

**ORDINANCE NO. 071717**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POTH, TEXAS AMENDING ORDINANCE NO. 082007 REGULATING THE KEEPING OF ANIMALS TO ALLOW FOR THE KEEPING OF CHICKENS WITHIN THE CORPORATE LIMITS OF THE CITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Poth, Texas (the "City") has previously adopted Ordinance No. 082007 The Keeping of Animals which prohibited poultry, including chickens, to be kept within the corporate limits of the City; and,

**WHEREAS**, the State Legislature has passed and the Governor of Texas signed Senate Bill 1620 prohibiting cities from including chickens with bans that include poultry; and,

**WHEREAS**, citizens of Poth have requested the City amend Ordinance No. 082007 to allow chickens within the corporate limits of the City; and,

**WHEREAS**, the City Council has determined that it is in the best interest of the City to amend Ordinance No. 082007 to allow chickens within the corporate limits of the City with the limitations allowed by Senate Bill 1620.

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

Section 1. Ordinance No. 082007: The Keeping of Animals is hereby amended as set forth in the attached Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Ordinance shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 21<sup>st</sup> day of August 2017.

## EXHIBIT A

### **Ordinance 082007: The Keeping of Animals is hereby amended as follows: (Deletions shown as strikethrough and additions underlined)**

#### 1.03 Keeping Livestock

Except as expressly provided in this ordinance, it shall be unlawful for any person to keep or have any cattle, horses, sheep, goats, or poultry anywhere in the city. Notwithstanding the provisions above, in the event that a single property owner shall have more than two (2) acres of land, he or she shall be entitled to maintain the following animals on such property:

(A) All animals must be maintained in a clean and sanitary environment, without any concentration of odors, flies, or refuse, so as to create a nuisance to any surrounding property owners;

(B) There may be maintained on such tract (so long as such tract contains two (2) acres or more) one horse, cow, mule, jack, or jenny per acre; or there may be maintained on each tract (so long as each tract contains more than two (2) acres) four sheep or goats, ~~or~~ laying hens per acre.

(C) There shall not be maintained on any tracts inside the city limits any roosters, swine, pigs, or exotic animals of any nature.

#### 1.07 Certain Animals Not to be Kept Within City; Exception

(A) The City shall have the power to release or order the release of any infant wild animal under temporary permit that is deemed capable of survival.

(B) It is unlawful to keep, or permit to be kept any wild animal as a pet, display, or for exhibition purposes.

(C) It shall be unlawful for any person, firm, or corporation to keep, or cause to be kept, for any purpose whatsoever, any swine, poultry, exotic animals, or purportedly domesticated wild animals within the corporate limits of the city except as set forth below:

#### **Exceptions:**

(1) An exception shall be made for any school district activities within the following stipulations:

1. Pens shall be cleaned daily and must be at least 500 feet from any residence.
2. Solid waste must be removed from the area at least once a week.
3. Failure to comply with above regulations causing resident complaints shall be cause for suspension of this exception.

(2) An exception shall be made for chickens with the corporate limits of the city with the following stipulations:

- a. The number of chickens shall not exceed 6.
- b. The breeding of chickens is prohibited.
- c. The keeping of roosters is prohibited.
- d. Chickens must be confined to the property in a manner that maintains a minimum 10 foot setback from any property line and a minimum 10 foot setback from an existing residence.



CITY OF POTH, TEXAS

Crystal Echel  
Mayor

ATTEST:

[Signature]  
City Secretary

(CITY SEAL)