

ORDINANCE NO. 2020-125

AN ORDINANCE OF THE CITY OF ALEDO, TEXAS AMENDING SECTION 6-88 “FOWL AND BIRDS” OF ARTICLE IV “LIVESTOCK AND FOWL” OF CHAPTER 6 “ANIMALS” OF THE CODE OF ORDINANCES, CITY OF ALEDO, TEXAS BY REVISING THE REGULATIONS RELATED TO KEEPING FOWL IN A RESIDENTIAL DISTRICT; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Aledo, Texas is a type A general-law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City has adopted regulations regarding the keeping of fowl in residential districts, and desires to amend Section 6-88 to allow residents to maintain fowl in a safe and responsible manner; and

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

SECTION 1.

Section 6-1 “Definitions” of Article I “In General” of Chapter 6 “Animals of the Code of Ordinances, City of Aledo is hereby revised to revise the definition of “Livestock” and add a definition for “Fowl” to read as follows:

Livestock means any cattle, horses, mules, jacks, jennets, asses, burro, sheep, goats, swine (hogs and pigs, domestic, wild, and potbelly), other penned animals. Fowl, except for emus, and ostriches and exotic animals are not included in the definition of livestock.

Fowl means birds commonly considered poultry and including, but not limited to chickens, turkeys, pheasants, quail, geese, guinea, ducks, ostriches, emus, or similar feathered animals. The term “fowl” shall not include canaries, parakeets, parrots, cockatiels or other birds commonly maintained in households within cages.

SECTION 2.

Section 6-88 “Fowl and Birds” of Article IV “Livestock and Fowl” of Chapter 6 “Animals” of the Code of Ordinances, City of Aledo is hereby revised to read as follows:

Sec. 6-88. – Fowl.

A maximum combination of fowl may be kept on single-family residentially and agriculturally zoned property in the city if the owner of the fowl complies with the following restrictions:

- (1) The fowl must be kept in a manner that does not create a nuisance;
- (2) Residential lots of one acre or smaller may keep no more than six fowl;
- (3) Residential lots larger than one acre may keep ten fowl per acre, with no more than 50 fowl permitted;
- (4) Agricultural properties may keep no more than ten fowl per acre, with no more than 150 fowl permitted;
- (5) It shall be prohibited to keep or harbor a rooster;
- (6) Fowl shall be kept within pens, coops or hutches which meet the requirements of this section. A fenced yard shall not qualify as a pen, coop, or hutch;
- (7) All pens, coops, or hutches for the keeping of fowl shall be maintained a minimum of 50 feet from any residence or commercial building, excluding the residence or commercial building of the person keep the fowl; and
- (8) A person who keeps, harbors or maintains fowl in the city shall ensure that the animal(s) in their care are treated humanely by, at a minimum, providing sufficient food, potable water, adequate shelter, and protection from weather. All pens, coops hutches and exercise runs shall be completely enclosed. The pen, coop, hutch or exercise run may not be placed in the front or side yard of any property.

SECTION 3.

That this Ordinance shall be cumulative of all provisions of ordinances of the City of Aledo, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4.

That 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, phrase, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

That any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Five Hundred Dollars (\$500.00) for all violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

That all rights and remedies of the City of Aledo, Texas, are expressly saved as to any and all violations of the provisions of any ordinances of the City of Aledo which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED ON THIS 23rd DAY OF July, 2020.



Kit Marshall
MAYOR

ATTEST:

[Signature]
CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY