

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SWEETWATER, TEXAS AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES REGULATING THE KEEPING OF ANIMALS AND FOWL 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 Sweetwater, Texas (the "City") has previously adopted regulations for the keeping of livestock which prohibited poultry, including chickens, to be kept within the corporate limits of the City; and,

WHEREAS, the State Legislature has previously considered amending Chapter 251 of the Texas Agricultural Code prohibiting cities from including chickens with bans that include poultry; and,

WHEREAS, citizens of Sweetwater have requested the City amend the city Code 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 the City Code to allow chickens within the corporate limits of the City with the limitations previously recommended by Senate Bill 1620 to be codified in Chapter 251 of the Agricultural Code.

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

Section 1. Chapter 6-ANIMALS AND FOWL, ARTICLE 1-IN GENERAL, SECTION 6-11.-KEEPING LIVESTOCK RESTRICTED 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All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.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.

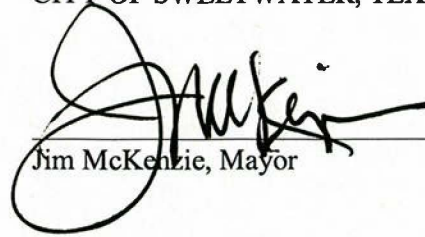
Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares 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 9 day of March 2021.

CITY OF SWEETWATER, TEXAS



Jim McKenzie, Mayor

ATTEST:



Patty Torres, City Secretary

EXHIBIT A

Chapter 6-ANIMALS AND FOWL, ARTICLE 1-IN GENERAL, SECTION 6-11.-KEEPING LIVESTOCK RESTRICTED IS HEREBY AMENDED AS FOLLOWS:

[Additions are underscored]

ARTICLE I. - IN GENERAL

Sec. 6-11. - Keeping livestock restricted.

- (a) No person who is the owner of any livestock, or any person who has any livestock under his management or control, shall keep the same or allow the same to remain in any pen or in any other place within the city.
- (b) This section shall not apply to or prohibit the keeping of livestock by the following:
 - (1) A publicly or privately owned zoo maintained or operated by a nonprofit organization or governmental entity.
 - (2) Publicly or privately maintained circus, traveling show or rodeo which does not remain in the city longer than thirty (30) days out of each year.
 - (3) Slaughterhouses.
 - (4) Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals.
 - (5) Property zoned "R" Residential with Livestock District and in compliance with the regulations established for this zoning district.
 - (6) Residents with chickens within 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 20-foot setback from any neighboring residence property line and a minimum 10-foot setback from the owner's residence.