

ORDINANCE NO. 20250923B

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KRESS, TEXAS, AMENDING ORDINANCE NO. 20220920A, APPENDIX A, FEE SCHEDULE, TO INCLUDE ANIMAL CONTROL CITATION FEES, WEED AND DEBRIS CITATION FEES, PARKING VIOLATION CITATION FEES, TO REMOVE THE OWNER SURRENDER OPTION, TO SPECIFY THAT ALL COURT COSTS WILL BE THE REQUIRED COSTS CHARGED BY THE STATE OF TEXAS, AND TO ALLOW ANIMAL CONTROL OFFICERS TO WAIVE THE 10-DAY NOTICE TO CURE WHEN PUBLIC SAFETY IS AT RISK; PROVIDING FOR A CUMULATIVE/REPEALER CLAUSE, SEVERABILITY CLAUSE, PENALTY CLAUSE, AND EFFECTIVE DATE.

WHEREAS, the City Council of the City of Kress, Texas, desires to amend the existing Fee Schedule, as set forth in Ordinance No. 20220920A, to incorporate fees for animal control citations, weed and debris citations, and parking violation citations to address violations related to animal control, property maintenance, and parking regulations, and to ensure the recovery of costs incurred by the City to enforce such regulations; and

WHEREAS, the City Council finds that adding these citation fees to the Fee Schedule will promote compliance with animal control, property maintenance, and parking ordinances, enhance public safety, protect the welfare of animals, maintain the aesthetic and sanitary conditions of the City, and ensure orderly use of public and private spaces; and

WHEREAS, the City Council finds that eliminating the owner surrender option will encourage owners to take responsibility for their animals and reduce the burden on City resources for handling surrendered animals; and

WHEREAS, the City Council desires to clarify that all court costs associated with citations issued under this ordinance shall be the required costs charged by the State of Texas, as mandated by state law; and

WHEREAS, the City Council finds that allowing Animal Control Officers to use their judgment to waive the 10-day notice to cure period in situations where public safety is at risk will enhance the City's ability to respond promptly to potentially dangerous animal-related situations; and

WHEREAS, the City Council has determined that these fees and changes are reasonable and necessary to cover administrative and enforcement costs associated with animal control, weed and debris, and parking violations, and to align with the City's goals for public safety and animal welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KRESS, 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 Appendix A, Fee Schedule.

Appendix A of the City of Kress Code of Ordinances, as adopted by Ordinance No. 20220920A, is hereby amended as follows:

1. Remove **Sec. A2.004(b) Surrender fees, per animal: \$75.00** to eliminate the owner surrender option.
2. Add three new sections, **Sec. A2.005 Animal Control Citation Fees**, **Sec. A4.001 Weed and Debris Citation Fees**, and **Sec. A5.000 Parking Violation Citation Fees**, as follows:
3. Add a new provision to clarify that all court costs associated with citations issued under this ordinance shall be the required costs charged by the State of Texas, as specified in **Sec. A1.003 Court Costs**.

Sec. A1.003 Court Costs

All court costs associated with citations issued under this Fee Schedule, including but not limited to animal control citations, weed and debris citations, and parking violation citations, shall be the required costs charged by the State of Texas, as mandated by applicable state law, including but not limited to the Texas Code of Criminal Procedure and Texas Local Government Code. These costs shall be assessed in addition to any fines or fees outlined in this Fee Schedule and are subject to change based on updates to state law.

Sec. A2.005 Animal Control Citation Fees

(a) Purpose. The following fees are established for citations issued for violations of animal control regulations as defined in the City of Kress Code of Ordinances. These fees are intended to recover costs associated with enforcement, administration, and mitigation of violations.

(b) Definitions.

- **Animal Control Violation:** Any violation of the City's animal control ordinances, including but not limited to failure to license an animal, failure to vaccinate against rabies, allowing an animal to run at large, or maintaining a dangerous dog without proper registration or containment.
- **Citation:** A formal notice issued by the City's animal control officer or code enforcement official after failure to comply with an initial written notice to cure (typically 10 days), unless waived as provided in subsection (d)(1).
- **Homestead Properties:** Primary residences qualifying for Texas homestead exemptions. Homestead status does not exempt owners from fines but may allow hardship considerations (e.g., payment plans).

(c) Citation Fine Schedule.

Fines are assessed per violation per property address or animal after the 10-day notice period expires, unless waived as provided in subsection (d)(1). Multiple violations may result in separate citations. All fines are subject to municipal court or administrative adjudication, with court costs as specified in Sec. A1.003.

| Violation Type | First Citation | Second Citation (within 12 months) | Third or Subsequent Citation (within 12 months) | Additional Notes |
|-------------------------------|-----------------------|---|--|---|
| Failure to License Dog/Cat | \$50 | \$100 | \$200 | Per animal. Re-inspection fee (\$25) may apply if compliance not verified. |
| Failure to Vaccinate (Rabies) | \$75 | \$150 | \$300 | Per animal. Proof of vaccination required to avoid additional penalties. |
| Animal Running at Large | \$100 | \$200 | \$400 | Per incident. Abatement costs (e.g., impound fees) may apply if animal is seized. |
| Dangerous Dog Violation | \$250 | \$500 | \$1,000 | Per animal. Includes failure to register or comply with containment requirements. |
| Non-Compliance After Citation | \$25/day (max \$500) | \$50/day (max \$1,000) | \$100/day (max \$2,000) | Daily fines accrue post-citation until compliance is achieved. |

(d) Additional Provisions.

- Initial Notice to Cure:** Before a citation is issued, the responsible party will receive a written notice (via certified mail or posted on the property) with 10 days to correct the violation, unless an Animal Control Officer determines, in their professional judgment, that the violation poses an immediate risk to public safety (e.g., a dangerous dog at large or an animal posing a health or safety hazard). In such cases, the officer may issue a citation immediately without the 10-day notice period. The notice, when provided, will detail the violation and required actions.
- Citation Process:** If the violation persists after 10 days (where notice is required) or immediately in cases of public safety risk, a citation is issued, and fines begin. Citations are enforceable through municipal court, with court costs as specified in Sec. A1.003.
- Abatement by Municipality:** If the violation requires City intervention (e.g., impoundment of an animal), additional fees as outlined in Sec. A2.002 (Impound Fees) and Sec. A2.003 (Animal Quarantine) of Appendix A will apply.

4. **No Owner Surrender Option:** The City of Kress no longer permits owners to surrender animals to the City as a means of resolving violations or avoiding responsibility. Owners must comply with all animal control regulations or face applicable fines and abatement costs.
5. **Liens:** Unpaid fines, abatement costs, or court costs may result in a lien on the property, enforceable through municipal court. Homestead protections may limit foreclosure but not lien placement.
6. **Appeals/Hardship:** Responsible parties may request a municipal court hearing within 10 days of receiving a citation to contest it or seek a payment plan for financial hardship. Extensions may be considered for elderly or disabled individuals.
7. **Re-inspection Fees:** A \$25 fee may be charged for each follow-up inspection to verify compliance after a citation, where applicable.
8. **Escalation:** Repeated or willful non-compliance may lead to a Class C misdemeanor charge, with fines up to \$2,000 per violation, plus applicable court costs as specified in Sec. A1.003, at the municipal court's discretion, consistent with Sec. 6 of Ordinance No. 20220920A.

(e) Example Scenario.

- **Day 1:** Animal control identifies a dangerous dog running at large, posing an immediate public safety risk. The Animal Control Officer waives the 10-day notice period due to the risk and issues a citation for dangerous dog violation (\$250) and animal running at large (\$100), totaling \$350, plus state-mandated court costs as per Sec. A1.003.
- **Day 6:** Violation persists. Daily fines of \$25 per violation begin accruing (up to \$500 max per violation).
- **Day 11:** City impounds the dog, incurring impound fees (\$50 for Class A animal) and daily boarding fees (\$10/day). Total owed: \$350 (citations) + \$125 (5 days of fines per violation) + \$100 (impound and 5 days boarding) + state-mandated court costs = \$575 + court costs.
- **Resolution:** The responsible party pays the fine and court costs or requests a court hearing to dispute or arrange a payment plan. Surrendering the animal is not an option.

(f) Recommendations for Compliance.

- Register and vaccinate all pets as required by City ordinances.
- Ensure animals are securely contained to prevent running at large.
- Respond promptly to notices to cure to avoid citations, fines, and court costs.
- Contact the City's animal control office for clarification, extensions, or hardship options.

Sec. A4.001 Weed and Debris Citation Fees

(a) Purpose. The following fees are established for citations issued for violations related to weeds and debris on properties, as defined in the City of Kress Code of Ordinances and consistent with Texas Health and Safety Code §342. These fees are intended to recover costs

associated with enforcement, administration, and mitigation of violations to maintain public health, safety, and aesthetic standards.

(b) Definitions.

- **Weeds:** Grass or vegetation exceeding 10 inches in height, noxious weeds, or overgrown brush/shrubs posing fire, safety, or health hazards (e.g., harboring pests or obstructing visibility).
- **Debris:** Accumulation of trash, rubbish, or junk (e.g., tires, appliances, furniture, vehicle parts, construction materials) creating unsightly or hazardous conditions.
- **Citation:** A formal notice issued by a municipal code enforcement official after failure to comply with an initial written notice to cure (typically 10 days).
- **Homestead Properties:** Primary residences qualifying for Texas homestead exemptions. Homestead status does not exempt owners from fines but may allow hardship considerations (e.g., payment plans).

(c) Citation Fine Schedule.

Fines are assessed per violation per property address after the 10-day notice period expires. Multiple violations (e.g., weeds and debris) may result in separate citations. All fines are subject to municipal court or administrative adjudication, with court costs as specified in Sec. A1.003.

| Violation Type | First Citation | Second Citation (within 12 months) | Third or Subsequent Citation (within 12 months) | Additional Notes |
|---------------------------------|----------------------|------------------------------------|---|---|
| Weeds (Overgrown Vegetation) | \$50 | \$100 | \$200 | Per lot. Re-inspection fee (\$25) may apply if compliance not verified after citation. |
| Debris Accumulation | \$75 | \$150 | \$300 | Includes junk, trash, or hazardous materials. Abatement costs may apply (see below). |
| Combined Weeds and Debris | \$100 | \$200 | \$400 | Issued when both violations are cited during a single inspection. |
| Non-Compliance After Citation | \$25/day (max \$500) | \$50/day (max \$1,000) | \$100/day (max \$2,000) | Daily fines accrue post-citation until compliance is achieved. |

(d) Additional Provisions.

1. **Initial Notice to Cure:** Before a citation, homeowners receive a written notice (via certified mail or posted on the property) with 10 days to correct the violation. The notice details the violation and required actions.

2. **Citation Process:** If the violation persists after 10 days, a citation is issued, and fines begin. Citations are enforceable through municipal court, with court costs as specified in Sec. A1.003.
3. **Abatement by Municipality:** If the homeowner does not comply post-citation, the municipality may abate the violation (e.g., mow weeds, remove debris) and charge costs (typically \$100-\$500, depending on scope, plus a \$50 administrative fee). These costs are in addition to any fees outlined in Sec. A4.000 (Mowing and Lot Cleanup Fees).
4. **Liens:** Unpaid fines, abatement costs, or court costs may result in a lien on the property, enforceable through municipal court. Homestead protections may limit foreclosure but not lien placement.
5. **Appeals/Hardship:** Homeowners may request a municipal court hearing within 10 days of receiving a citation to contest it or seek a payment plan for financial hardship. Extensions may be considered for elderly or disabled homeowners.
6. **Re-inspection Fees:** A \$25 fee may be charged for each follow-up inspection to verify compliance after a citation.
7. **Escalation:** Repeated or willful non-compliance may lead to a Class C misdemeanor charge, with fines up to \$2,000 per violation, plus applicable court costs as specified in Sec. A1.003, at the municipal court's discretion, consistent with Sec. 6 of Ordinance No. 20220920A.

(e) Example Scenario.

- **Day 1:** A code enforcement official identifies overgrown grass (12 inches) and debris (discarded furniture) on a homestead property. A notice to cure is posted, giving 10 days to comply.
- **Day 11:** No action taken. A citation is issued for combined weeds and debris (\$100 for first citation), plus state-mandated court costs as per Sec. A1.003.
- **Day 16:** Violation persists. Daily fines of \$25 begin accruing (up to \$500 max).
- **Day 21:** Municipality abates the violation (mows grass, removes debris) at a cost of \$250 + \$50 admin fee. Total owed: \$100 (citation) + \$125 (5 days of fines) + \$300 (abatement) + state-mandated court costs = \$525 + court costs.
- **Resolution:** Homeowner pays the fine and court costs or requests a court hearing to dispute or arrange a payment plan.

(f) Recommendations for Homeowners.

- Maintain your property regularly to avoid citations (e.g., keep grass below 10 inches, remove debris promptly).
- Act quickly on notices to cure to prevent citations, fines, and court costs.
- Contact the City's code enforcement office for clarification, extensions, or hardship options.
- Review the City of Kress Code of Ordinances for specific regulations and fine amounts.

Sec. A5.000 Parking Violation Citation Fees

(a) Purpose. The following fees are established for citations issued for violations of parking regulations as defined in the City of Kress Code of Ordinances. These fees are intended to recover costs associated with enforcement and administration and to ensure safe and orderly use of public and private parking spaces.

(b) Definitions.

- **Parking Violation:** Any violation of the City's parking ordinances, including but not limited to parking in a no-parking zone, blocking a fire hydrant, parking in a handicapped space without a permit, parking on a sidewalk, blocking a driveway, or improper parking of utility vehicles (e.g., trailers, boats, RVs, or other non-passenger vehicles) in restricted areas.
- **Citation:** A formal notice issued by a code enforcement official or other designated official. For first offenses, a warning may be issued in lieu of a fine, at the discretion of the issuing official.
- **Utility Vehicles:** Includes trailers, boats, recreational vehicles (RVs), or other non-passenger vehicles as defined by City ordinances.

(c) Citation Fine Schedule.

Fines are assessed per violation per vehicle after a 10-day notice period expires, where applicable. For first offenses, a warning may be issued in lieu of a fine, at the discretion of the issuing official, with fines up to the maximum listed. Multiple violations may result in separate citations. All fines are subject to municipal court or administrative adjudication, with court costs as specified in Sec. A1.003.

| Violation Type | First Citation | Second Citation (within 12 months) | Third or Subsequent Citation (within 12 months) | Additional Notes |
|--|-----------------------|---|--|--|
| Parking Violation (including Utility Vehicles) | Warning (up to \$25) | \$50 (up to \$500) | \$100 (up to \$500) | Per vehicle. Includes no-parking zones, handicapped spaces, sidewalks, driveways, or improper utility vehicle parking. |

(d) Additional Provisions.

1. **Initial Notice to Cure:** For violations requiring correction (e.g., improper parking of utility vehicles), the responsible party will receive a written notice (via certified mail, posted on the vehicle, or posted on the property) with 10 days to correct the violation. For immediate violations (e.g., parking in a handicapped space), a citation or warning may be issued without prior notice.
2. **Citation Process:** If the violation persists after 10 days (where notice is required) or immediately for certain violations, a citation is issued, and fines begin. Citations are

enforceable through municipal court, with court costs as specified in Sec. A1.003. For first offenses, a warning may be issued in lieu of a fine, at the discretion of the issuing official, up to the maximum fine of \$25.

3. **Abatement by Municipality:** If the violation requires City intervention (e.g., towing of a vehicle), the responsible party will be charged the actual costs of towing and storage, plus a \$50 administrative fee.
4. **Liens:** Unpaid fines, abatement costs, or court costs may result in a lien on the property (if applicable), enforceable through municipal court. Homestead protections may limit foreclosure but not lien placement.
5. **Appeals/Hardship:** Responsible parties may request a municipal court hearing within 10 days of receiving a citation to contest it or seek a payment plan for financial hardship. Extensions may be considered for elderly or disabled individuals.
6. **Re-inspection Fees:** A \$25 fee may be charged for each follow-up inspection to verify compliance after a citation, where applicable (e.g., utility vehicle parking violations).
7. **Escalation:** Repeated or willful non-compliance may lead to a Class C misdemeanor charge, with fines up to \$2,000 per violation, plus applicable court costs as specified in Sec. A1.003, at the municipal court's discretion, consistent with Sec. 6 of Ordinance No. 20220920A.

(e) Example Scenario.

- **Day 1:** A code enforcement official identifies a utility vehicle (e.g., a trailer) parked improperly on a residential street in violation of City ordinances. A notice to cure is posted, giving 10 days to relocate the vehicle.
- **Day 11:** No action taken. A first citation is issued as a warning (up to \$25, at the official's discretion), plus state-mandated court costs as per Sec. A1.003 if adjudicated.
- **Day 16:** Violation persists. A second citation is issued for \$50 (up to \$500), plus state-mandated court costs.
- **Day 21:** Violation persists. A third citation is issued for \$100 (up to \$500), and the City tows the vehicle, incurring towing costs of \$200 + \$50 admin fee. Total owed: \$50 (second citation) + \$100 (third citation) + \$250 (towing and admin fee) + state-mandated court costs = \$400 + court costs.
- **Resolution:** The responsible party pays the fine and court costs or requests a court hearing to dispute or arrange a payment plan.

(f) Recommendations for Compliance.

- Park vehicles, including utility vehicles, in accordance with City ordinances (e.g., avoid no-parking zones, handicapped spaces, or blocking sidewalks/driveways).
- Respond promptly to notices to cure to avoid citations, fines, and court costs.
- Contact the City's code enforcement office for clarification, extensions, or hardship options.
- Review the City of Kress Code of Ordinances for specific parking regulations and restrictions.

Section 3. Cumulative/Repealer Clause.

This ordinance shall be cumulative of all provisions of state or federal law and all ordinances of the City of Kress, Texas, including Ordinance No. 20220920A, except where the provisions of this ordinance are in direct conflict with the provisions of such other ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict, including the repeal of Sec. A2.004(b) regarding owner surrender fees.

Section 4. Severability Clause.

If any word, section, article, phrase, paragraph, sentence, clause, or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect, for any reason, the validity of the remaining portions of this ordinance or of Appendix A of the City of Kress Code of Ordinances, and the remaining portions shall remain in full force and effect.

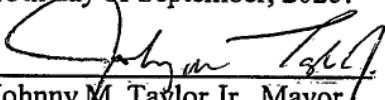
Section 5. Penalty Clause.

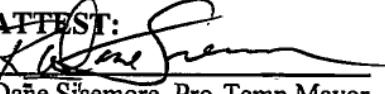
Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Kress, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, plus applicable court costs as specified in Sec. A1.003, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

Section 6. Effective Date.

This ordinance shall take effect immediately after its passage and publication as required by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Kress, Texas, this 13th day of September, 2025.


Johnny M. Taylor Jr., Mayor

ATTEST:

Dane Sisemore, Pro-Temp Mayor

Notes:

- This ordinance integrates animal control citation fees, weed and debris citation fees, and parking violation citation fees into the existing structure of Ordinance No. 20220920A, while explicitly removing the owner surrender option by repealing Sec. A2.004(b)
Surrender fees, per animal: \$75.00.

- The removal of the owner surrender option is emphasized in **Sec. A2.005(d)(4)**, stating that surrendering animals is no longer permitted as a means of resolving violations, encouraging responsible pet ownership.
- The animal control citation fees address common violations (e.g., failure to license, vaccinate, or restrain animals, and dangerous dog violations), modeled after the provided weed and debris citation schedule, with a provision in **Sec. A2.005(d)(1)** allowing Animal Control Officers to waive the 10-day notice to cure period when they determine, in their professional judgment, that the violation poses an immediate risk to public safety (e.g., a dangerous dog at large).
- The weed and debris citation fees are adopted directly from the provided schedule, aligning with Texas Health and Safety Code §342 and typical municipal practices for general law municipalities.
- The parking violation citation fees introduce a tiered structure with a warning (up to \$25) for the first offense, \$50 (up to \$500) for the second, and \$100 (up to \$500) for the third or subsequent offenses within 12 months, including violations involving utility vehicles (e.g., trailers, boats, RVs).
- **Sec. A1.003 Court Costs** clarifies that all court costs associated with citations issued under this ordinance will be the required costs charged by the State of Texas, as mandated by applicable state law (e.g., Texas Code of Criminal Procedure and Texas Local Government Code).
- All sections include provisions for notices, appeals, liens, and escalation to align with Texas municipal practices and the existing ordinance's framework.
- The penalty clause mirrors the original ordinance's maximum fine of \$2,000 per violation, consistent with Texas Local Government Code for general law municipalities, and explicitly includes reference to state-mandated court costs.
- The weed and debris citation fees complement the existing **Sec. A4.000 (Mowing and Lot Cleanup Fees)** by addressing enforcement actions prior to abatement, while referencing abatement costs for consistency.
- The parking violation fees are designed to be flexible, allowing a warning for first offenses at the official's discretion, and include utility vehicles to address their specific impact on parking regulations.
- If specific animal control, property maintenance, or parking regulations from the City of Kress Code of Ordinances are available, these schedules can be tailored further to align with those provisions.