

ORDINANCE NO. 2018-09

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, REGULATING THE KEEPING OF CHICKENS IN THE VILLAGE OF SALADO; REQUIRING A PERMIT; ESTABLISHING PENALTIES; PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, SAVINGS AND SEVERABILITY CLAUSE, AND EFFECTIVE DATE.

WHEREAS, the Board of Aldermen of the Village of Salado ("Board") seeks to provide for the health, safety, and welfare of its citizens; and

WHEREAS, urban chicken-keeping is growing in popularity throughout the country and the State of Texas; and

WHEREAS, the Board seeks to balance the desires of those citizens who wish to keep chickens in a residential area against the health, safety, and comfort of their neighbors; and

WHEREAS, the Board finds that the reasonable regulations provided by this ordinance achieve that balance;

NOW THEREFORE, BE IT ORDAINED BY BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, BELL COUNTY, TEXAS

Article I.

All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Article II.

That Ordinance No. 2018-011 is hereby enacted for the purpose of establishing regulations for the keeping of chickens and shall read as follows:

"KEEPING OF CHICKENS

Section 1. Permit Required.

A person may keep or house chickens on certain residentially zoned properties with a valid annual permit issued by the Village. Prior to the issuance of any permit, the applicant for the permit shall provide the following information to the Village:

- (A) The name, address and telephone number of the applicant and the address where the chickens will be kept, which must be the same address as the applicant.
- (B) The applicant's valid Texas Driver's License.
- (C) The number of chickens that will be kept.
- (D) A site plan showing the planned location of the sufficient shelter in which the chickens will be contained along with a description of the sufficient shelter.

Section 2. Permit Fee.

The fee for an annual permit granted by the Village to keep or house chickens shall be twenty-five dollars (\$25). The term of the permit is a calendar year, January through December, with a seven (7) day grace period for renewal of the permit.

Section 3. Regulations.

A person who keeps or houses chickens pursuant to this Ordinance must adhere to the following requirements:

- (A) The property where the chickens are to be kept or housed must be zoned either Single-Family Residential District/Single-Family Home (SF-7), Single-Family Estate Residential District (SF-21), Single-Family Attached Residential District/Condos and Townhomes (SFA), or Single-Family Residential-Patio Home District (SF-PH), as that term is defined in the City's land use regulations.
- (B) The maximum number of chickens that may be kept or housed on any residentially zoned property, one (1) acre or less in size, is six (6).
- (C) If the residentially zoned property is greater than one (1) acre in size, a total of twelve (12) chickens may be kept or housed on the property.
- (D) No person shall allow chickens outside of the fenced rear yard of the property for which a permit to keep or house chickens has been issued. For purposes of this ordinance, "rear yard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family structure and extending to the side lot lines.
- (E) No person shall keep any rooster within the corporate limits of the Village.
- (F) No person shall slaughter any hens.

- (G) A person shall not keep chicken hens in any location on the property other than in a fenced rear yard. For purposes of this ordinance, "rear yard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family structure and extending to the side lot lines.
- (H) No covered enclosure used to keep chicken hens shall be located closer than twenty (20) feet to the property line of any adjacent property and shall not be located closer than fifty (50) feet to any residential structure on the adjacent property unless the subject property owner also owns the adjacent property. Such enclosures may be placed closer to an adjacent property line than the specified setback amounts, if the subject property owner also owns the adjacent property. For purposes of this ordinance, "adjacent property" includes any parcel of property that comes into contact with one (1) or more points of the subject property but does not include parcels that are legally adjacent to but are in fact separated from the property by a public or private street or waterway.
- (I) All enclosures used to keep chicken hens shall be constructed and kept in good repair so as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
- (J) All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.

Section 4. Exception.

The restrictions and regulations provided by this Ordinance shall not apply to animal shelters, veterinary establishments, animal hospitals operated by a licensed veterinarian, or commercial animal establishments located on property zoned for such purposes. Such establishments, however, must meet sanitation requirements and keep animals securely caged or penned.

Section 5. Enforcement.

- (A) *Fine for Violation.* Any individual keeping or housing chickens in violation of any provision of this Ordinance may be subject to a fine of three hundred (\$300.00) dollars per day. Each day of violation shall constitute a separate and distinct offense.

- (B). *Revocation, Suspension, Modification.* Once a permit has been issued it may be revoked, suspended, modified, or not renewed by the Village Administrator for failure to comply with the provisions of this Ordinance.
- (C). *Removal.* Any individual found in violation of this section or any rules and regulations promulgated by the Board of Aldermen may be issued a ticket for violation.
- (D). *Enforcement.* The provisions of this section or any rules and regulations promulgated by the Board of Aldermen may be enforced by the Salado Police Department.

Article III.

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

Article IV.

Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

Section 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

Section 7. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Capt. 551, Loc. Gov't. Code.

FIRST READING PASSED AND APPROVED this 7th day of June, 2018, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) of the Board of Aldermen of the Village of Salado, Texas.

SECOND READING PASSED AND APPROVED this 21st day of June, 2018, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) of the Board of Aldermen of the Village of Salado, Texas.

VILLAGE OF SALADO, TEXAS

Skip Blance
Skip Blance, Mayor

ATTEST:

Cara McPartland

Cara McPartland, City Secretary

APPROVED AS TO FORM:

City Attorney

