow animals in/on athletic fields/facility or in concession, plaza, restroom and playground areas or within 75 feet thereof.** It shall be unlawful for a person to allow any animal, for which they are solely or jointly responsible for controlling, on any athletic field/facility, concession, plaza or playground areas within any Park. It shall also be unlawful for a person to allow any animal, for which they are solely or jointly responsible for controlling, within seventy-five feet (75') of any athletic field/facility, concession or plaza areas within any Park unless the animal is located completely on a paved walking trail that is not more than ten feet (10') wide and remains on the walking trail while within seventy-five feet (75') of any athletic field/facility, concession or plaza areas within any Park. For purposes of this Paragraph n:
- 1) "Plaza" shall mean the entire paved portion in the center of a 4-plex or 5-plex of any athletic field/facility. A plaza shall not be considered to be a walking trail.
 - 2) "Playground" shall mean the entire safety surface area around and under playground equipment.

SECTION 3: Penalty Provision. Any person, firm, corporation or entity violating this Ordinance or Ordinance No. 03-06-44 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of FIVE HUNDRED DOLLARS (\$500.00), unless the violation relates to fire safety, zoning or public health and sanitation, in which the fine shall not exceed the sum of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). Each continuing day's violation under this Ordinance or Ordinance No. 03-06-44 shall constitute a separate offense. The penal provisions imposed under this Ordinance or Ordinance No. 03-06-44 shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4: Savings/Repealing Clause. Frisco Ordinance No. 03-06-44 shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 5: Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 6: Effective Date. This Ordinance shall become effective upon its passage and publication as required by the City Charter and by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this 16th day of June, 2006.



ATTESTED TO AND
CORRECTLY RECORDED BY:

Nan Parker
NAN PARKER
City Secretary

E. Michael Simpson
E. MICHAEL SIMPSON, MAYOR

APPROVED AS TO FORM:

Julie Y. Fort
ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.
Julie Y. Fort
City Attorney

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