# MEMORANDUM

To: Members of the City Commission

From: Lisa Agnor, City Manager

Date: July 8, 2016

Subject: Approval of an Ordinance amending the City of Marshall Code of Ordinances allowing fees to be set by Resolution for the Marshall Animal Shelter

---

For many years, the City adopted an Ordinance when fees needed to be set or changed. However, several years ago, the City Attorney recommended setting fees by Resolution. As various City fees have been changed over the past few years, a two-step process has been followed:

(1) Adopt an Ordinance amending the Code of Ordinances, allowing the fees to be set by Resolution.
(2) At the meeting where the second reading of the Ordinance is considered, also approve the Resolution which sets the fees.

Adoption of the attached Ordinance will allow the process to begin to enable fees for the Marshall Animal Shelter to be set by Resolution.

**ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MARSHALL, TEXAS, AMENDING CHAPTER 4 ANIMAL AND FOWL, ARTICLE I, SECTION 4-14 FEES; PROVIDING THAT FEES FOR ANIMAL SERVICES BY THE CITY WILL BE SET BY RESOLUTION OF THE CITY COUNCIL; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS CONDUCTED IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, currently, Animal Control Service fees and rates are set by provisions in the Code of Ordinances; and,

WHEREAS, the City Commission finds that setting City fees and charges by resolution rather than by ordinance would save money and staff time by eliminating the need for continual updates to the Code of Ordinances to reflect changes in such fees and charges; and,

WHEREAS, Section 4-14, "Impounding fees" of the Code of Ordinances shall be amended to allow the City Commission to set Animal Control Services fees and rates by resolution; NOW, THEREFORE,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MARSHALL, TEXAS:

**Section 1**. That the findings set out in the preamble to this ordinance are hereby in all things approved.

**Section 2**. That Chapter 4 "Animals and Fowl", Section 4-14, "Same-Fees" of the Code of Ordinances of the City of Marshall, Texas, is hereby deleted in its entirety and amended to read as follows:

> "**Sec. 4-14. – Same – Fees.**
>
> **The fees charged by the City for Animal Control Services shall be set by resolution of the City Commission. A copy of the current fees schedule shall be on file and available for inspection at the office of the City Secretary.** "

**Section 3**. That the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

**Section 4.** That all other prior ordinances or portions of ordinances of the City of Marshall in conflict with the terms and provisions of this ordinance are hereby repealed to the extent of such conflict only.

**Section 5**. That the repeal of any ordinance or portion of an ordinance by this ordinance shall not affect the validity of any pending enforcement action or fees outstanding and due and payable on or before the effective date of this ordinance.

**Section 6**. That if any section, paragraph, subdivision, clause, phrase or provision of this ordinance is hereafter determined to be invalid or in violation of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Commission of the City of Marshall that all other terms and provisions of this ordinance not affected thereby shall remain in full force and effect.

**Section 7**. That this ordinance shall become effective after its passage and publication as required by, law.

PASSED AND APPROVED this _____ day of _____, 2016.

AYES: _____

NOES: _____

ABSTAINED: _____

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2016.

AYES: _____

NOES: _____

ABSTAINED: _____

_____
ERIC NEAL
CHAIRMAN OF THE CITY COMMISSION OF THE CITY OF MARSHALL, TEXAS

ATTEST:

_____
City Secretary