



ORDINANCE NO. 3486

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING CHAPTER 18 “ANIMALS” OF THE CODE OF ORDINANCES OF THE CITY OF FARMERS BRANCH, TEXAS, BY AMENDING ARTICLE I BY AMENDING THE DEFINITIONS OF “PROHIBITED ANIMAL” AND “PROHIBITED FOWL” AND ADDING DEFINITIONS FOR “BACKYARD CHICKEN,” “CHICKEN COOP,” AND “EXERCISE YARD”; BY AMENDING SECTION 18-4 “KEEPING OF PROHIBITED ANIMALS OR FOWL; ANY BY ADDING A NEW ARTICLE VI TITLED “BACKYARD CHICKENS”; PROVIDING FOR A PERMIT FOR THE KEEPING OF BACKYARD CHICKENS; PROVIDING REGULATIONS AND STANDARDS FOR KEEPING BACKYARD CHICKENS; PROVIDING FOR THE PROHIBITION OF ROOSTERS; AMENDING APPENDIX A “FEE SCHEDULE” TO PROVIDE FOR APPLICATION FEES FOR INITIAL AND RENEWAL PERMITS FOR BACKYARD CHICKENS; PROVIDING FOR REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, residents of the City of Farmers Branch have requested to raise backyard chickens for organic egg production; and

WHEREAS, the City Council of the City of Farmers Branch seeks to allow backyard chickens under certain conditions; and

WHEREAS, the City Council is committed to protecting property values and the public health, welfare, and safety of the community; and

WHEREAS, the City Council finds that the establishment of regulations for the keeping of backyard chickens regulations is necessary to maintain property values and the public health, safety, and welfare of the City.

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

SECTION 1. Chapter 18 “Animals”, Section 18-1 “Definitions” of the Code of Ordinance of the City of Farmers Branch, Texas, is amended by adding definitions for “Backyard Chicken”, “Chicken Coop” and “Exercise Yard” and amending the definitions of “Prohibited Animal” and “Prohibited Fowl” to read follows:

Backyard chicken means a female chicken (hen) which is possessed or harbored for providing organic egg production in compliance with this chapter

Chicken coop means an enclosed structure which meets the construction standards set forth Section 18-303.

Exercise yard means the enclosure attached to the chicken coop that provides exercise for the backyard chickens and prohibits the backyard chickens from escaping such enclosure.

Prohibited animal means an animal not normally considered domesticated including, but not limited to, venomous lizards, venomous snakes, venomous spiders, venomous insects, venomous frogs, boas, pythons, crocodiles, alligators, owls, hawks, falcons, eagles, vultures, ocelots, tigers, leopards, cougars, panthers, lions, lynx, bobcats, wolves, coyotes, weasels, mink, raccoons, skunks, foxes, bears, elephants, kangaroos, opossum, bats, armadillos, monkeys, chimpanzees, antelopes, deer, goats, sheep, pigs, horses, mules, donkeys, cattle, oxen, llamas, buffalo, or any other wild animal capable of, or inclined to do serious bodily harm to humans or other animals defined as a “dangerous wild animal” in Texas Health and Safety Code, Section 822.101, as amended.”

Prohibited fowl means roosters, chickens, turkeys, pheasants, quail, guineas, geese, ducks, pigeons, peacocks, emu, ostriches and other similar feathered animals regardless of age or sex which are kept on property within the city but which shall not include existing legal fowl kept in accordance with Section 18-7 or backyard chickens kept in accordance with Article VI of this chapter.”

SECTION 2. Chapter 18 “Animals”, Section 18-4 “Keeping of Prohibited Animals or Fowl Unlawful” of the Code of Ordinance of the City of Farmers Branch, Texas, is amended to read as follows:

Section 18-4. Keeping of Prohibited Animals or Fowl Unlawful.

It shall be unlawful for any person to keep, stable, board, possess, harbor or house any prohibited animal or prohibited fowl on premises under the person’s control within the city limits, except as provided by Section 18-7 and Article VI of this Chapter.

SECTION 3. Chapter 18 “Animal” of the Code of Ordinances of the City of Farmers Branch, Texas, is amended by adding Article VI “Backyard Chickens” to read as follows:

ARTICLE VI – BACKYARD CHICKENS

Section 18-300. Backyard Chickens Allowed; Permits.

(a) A person may harbor or possess not less than three (3) and not more than six (6) backyard chickens on residential property or on property owned or leased by the City, a school, or an educational facility within the City after first having obtained a permit from the City for such location and payment of a non-refundable application fee set forth in Appendix A of this Code.

(b) *Permit Application.* A person who desires to harbor or possess backyard chickens on residential property within the City on which the person identifies as the person's primary residence shall:

(1) submits an application for a permit to Animal Services on a form provided by the City accompanied by a site plan showing the proposed location for the chicken coop on the property, and a floor plan and side elevations for the chicken coop to be located on the property;

(2) pay a non-refundable application fee in the amount set forth in Appendix A of this Code;

(3) if the applicant is a person other than the owner of the property on which the backyard chicken(s) will be kept, submit with the permit application written authorization from the property owner to keep three or more backyard chickens on the property identified in the permit application, which authorization must bear the property owner's signature;

(4) successfully attend and complete an education program offered by the City for the keeping of back yard chickens and submit the certificate of completion of the program with the application for permit.

(b) Not more than one permit may be issued for an individual property, tract or residential lot.

(c) The permit is non-transferable and shall be valid and effective until the permit holder no longer resides at the property for which the permit was issued, in the event the person ceases to harbor or keep backyard chickens on the property, or the permit is otherwise revoked pursuant to this Article.

(d) The permit shall not supersede, replace or control over any recorded deed restrictions, covenants or other restrictions applicable to such residential property.

Section 18-301. Standards for Keeping Backyard Chickens.

A person keeping three or more backyard chickens on residential property or on property owned or leased by the City, a school, or an educational facility within the City shall comply with the following:

(a) Not less than three (3) and not more than six (6) backyard chickens may be kept on an individual property, tract or residential lot;

(b) Backyard chickens shall be kept within a secure chicken coop constructed with three (3) or more sides with a roof or other cover capable of allowing the chickens within the coop to remain dry and protected from the elements and which provides for direct access by an enclosed passage between the roosting area and exercise yard. Backyard chickens shall be kept within the chicken coop and exercise yard except when being removed to be transported off the property, or returned from a location off the property; provided, however, backyard chickens under the direct supervision and control of, and in the presence of, an adult may be allowed to roam in the rear yard outside of the chicken coop and exercise yard if the entire rear yard is secured by an enclosed perimeter fence;

(c) No more than one (1) chicken coop and one (1) exercise yard shall be allowed on the property and must be located in the rear half of the lot not less than five (5) feet from any property line;

(d) The height of the chicken coop shall not exceed the greater of six (6) feet or the lowest height of the existing fence enclosing the rear yard where the chicken coop is located, but in no case greater than eight (8) feet in height;

(e) The chicken coop shall provide at least five (5) square feet of area per backyard chicken, but in no case, exceed a total of eighty (80) square feet of area;

(f) The exercise yard shall be not less than fifteen (15) square feet in area per backyard chicken not exceed a total one hundred twenty (120) square feet in area;

(g) The chicken coop and exercise yard must be maintained in a sanitary condition and the accumulation of backyard chicken waste on the property is prohibited;

(h) Nuisance odors or excessive noise shall not be allowed to travel beyond the property line and disturb neighbors of ordinary sensibilities;

(i) Adequate food, shelter, water, and care shall be provided in a humane manner to the backyard chicken(s);

(j) No backyard chicken or backyard chicken byproducts, including but not limited to eggs, may be sold by, under the direction of, or with the consent of the permit holder;

(k) Medical treatment from a Texas-licensed veterinarian must be timely obtained by the permit holder and provided to any backyard chicken(s) showing symptoms of illness or injury; and

(l) Any processing of deceased backyard chickens shall not occur in any area visible from the public right-of-way.

Section 18-302. Construction Standards for Chicken Coops and Exercise Yards

(a) *Chicken coops.* Chicken coops shall be constructed in accordance with the following requirements:

(1) The chicken coop must be constructed in a workmanship like manner of naturally decay-resistant wood, or wood that has been pressure treated to resist decay or galvanized steel or aluminum;

(2) Exposed wood material of the chicken coop shall be stained, sealed or painted to provide additional weather protection to the material.

(3) The chicken coop may be located above the exercise yard; and

(4) The tallest part of the chicken coop shall not exceed the greater of six (6) feet above grade or the lowest height above grade of the existing fence enclosing the rear yard where the chicken coop is located, but in no case greater than eight (8) feet in height above grade, measured at the lowest elevation property line in the rear yard, even if located on top of the exercise yard.

(b) *Exercise Yard Construction:* Exercise yards shall be constructed in accordance with the following requirements:

(1) The exercise yard shall be constructed in a workmanship like manner of a frame of naturally decay resistant wood, wood that has been pressure treated to resist decay, galvanized steel or aluminum.

(2) Any wood used on the exercise yard frame shall be stained, sealed or painted.

(3) The exercise yard frame shall be maintained in good and sound condition; and.

(4) The exercise yard frame shall securely hold the wire enclosure on all edges of the enclosure.

Section 18-303. Roosters Not Authorized.

A permit issued pursuant to this article does not authorize the possession or keeping of a rooster on any property within the City. It is an offense for any person to keep, harbor or possess a rooster within the City. A person convicted of such offense shall be subject to a penalty of fine in the amount of not less than One Thousand Dollars (\$1,000.00).

(b) It shall be a defense to a violation of this Section 18-303 if on the date of the offense the rooster was sixty (60) days old or younger.

Section 18-304. Keeping Excess Chickens

A person commits an offense if the person possesses or keeps more than six (6) backyard chickens on any property within the City. Each day that a person keeps or possesses more than six (6) backyard chickens on property within the City shall constitute a separate offense. A person convicted of an offense under this Section 18-304 shall be subject to a penalty or fine in the amount of not less than One Hundred Dollars (\$100) for each backyard chicken in excess of six that the person has possessed or kept on property within the City.

Section 18-305. Revocation of Permit.

(a) A permit issued by the City pursuant to this article may be revoked upon a finding by the Animal Services Manager after written notice to the permit holder that the permit holder has violated any provision of this article. The permit holder may appeal the revocation to the City Manager, or designee whose decision shall be final. The permit holder shall have until 5:00 p.m. of the second business day following receipt of the notice of revocation to appeal the permit revocation to the City Manager by submitting such appeal in writing to the City Manager. The appeal shall be heard by the City Manager within ten (10) business days following receipt of a timely notice of appeal at a hearing at which the Animal Services and permit holder may submit oral and documentary evidence and testimony, and provided an opportunity to ask questions of witnesses. No rules of evidence will apply to the conduct of such hearing. The City Manager, or designee, shall make a final determination to either repeal or uphold the permit revocation, which decision shall be final. If the permit holder fails to timely file an appeal of the permit revocation, or if the City Manager, or designee upholds the permit revocation following an appeal, the permit holder will have seventy-two (72) hours to remove the backyard chickens from the City following the date the notice of revocation is delivered to the permit holder or the date the City Manager, or designee denies the appeal of the permit revocation, whichever is later.

(b) A permit issued by the City pursuant to this article shall be revoked upon a finding by Animal Services that the permit holder has been convicted of three (3) or more violations of the Code of Ordinances including this article. A permit revoked pursuant to this section 18-305 (b) is not appealable and such person (and such premises while owned or occupied by such person) shall not be eligible for a permit for back yard chickens under this article.

SECTION 3. Appendix A “Fee Schedule” of the Code of Ordinances of the City of Farmers Branch, Texas, shall be amended by adding the following additional fees:

| Section in this Code | Description | Amount |
|----------------------|--|---------|
| 18-300 | Application for permit for keeping backyard chickens including education program | \$50.00 |

SECTION 4. All provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense unless a lesser maximum fine is provided in the Code of Ordinances as amended by this Ordinance.

SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 23RD DAY OF JANUARY, 2018.

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Robert C. Dye, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(PGS/KBL:1-24-18:102.93286)