

ORDINANCE NUMBER: 2020-12-17

AN ORDINANCE DELETING EXISTING SECTION 6-178. REQUIREMENTS FOR HOUSING, OF THE CODE OF ORDINANCES OF THE CITY OF SPENCER; REPLACING WITH NEW SECTION 6-178. REQUIREMENTS FOR KEEPING - RAISING LARGE ANIMALS; AND ESTABLISHING EQUINE ANNUAL REGISTRATION; DELETING ALL OF EXISTING SECTION 6-179. SPECIAL PERMITS ALLOWED FOR KEEPING ON PROPERTIES WITH LESS THAN FIVE ACRES; PROVIDING FOR SEVERABILITY; DECLARING REPEALER; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPENCER, OKLAHOMA:

SECTION 1. Creating New Section 6-178. REQUIREMENTS FOR KEEPING – RAISING LARGE ANIMALS

Large animals, (Horse, pony, mule, ass, calf, sheep, goat, cow, steer, bull) may not be kept in areas Zoned for Residential, Commercial or Industrial Use. In no case may swine (Pig or hog) be raised within the City Limits of Spencer, Oklahoma. Commercial feed pens for livestock are prohibited within the City Limits of Spencer, Oklahoma.

EXCEPTIONS:

1. Large animals may be kept in UNPLATTED areas Zoned A-1 Suburban Agricultural District provided said property contains a minimum of two and one-half (2 ½) acres and an occupied single family dwelling is part of this two and one-half (2 ½) acre tract.
2. Large animals may be kept in UNPLATTED areas Zoned R-1, Single Family Dwelling District provided said property contains a minimum of two and one-half (2 ½) acres and an occupied single family dwelling is part of this two and one-half (2 ½) acre tract.
3. Large animals may be kept in UNPLATTED areas Zoned R-5, Single Family Manufactured Home District provided said property contains a minimum of five (5) acres and an occupied conventional single family dwelling or a single family manufactured home, (Mobile Home) is part of this five (5) acre tract.

ADDITIONAL REQUIREMENTS CONCERNING THE KEEPING OF LARGE ANIMALS:

1. No large animal may be kept within forty (40) feet of the dwelling on the same property or within one hundred (100) feet of a dwelling adjacent to this property.
2. No large animal will be kept within one hundred (100) feet of a private water well on this property or within one hundred (100) feet of a private water well adjacent to this property.
3. Adequate fencing to prevent large animals from running at large shall be provided.

4. Adequate water, food supply, (Pasture, grain or hay) and appropriate shelter shall be provided for large animals.

5. Poor drainage combined with the accumulation of animal manure causing unsanitary conditions, flies, mosquitoes and foul odors may be declared a Public Nuisance by the City of Spencer with corrective action required by the property owner.

6. Equine Registration Required: Effective June 30, 2021 any horse, pony, mule or ass kept within the City Limits of Spencer must be registered with the City of Spencer on an Equine Registration Form provided by the City. An Annual Registration Fee of twenty-five dollars (\$25.00) shall be required for each registered equine animal. All Equine Registration Forms expire on June 30th of each year and must be renewed with the registration fee paid for each animal.

7. The rule for the number of large animals being kept within the City of Spencer, Oklahoma:

A. Two (2) cows per acre, excluding one-half ($\frac{1}{2}$) acre reserved for the dwelling, (Excluding other large animals).

B. Two (2) horses per acre, excluding one-half ($\frac{1}{2}$) acre reserved for the dwelling, (Excluding other large animals).

C. Four (4) sheep or goats per acre, excluding one-half ($\frac{1}{2}$) acre reserved for the dwelling, (Excluding other large animals).

CURRENT KEEPING OF LARGE ANIMALS NOT IN COMPLIANCE WITH THIS ORDINANCE:

1. Properties within the City Limits of Spencer, Oklahoma where large animals are being kept that do not comply with this Ordinance on its Effective Date shall be considered a NON-CONFORMING USE.

2. Large animals being kept on NON-CONFORMING properties shall be subject to Items 1 – 6 of the above stated, "ADDITIONAL REQUIREMENTS CONCERNING THE KEEPING OF LARGE ANIMALS".

3. The removal of large animals from NON-CONFORMING properties for a period of three (3) months or more shall terminate the large animal NON-CONFORMING USE of said property meaning no other large animals will be permitted to be kept or raised on this property.

4. Repeated VIOLATIONS of any of the "ADDITIONAL REQUIREMENTS FOR THE KEEPING OF LARGE ANIMALS", ITEMS 1 – 6 within any three (3) month period shall result in the termination of the large animal NON-CONFORMING USE status and the future use of said property for keeping or raising large animals.

SECTION 2. DELETING ALL OF EXISTING SECTION 6-179 OF THE CODE OF ORDINANCE OF THE CITY OF SPENCER.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. REPEALER. All former ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 5, EMERGENCY. It being immediately necessary for the preservation of the public health, peace and safety of the City of Spencer and the inhabitants thereof, an **EMERGENCY** is hereby declared to exist by reason whereof, this ordinance shall be in full force and effect after its passage and approval, as provided by law.

PASSED AND APPROVED THIS 17 DAY OF December, 2020


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM THIS 17 DAY OF December, 2020


RAY VINCENT, CITY ATTORNEY