

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING ORDINANCE NO. 88-10 (ANIMAL CONTROL), SECTION XVII (REPEALS); PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION THEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas ("Town Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Prosper, Texas ("Prosper") to amend Prosper Ordinance No. 88-10, Section XVII (Repeals); and

WHEREAS, Prosper has entered into an Interlocal Agreement for Animal Control Services with Collin County, Texas wherein Prosper is required to amend its animal control ordinances to provide for the animal control regulations of Collin County to apply in Prosper in compliance with said agreement.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS:

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

SECTION 2: AMENDMENT TO PROSPER ORDINANCE NO. 88-10, SECTION XVII (REPEALS). Prosper Ordinance No. 88-10, Section XVII (Repeals) is hereby amended as follows:

SECTION XVII

SAVINGS/REPEALING CLAUSE AND CONFLICTS OF LAWS

All provisions of any ordinance in conflict with this Ordinance, as it exists or may be amended, are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance.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 portions of said ordinances shall remain in full force and effect.

To the extent of any conflict between this Ordinance, and other animal control laws of Prosper, and the regulations of Collin County, Texas regarding animal control, which

are enforced in Prosper by Collin County pursuant to a written agreement between Prosper and Collin County, then the regulations of Collin County shall apply and be enforceable in Prosper.

SECTION 3: Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Prosper from filing suit to enjoin the violation. Prosper retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4: Savings/Repealing Clause. 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 portions of said ordinances shall remain in full force and effect.


SECTION 5: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Prosper 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 or invalid.

SECTION 6: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF PROSPER, TEXAS on this 22nd day of August 2006.


Charles Niswanger, Mayor

**ATTESTED AND CORRECTLY
RECORDED:**


Matthew Denton, Town Secretary

Date(s) of Publication: Aug 29th, 31, 2006

