

THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 25-2017

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING CHAPTER 5, ANIMAL CONTROL, OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 5.01, SECTION 5.01.001 TO PROVIDE DEFINITIONS; BY REPEALING AND REPLACING SECTION 5.01.008 TO PROVIDE AREA AND DISTANCE REQUIREMENTS FOR KEEPING CHICKENS IN A RESIDENTIAL AREA WITH A LOT OF LESS THAN ONE (1) ACRE, AND SECTION 5.01.011 BY ADDING SUBSECTION (C) TO PROVIDE FOR THE MAINTENANCE OF PENS AND ENCLOSURES FOR CHICKENS ON LESS THAN ONE (1) ACRE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED \$2,000 FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the current ordinances of the City of Seagoville prohibit the keeping of any chickens on less than one (1) acre of land; and,

WHEREAS, the City Council desires to add provisions that would allow the keeping of chickens in residential areas in compliance with all regulation set forth in this Chapter; and

WHEREAS, based on the foregoing, the City Council of the City of Seagoville, Texas desires to amend various sections of Chapter 5 as provided herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1. That the Code of Ordinances of the City of Seagoville, Texas be, and the same is, hereby amended by amending Chapter 5, Section 5.01.001 by adding the following definitions to be inserted alphabetically, Section 5.01.008 to provide area and distance requirements for keeping chickens in a residential area with a lot of less than one (1) acre, and Section 5.01.011 by adding subsection (c) to provide for the maintenance of pens and enclosures for chickens on less than one (1) acre, which shall read as follows:

**"CHAPTER 5. ANIMAL CONTROL
ARTICLE 5.01 GENERAL PROVISIONS**

Sec. 5.01.001 Definitions

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Chicken. A domesticated fowl that is commonly raised by people for its eggs and meat; a hen or a rooster.

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Hen. A female chicken.

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Rooster. An adult male chicken.

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Sec. 5.01.008 Area and distance requirements for keeping livestock and fowl

(a) It shall be unlawful for any person within the corporate limits of the city with less than one (1) fenced acre of accessible roaming space to keep or have, on his own or rented premises, any livestock, including cows, horses, mules, jacks, jennies, goat, or sheep; provided, however, that for each acre of property, an owner shall be permitted to keep a unit of livestock, consisting of a mother and offspring under the age of six (6) months; and provided further that, in all cases, such livestock shall be kept at a distance of further than one hundred (100) feet from the nearest private residence building or public building.

(b) It shall be unlawful for any person within the corporate limits of the city to keep or have a rooster or to have more than six (6) hens on land of less than one (1) acre. However, it shall be lawful to keep or have six (6) or less hens on land of less than one fenced (1) acre. In all cases, said hens shall be housed or kept in a structure or enclosure at a distance of a minimum twenty-five (25) feet from the nearest private residence building or public building.

(c) It shall be unlawful for any person within the corporate limits of the city with less than one (1) fenced acre to keep or have a rooster. An owner may have a rooster onland that is greater than one acre, provided there are at least six (6) hens also on the property. For each property that is at least one fenced (1) acre in size, an owner shall be permitted to keep up to one (1) rooster for every six (6) hens, not to exceed twenty (20) chickens total per acre. In all cases, said chickens shall be kept at a distance of further than one hundred (100) feet from the nearest private residence building or public building.

....

Sec. 5.01.011 Maintenance of pens and enclosures

....

(c) All pens and enclosures wherein hens are kept on land of less than one (1) acre shall be designed, erected, and maintained in accordance with applicable codes of the City of Seagoville. Pens and enclosures shall be a 3 or more sided structure with a minimum of one (1) square foot of roosting area per hen with a roof or cover to allow the hens to remain dry and protected from the elements and have direct access from the roofing area to an outdoor enclosure that is a minimum of ten (10) square feet of ground per hen. Pens and enclosures shall be easily accessed, constructed and maintained to reasonably prevent the collection of standing water, predator proof, thoroughly ventilated, and shall be cleaned of droppings, uneaten food, feathers, and other waste weekly or more often if needed to prevent foul odor. All pens and enclosures shall contain fresh water at all times and food in sufficient quantity and with nutritive value to maintain the health of the animal.

....”

SECTION 2. That if any section, article paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions

of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

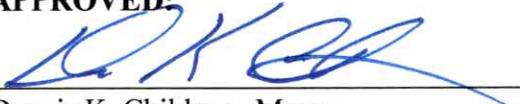
SECTION 3. That all provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That any person adjudged guilty of an offense under this ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed \$2,000.00. Each day that a violation continues shall constitute a separate offense.

SECTION 5. This Ordinance shall become effective from and after its date of passage in accordance with law.

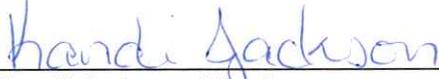
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS THIS 6th day of November 2017.

APPROVED:



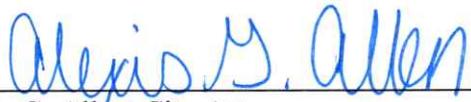
Dennis K. Childress, Mayor

ATTEST:



Kandi Jackson, City Secretary

APPROVED AS TO FORM:



Alexis G. Allen, City Attorney
(:cdb 10/27/2017)