

ORDINANCE NO. 2015-11-16

AN ORDINANCE OF THE CITY OF SHALLOWATER, TEXAS, PROVIDING THAT ITS CODE OF ORDINANCES, CHAPTER 2, ANIMAL CONTROL, BE AMENDED BY ADDING ARTICLE 2.401 REGARDING KEEPING OF CHICKENS INSIDE THE CITY LIMITS AND NUISANCE CONDITIONS FOR THE CITY OF SHALLOWATER, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, no person shall engage in keeping livestock within the corporate limits of the city, except in conformance with and only to the extent so permitted by this section and the zoning ordinances of the city.

WHEREAS, except as provided by this section, six (6) chicken hens may be permitted in an R-1 or R-2 zoned residence with the following requirements:

WHEREAS, the keeping of any chicken hens(s) shall be considered an accessory use to the main building or structure of any property.

WHEREAS, any and all chicken hens so kept shall remain confined in an enclosure to prevent their running at large.

WHEREAS, any such above-described enclosure shall be kept in the rear yard.

WHEREAS, any such above-described enclosure that is less than 320 square feet shall maintain a minimum five (5) foot setback from a side or rear property line. Any such above-described enclosure that is more than two hundred (320) square feet shall be subject to a variance request.

WHEREAS, any and all enclosures or other such shelters provided for said permitted chicken hens shall be of a size sufficient to be conducive to good sanitation, and shall provide adequate and sanitary drainage for the enclosure or shelter.

WHEREAS, all litter and droppings resulting from the keeping of permitted chicken hens shall be collected daily in a container or receptacle of such a type that when closed is rat proof and fly tight and said container or receptacle shall remain closed after collection of litter or droppings. Any such litter and droppings so collected shall be disposed of at a minimum of once daily in a manner that complies with all provisions of this code and in such a way as not to permit fly breeding or any other unsanitary condition.

WHEREAS, all feed provided for any such permitted chicken hens shall be stored and kept in a rodent and wildlife proof and fly tight receptacle.

WHEREAS, roosters are not permitted.

WHEREAS, no keeping of any hen(s) or associated use(s) shall otherwise be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.

WHEREAS, the keeping or causing to be kept any livestock such as chickens, geese, ducks, guineas, pigeons, rabbits or any other such animals in those areas appropriately permitted by this section or the zoning ordinances of the city in pens or enclosed areas in such a manner as to become offensive to other persons living nearby is hereby declared to be a nuisance.

WHEREAS, it shall be unlawful for any person to park or leave standing any truck, trailer, or other vehicle that has been used for the hauling of livestock, animals or fowl in a residential area of the city when notified by a city enforcement officer that such vehicle is creating a nuisance due to odors, gases or fumes. Upon such

notification, the owner, operator, driver or other person responsible for such vehicle shall move such vehicle to a location outside of any residential area of the city.

WHEREAS, all manure and other excrement shall be disposed of in such a manner as to prevent it from becoming offensive to other persons living nearby.

WHEREAS, the effective date will be November 16, 2015.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Shallowater, Texas:

PASSED AND APPROVED THIS _____ DAY OF _____ 2015

ROBERT OLMSTED, JR.

MAYOR

ATTEST:

AMANDA L. CUMMINGS

CITY SECRETARY