

ORDINANCE NO. 4025-10-2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING THE LEWISVILLE CITY CODE, CHAPTER 2, SECTION 2-201, FEE SCHEDULE, BY ADDING A PERMIT FEE FOR THE KEEPING OF CHICKENS; AND CHAPTER 3, ANIMALS, BY ADDING SEVERAL DEFINITIONS AND AN ARTICLE REGULATING THE KEEPING OF CHICKENS WITHIN THE CITY; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville has determined that for the health, welfare and safety of its citizens, certain amendments to the Lewisville City Code, Chapter 2, Section 2-201 and Chapter 3 are necessary.

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

SECTION 1. Lewisville City Code, Chapter 2, Section 2-201, Fee Schedule, is hereby amended by adding the following fee under “Animal control division:”

	Amount
Permit:	
Chickens, per year	10.00

SECTION 2. Chapter 3, Article I, Section 3-1 of the Lewisville City Code is hereby amended by inserting the following new definitions

Chicken shall mean a domestic fowl kept for its eggs, meat, or other.

Coop shall mean a building or structure where female chickens are kept and often contains nests for egg-laying and perches on which chickens sleep.

Enclosure shall mean a fenced area, behind the appropriate setback line outlined in this chapter, or inside a structure that is:

- (1) capable of preventing the escape or release of any chicken; or
- (2) secured in such a fashion to prevent a chicken from exiting of its own volition through any opening or other means.

SECTION 3. Chapter 3 of the Lewisville City Code is hereby amended by inserting the following new article:

ARTICLE VI. DOMESTICATED CHICKENS.

Sec. 3-155. Permit

(1) *Required.* A person commits an offense if he keeps domesticated chickens within the city limits without a valid permit issued by the city.

(2) *Application.* An application for a permit under this article must be made on a form provided by the city.

(3) *Fee.* The annual fee for a chicken permit is set out in section 2-201 of the city code of ordinances.

(4) *Approval.* The city shall issue a permit if the applicant has demonstrated compliance with the criteria and standards in this article and all other applicable sections of the city code of ordinances.

(5) *Denial, Suspension or Revocation.* The city may deny, suspend or revoke a permit if:

- (i) the applicant has failed to comply with or violated any of the provisions of this article or any other applicable ordinance or law;
- (ii) the applicant has omitted or materially misrepresented any information required for the issuance of a permit; or
- (iii) there is a risk to public health, safety or welfare.

(6) *Appeal.* If the city denies, revokes or suspends the permit, the decision to do so shall be final unless the applicant or permittee files a written appeal to the city council within twenty (20) days from the date of the notice of denial, revocation or suspension. If an appeal is timely perfected, the decision of the city council is final and nonappealable.

Sec. 3-155. Location, Number and Type of Chickens Allowed

(1) *Detached single-family lots of 7,500 square feet in size or larger but not exceeding one acre.* Chickens shall be allowed as follows:

- (i) The maximum number of chickens allowed per lot is six (6); provided that, there are no other regulated animals, as specified in section 3-63 of the city code of ordinances, being kept on the same lot. If there are other regulated animals on the same lot, there shall be no more than an aggregate total of six (6) animals in any combination, including chickens, dogs, cats, etc.
- (ii) Chickens must be kept in an enclosure or coop at all times.
- (iii) Only female chickens are allowed.
- (iv) No roosters are allowed.
- (v) There is no restriction on chicken species.
- (vi) Chickens shall not be allowed to be kept inside the primary residence (including a garage).

(2) *Detached single-family lots on one acre tracts or larger.* Chickens shall be allowed as follows:

- (i) The maximum number of chickens allowed per one-fourth acre of land is five (5).
- (ii) Chickens must be kept in an enclosure or coop at all times.
- (iii) There is no restriction on chicken species.
- (iv) Chickens shall not be allowed to be kept inside the primary residence (including a garage).

(3) *Multi-Family, Townhouse, Duplex, or Mobile Home uses.* Chickens are not allowed.

Sec. 3-157. Coop

(1) The coop shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.

(2) The coop shall be enclosed on all sides and shall have a roof and doors. Openings must be covered with predator and bird proof wire of less than one inch openings.

(3) The coop shall be well-maintained.

(4) Coops are deemed residential accessory buildings and as such shall comply with the residential accessory requirements as specified in section 17-32.5 of the city code of ordinances.

(5) Chickens shall be secured within the coop during non-daylight hours.

(6) The coop must provide adequate ventilation, sun and shade and must both be impermeable to rodents, wild birds, and predators, including dogs and cats.

Sec. 3-158. Enclosures

- (1) Chickens must be kept in an enclosure and/or coop at all times.
- (2) Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
- (3) Enclosures must be made and constructed of listed materials in compliance with the city code of ordinances.
- (4) Where the enclosure is not an integral part of the coop, the enclosure must be a minimum of 100 square feet in size.

Sec. 3-159. Setbacks

- (1) *Detached single-family lots of 7,500 square feet in size or larger but not exceeding one acre.*
 - (i) Coops and/or enclosures, whichever is nearer, shall be no less than 25 feet from any adjacent residential or commercial building.
 - (ii) Coops and/or enclosures shall be a minimum of 10 feet from the onsite primary residential building.
 - (iii) Measurement shall be made from the nearest point of the coop/enclosure to the closest point of the primary residential structure and/or adjacent residential or commercial building.
- (2) *Detached single-family lots on one acre tracts or larger.*
 - (i) Coops and/or enclosures, whichever is nearer, shall be no less than 150 feet from any residential dwelling, office building, school building, church, business, or other structure under separate ownership which is intended for human habitation or use.
 - (ii) Coops or enclosures must provide at least 100 square feet of exercise area for each bird kept therein.
 - (iii) In order to minimize the potential for noise nuisances to adjacent or nearby premises, roosters capable of crowing shall not be allowed to be kept within 1,500 feet of any residential dwelling, office building, school building, church, business, or other structure under separate ownership which is intended for human habitation or use.

Sec. 3-160. Odor and Noise Impacts

(1) Odors from chickens, chicken manure, or other chicken-related substance shall not be perceptible at the property boundaries.

(2) Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

(3) Enclosures must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors.

Sec. 3-161. Waste Storage and Removal

Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. All other manure not used for composting or fertilizing shall be removed. In addition, the coop/enclosure and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

Sec. 3-162. Lighting

Only motion activated lighting may be used to light the exterior of the coop/enclosure.

Sec. 3-163. Predators, Rodents, Insects, Parasites

The property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.

Sec. 3-164. Feed and Water

Chickens must be provided with access to feed and clean water at all times. Such feed and water shall be unavailable to rodents and predators.

Sec. 3-165. Inspections

On-site inspections shall be conducted on a complaint basis.

Sec. 3-166. Miscellaneous

(1) Chickens currently existing illegally in the city shall not be grandfathered or allowed to remain after the effective date of this ordinance.

(2) There shall be no slaughtering of chickens on-site.

(3) There shall be no sale of chickens, including chicks, on-site.

(4) There shall be no sale or other distribution of eggs to persons other than the inhabitants of the primary residence.

Sec. 3-167. Violation; Penalty

(1) Any person who shall violate any of the provision of this article or who shall fail to comply with any provision hereof shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed \$500.00 for each offense, and each and every day such violation shall continue shall constitute a separate offense.

(2) In addition to any other penalty imposed by this article or by state law, the city may remove or order the removal of the chickens and chicken-related structures.

(3) The remedies provided herein shall be deemed to be cumulative to all other remedies.

SECTION 4. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION 5. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 6. PENALTY. Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$500.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

SECTION 8. EMERGENCY. It being for the public welfare that this Ordinance be passed creates an emergency and public necessity and the rule requiring this Ordinance be read on three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF 4 TO 1, ON THIS THE 7th DAY OF OCTOBER, 2013.

APPROVED:

Dean Ueckert, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY