

ORDINANCE NO. ORD-2017-9935

AN ORDINANCE AMENDING CHAPTER 6 ENTITLED “ANIMAL SERVICES” OF THE CODE OF CIVIL AND CRIMINAL ORDINANCES OF THE CITY OF IRVING, TEXAS, BY ADDING DEFINITIONS; PROVIDING REGULATIONS FOR THE KEEPING OF CHICKENS; PROVIDING A PENALTY; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Irving, Texas (the “City”), is a home-rule municipality possessing the full power of local self-government; and

WHEREAS, the City has the authority to enact regulations in the interest of the health, safety and welfare of the citizens of Irving, Texas, and to provide standards for the ownership, control, and care of animals in the City; and

WHEREAS, the City Council desires to amend Chapter 6 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, based upon concerns expressed by residents of the City relative to the keeping of certain animals; and

WHEREAS, the City Council finds the proposed amendments are in the best interest of the citizens of Irving;

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

SECTION 1. That Section 6-1 of Chapter 6 entitled “Animal Services” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended by adding the following definitions to be inserted in alphabetical order:

[Sec. 6-1. Definitions.]

Chicken means all breeds of *Gallus gallus domesticus*, a common domesticated fowl widely kept for meat and eggs.

Hen means a female chicken.

Rooster means a male chicken.

SECTION 2. That Chapter 6 entitled “Animal Services” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended by adding Section 6-11.1 to read in its entirety as follows:

Sec. 6-11.1. Regulations on the keeping of chickens.

(a) A person commits an offense if he keeps or maintains:

- (1) More than one rooster without having a minimum of six hens or more than 25 chickens total, including the rooster, on land of one acre or less.
- (2) More than one rooster for every six hens on land greater than one acre.

(b) A person commits an offense if he houses or keeps chickens in a structure or enclosure at a distance within 25 feet from any building or structure used or intended for human occupancy or human habitation located on another's property.

(c) A person commits an offense if he keeps or maintains chickens in an enclosure that is not:

- (1) Designed, erected, and maintained in accordance with applicable building and zoning requirements of city code;
- (2) A 3 or more sided structure with a minimum of one (1) square foot of roosting area per chicken with a roof or cover to allow the chickens to remain dry and protected from the elements and has direct access from the roosting area to an outdoor enclosure that is a minimum of 10 square feet of ground area per chicken;
- (3) Constructed and maintained to reasonably prevent the collection of standing water;
- (4) Easily accessed;
- (5) Cleaned of droppings, uneaten feed, feathers, and other waste weekly or more often as needed to prevent foul odor;
- (6) Predator proof; and
- (7) Thoroughly ventilated.

(d) A person commits an offense if he keeps or maintains chickens without fresh water at all times and food in sufficient quantity and with nutritive value to maintain the health of the animal.

(e) A person commits an offense if he slaughters any chicken in public view.

(f) A person commits an offense if he keeps or maintains yards, pens, coops, or other enclosures in which chickens are confined in such a manner as to give off odors offensive to persons of ordinary sensibilities residing in the vicinity, or to breed or attract flies, mosquitoes or other noxious insects or rodents, or in any manner to endanger the public health, safety or welfare, or to create a public nuisance.

(g) *Affirmative defense*: It is an affirmative defense to this section if a person keeps or maintains a rooster when it is:

- (1) Being exhibited during a special event approved by the city;
- (2) Owned by and kept on premises of a governmental entity for the purposes of a research, educational, or similar program conducted by a governmental entity;

- (3) Owned by and kept on premises of a medical, educational, or research institution for scientific or educational purposes, operating in compliance with all city ordinances and state and federal laws.

SECTION 3. That Section 6-13(b) of Chapter 6 entitled “Animal Services” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

(b) It is an affirmative defense to this section that the animal is a chicken slaughtered not within public view.

SECTION 4. That any person adjudged guilty of an offense under this ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed \$2,000.00. Each day that a violation continues shall constitute a separate offense.

SECTION 5. That all provisions of the ordinances of the City of Irving 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 Irving not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

SECTION 7. That this ordinance shall become effective in 180 days.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS, on April 6, 2017.

BETH VAN DUYNE
MAYOR

ATTEST:

Shanae Jennings Conley
City Secretary

APPROVED AS TO FORM:

Kuruvilla Oommen
City Attorney