

**ORDINANCE NO. 2020-015**

**AN ORDINANCE OF THE CITY OF HITCHCOCK, TEXAS, AMENDING TITLE IX ENTITLED “GENERAL REGULATIONS”, CHAPTER 90, SECTION 90.07 ENTITLED “TETHERING AND CONFINEMENT” AND SECTION 90.18 ENTITLED “KEEPING OF LIVESTOCK/SWINE TO CORRECT SCRIVENER’S ERRORS AND ADD SECTION 90.18(B) ENTITLED “APPROVED PROJECTS.”**

**WHEREAS**, on the 15<sup>th</sup> day of April 2019, the City of Hitchcock, Texas’ City Commission (“City Commission”), Adopted Ordinance No. 2019-005, REPEALING Chapter 90 - Animals of the City’s Code of Ordinances and replacing it entirely with a new Chapter 90 – Animals;

**WHEREAS**, in order to better serve and protect the health, safety, welfare and well-being of the citizens and animals of the City of Hitchcock, Texas, the City Commission do hereby correct this ordinance under the following terms and conditions as follows;

**WHEREAS**, City Commission has determined that Title IX, General Regulations, Section 90.07 Entitled “Tethering and Confinement” and Section 90.18 Entitled Keeping of Livestock/Swine must be corrected in order to conform with Ordinance No. 2019-005.

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

**Section 1.** The City of Hitchcock’s Code of Ordinances, Title IX, General Regulations, Section 90.07 is hereby amended by replacing Section 90.07 in its entirety with the following section(s):

Sec. 90.07 – Tethering and confinement.

(A) Any person owning and or controlling animals, whether vaccinated or unvaccinated, licensed or unlicensed, shall not allow said animal to be tied or chained to any stationary object.

(B) No person shall at any time, fasten, chain, or tie any animal or cause such animal to be fastened, chained or tied while such animal is on the animals owner’s property, or on the property of the animals owner’s landlord, or on any property within the limits of the city unless the animal’s owner or caregiver is within immediate view tending such animal.

(C) Any animal confined within a fenced area must have adequate space for exercise and treated humanely providing proper and adequate food, fresh water, shade and a safe shelter. A dog confined within a fenced yard must have a dimension of at least one hundred fifty (150) square feet per dog. Provided, further that where dogs are kept or housed on property without a fenced yard, the owner of such dogs or person having custody of such dogs, shall provide an enclosure for such dogs must a one hundred fifty (150) square foot per dog dimensions. Such enclosure shall be constructed of chain link or similar type materials with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from such enclosure. The top of such enclosure shall be covered with material to provide the dog with shade and protection from the elements.

(D) Nothing in the section shall be construed to prohibit owners or others from walking animals with a handheld leash.

(E) Nothing in this section shall be construed to prohibit owners from allowing dogs to be attached to overhead runs. (i.e. leash or chain attached to an overhead wire at least ten (10) feet long), that allows the dog to move unheeded.

(F) Veterinary hospitals or animal clinics are excluded from the requirements of this section.

**Section 2.** The City of Hitchcock's Code of Ordinances, Title IX, General Regulations, Section 90.18 (A) – Keeping of swine is hereby amended to correct the scrivener's error by replacing 90.18(A) – Keeping of swine in its entirety with the following section(s) and adding Section 90.18(B), Approved Projects as follows:

(A) It shall be unlawful for the owner or keeper of any horse, mule, jack, jennet, cow, bull, goat, sheep or fowl to keep any such animal in a stable, shed, pen or other enclosure in the city nearer than 75 feet from any occupied residential building, or any school, church or center used regularly or at frequent intervals of time by people other than such owner or keeper or other than a member of the family or tenant of the owner or keeper of such animal. This division shall not apply to any enclosure in excess of one an acre in area.

(B) Animals which are normally and customarily kept as approved 4-H and FFA projects, including chickens, turkeys, rabbits, sheep/goats, cattle, and horses, will be allowed in any zoning district except where residential deed restrictions disallow such uses.

All projects will be based on a confirmed feeding program with a minimum lot size of one acre with no proration for area less than on acre. Additionally, all projects shall meet the following minimum area requirements.

<b>Project</b>	<b>Maximum Number per Acre</b>	<b>Minimum Specifications</b>
Chickens	50	20'x20' confined feeding area and shelter
Turkeys	50	25'x25' confined feeding area and shelter
Rabbits	25	Individual confinement hutches per head
Sheep or goats	2 for first acre 1 for each additional acre	8'x16' pen with 3'x6' shelter per 2 head
Cattle	2 for first acre 1 for each additional acre	10'x20' pen with 6'x8' shelter per animal and an additional 100 sq. ft with 4'x6' shelter per each additional animal
Horses	2 for first acre 1 for each additional acre	10'x20' indoor stall/pen per horse with minimum 40'x40' outside corral allowed

**Additional Requirements:**


- (i) Multiple projects on the same acreage shall meet the minimum area specifications for each project.
- (ii) Livestock and fowl shall not be housed within 25 feet of any residence or adjacent property line.
- (iii) Agricultural education project center housing facilities, including those on a high school campus, are exempt from the number of animal provisions of this chapter.
- (iv) The confined area must be kept clear of all manure in order to reduce odor and insects.
- (v) All livestock must always have a feeding program consistent with best management feeding practices and a high-quality water source.
- (vi) Licensing requirements do not apply to approved projects.
- (vii) At the discretion of the City Administrator, the first complaint of public nuisance or violations of good animal husbandry practices may be mediated by city officials and 4-H and FFA leaders in an attempt to foster responsible project management, good citizenship, and community responsibility. Failure to resolve or abate unsatisfactory conditions within 14 days from the first complaint shall be cause for civil or criminal action under the provisions of this chapter.

**Section 3. Cumulative and Conflicts.** This Ordinance shall be cumulative of all provisions of ordinances of the City of Hitchcock, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

**Section 4. Severability.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.


**Section 5. Effective Date.** This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

**PASSED AND APPROVED** on this the 10th day of August, 2020.




**Randy Strickland, Mayor**  
City of Hitchcock

**ATTEST:**



**Nicholle Andrus, City Secretary**  
City of Hitchcock

**APPROVED AS TO FORM:**



**Kyle L. Dickson, City Attorney**  
City of Hitchcock