

ORDINANCE NO. 2021-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 3, ARTICLE 1, SECTION 3-1 OF THE CODE OF ORDINANCES OF THE CITY OF BELTON REGARDING SMALL ANIMALS AND FOWL; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

PART 1: Chapter 3, Article I, Section 3-1 of the Code of Ordinances of the City of Belton, Texas, is hereby amended to read as follows:

Section 3-1. Confining small animals and fowl proximity to residences.

It shall be the duty of every person raising or keeping chickens, turkeys, geese, guineas, pigeons, rabbits, guinea pigs, white rats, white mice, hamsters, and other small animals of similar nature to keep them in a cage, pen, coop or enclosure. It shall be unlawful to allow any of them to be at large. The cage, pen, coop or enclosure shall be a distance of at least fifty (50) feet *for rabbits, guinea pigs, white rats, hamsters, and similar small animals and two hundred (200) feet for chickens, turkeys, geese, guineas, pigeons, and other fowl* from every building or structure used for sleeping, dining or living, except for a building or structure owned or controlled by the owner of such animal, and the cage, pen, coop or enclosure shall not become offensive to adjacent neighbors or the public. In the event the property owner can establish that the literal application of this section to the particular circumstances of his property presents an unreasonable burden, he may request a permit by letter to the City Manager. The City Manager or his designee may approve an exception to the two hundred (200) feet distance above; however, the minimum distance shall in no instance be less than **twenty-five (25)** ~~fifty (50)~~ feet for fowl. Permits for exception to the two hundred (200) feet will first be investigated by the Animal Control Officer to verify adjacent property owners have no objections; the enclosure is secure and clean; no foul odors are present; applicant has a waste disposal plan; **no roosters are present;** and the number of fowl are reasonable for the size of the enclosure and lot size. Such permits shall be revocable at will upon ninety (90) days' notice or upon lesser notice if necessary to protect health, safety or public property.

PART 2: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

PART 3: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Belton, Texas, and it is accordingly so ordained.

PART 4: The Code of Ordinances of the City of Belton, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

PART 5: It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the 23rd day of March, 2021.


Wayne Carpenter, Mayor

ATTEST:


Amy M. Casey, City Clerk