

# ***City of Alpine***

## ***Regular City Council Meeting***

**Tuesday, March 16, 2021**

Notice is hereby given that the City Council of the City of Alpine, Texas will hold **a Regular Meeting at 5:30 P. M. on Tuesday, March 16, 2021 in Council Chambers at 803 West Holland (in person attendance will be limited to 15 people total including elected officials, staff, and public) and via Zoom Conference, in the City of Alpine, Texas. Meeting login details may be found at [www.cityofalpine.com](http://www.cityofalpine.com)** for the purpose of considering the attached agenda. This notice is posted pursuant to the Texas Open Meetings Act. (Section 551.043, Texas Government Code).

Members of the audience will be provided an opportunity to address the Council on any agenda item after determination of quorum and proof of notice of the meeting. Zoom meeting comment and question rules and procedures are listed on the City Website. Remarks will be limited to a total of 3 minutes per person. Please email your name to Geo Calderon ([g.calderon@ci.alpine.tx.us](mailto:g.calderon@ci.alpine.tx.us)). If you have a petition or other information pertaining to your subject, please email it to the City Secretary beforehand. All names wanting to make public comment for the meeting will be queued up and given to the Mayor at that section of the meeting. The Mayor will call on those individuals one at a time and our meeting moderator will take you off mute to make your comments. This will function the same as our existing sign-up sheet in Council Chambers. **\*\*\* Please note, you MUST include your full name (first and last) along with what Ward you reside in or have business interest in. If you do not live or own property in the City please state that in your email.** State law generally prohibits the Council from discussing or taking any action on any issue not included on the agenda, but, if appropriate, the Council may schedule the topic for future discussion or refer the matter to staff. **NO PERSONAL ATTACKS ON COUNCIL MEMBERS OR CITY STAFF WILL BE ALLOWED.** The Mayor and/or City Council Members may call a Point of Order to stop Personal Attacks. If an individual continues to personally attack an elected official or staff member in a meeting, they may be barred.

## Agenda

1. Call to Order, and Pledge of Allegiance.
2. Determination of a Quorum and Proof of Notice of City Council Meeting.
3. Public Comments – (limited to 3 minutes per person) - None
4. Presentation, Recognitions and Proclamations – (A. Ramos, ,Mayor) - None
5. Reports -

### City Mayor's Report – (A. Ramos, Mayor) –

- Governors new order (GA-34).
- Recognition of outside departments for the hard work they did during the freeze.

### City Attorney's Report

- Information regarding City Manager's benefits
- Coin Operated Establishment

### City Manager Report

- Coronavirus Update
- Covid Safety Policies
- WTG update
- Status of Audit

### City Staff Update

- Building Services by David Hale
- Alpine Police Department by Chief Robert Martin

### 6. Public Hearings –

- Public Hearing to obtain citizen's views and comments regarding the second and final reading of Ordinance 2021-03-01, an ordinance rescinding and repealing the adoption of Ordinance 2020-02-01 which prohibited trains from blocking certain intersections
- Public Hearing to obtain citizen's views and comments regarding the second and final reading of Ordinance 2021-03-02, an ordinance amending Chapter 10 - Animals, concerning Wildlife Feeding and Hunting.

7. Consent Agenda – (Minutes, Financial reports, Department written reports, board appointments, etc.) –

(Notice to the Public – The following items are of a routine and administrative nature. The Council has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Council Member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.)

1. Approval of minutes from City Council meeting on March 2, 2021. (E. Zimmer, City Manager)
2. Approval of moving Darin Nance from Parks & Recreation Advisory Board for Ward 2 to the AISD representative board position. (C. Rodriguez, City Council)
3. Approval of application for the Animal Advisory Board for the the Ward 4 position by applicant James Etchison. (M. Curry, City Council)

8. Information or Discussion items –

1. Discussion on two bills relating to movement of SRSU to Texas A&M University system (Mayor Ramos).
2. Additional planning and upgrades during emergencies. (Mayor Ramos)

9. Action items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to (up to 10 per meeting.) after being called upon by the Mayor or Mayor Pro Tem. Citizens are required to state their name and the Ward in which they reside. Priority will be given to citizens of Alpine and those who own businesses or property in the City. Individuals who do not live in, or own businesses or property in the City Limits of Alpine, will be allowed to speak if there is time available.) –

1. Discuss, consider, and take appropriate action to approve the second and final reading of Ordinance 2021-03-01, an ordinance rescinding and repealing the adoption of Ordinance 2020-02-01 which prohibited trains from blocking certain intersections (E. Zimmer, City Manager)

2. Discuss, consider, and take appropriate action on the second and final reading of Ordinance 2021-03-02, an ordinance amending Chapter 10 - Animals concerning Wildlife Feeding and Hunting. (M. Curry, City Council)
3. Discuss, consider, and take appropriate action recommending any changes to the Utility Billing Ordinance. (R. Stephens, City Council)

10. City Councilmember Comments and Answers – No discussion or action may take place.

11. Executive Session -

1. Update on County Jail property-Old City Hall Annex. (E. Zimmer, City Manager)

NOTICE: The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.086 (economic development.)

12. Action – Executive Session

1. Action, if necessary, regarding Old City Hall Complex (E. Zimmer, City Manager)

I certify that this notice was posted at 2:00 P. M. on March 12, 2021, Pursuant to the Texas Open Meetings Act (Texas Government Code Section 51.043). This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (432)837-3301 or email [city.secretary@ci.alpine.tx.us](mailto:city.secretary@ci.alpine.tx.us) for further information.

DocuSigned by:

*Cynthia Salas*

307D83502061431

Cynthia Salas, City Secretary  
City of Alpine

## Agenda

1. Call to Order, and Pledge of Allegiance.
2. Determination of a Quorum and Proof of Notice of City Council Meeting.
3. Public Comments – (limited to 3 minutes per person) - None
4. Presentation, Recognitions and Proclamations – (A. Ramos, ,Mayor) - None

## 5. Reports -

### City Mayor's Report – (A. Ramos, Mayor) –

- Governors new order (GA-34).
- Recognition of outside departments for the hard work they did during the freeze.

### City Attorney's Report

- Information regarding City Manager's benefits
- Coin Operated Establishment

### City Manager Report

- Coronavirus Update
- Covid Safety Policies
- WTG update
- Status of Audit

City Staff Update

- Building Services by David Hale
- Alpine Police Department by Chief Robert Martin

2020-2021

Q-2

CODE COMPLIANCE

(Judge + City Attorney)<sup>2</sup>

Code Officer

= 1 +  $\frac{1!}{1!}$

+  $\frac{n(\text{Court Clerk})x^2}{2!}$

= Difference





## Q2 Difference

- **Code Compliance Process**
  1. Report of possible violation received.
  2. Property is scheduled for inspection.
  3. If violation exists, the violator is notified first by personal contact and/or a letter giving a period of time to correct the violation.
  4. Property is re-inspected at expiration of time period.
  5. If violation has not been corrected, a Notice of Civil Violation may be issued. Failure to correct a violation may be subject to fines.
  6. When violation has been resolved, case is closed.
  7. Major violations such as demolition of a home, building, mobile home, work without permits hazardous waste, such as tires, batteries, or oil spills a stop work order will be issued along with a fine. The Code Compliance Officer will explain the abatement process with the offender.

# Q2 News

Offense Description	Citations	Amount	6,647.00	0.00
COD182 SEC 56 LITTERING	11	936.00		
MOBILE HOME SKIRTING VIOLATION	5	543.00		
CITY ORDINANCE- JUNK VEHICLE-94-601	1	231.00		
ILLEGAL DUMPING	1	181.00		
BUILDING CODE VIOLATION - NO PERMIT	1	0.00		
COD154 SEC 203 - HIGH WEEDS & GRASS PROHIBITED	1	0.00		
COD154 SEC 206 HAZARD HEALTH SAFETY/WELFARE	2	362.00		
COD154 SEC 213 MAINT. PROP. FREE FROM LITTER	2	362.00		
COD154 SEC 211 STORAGE OF DISCARDED, USED, BROKEN ITEMS	5	905.00		
COD182 SEC. 45 DISPOSAL OF CONSTRUCTION/DEMOLITION WASTE	7	1,267.00		
COD154 SEC 210 MISCELLANEOUS SANITATION NUISA	3	543.00		
COD154 SEC 212 ACCUMULATION OF 'RUBBISH/DEBRIS'	2	362.00		
COD146 SEC 87 CORRECTION OF DANGEROUS CONDITIONS		181.00		
APPENDIX 6 SEC E 25.0 - 26.3 GAS - UNIF PLUMBING CODE		0.00		
COD1 SEC. 98-158 TRAPS REQUIRED		156.00		
COD1 SEC 94-299 PARKING FOR CERTAIN PURPOSES		206.00		
COD1 SEC 94-296 PARKING NOT TO OBSTRUCT TRAFFIC		206.00		
COD1 SEC 94-297 NO STOPPING, STANDING OR PARKING NEAR HAZARD		206.00		
<b>Total:</b>	<b>47</b>	<b>6,647.00</b>		



## Q2 News

Building Services policy and procedures have been defined and now we have a workable well defined way of conducting business.

Contractors are responding positively and are working hard to keep up with the demand for building and construction.

Electricians , Mechanical contractors and Plumbers who live and work in Alpine have been very busy the past two quarters and have more work available than they are able to complete.

<u>TOTAL PERMITS</u>		<u>TOTAL PERMIT FEES</u>
Q1	125	\$ 47,424.43
Q2	104	\$ 28,910.25

## Q2 NEWS

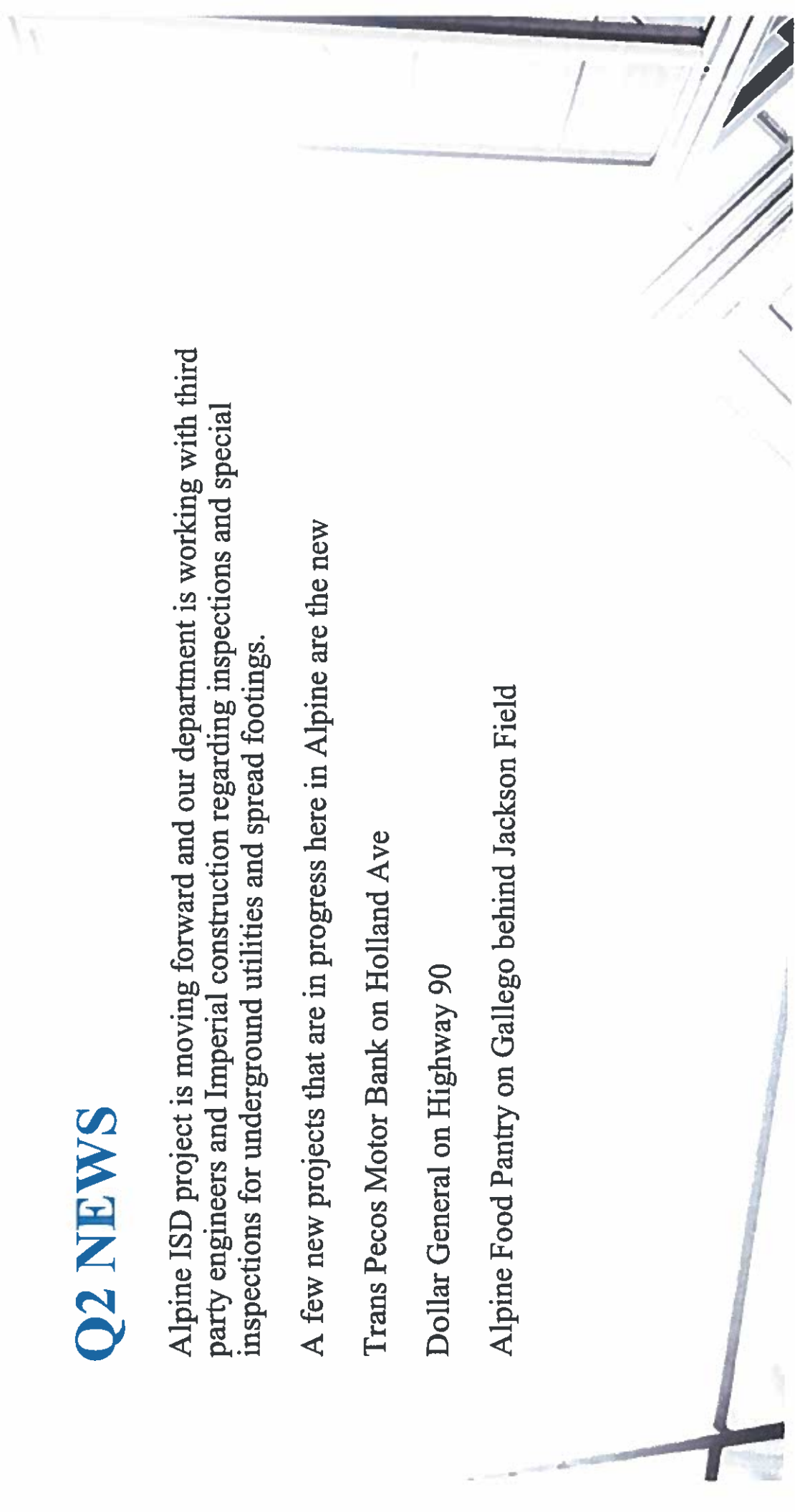
Alpine ISD project is moving forward and our department is working with third party engineers and Imperial construction regarding inspections and special inspections for underground utilities and spread footings.

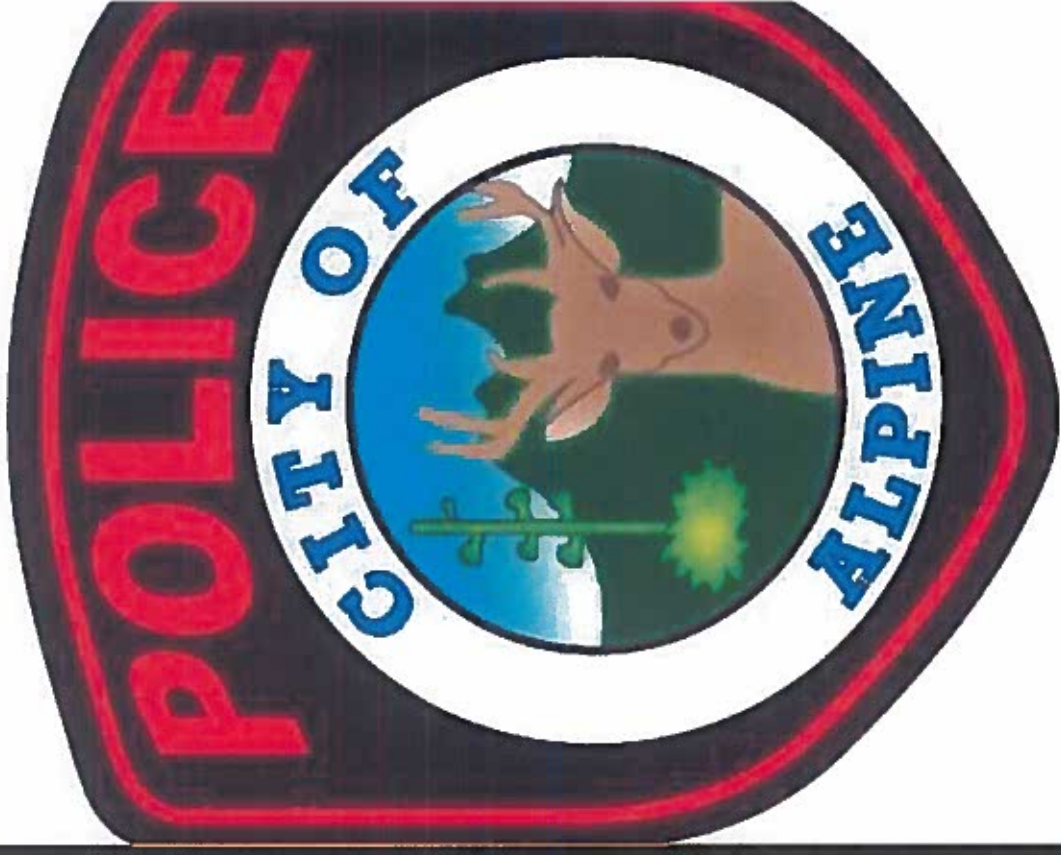
A few new projects that are in progress here in Alpine are the new

Trans Pecos Motor Bank on Holland Ave

Dollar General on Highway 90

Alpine Food Pantry on Gallego behind Jackson Field





**ALPINE POLICE  
DEPARTMENT**

**QUARTERLY REPORT - March 16, 2021**

# 2021 1st QUARTER STATISTICS

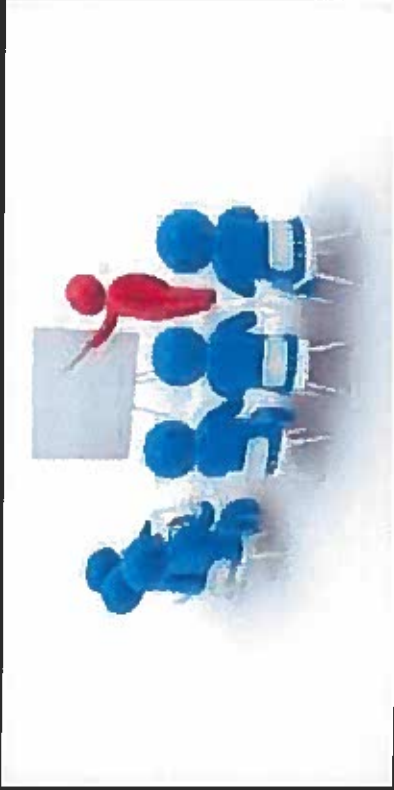
- 278 Citations
- 15 Motor Vehicle Accidents
- 69 Misdemeanor Cases
- 23 Felony Cases
- 34 Arrests
- Case Study on Speed (Avenue B and Hancock)





- Less Lethal ICP Instructor Program
- Basic Fire Inspector, Plans Examiner (Felipe Fierro)
- Crime Scene Investigator
- COVID-19 Rapid Testing
- Misc. Online Training

# Completed Training



# Upcoming Training

- Interaction with Deaf/Hard of Hearing
- Human Trafficking
- Sexual Assault/Family Violence Investigator Course
- Spanish for Police
- CIT (Crisis Intervention Training)
- Continued Training for Chief (LEMIT)





- 15 Body Cameras
- 23 Automated External Defibrillator (AED)
- 14 Bulletproof Vest & Carriers

## Equipment Purchased from Grant Funding





- 5 Ticket Writers & Computer Software (Grant Funded) from Brazos Technology
- Drop Box
- 16 TB Hard Drive for Storage of Videos

# Technology



It's A Great Day To Be In Alpine

6. Public Hearings –

- Public Hearing to obtain citizen's views and comments regarding the second and final reading of Ordinance 2021-03-01, an ordinance rescinding and repealing the adoption of Ordinance 2020-02-01 which prohibited trains from blocking certain intersections
- Public Hearing to obtain citizen's views and comments regarding the second and final reading of Ordinance 2021-03-02, an ordinance amending Chapter 10 - Animals, concerning Wildlife Feeding and Hunting.

- **Public Hearing to obtain citizen's views and comments regarding the second and final reading of Ordinance 2021-03-01, an ordinance rescinding and repealing the adoption of Ordinance 2020-02-01 which prohibited trains from blocking certain intersections**

STATE OF TEXAS  
CITY OF ALPINE

COUNTY OF BREWSTER

**ORDINANCE 2021-03-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS RESCINDING AND REPEALING ORDINANCE 2020-02-01 AND AMENDING THE ALPINE CODE OF ORDINANCES ACCORDINGLY; PROVIDING REPEALING AND SEVERABILITY CLAUSES; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Alpine has cause in pursuit of their legislative duties on behalf of citizens of Alpine to modify and improve rules and regulations concerning public safety; and

**WHEREAS**, after thorough review of actions stemming from the passage of Ordinance 2020-02-01, it is apparent that the reversal of the ordinance would benefit the City; and

**WHEREAS**, it is deemed to be in the best interest of the City to rescind and repeal Ordinance 2020-02-01 effective upon the passage of this ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:**

**SECTION I  
FINDINGS OF FACT**

All of the premises within this Ordinance are hereby found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated herein as findings of fact.

**SECTION II  
CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

**SECTION III  
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of the City of Alpine that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

**SECTION IV  
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION V  
EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by State and Local law.

**PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF MARCH 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING**

**MARCH 2, 2021**

**SECOND AND FINAL READING**

**MARCH 16, 2021**

**ATTEST:**

\_\_\_\_\_  
**Andres "Andy" Ramos, Mayor  
City of Alpine**

\_\_\_\_\_  
**Cynthia Salas, City Secretary  
City of Alpine**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Sandy Wilson, City Attorney  
City of Alpine**

- **Public Hearing to obtain citizen's views and comments regarding the second and final reading of Ordinance 2021-03-02, an ordinance amending Chapter 10 - Animals, concerning Wildlife Feeding and Hunting.**



**STATE OF TEXAS  
CITY OF ALPINE**

**COUNTY OF BREWSTER**

**ORDINANCE 2021-03-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING CHAPTER 10 – ANIMALS, SECTION 10-1 AND ESTABLISHING SECTIONS 10-10 AND 10-11 TO THE ALPINE CODE OF ORDINANCES; PROVIDING REPEALING AND SEVERABILITY CLAUSES; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Alpine has cause in pursuit of their legislative duties on behalf of citizens of Alpine to modify and improve rules and regulations concerning animals; and

**WHEREAS**, the Animal Advisory Board has recommended changes to Chapter 10 – Animals to the Alpine Code of Ordinances; and

**WHEREAS**, it is deemed to be in the best interest of the City to amend Section 10-1, and establish Section 10-10 in Chapter 10 – Animals to the Alpine Code of Ordinances.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:**

**SECTION I  
FINDINGS OF FACT**

All of the premises attached in the form hereto described as Exhibit “A” are hereby found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated herein as findings of fact.

**SECTION II  
CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

**SECTION III  
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of the City of Alpine that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

**SECTION IV  
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION V  
EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by State and Local law.

**PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF MARCH 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING**

**MARCH 2, 2021**

**SECOND AND FINAL READING**

**MARCH 16, 2021**

**ATTEST:**

\_\_\_\_\_  
**Andres “Andy” Ramos, Mayor  
City of Alpine**

\_\_\_\_\_  
**Cynthia Salas, City Secretary  
City of Alpine**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Sandy Wilson, City Attorney  
City of Alpine**

## EXHIBIT "A"

### Sec. 10-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Altered animal* means an animal having been spayed or neutered.

*Animal* means any living vertebrate creature except human beings and with the exclusion of fish, amphibians, reptiles, caged birds and small rodents when kept as pets in a private residence, or enclosed in a commercial enclosure. The word "animal" shall mean only a mammal when referring specifically to the control of rabies.

*Animal control officer* or *ACO* means a duly authorized person responsible for the enforcement of this chapter including peace officers.

*Animal shelter* means any premises designated or operated by the city for the purpose of impounding and caring for animals under the authority of this chapter.

*Attack* means definite vigorous, aggressive action by a dog directly against a person or other animal which results in the infliction of bodily injury, or the threat of bodily injury, by such dog to a person or other animal.

*Bee, bee keeping and bee hives* means any of numerous hairy-bodied insects including social and solitary species, the cultivation of bees on any commercial scale for the production of honey or bees, and a hive is a manmade receptacle that houses a swarm of bees.

*Bite* means an abrasion, scratch, puncture, tear or piercing of the skin actually or suspected of being caused by the mouth of any animal.

*City* or *City of Alpine* means officials of the City of Alpine including, but not limited to, the city manager, the animal control officer, and any City of Alpine peace officer.

*Collar* means a band, chain, harness or other suitable device worn about the neck of an animal to which a current rabies vaccination registration tag can be affixed.

*Continual noise or frequent or long continued noise* means noise pollution, unwanted or excessive sound, a nuisance that interferes with activities, for example owning an animal that causes frequent or long-continued noise, by barking or howling, that disturbs the comfort of any person.

*Current vaccination* means vaccinated and satisfying the following:

- (1) The animal must have been at least three months of age at the time of vaccination.
- (2) At least 30 days have elapsed since the initial vaccination.
- (3) Not more than 12 months have elapsed since the most recent vaccination.

*Dangerous animal* means any animal that:

- (1) Has inflicted severe injury on a human being without provocation;
- (2) Has injured or killed a domestic animal without provocation; or
- (3) Has been previously found to be potentially dangerous, the owner having received notice of such and the animal again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

*Potentially dangerous animal* means any animal that when unprovoked:

- (1) Inflicts injury on a human or a domestic animal; or
- (2) Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or
- (3) Has a known propensity, tendency, or disposition to attack, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

*Dangerous dog* means a dog that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and such acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

*Dilapidated* means a building, structure or material that has fallen into partial ruin by neglect or misuse or into a condition of partial decay.

*Dog* means any member of the *canis familiaris* species.

*Domestic animals* means animal species which generally have their breeding controlled by people and which by their long association with people have been developed into breeds or types for specific uses by people.

*Domesticated* means a tame animal that is subject to the dominion and control of an owner and accustomed to living in or near human habitation without requiring extraordinary restraint or unreasonably disturbing such human habitation.

*Dwelling* means any building or portion thereof which is designed and used for residential purposes. An attached garage shall be deemed to be part of a dwelling.

*Enclosed structure* means a building or other similar structure that is fully enclosed with a roof in place to provide a degree of protection, and does not include a yard or fence.

*Euthanasia* means putting to death of an animal in a manner and method which does not cause pain nor take longer than one minute to effect unconsciousness or death, and is in compliance with the provisions of V.T.C.A., Health and Safety Code ch. 823. Shooting firearms into a pen or enclosure containing multiple animals is prohibited by the Texas Health and Safety Code and shall not satisfy the requirement under the definition of euthanasia or humane destruction of animals. Lethal injection and efficiently operating carbon monoxide chambers shall, throughout this chapter, be presumed to be the method of euthanasia employed by the city.

*Euthanize* means to kill in a humane manner.

*Exotic animal* means any animal that is not livestock or a domesticated animal and includes, but is not limited to, no matter how well-trained: all alligators and crocodiles; all bears; all cats other than the commonly accepted domesticated cats, including but not limited to cheetah, leopard, lion, lynx, panther, cougar, mountain lion, bobcat, and tiger; all dogs other than domesticated dogs, including but not limited to wolf, part wolf, fox, part fox, coyote, and part coyote; all porcupines; all nonhuman primates; all raccoons; all skunks; all venomous fish and piranha; all venomous snakes and lizards; and all weasels other than ferrets.

*Exposed to rabies* means an animal which has been exposed to rabies if it has been bitten by another animal or has been in contact with any animal known to be or suspected of being infected with rabies.

*Feral animal* means formerly domesticated animals and their offspring which have roamed at large for a sufficient period of time and with sufficient success at survival as to be deemed no longer domesticated.

*Food* means bread products, corn, fruit, oats, hay, nuts, wheat, alfalfa, salt blocks, feed, grain, vegetables, and commercially sold wildlife feed, or livestock feed, but excludes live naturally growing shrubs, live crops, plants, flowers, vegetation, gardens, trees, and fruit or nuts that have fallen on the ground or are within reach of wildlife.

*Fowl* means any domesticated bird used as food by people, such as chickens, ducks, turkeys, geese, guinea fowl, peafowl or pigeons.

*Horse* means any member of the equine family.

*Humanely destroy* means to cause the death of an animal by a method which:

- (1) Rapidly produces unconsciousness and death without visible evidence of pain or distress; or
- (2) Utilizes anesthesia produced by an agent which causes painless loss of consciousness and death following such loss of consciousness.

*Keep or harbor* means to have charge, custody or control of an animal or fowl, or permitting the animal or fowl to habitually remain or be lodged or fed within the house, store, yard, enclosure or place of the owner or occupant of the premises.

*Kennel* means any premises on which four or more dogs or four or more cats, four months of age or older, are kept; or where the business of buying, selling, breeding, grooming, training or boarding of dogs or cats is conducted. The term "kennel" does not include veterinary hospitals or humane societies.

*Large livestock animal* means cattle, horses, mules, beasts of burden, or any other similar domesticated animal.

*License, registration or permit* means a printed authorization issued by the city allowing the holder to keep the animal described within the corporate limits.

*Livestock* means domestic animals of the equine, bovine, ovine, caprine or porcine genera.

*Nuisance* means disturbing the peace, emitting noxious or offensive odors or otherwise endangering or being offensive to the environment of the city.

*Own* means to own, keep, harbor or have charge, custody or control of an animal or fowl.

*Owner* means any person who owns, harbors, keeps or causes or permits to be harbored or kept, or has in his care, an animal or bird on or about his premises or any person keeping, harboring, having charge or control of, or permitting to habitually be or remain on such person's premises any animal for a period of six consecutive days or more.

*Pet animal* means dogs, cats, birds, guinea pigs, hamsters, mice, snakes, iguana and turtles. Pet animal shall also include any domesticated animal that a person owns or that is sold or offered for sale for the purpose of being kept indoors as household pets.

*Quarantine* means to place an animal in a secure enclosure which precludes physical contact with any other animal.

*Rabies* means an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.

*Restrained or confined* means an animal restricted to the property of the owner or under the direct physical control of a competent person.

*Retail sale* means the business of selling pet animals directly to consumers of the public.

*Run at large* means free of physical restraint beyond an enclosed or fenced area; includes any animal that is not under the actual control of its owner.

*Small livestock animal* means swine, sheep, goats or any other domesticated or wild animal of smaller stature, except pet animals or fowl.

*Stray* means any animal running free with no physical restraint beyond the premises of the owner.

*Swine* means any member of the Suidae species.

*Unaltered animal* means an animal that has not been spayed or neutered.

*Vaccination* means the inoculation of an animal with a vaccine that is licensed by the United States Department of Agriculture, and which is administered by a veterinarian for the purpose of immunizing the animal against rabies.

*Veterinarian* means a veterinarian holding a current and valid license to practice veterinary medicine in the state.

*Wild animal* means any non-domestic animal.

***Wildlife* means any undomesticated animals living in the wild.**

(Ord. No. 2008-11-01, § 1, 1-6-09; Ord. No. 2015-11-01, Exh. A, 6-21-16)

**Cross reference—** Definitions generally, § 1-2.

**Sec. 10-10. – Wildlife Feeding**

Within the city limits of Alpine the feeding of wildlife has resulted in overabundant and highly concentrated populations of wildlife throughout the City and within City parks; and specifically, the feeding of deer has been shown to increase the concentration of deer in these areas, thereby increasing the likelihood of collisions between vehicles and deer and increasing damage to residential and commercial vegetation and landscaping in the City.

The City of Alpine and the Texas Parks and Wildlife Department find that discouraging and prohibiting the artificial feeding of wildlife is in the best interest of the health, safety and welfare of the community and wildlife populations.

**(a) Feeding of wildlife prohibited.**

- (1) Except as provided below in 10-62, (b) (1) and (2), a person commits an offense if the person intentionally feeds wildlife by making food available for consumption on private or public property within the city limits of the city.
- (2) A person shall be deemed to have purposely fed or caused wildlife to be fed if the person places food, as defined in this section, in any form, (not including live vegetation such as ornamental landscaping or flowers) on the ground, or within reach of wildlife.
- (3) A person who violates any provision of this ordinance commits an offense.

**(b) Exceptions; Affirmative Defenses**

- (1) This ordinance does not apply to the placement of food into feeders kept at a minimum of 5 feet above the ground surface and intended for birds.
- (2) This ordinance does not apply to an animal control officer, veterinarian, peace officer, City employee, federal or state wildlife official, who is acting pursuant to a lawfully authorized program to treat, manage, capture, trap, hunt, or remove wildlife and who is acting within the scope of the person's authority.
- (3) It is an affirmative defense to prosecution under this section if a person places food, in good faith, for the purpose of feeding domestic livestock or domestic pets located on their property.

**(c) Enforcement.**

- (1) Animal Control Officers, Park Rangers, Code Compliance Officers and Police Officers are hereby given full power and authority to enforce this ordinance.
- (2) It is a violation to hinder, molest or interfere with anyone authorized or empowered to perform any duty under this ordinance.

**(d) Penalties.**



- (1) A person who commits a violation of this ordinance will first be given a warning and will be provided information on the negative impacts of wildlife feeding. A second offense will result in prosecution in municipal court. Any violation of this ordinance is deemed a Class C misdemeanor punishable by a fine of not less than \$75.00 or more than \$500.00. Each day any violation of any provision of this Code shall continue shall constitute a separate offense.
- (2) Nothing in this section shall be construed as to limit any civil action the city may take to enforce the terms of this ordinance.

**Sec. 10-11 - Hunting.**

- (1) No person shall hunt, molest, harm, frighten, tease, shoot, or throw missiles at any animal, including domestic or wildlife within city limits.
- (2) No person shall remove or have in his possession the young of any wildlife, or the eggs, or nest or young of any reptile or fowl within city limits.

Secs. 10-12—10-41. - Reserved.

7. Consent Agenda – (Minutes, Financial reports, Department written reports, board appointments, etc.) –

(Notice to the Public – The following items are of a routine and administrative nature. The Council has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Council Member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.)

1. Approval of minutes from City Council meeting on March 2, 2021. (E. Zimmer, City Manager)
2. Approval of moving Darin Nance from Parks & Recreation Advisory Board for Ward 2 to the AISD representative board position. (C. Rodriguez, City Council)
3. Approval of application for the Animal Advisory Board for the the Ward 4 position by applicant James Etchison. (M. Curry, City Council)



1. Approval of minutes from City Council meeting on March 2, 2021. (E. Zimmer, City Manager)

City of Alpine  
Regular City Council Meeting  
Tuesday, March 2, 2021  
5:30 P.M.  
Minutes

1. Call to Order, and Pledge of allegiance to the flags – Mayor Ramos called the meeting to order. The meeting was held at the Civic Center and via Zoom Conference in the City of Alpine, Texas. Mayor Ramos led the pledge of allegiance to the flags.
2. Determination of a quorum and proof of notice of the meeting – Councilor Rodriguez, Councilor Sandate, and Councilor Stephens attended at the Council Chambers. Mayor Ramos, Councilor Curry and Councilor Betty Fitzgerald attended via zoom. City Manager, Erik Zimmer reported that the agenda was posted at 2:00 P.M. on February 19, 2021. City Manager Erik Zimmer attended via zoom.
3. Public Comments (limited to 3 minutes per person) –
4. Presentation, Recognitions, and Proclamations – (A. Ramos, Mayor)
5. Reports – Copies of the charts presented during the meeting are posted on the City website at [www.cityofalpine.com/cmreports](http://www.cityofalpine.com/cmreports).

City Mayor's Report – (A. Ramos, Mayor) – None

City Attorney's Report –

- Update on discussion with County Attorney relative to footprint of County Jail and underlying verbal agreements relative to the sale of the property.
- Case file update post initial Docket.
- Update on Parkhill-Smith & Cooper.

City Manager Report –

- Coronavirus Update
- Property sales process and property inventory update.
- Cost associated with retrofitting old Municipal Court location to short term jail space.

City Staff Updates – None

5. Public Hearing –
  - Public Hearing regarding the second and final reading of Ordinance 2021-02-01, an ordinance amending Chapter 10 – Animals, Article VI – Animal Advisory Board, Section 10-223 to the Alpine Code of Ordinances.
  - Public Hearing regarding the second and final reading of Ordinance 2021-02-02, an ordinance amending Chapter 10 – Animals, Article II – keeping Animals, Section 10-41 and 10-59 to the Alpine Code of Ordinances.
7. Consent Agenda – (Minutes, Financial reports, Department written reports, board appointments, etc.) –

(Notice to the Public – The following items are of a routine and administrative nature. The Council has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Council Member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

1. Approval of minutes from City Council meeting on February 23, 2021. (E. Zimmer, City Manager)

2. Approval of application for the Parks & Recreation Advisory Board for the Alpine Friends of the Park board appointment by applicant Leticia Carrillo, President of Big Bend Parks and Recreation for Kids. (E. Zimmer, City Manager)

Motion was made by Councilor Stephens, by Resolution 2021-03-01 to approve as written. Motion was seconded by Councilor Curry. Motion unanimously carried.

8. Information or Discussion items –

1. Utility Billing and Property Owner as primary on utility bills. (R. Stephens, City Council)

9. Action items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to (up to 10 per meeting.) after being called upon by Mayor or Mayor Pro Term. Citizens are required to state their name and the Ward in which they reside. Priority will be given to citizens of Alpine and those who own businesses or property in the City. Individuals who do not live in, or own businesses or property in the City limits of Alpine, will be allowed to speak if there is time available.) –

1. Discuss, consider, and take appropriate action to approve Resolution 2021-03-02, a Declaration of local disaster from the power outage. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2021-03-02 to approve a Declaration of local disaster from the power outage. Motion was seconded by Councilor Curry. Motion unanimously carried.

2. Discuss, consider, and take appropriate action to approve Resolution 2021-03-03 from Rio Grande Council of Governments for the City of Alpine’s annual dues in the Far West Texas Regional Water Planning Group. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens by Resolution 2021-03-03 to approve Resolution 2021-03-03 for the City of Alpine’s annual dues of \$1981.52 from Far West Texas Regional Water Planning Group. Motion was seconded by Councilor Curry. Motion unanimously carried.

3. Discuss, consider, and take appropriate action to approve the Certificate of Unopposed Candidate for Ward 3, 2021 election (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2021-03-04 to approve the Certificate of Unopposed Candidate for Ward 3, 2021 election. Motion was seconded by Councilor Curry. Motion unanimously carried.

4. Discuss, consider, and take appropriate action to approve the Order of Cancellation for Ward 3, 2021 election (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2021-03-05, to approve the Order of Cancellation for Ward 3, 2021 election. Motion was seconded by Councilor Curry. Motion unanimously carried.

5. Discuss, consider, and take appropriate action on the recommendation from the Planning & Zoning Commission to approve Conditional Use Permit application for the establishment of a blacksmith shop. Property is located at 501 West Gallego Avenue. Legal description is Lot one (1), in Block sixty-two (62), of the Original Town of Alpine, Brewster County, Texas ((R12163). Owner of record is Alexander Kamelhair. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2021-03-06, on the recommendation from the Planning & Zoning Commission to approve Conditional Use Permit application for the establishment of a blacksmith shop. Property is located at 501 West Gallego Avenue. Legal description is Lot one (1), in Block sixty-two (62), of the Original

Town of Alpine, Brewster County, Texas (R12163). Owner of record is Alexander Kamelhair. Motion was seconded by Councilor Curry. Motion unanimously carried.

6. Discuss, consider, and take appropriate action to approve replat for a building located at 1306 East Holland Avenue establishing Lot 1-A and 2-A, in block 24 containing 2.374 acres in Hancock Addition to the City of Alpine, Brewster County, Texas. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2021-03-07 to approve replat for a building located at 1306 East Holland Avenue establishing Lot 1-A and 2-A, in block 24 containing 2.374 acres in Hancock Addition to the City of Alpine, Brewster County, Texas. Motion was seconded by Councilor Curry. Motion unanimously carried.
7. Discuss, consider, and take appropriate action to approve the second and final reading of Ordinance 2021-02-01, an ordinance amending Chapter 10 – Animals, Article VI – Animal Advisory Board, Section 10-223 to the Alpine Code of Ordinances. (M. Curry, City Council) – Motion was made by Councilor Curry, by Resolution 2021-03-08 to approve the second and final reading of Ordinance 2021-02-01, an ordinance amending Chapter 10 – Animals, Article VI – Animal Advisory Board, Section 10-223 to the Alpine Code of Ordinances. Motion was seconded by Councilor Rodriguez. Motion unanimously carried.
8. Discuss, consider, and take appropriate action to approve the second and final reading of Ordinance 2021-02-02, an ordinance amending Chapter 10 – Animals, Article II – keeping Animals, Section 10-41 and 10-59 to the Alpine Code of Ordinances. (M. Curry, City Council) – Motion was made by Councilor Curry, by Resolution 2021-03-09 to approve the second and final reading of Ordinance 2021-02-02, an ordinance amending Chapter 10 – Animals, Article II – keeping Animals, Section 10-41 and 10-59 to the Alpine Code of Ordinances. Motion was seconded by Councilor Rodriguez. Motion unanimously carried.
9. Discuss, consider, and take appropriate action to approve the first reading of Ordinance 2021-03-01, an ordinance rescinding and repealing the adoption of Ordinance 2020-02-01 which prohibited trains from blocking certain intersections. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2021-03-10 to approve the first reading of Ordinance 2021-03-01, an ordinance rescinding and repealing the adoption of Ordinance 2020-02-01 which prohibited trains from blocking certain intersections and that section 1 findings of fact include the following words, Ordinance 2020-02-01 is hereby rescinded and repealed upon the passage of Ordinance 2021-03-01 all the premises within Ordinance 2021-03-01 are hereby found to be true and correct legislative of actual findings of the City Council of the City of Alpine and hereby approve and incorporated herein as findings of fact. Motion was seconded by Councilor Curry. Motion unanimously carried.
10. Discuss, consider, and take appropriate action to approve the first reading of Ordinance 2021-03-02, an ordinance amending Chapter 10 – Animals, concerning Wildlife Feeding and Hunting. (M. Curry, City Council) – Motion was made by Councilor Curry, by Resolution 2021-03-11 to approve the first reading of Ordinance 2021-03-02, an ordinance amending Chapter 10 – Animals, concerning Wildlife Feeding and Hunting. Motion was seconded by Councilor Betty Fitzgerald. Motion unanimously carried.

10. City Councilmember Comments and Answers – No discussion or action may take place.

11. Executive Session - None

NOTICE: The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Pursuant to Texas Government Code 551.071 (consultation with an attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.086 (economic development)

12. Action – Executive Session – None

Council minutes: 03-02-2021

Approved: 03-16-2021

I certify that this notice was posted at 2:00 P.M. on February 26, 2021, pursuant to Texas Open Meetings Act. (Texas Vernon's Annotated Civil statutes, section 551.043 Texas Government Code.) This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the city secretary's office at (432) 837-3301 or fax (432) 837-2044 for further information.

---

Andres "Andy" Ramos, Mayor

Attest:

---

Cynthia Salas, City Secretary

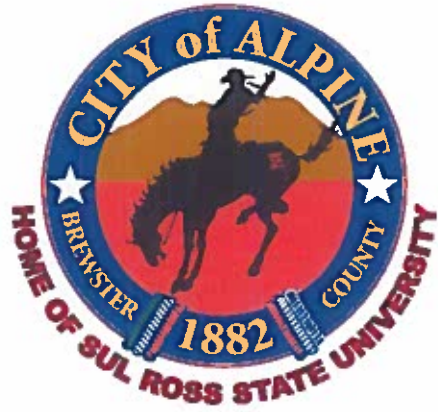
I, Cynthia Salas, City Secretary, do certify that this notice was posted at 2:00 P.M. on February 26, 2021, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

---

Cynthia Salas, City Secretary

2. Approval of moving Darin Nance from Parks & Recreation Advisory Board for Ward 2 to the AISD representative board position. (C. Rodriguez, City Council)

3. Approval of application for the Animal Advisory Board for the the Ward 4 position by applicant James Etchison. (M. Curry, City Council)



**CITY OF ALPINE  
ADVISORY BOARDS & COMMISSIONS QUESTIONNAIRE**

\* **First Name**

James

\* **Last Name**

Etchison

\* **Street Address**

150 Quail Run Road

\* **City**

Alpine

\* **State**

TX

\* **Zip**

79831

\* **Email Address**

james.etchison@gmail.com

\* **Phone**

15038513810

\* **Occupation**

Explosive Detection Canine Handler / Kennel Master

\* **How long have you been a resident of or involved with Alpine?**

2 Years

\* **Are you a qualified voter of the City of Alpine?**

- Yes  
 No

\* **Board or Commission you have interest in serving on:**

Animal Advisory Board / Ward 4

\* **Please provide brief background information about yourself, including education, work experience, and any special qualifications you have for serving on this board/commission:**

- Developed and maintained operational protocols, plans, and procedures that ensure overall quality control within the area for K-9 Teams.
- Developed and implemented training programs and test preparation in canine certifications.
- Supervised canine staff and worked closely with onsite PSS staff and management.
- Reviewed and analyzed information and reports to make assessments, ensure accuracy and provide feedback for all assigned canine units.
- Prioritized and coordinated the activities of the Canine Operators.
- Validated completion of proficiency checks and training to correct any deficiencies with canines and handlers.
- Managed all equipment (Explosives/Narcotics), vehicles, training locations, and procedures of handlers work.
- Collaborated with corporate security management and directed staff accordingly, to ensure compliance was approved for canine welfare.

**Please state why you wish to service the City of Alpine as a member of a board or commission:**



With my 25 plus years of experience with animals, my experience worldwide as well as local and state knowledge and experience, my addition would be a new perspective and outlook on the welfare of animals.

---

**\* Do you receive any compensation from the City of Alpine or are there any potential conflicts of interest if you serve the City of Alpine?**

- Yes
- No

**\* Do you currently, or have you in the past served the City of Alpine?**

- Yes
- No

**If yes, in what capacity?**

**How long?**

---

**If yes, please explain:**

---

I, the applicant for this *Boards & Commissions Application*, certify that the information contained in this application is true, correct, and complete. I understand that, if selected, false statements reported on this applications may be considered sufficient cause for dismissal.

**\* Electronic Signature**

James Etchison

**\* Date**

01/22/2021

Format: MM/DD/YYYY

**\* I understand that checking this box constitutes a legal signature confirming that I acknowledge and agree to the above Terms of Acceptance.**

**Option 1**

8. Information or Discussion items –

1. Discussion on two bills relating to movement of SRSU to Texas A&M University system (Mayor Ramos).
2. Additional planning and upgrades during emergencies. (Mayor Ramos)

9. Action items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to (up to 10 per meeting.) after being called upon by the Mayor or Mayor Pro Tem. Citizens are required to state their name and the Ward in which they reside. Priority will be given to citizens of Alpine and those who own businesses or property in the City. Individuals who do not live in, or own businesses or property in the City Limits of Alpine, will be allowed to speak if there is time available.) –

1. Discuss, consider, and take appropriate action to approve the second and final reading of Ordinance 2021-03-01, an ordinance rescinding and repealing the adoption of Ordinance 2020-02-01 which prohibited trains from blocking certain intersections (E. Zimmer, City Manager)
2. Discuss, consider, and take appropriate action on the second and final reading of Ordinance 2021-03-02, an ordinance amending Chapter 10 - Animals concerning Wildlife Feeding and Hunting. (M. Curry, City Council)
3. Discuss, consider, and take appropriate action recommending any changes to the Utility Billing Ordinance. (R. Stephens, City Council)

1. Discuss, consider, and take appropriate action to approve the second and final reading of Ordinance 2021-03-01, an ordinance rescinding and repealing the adoption of Ordinance 2020-02-01 which prohibited trains from blocking certain intersections (E. Zimmer, City Manager)

**STATE OF TEXAS  
CITY OF ALPINE**

**COUNTY OF BREWSTER**

**ORDINANCE 2021-03-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS RESCINDING AND REPEALING ORDINANCE 2020-02-01 AND AMENDING THE ALPINE CODE OF ORDINANCES ACCORDINGLY; PROVIDING REPEALING AND SEVERABILITY CLAUSES; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Alpine has cause in pursuit of their legislative duties on behalf of citizens of Alpine to modify and improve rules and regulations concerning public safety; and

**WHEREAS**, after thorough review of actions stemming from the passage of Ordinance 2020-02-01, it is apparent that the reversal of the ordinance would benefit the City; and

**WHEREAS**, it is deemed to be in the best interest of the City to rescind and repeal Ordinance 2020-02-01 effective upon the passage of this ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:**

**SECTION I  
FINDINGS OF FACT**

All of the premises within this Ordinance are hereby found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated herein as findings of fact.

**SECTION II  
CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

**SECTION III  
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of the City of Alpine that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

**SECTION IV  
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION V  
EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by State and Local law.

**PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF MARCH 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING**

**MARCH 2, 2021**

**SECOND AND FINAL READING**

**MARCH 16, 2021**

**ATTEST:**

\_\_\_\_\_  
**Andres "Andy" Ramos, Mayor  
City of Alpine**

\_\_\_\_\_  
**Cynthia Salas, City Secretary  
City of Alpine**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Sandy Wilson, City Attorney  
City of Alpine**

2. Discuss, consider, and take appropriate action on the second and final reading of Ordinance 2021-03-02, an ordinance amending Chapter 10 - Animals concerning Wildlife Feeding and Hunting. (M. Curry, City Council)

STATE OF TEXAS  
CITY OF ALPINE

COUNTY OF BREWSTER

**ORDINANCE 2021-03-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING CHAPTER 10 – ANIMALS, SECTION 10-1 AND ESTABLISHING SECTIONS 10-10 AND 10-11 TO THE ALPINE CODE OF ORDINANCES; PROVIDING REPEALING AND SEVERABILITY CLAUSES; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Alpine has cause in pursuit of their legislative duties on behalf of citizens of Alpine to modify and improve rules and regulations concerning animals; and

**WHEREAS**, the Animal Advisory Board has recommended changes to Chapter 10 – Animals to the Alpine Code of Ordinances; and

**WHEREAS**, it is deemed to be in the best interest of the City to amend Section 10-1, and establish Section 10-10 in Chapter 10 – Animals to the Alpine Code of Ordinances.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT:**

**SECTION I  
FINDINGS OF FACT**

All of the premises attached in the form hereto described as Exhibit “A” are hereby found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated herein as findings of fact.

**SECTION II  
CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

**SECTION III  
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council of the City of Alpine that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.



**SECTION IV  
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION V  
EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by State and Local law.

**PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF MARCH 2021 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING**

**MARCH 2, 2021**

**SECOND AND FINAL READING**

**MARCH 16, 2021**

**ATTEST:**

\_\_\_\_\_  
**Andres "Andy" Ramos, Mayor  
City of Alpine**

\_\_\_\_\_  
**Cynthia Salas, City Secretary  
City of Alpine**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Sandy Wilson, City Attorney  
City of Alpine**

## EXHIBIT "A"

### Sec. 10-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Altered animal* means an animal having been spayed or neutered.

*Animal* means any living vertebrate creature except human beings and with the exclusion of fish, amphibians, reptiles, caged birds and small rodents when kept as pets in a private residence, or enclosed in a commercial enclosure. The word "animal" shall mean only a mammal when referring specifically to the control of rabies.

*Animal control officer* or *ACO* means a duly authorized person responsible for the enforcement of this chapter including peace officers.

*Animal shelter* means any premises designated or operated by the city for the purpose of impounding and caring for animals under the authority of this chapter.

*Attack* means definite vigorous, aggressive action by a dog directly against a person or other animal which results in the infliction of bodily injury, or the threat of bodily injury, by such dog to a person or other animal.

*Bee, bee keeping and bee hives* means any of numerous hairy-bodied insects including social and solitary species, the cultivation of bees on any commercial scale for the production of honey or bees, and a hive is a manmade receptacle that houses a swarm of bees.

*Bite* means an abrasion, scratch, puncture, tear or piercing of the skin actually or suspected of being caused by the mouth of any animal.

*City or City of Alpine* means officials of the City of Alpine including, but not limited to, the city manager, the animal control officer, and any City of Alpine peace officer.

*Collar* means a band, chain, harness or other suitable device worn about the neck of an animal to which a current rabies vaccination registration tag can be affixed.

*Continual noise or frequent or long continued noise* means noise pollution, unwanted or excessive sound, a nuisance that interferes with activities, for example owning an animal that causes frequent or long-continued noise, by barking or howling, that disturbs the comfort of any person.

*Current vaccination* means vaccinated and satisfying the following:

- (1) The animal must have been at least three months of age at the time of vaccination.
- (2) At least 30 days have elapsed since the initial vaccination.
- (3) Not more than 12 months have elapsed since the most recent vaccination.

*Dangerous animal* means any animal that:

- (1) Has inflicted severe injury on a human being without provocation;
- (2) Has injured or killed a domestic animal without provocation; or
- (3) Has been previously found to be potentially dangerous, the owner having received notice of such and the animal again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

*Potentially dangerous animal* means any animal that when unprovoked:

- (1) Inflicts injury on a human or a domestic animal; or
- (2) Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or
- (3) Has a known propensity, tendency, or disposition to attack, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

*Dangerous dog* means a dog that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and such acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

*Dilapidated* means a building, structure or material that has fallen into partial ruin by neglect or misuse or into a condition of partial decay.

*Dog* means any member of the *canis familiaris* species.

*Domestic animals* means animal species which generally have their breeding controlled by people and which by their long association with people have been developed into breeds or types for specific uses by people.

*Domesticated* means a tame animal that is subject to the dominion and control of an owner and accustomed to living in or near human habitation without requiring extraordinary restraint or unreasonably disturbing such human habitation.

*Dwelling* means any building or portion thereof which is designed and used for residential purposes. An attached garage shall be deemed to be part of a dwelling.

*Enclosed structure* means a building or other similar structure that is fully enclosed with a roof in place to provide a degree of protection, and does not include a yard or fence.

*Euthanasia* means putting to death of an animal in a manner and method which does not cause pain nor take longer than one minute to effect unconsciousness or death, and is in compliance with the provisions of V.T.C.A., Health and Safety Code ch. 823. Shooting firearms into a pen or enclosure containing multiple animals is prohibited by the Texas Health and Safety Code and shall not satisfy the requirement under the definition of euthanasia or humane destruction of animals. Lethal injection and efficiently operating carbon monoxide chambers shall, throughout this chapter, be presumed to be the method of euthanasia employed by the city.

*Euthanize* means to kill in a humane manner.

*Exotic animal* means any animal that is not livestock or a domesticated animal and includes, but is not limited to, no matter how well-trained: all alligators and crocodiles; all bears; all cats other than the commonly accepted domesticated cats, including but not limited to cheetah, leopard, lion, lynx, panther, cougar, mountain lion, bobcat, and tiger; all dogs other than domesticated dogs, including but not limited to wolf, part wolf, fox, part fox, coyote, and part coyote; all porcupines; all nonhuman primates; all raccoons; all skunks; all venomous fish and piranha; all venomous snakes and lizards; and all weasels other than ferrets.

*Exposed to rabies* means an animal which has been exposed to rabies if it has been bitten by another animal or has been in contact with any animal known to be or suspected of being infected with rabies.

*Feral animal* means formerly domesticated animals and their offspring which have roamed at large for a sufficient period of time and with sufficient success at survival as to be deemed no longer domesticated.

*Food* means bread products, corn, fruit, oats, hay, nuts, wheat, alfalfa, salt blocks, feed, grain, vegetables, and commercially sold wildlife feed, or livestock feed, but excludes live naturally growing shrubs, live crops, plants, flowers, vegetation, gardens, trees, and fruit or nuts that have fallen on the ground or are within reach of wildlife.

*Fowl* means any domesticated bird used as food by people, such as chickens, ducks, turkeys, geese, guinea fowl, peafowl or pigeons.

*Horse* means any member of the equine family.

*Humanely destroy* means to cause the death of an animal by a method which:

- (1) Rapidly produces unconsciousness and death without visible evidence of pain or distress; or
- (2) Utilizes anesthesia produced by an agent which causes painless loss of consciousness and death following such loss of consciousness.

*Keep or harbor* means to have charge, custody or control of an animal or fowl, or permitting the animal or fowl to habitually remain or be lodged or fed within the house, store, yard, enclosure or place of the owner or occupant of the premises.

*Kennel* means any premises on which four or more dogs or four or more cats, four months of age or older, are kept; or where the business of buying, selling, breeding, grooming, training or boarding of dogs or cats is conducted. The term "kennel" does not include veterinary hospitals or humane societies.

*Large livestock animal* means cattle, horses, mules, beasts of burden, or any other similar domesticated animal.

*License, registration or permit* means a printed authorization issued by the city allowing the holder to keep the animal described within the corporate limits.

*Livestock* means domestic animals of the equine, bovine, ovine, caprine or porcine genera.

*Nuisance* means disturbing the peace, emitting noxious or offensive odors or otherwise endangering or being offensive to the environment of the city.

*Own* means to own, keep, harbor or have charge, custody or control of an animal or fowl.

*Owner* means any person who owns, harbors, keeps or causes or permits to be harbored or kept, or has in his care, an animal or bird on or about his premises or any person keeping, harboring, having charge or control of, or permitting to habitually be or remain on such person's premises any animal for a period of six consecutive days or more.

*Pet animal* means dogs, cats, birds, guinea pigs, hamsters, mice, snakes, iguana and turtles. Pet animal shall also include any domesticated animal that a person owns or that is sold or offered for sale for the purpose of being kept indoors as household pets.

*Quarantine* means to place an animal in a secure enclosure which precludes physical contact with any other animal.

*Rabies* means an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.

*Restrained or confined* means an animal restricted to the property of the owner or under the direct physical control of a competent person.

*Retail sale* means the business of selling pet animals directly to consumers of the public.

*Run at large* means free of physical restraint beyond an enclosed or fenced area; includes any animal that is not under the actual control of its owner.

*Small livestock animal* means swine, sheep, goats or any other domesticated or wild animal of smaller stature, except pet animals or fowl.

*Stray* means any animal running free with no physical restraint beyond the premises of the owner.

*Swine* means any member of the Suidae species.

*Unaltered animal* means an animal that has not been spayed or neutered.

*Vaccination* means the inoculation of an animal with a vaccine that is licensed by the United States Department of Agriculture, and which is administered by a veterinarian for the purpose of immunizing the animal against rabies.

*Veterinarian* means a veterinarian holding a current and valid license to practice veterinary medicine in the state.

*Wild animal* means any non-domestic animal.

***Wildlife* means any undomesticated animals living in the wild.**

(Ord. No. 2008-11-01, § 1, 1-6-09; Ord. No. 2015-11-01, Exh. A, 6-21-16)

**Cross reference—** Definitions generally, § 1-2.

## Sec. 10-10. – Wildlife Feeding

Within the city limits of Alpine the feeding of wildlife has resulted in overabundant and highly concentrated populations of wildlife throughout the City and within City parks; and specifically, the feeding of deer has been shown to increase the concentration of deer in these areas, thereby increasing the likelihood of collisions between vehicles and deer and increasing damage to residential and commercial vegetation and landscaping in the City.

The City of Alpine and the Texas Parks and Wildlife Department find that discouraging and prohibiting the artificial feeding of wildlife is in the best interest of the health, safety and welfare of the community and wildlife populations.

### (a) Feeding of wildlife prohibited.

- (1) Except as provided below in 10-62, (b) (1) and (2), a person commits an offense if the person intentionally feeds wildlife by making food available for consumption on private or public property within the city limits of the city.
- (2) A person shall be deemed to have purposely fed or caused wildlife to be fed if the person places food, as defined in this section, in any form, (not including live vegetation such as ornamental landscaping or flowers) on the ground, or within reach of wildlife.
- (3) A person who violates any provision of this ordinance commits an offense.

### (b) Exceptions; Affirmative Defenses

- (1) This ordinance does not apply to the placement of food into feeders kept at a minimum of 5 feet above the ground surface and intended for birds.
- (2) This ordinance does not apply to an animal control officer, veterinarian, peace officer, City employee, federal or state wildlife official, who is acting pursuant to a lawfully authorized program to treat, manage, capture, trap, hunt, or remove wildlife and who is acting within the scope of the person's authority.
- (3) It is an affirmative defense to prosecution under this section if a person places food, in good faith, for the purpose of feeding domestic livestock or domestic pets located on their property.

### (c) Enforcement.

- (1) Animal Control Officers, Park Rangers, Code Compliance Officers and Police Officers are hereby given full power and authority to enforce this ordinance.
- (2) It is a violation to hinder, molest or interfere with anyone authorized or empowered to perform any duty under this ordinance.

### (d) Penalties.



- (1) A person who commits a violation of this ordinance will first be given a warning and will be provided information on the negative impacts of wildlife feeding. A second offense will result in prosecution in municipal court. Any violation of this ordinance is deemed a Class C misdemeanor punishable by a fine of not less than \$75.00 or more than \$500.00. Each day any violation of any provision of this Code shall continue shall constitute a separate offense.
- (2) Nothing in this section shall be construed as to limit any civil action the city may take to enforce the terms of this ordinance.

**Sec. 10-11 - Hunting.**

- (1) No person shall hunt, molest, harm, frighten, tease, shoot, or throw missiles at any animal, including domestic or wildlife within city limits.
- (2) No person shall remove or have in his possession the young of any wildlife, or the eggs, or nest or young of any reptile or fowl within city limits.

Secs. 10-12—10-41. - Reserved.

3. Discuss, consider, and take appropriate action recommending any changes to the Utility Billing Ordinance. (R. Stephens, City Council)

10. City Councilmember Comments and Answers – No discussion or action may take place.

11. Executive Session -

1. Update on County Jail property-Old City Hall Annex. (E. Zimmer, City Manager)

NOTICE: The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.086 (economic development.)

12. Action – Executive Session

1. Action, if necessary, regarding Old City Hall Complex (E. Zimmer, City Manager)