

ORDINANCE NO. 2016-3793

AN ORDINANCE AMENDING CHAPTER 2, “ANIMAL CONTROL”, SECTION 4, “LIVESTOCK, BIRDS, EXOTIC ANIMALS AND WILD ANIMALS”, SUBSECTIONS 2-51, 2-52, AND 2-55 OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, RELATED TO THE CREATION OF THE “WE” WELLBORN ESTATE ZONING DISTRICT IN COMPLIANCE WITH THE WELLBORN COMMUNITY PLAN AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1:** That Chapter 2, “Animal Control”, Section 4 “Livestock, Birds, Exotic Animals and Wild Animals”, subsections 2-51, 2-52, and 2-55 of the Code of Ordinances of the City of College Station, Texas be amended as set out in Exhibit “A,” attached hereto and made a part of this ordinance for all purposes.
- PART 2:** That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 3:** That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this 28^h day of July, 2016.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

City Attorney

EXHIBIT “A”

That Chapter 2, “Animal Control”, Section 4, “Livestock, Birds, Exotic Animals and Wild Animals”, subsections 2-51 – “Keeping of Domestic Livestock”, 2-52 – “Fowl”, and 2-55 – “Rabbits” of the Code of Ordinances of the City of College Station, Texas is amended and is to read as follows:

Sec. 2-51. - Keeping of domestic livestock.

Keeping of domestic livestock is allowed in accordance with the zoning land use regulations of the City set forth for an R Rural zone, WE Wellborn Estate zone, and an E Estate zone as same may from time to time be amended and by meeting the regulations in this chapter. When allowed pursuant to the zoning land use regulations of the City, the following additional requirements apply for domestic livestock:

(1) Not allowed to be at large.

Domestic livestock shall be kept within structures or enclosures or lawfully tethered and not permitted to run at large.

(2) Avoid creation of health hazard.

An owner of domestic livestock shall be responsible for the proper pickup and disposal of all animal feces. Feces must be removed often enough so that there is no odor or fly attraction which would disturb a person of normal sensibilities or otherwise constitute a health hazard.

(3) Distance requirements.

The structure or enclosure within which the livestock may be confined shall be not less than one hundred (100) feet from any structure used for human occupancy, except the dwelling occupied by the owner of the domestic livestock. A deviation from this distance may be considered upon the owner making proper application before the Zoning Board of Adjustment.

(4) Contact information.

The owner of the livestock shall post their contact information at all entrances to the livestock enclosure, including their name, address, and telephone numbers.

(5) Proof of vaccinations.

The owner of the domestic livestock shall make available to the animal control authority proof of current vaccinations as may be required pursuant to applicable law, including Brucellosis for all cattle eighteen (18) months of age and over except steers and spayed heifers per Texas Administrative Code Title 4, Part 2, Chapter 35, as amended, and a negative test for Equine Infectious Anemia for horses, mules, and donkeys as required under Texas Administrative Code Title 4, Part 2, Chapter 49, as amended, for horses at an event or gathering, horses in stables or breeding farms, or any horse that has had a change of ownership.

Sec. 2-52. - Fowl.**(1) Keeping allowed without permit.**

Keeping of fowl is allowed in accordance with the zoning land use regulations of the City set forth for an R Rural zone, WE Wellborn Estate zone, and an E Estate zone as same may from time to time be amended and by meeting the regulations in this chapter.

(2) Keeping allowed with permit.

Keeping of fowl is allowed in all single-family residential zones consistent with the land use regulations therein for such zone as same may from time to time be amended, and upon issuance of a permit and by meeting other applicable regulations as set forth herein.

(a) Permit requirements.

The following is required to be issued a permit for keeping of fowl in a single-family residential zone:

- (i) An application must be completely and accurately filled out and submitted to the City identifying the location, contact information for the owner of the property and the owner of the fowl, type and number of fowl, type of enclosure, distance from adjacent residences other than applicant's, and other pertinent information; and

- (ii) Payment of a fee as may be imposed by the City Council.

(3) Keeping fowl in enclosures.

It shall be the duty of the owner of fowl to keep same enclosed in such manner that the fowl cannot go upon public streets, highways, alleys, rights-of-way or parkways of the City, or upon the private property of others. Any enclosure that houses fowl must be at least one hundred (100) feet from any dwelling other than the dwelling occupied by the owner of the fowl. A deviation from this distance may be considered upon the owner making proper application before the Zoning Board of Adjustment.

(4) Roosters prohibited.

It is unlawful to own, keep, harbor, or to maintain or to possess a rooster within the City limits.

Sec. 2-55. - Rabbits.**(1) Keeping allowed without permit.**

Keeping of rabbits is allowed in accordance with the zoning land use regulations of the City set forth for an R Rural zone, WE Wellborn Estate zone, and an E Estate zone as same may from time to time be amended and by meeting the regulations in this chapter.

(2) Keeping allowed with permit.

Keeping of rabbits is allowed in all single-family residential zones consistent with applicable land use regulations, and upon issuance of a permit and by meeting other regulations as set forth herein.

(a) Permit requirements.

The following is required to be issued a permit for keeping of rabbits in a single-family residential zone:

- (i) An application must be completely and accurately filled out and submitted to the City identifying the location, contact information for the owner of the property and the owner of the rabbits, type and number of rabbits, type of enclosure, distance from adjacent residences other than applicant's, and other pertinent information;
- (ii) Payment of a fee as may be imposed by the City Council.

(b) Additional requirements.

A person with a lawfully issued permit may keep, harbor, own, or maintain on his or her premises up to ten (10) rabbits except more may be allowed if the person is lawfully involved in an Agricultural Youth Project under the supervision of a county extension agent, interest group leader or agriculture teacher employed by the independent school district and the rabbits are kept no longer than one hundred eighty (180) days.

(3) Keeping rabbits in enclosures.

It shall be the duty of the owner of rabbits to keep same enclosed upon his own premises in such manner that the rabbits cannot go upon public streets, highways, alleys, rights-of-way or parkways of the City, or upon the private property of others. Any enclosure that houses rabbits must be at least one hundred (100) feet from any dwelling other than the dwelling occupied by the owner of the rabbits unless the person is lawfully involved in an Agricultural Youth Project under the supervision of a county extension agent, interest group leader or agriculture teacher employed by the independent school district in which case there shall be no distance requirement. In other instances, a deviation from the distance requirement may be considered upon the owner making proper application before the Zoning Board of Adjustment.