

**ORDINANCE NO. 12-07-09
ANIMAL CONTROL ORDINANCE**

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH AND PROMOTE THE PUBLIC WELFARE OF THE CITY OF LYFORD TEXAS, BY LIMITING THE KEEPING OF ANY LIVESTOCK AND/OR FOWL WITHIN THE CITY LIMITS; PROHIBITING CRUELTY TO ANIMALS; PROVIDING THAT MAINTAINING A CROWING ROOSTER WITHIN THE CITY MAY BE A NUISANCE; PROVIDING FOR THE DISPOSITIOIN OF DEAD ANIMALS; PROVIDING THAT ANY ACT OR OMISSION PROHIBITED BY THIS ORDINANCE SHALL CONSTITUTE A NUISANCE; AND PROVIDING A FINE OF NOT TO EXCEED ONE THOUSAND DOLLARS FOR EACH VIOLATION OF THIS ORDINANCE.

Sec. 2.101 Keeping Regulated

No person or other entity shall raise, keep, breed or maintain any livestock and/ or fowl within the city without first having complied with this article.

- (1) Minimum Tract Size Required. No person or other entity shall raise, keep, breed or maintain any livestock and/or fowl within the city on a tract of land smaller than one and a half (1 ½) acres.
- (2) Restricted to Personal Noncommercial Use. No person or other entity shall raise, keep, or breed or maintain any livestock and/or fowl on a tract of land within the city except for personal non-commercial use.
- (3) Number of Livestock of Fowl and Containment. The number of livestock or fowl that will be permitted on each one and a half (1 ½) acre tract are: one horse, one cow, or one goat, one sheep, fifteen rabbits or fifteen chickens or other fowl. All rabbits, chickens, and other fowl shall be maintained in closed pens and shall not be allowed to wander about the premises. Horses, cows or sheep shall be contained within a fenced area. Such fence shall be of sufficient strength and design to hold such animals.
- (4) Swine Not Allowed. No person or other entity shall, raise, keep, breed or maintain swine within the City of Lyford unless they qualify for an exemption as hereinafter provided.

Sec. 2.102 Permit Required

- (a) Any person or other entity raising, keeping and maintaining livestock and/or fowl on a tract of land larger than one and a half (1 ½) acre shall obtain an annual nonrefundable permit of twenty dollars (\$20.00) from the Permit Department.
- (b) After the original permit is issued renewal permits must be obtained on or before August 30, of each succeeding calendar year by completing a new application and paying a renewal fee in the amount of fifteen dollars (\$15.00).

- (c) Applications for animal permits shall be obtained from the Permit Department of the City.
- (d) Applications for animal permits and renewals shall contain the following:
- (1) Name, address, telephone number of the persons, firm or corporation raising, keeping and maintaining livestock and/or fowl; mailing and street address of the owner of the property on which the livestock or fowl are to be kept; description and number of animals or fowl which will be kept; drawing showing location of premises where any stable, barn, pen, or other area where livestock or fowl are to be located and showing the location of and distance to neighboring residences or commercial buildings. With each application, applicants shall pay a non-refundable fee of twenty dollars (\$20.00).

Sec. 2.103 Revocation of Permit

Permits issued under this article are revocable by the city council. Permits may be revoked on the grounds of violation of this article, noise or other circumstance the city council determines creates a nuisance and changed conditions. The city council shall serve notice of its intention to revoke ten (10) days prior to the meeting at which such revocation will be considered. Any person holding a permit having received such revocation notice shall be allowed to appear and be heard by the city council. The revocation provided herein shall be remedy in addition to the criminal penalties herein for violation of this article.

Sec. 2.104 Inspection

Prior to issuance of a permit, original or renewal, the public works director or designee shall make an inspection of the site. If such site is denied approval, the public works director shall file a written report identifying the basis for denial with the city administrator with a copy furnished to the applicant.

Sec. 2.105 Livestock or Fowl Near Residence or Business

No stable, barn, pen or other area or shelter where livestock or fowl are kept shall be closer than three hundred feet (300') to any residence owned by any person or entity other than the livestock holder. Landowners wishing to maintain livestock or fowl within three hundred feet (300') of a residence owned or entity that is not owned by the livestock owner may do so upon presentation of a waiver signed by all landowners within three hundred feet of the pen, barn, stable or other area where such livestock or fowl will be maintained and such other information necessary to obtain a permit.

Sec. 2.106 Livestock and Fowl Sanitation

All stables, barns, pens or other areas where livestock or fowl are kept shall be maintained in a clean and sanitary condition so as to prevent obnoxious odors, the attraction and breeding of flies and/or the creation of any health hazard or accumulation of fecal matter or decaying organic matter. Any area where fecal matter or decaying organic matter or fowl are kept must have attached a permanent water supply.

Sec. 2.107 Livestock and Fowl Noise

The landowner and/or owners of the livestock and/or fowl shall maintain all livestock and fowl so that animal sounds and noises shall not disturb residents on adjoining or nearby tracts of land, the landowner and/or owner of the livestock and/or fowl shall maintain any animal or fowl with a natural propensity for nocturnal noises within a closes barn or building between the hours of six o'clock p.m. and six o'clock a.m.

Sec. 2.108 Complaints

Complaints regarding the keeping of livestock and/fowl will be referred to and investigated by appropriate officer or department, i.e., humane officer, health department, police department, public works department. If such conditions as health and sanitation, rainwater runoff or noise violations or nuisance violations as hereafter set out, are found, the officer or department head who inspects the premises shall serve written notice of nuisance, itemizing those matters found in violations of this code, on the landowners and owners of the livestock and/or fowl if not the same as the owner, and shall post notice at the site. Thereafter, the landowner and /or of the livestock and/or fowl shall have ten (10) days to correct the violation and remove the nuisance. If not corrected the owner shall be subjected to any fine levied hereunder in addition to revocation of the animal permit.

Sec. 2.109 Public Nuisance Declared

- (a) Any stable, barn, pen, or other area where livestock or fowl are kept which produces any obnoxious odor, or where flies or rodents may be found or may be breeding, or where unreasonable accumulations of fecal material or decaying organic matter are found, or which may be health hazard or injurious to the welfare of the citizens of the city, are declared a public nuisance.
- (b) Any livestock or fowl, which creates unreasonable noise or other activity, which disturbs the repose or comfort or peace and quiet of adjoining or nearby residents, are declared a public nuisance.
- (c) The flow of rainwater carrying fecal matter or decaying organic matter from any property into a road ditch, onto any public road or onto any adjoining property is declared a public nuisance.
- (d) Livestock or fowl found outside their designated pen, stable or barn and roaming on adjoining property or any public property on more than one occurrence are declared a public nuisance.

Sec. 2.110 Livestock and Fowl Defined

Within the meaning of this article, livestock and fowl, include but are not limited to cattle, horses, sheep, rabbits, chickens, ducks, guinea fowl, geese and other exotic animals. Not included within the definition hereof are dogs, cats, caged songbirds , and other small domestic animals commonly kept as household pets and not raised for food or commercial purposes. No swine shall be permitted unless exempt under section 2.115 or 2.116.

Sec. 2.111 Violations, Penalties and Enforcements

Any person, firm, or corporation violating the provisions of this article shall be guilty for a Class C Misdemeanor and for each day of violation fined as provided for in the general penalty provision found in Sec 1.106 of this code, or the city may bring a civil action for the enforcement, of this article as provided by the Local Government Code, Chapter 54, Subchapter B, and seek a civil penalty not to exceed one thousand dollars (1,000) per day.

Sec. 2.112 Livestock and Fowl Running at Large

It shall be unlawful for any person owning, having control over or having custody of any livestock or fowl to allow such livestock or fowl to run at large outside their designated pen, barn, or stable or to be at large on any public property, roadway alley, square, park sidewalk or any other property.

Sec. 2.113 Duty to Impound Livestock or Fowl Running a Large

It shall be the duty of the animal control officer or deputy to impound all livestock and fowl found running at large on any public property, roadway, alley, square, park, sidewalk or any other property not belonging to person owning the animals or who may otherwise be in control of the animals or fowl.

Sec.2.114 Redeeming Impound Livestock or Fowl

The owner or person in control of impounded livestock or fowl may redeem the livestock or fowl by the payment of an impoundment fee of \$25.00 per head of livestock or fowl plus a \$5.00 per day impoundment fee for each head of livestock and fowl redeemed. Livestock and fowl not redeemed after seven (7) days shall be deemed abandoned. Abandoned livestock or fowl may be sold at public auction after publishing notice of sale at least twice in the local newspaper. Such notice shall contain a description of the livestock or fowl being auctioned. If after publishing notice the owner seeks to redeem the livestock or fowl, the owner, in addition to paying the impoundment fee and per diem fee, must also reimburse the city for the cost of publishing notice.

Sec. 2.115 Future farmers of America and 4-H Projects

Members of a chapter of the Future Farmers of America (FFA) or the 4-H located within the city limits wishing to maintain livestock or fowl under the direction of the FFA or 4-H on a tract smaller than one and a half (1 ½) acre may do so upon presentation of a waiver signed by all landowners within 300 feet of the pen, barn, stable, or other area where such livestock or fowl will be maintained and such other information necessary to obtain a permit. The fee requirements of Section 2.102(b) are waived for such project. The permit shall be renewable annually. Livestock or fowl maintained under this provision shall be maintained at the residence of the member. For the purpose of this article the prohibition against swine is waived.

Sec. 2.116 Lyford Independent School District

The provision of this article does not apply to any agricultural related activity sponsored by and located on property owned by the Lyford Independent School District.

Sec. 2.117 Existing Permits

Any unexpired permits issued under any prior ordinance for the maintaining of animals or fowl shall remain in full force and effect under the ordinance in existence at the time of the issuance of such permit. No permits issued under a prior ordinance in conflict with this article are hereby revoked as of the effective date of this article.

Sec. 2.118 Qualifying Agriculture Land Exempt

Agricultural land for which an animal permit is sought that qualifies as agricultural land under the provisions of Texas Tax Code Section 23 is exempt from the permit fee.


Ordinance Number 10-01-11 of the City of Lyford Texas, is hereby repealed, upon this ordinance becoming effective.

This ordinance shall become effective after the date of its passage and publication as provided by law.

PASSED AND APPROVED on first reading this 9th day of July, 2012.

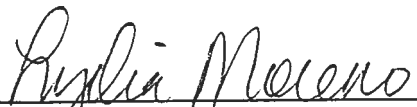
FINALLY PASSED AND APPROVED on this 23rd day of July, 2012.

CITY OF LYFORD



Henry De la Paz, Jr., Mayor

ATTEST:



Lydia Moreno
City Secretary