

CITY OF ALVARADO ORDINANCE NO. 2016-029

AN ORDINANCE AMENDING CHAPTER 6 OF THE ALVARADO CITY CODE TO REGULATE THE KEEPING OF REPTILES, POT-BELLIED PIGS AND ROOSTERS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING FOR PUBLICATION IN PAMPHLET FORM, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Alvarado, Texas is a Type A General Law Municipality located in Johnson 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 Council has determined that there exists a need to regulate the keeping of reptiles, pot-bellied pigs and roosters within the City limits; and

WHEREAS, the current City Code does not make provision for such regulations;

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

SECTION 1.
AMENDMENT OF SECTION 6-1

Section 6-1 of Article I of Chapter 6 of the Alvarado City Code is hereby amended by the addition of the following definitions:

Potbellied Pig means a variety of swine that is no more than 26 inches in height at shoulder level when fully grown, has short ears, and a straight tail. No swine shall be considered a potbellied pig if its weight exceeds 120 pounds, or it is registered with a licensed breeder.

Qualifying reptile means any reptile except poisonous or venomous reptiles, cobras and their allies (elapidae, hydrophiidae); vipers and their allies (the pit vipers (cortiladae, viperidae); Boonsland and Kirtland's tree snakes, gila monsters (heleodermatidae); and crocodiles, alligators, and their allies (order loricata).

The remainder of Section 6-1 shall remain unchanged.

SECTION 2.
ADDITION OF SECTION 6-89

Section 6-89 of Article VI of Chapter 6 of the Alvarado City Code is hereby amended to provide as follows:

Sec. 6-89. - Animals and fowl in residential areas; limitations.

(a) No more than four dogs or four cats more than four months of age shall be kept on any lot in any residential zoning district in the city. Notwithstanding the foregoing, in no event shall more than four dogs or four cats more than four months of age be kept per residential household, regardless of the number of contiguous lots on which the residential household is located.

(b) No more than five of any other type of animal, fowl, or reptile more than six months of age shall be kept in any area of the city, unless zoned agricultural. A greater number of qualifying reptiles may be allowed if application for registration is made with the city and approved by City Council. The fees for registration of reptiles shall be as currently established or as hereafter adopted by resolution of the city council from time to time. The annual fee shall be paid before the issuance of a certificate of registration. The registration shall expire one year following the issuance date. The Animal Control Officer or designee shall inspect the site listed on the certificate twice per year. The City Council shall be authorized to revoke the certificate of registration upon recommendation of the Animal Control Officer.

(c) No livestock shall be kept on any lot or tract of less than 40,000 square feet. For each 40,000 square feet of lot or tract area, an owner may keep one head of livestock more than one year of age, with the exception that no livestock shall be allowed within 100 feet of any residence on adjacent property.

(d) A person commits an offense if he possesses or harbors a live rooster (male of the domestic fowl) on any premises within the city unless zoned agriculture.

SECTION 3.
ADDITION OF SECTION 6-94

Section 6-94 of Article VI of Chapter 6 of the Alvarado City Code is hereby added, and shall provide as follows:

Sec. 6-94. - Potbellied pigs; Requirements

(a) It shall be unlawful for any person to keep, harbor or raise more than two adult potbellied pigs in any one dwelling unit within the city.

(b) It shall be unlawful for any person to keep a potbellied pig outdoors other than at those times necessary for the elimination of waste materials or exercise. Potbellied pigs are subject to all applicable sections of this chapter including the requirements of this chapter which prohibit animals at large.

**SECTION 4.
ORDINANCE CUMULATIVE**

This ordinance shall be cumulative of all provisions of ordinances of the City of Alvarado, 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 5.
PENALTY**

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 not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, 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 may also be subjected to such civil penalties and such civil remedies as authorized by law.

**SECTION 6.
RESERVATION OF RIGHTS AND REMEDIES FOR ACCRUED VIOLATIONS**

All rights or remedies of the City are expressly saved as to any violations of the sections amended herein or of any other ordinances that have accrued at the time of the effective date of this Ordinance and such accrued violations and all pending litigation, both civil and criminal, shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

**SECTION 7.
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 8.
PUBLICATION IN PAMPHLET FORM**

The City Secretary of the City of Alvarado is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

**SECTION 9.
PUBLICATION IN OFFICIAL NEWSPAPER**

The City Secretary is hereby directed to publish in the official newspaper of the City the caption and penalty clause of this ordinance twice as authorized by Section 52.013 of the Local Government Code.

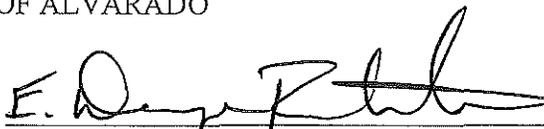
**SECTION 10.
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

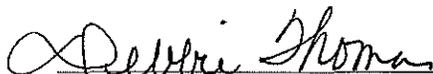
Passed on this 17th day of October, 2016, by a vote of 5
affirmative votes to 0 negative votes.

CITY OF ALVARADO

By:


The Honorable E. Dewayne Richters, Mayor

ATTEST:


Debbie Thomas, City Secretary

Approved as to form and legality:

Tim G. Sralla, City Attorney