



**CALL TO ORDER AND WELCOME NEW MEMBERS**

**CITIZEN COMMENTS**

*This is an opportunity for citizens to address the committee on any matter posted on the agenda or over which the committee has authority. Citizens may speak up to three (3) minutes or the time limit determined by the presiding officer.*

**ACTION ITEMS:**

- A. Approval of the August 27<sup>th</sup> meeting minutes.
- B. Discuss and take action on the proposed citizen survey questions.
- C. Discuss and take action to recommend city council amend the Westworth Village Code of Ordinances, Chapter 2, Animal Control, Section 2.01.006, Nuisances, to comply with the new state law regarding chickens.

**BRIEFING ITEMS:**

- D. The next meeting is tentatively scheduled for January 7<sup>th</sup> at 6:30pm.

**ADJOURN:**

*The committee reserves the right to retire into executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meeting Act.*

*This facility is wheelchair accessible and handicapped parking spaces are available. Requests for accommodations for the hearing impaired must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (817) 710-2526 for assistance.*

*A quorum of the council may be present at this meeting; however, no council discussion or action will be taken. I certify that the above notice was posted on the bulletin board at the Westworth Village City Hall, 311 Burton Hill Road, Westworth Village, Texas, and City website, on this, the 27<sup>th</sup> day of September 2019, by 5pm, in accordance with Chapter 551 of the Texas Government Code.*

**Brandy G. Barrett, City Secretary**





Tuesday, August 27, 2019

6:30 PM

Council Chambers

<b>ATTENDEES:</b>	Rosa Mendez	Chair
	Sharon Schmitz	Member
	John Hendrix	Member
	Michael Dingman	Member
	Walt Feldman	Member
	Brandy Barrett	City Secretary
	Kevin Reaves	Police Chief

**ABSENT:**
**CALLED TO ORDER at 6:30pm by Rosa Mendez.**
**ACTION ITEMS:**

- A. Approval of the July 25<sup>th</sup> meeting minutes.  
**Motion to approve the minutes.**  
**MADE** by Sharon Schmitz. **SECOND** by John Hendrix.  
**Motion passed** by a vote of 5 Ayes and 0 Nays.

**BRIEFING ITEMS:**

- B. Staff presentation on process to make changes to the Comprehensive Zoning Ordinance, as requested from July 25<sup>th</sup> meeting.
- Ms. Barrett provided a detailed legal process of how the Comprehensive Zoning Ordinance (Chapter 14) was established and how Chapter 14 can be changed based on Texas Local Government Code and the Zoning Ordinance. Following a discussion on the desires of the committee to provide assistance to the Planning and Zoning committee, the committee agreed that they would not act on Planning and Zoning issues. However, if a zoning issue were to come up in citizen comments, at town hall meetings, or in a survey response, staff would be directed to ensure that the Planning and Zoning Commission was informed so it could be properly addressed.
- C. Review and discuss committee purpose and goals.
- Chairwoman Mendez suggested three goals, and each was discussed in detail:
    1. Hold at least one community workshop to discuss city ordinances and solicit ideas for modifications and additions from citizens.
    2. Distribute at least one survey to solicit ideas and modifications or additions to city ordinances from citizens.
    3. Review existing ordinances, taking into consideration community input from workshops and surveys, and make recommendations for changes to City Council.
  - It was decided that the survey should be done prior to a town hall meeting. The committee members will submit survey questions to Ms. Barrett or Chairwoman Mendez who will compile them and present a draft survey at the next meeting.

D. The next meeting will be scheduled when the survey questions are ready for review.

**ADJOURNED at 7:34pm.**

**MINUTES APPROVED on this day, the 1<sup>st</sup> day of October 2019.**

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**Rosa Mendez, Chair**

**ATTESTED TO BY:**

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**Brandy G. Barrett, City Secretary**

**Staff Recommendation:**

*The draft survey was still being finalized at the time the packet was published. It will be added to the packet by close of business on Monday and delivered to the committee members.*

**Prior Action:**

At the last meeting, the Ordinance committee requested a survey to all citizens. Participation in the survey was then opened to all other committees and boards.

**Background Information/Analysis:**

Questions from all committees for a comprehensive survey have been collected. The following items should be considered in the discussion:

1. Distribution in the proposed format (11x17 printed paper):
  - a. Mailed to each utility account holder with a self-addressed postage paid return envelope
  - b. Placed at the Hawks Creek Apartment Complex Lobby, for distribution to residents.
  - c. Distributed to each apartment at the Westmore Senior Center.
  - d. Delivered to NASJRB on-base housing
2. Tracking of survey responses:
  - a. Each survey will be numbered
  - b. Limiting the ability for duplication
  - c. Providing additional information for tabulating responses
3. Timeline:
  - a. October 14-18: Distribution of surveys (pending finalization)
  - b. November 22: Survey responses are due
  - c. December 1-20: Tabulation and analysis of survey results
  - d. January – presentation of results to committees and council

**Financial Consideration:**

Cost of mailer and return postage.



DATE

Name

Address

Westworth Village, TX 76114

Dear Name:

Do you believe Westworth Village is as good as it can be? ... Neither do we.

This is your opportunity for input on the future direction of our city. The city council, and the city's boards, committees, and commissions, are requesting your input on the issues affecting our city, as well as where the city's future resources should be directed.

Are you concerned about crime? Street lighting? Overgrown alleys? Drainage? Street parking? Fencing issues?

Have you been to Hawks Creek Golf Club? Airfield Falls? Do you use the city's trail system? Would you like to see Kaster Korner improved? Are you aware that Westworth Village enjoys one of the lowest municipal tax rates?

This questionnaire is the culmination of a lot of hard work by Rosa Mendez' ordinance review committee, Christina Cowden's golf and parks committee, and a lot of excellent staff input from Brandy Barrett and Elisa Gruebel.

**Please take the time to answer each question as honestly and with as much detail as you believe necessary.** We welcome all your comments, suggestions, and questions. I promise as your mayor the council will carefully review and take action on the city's pulse as reflected by the results of this questionnaire.

Your survey needs to be returned to Westworth Village's city secretary, Brandy Barrett, by November 22<sup>nd</sup>, and please use the self-addressed and stamped enveloped provided for your convenience. Staff will then begin tabulating the results, and those results will be presented to the city council and the city's various boards, committees, and commissions in January.

The results and your input will also be utilized as points of reference in future town hall meetings and committee workshops.

Westworth Village is already a wonderful place to live and raise your family, but we can make it better ... and, with your input, we will!

Best wishes,

L. Kelly Jones, mayor

## Communication / Information

The city currently communicates meetings, events, and activities through the following:

<i>Circle your answer:</i>	Do you subscribe to these services?		Do you find this format valuable?	
Monthly newsletter	YES	NO	YES	NO
Email/Text subscription service	YES	NO	YES	NO
Electronic board at City Hall	YES	NO	YES	NO
Bulletin board inside City Hall	YES	NO	YES	NO
City website	YES	NO	YES	NO
FaceBook	YES	NO	YES	NO
Fort Worth Star-Telegram for legal notices	YES	NO	YES	NO
1. Do you have internet access in your home?			YES	NO
2. Do you have a personal email address?			YES	NO
3. Do you feel the communications are relevant and informative?			YES	NO
4. Do you feel the communications delivered are timely?			YES	NO
5. Please provide any other suggestions on how communications can be improved:				

## Parks, Golf, and Recreation:

The city owns the following:

<i>Circle your answer or check the rating:</i>	Have you visited/used this location in the past 12 months		Rate your overall impression of each:		
			Excellent	Average	Poor
Hawks Creek Golf Club	YES	NO			
Hawks Creek Driving Range	YES	NO			
Hawks Creek Clubhouse Grill and Bar	YES	NO			
Hawks Creek Clubhouse Pro-Shop	YES	NO			
Airfield Falls Trailhead	YES	NO			
Kaster Korner	YES	NO			
City Hall Trailhead and green space	YES	NO			
City-wide trail system (still under construction)	YES	NO			
If you have not visited or used these sites, please share if there is something that is needed to make them more appealing to your family and you:					

Hawks Creek Golf Club						
1. Do you think the city should own a golf course?			YES	NO		
2. Do you play golf? (if no, skip to question 9)			YES	NO		
3. How many rounds per month do you average?						
4. How many of those rounds do you play at Hawks Creek Golf Club?						
5. Do you plan on increasing the average number of rounds you play in the coming 12 months?			YES	NO		
6. If you have not played a round at Hawks Creek in the past 6 months, what we can do to earn your business?						
	Evening 9-hole tournaments		Happy Hour Specials on food and drinks	Other, please list below:		
7. Have you been to the Hawks Creek Clubhouse for shopping or food? (if No skip to #10)			YES	NO		
8. Did you make a purchase in the Golf pro-shop?			YES	NO		
9. Did you eat or have a drink at Hawks Creek Bar and Grill?			YES	NO		
Rate your experience/assessment in each category			Excellent	Average	Poor	No Knowledge
Overall impression of bar and grill						
• Taste of food served in bar and grill						
• Presentation and delivery of food and drinks						
• Service provided by food and beverage staff						
• Value for the price charged						
Overall impression of the pro-shop						
• Clothing selection						
• Shoe selection						
• Equipment selection						
• Service provided by the pro-shop staff						
• Value for the price charged						
Overall Appearance of the buildings/range/ course						
• Clubhouse						
• Range						
• Parking Lots						
• Golf Carts/Boards						
• Cleanliness						
• Pavilion						
• Restrooms on the course						
• Restrooms in the clubhouse						
10. Would you consider hosting an event at the pavilion or in the clubhouse?			YES	NO		
11. Have you recommended the bar and grill to a friend?			YES	NO		
12. Have you used one of the coupons published in the monthly newsletter?			YES	NO		

Airfield Falls & Trail System						
1. How many times a month do you walk or bike on the trail system?						
2. Do you anticipate your usage will increase when the trail system construction is complete?			YES	NO		
3. How often have you used the picnic facilities at Airfield Falls trailhead in the last 12 months?						
4. Have you ever visited Airfield Falls?			YES	NO		
5. How often have you walked or biked to the waterfall?						
6. What do you find most appealing about the trail system and waterfall?						
Rate your experience/assessment in each category			Excellent	Average	Poor	No Knowledge
Overall impression of Airfield Falls and trail system						
• Cleanliness (litter and trash)						
• Landscaping maintenance						
• Accessibility & Parking						
• Lighting						
• Safety						

<b>Kaster Korner (corner of Tanny and Carb)</b>	
1. What improvements would you like to see to this park area? Please be specific.	
<b>Trail head and green space behind city hall</b>	
1. The trail head and green space between city hall and the river has a single picnic table. How do you think this space should be used in the future?	

**Budget and Taxes:**

The city publishes the fiscal year budgets and tax rates online and in the city hall lobby.

1. Did you know the city maintains one of the lowest property tax rates in Tarrant County?	YES	NO
2. Have you reviewed the current budget and tax information?	YES	NO
3. Did you participate or provide input into the budget process this year?	YES	NO
4. Do you own your home?	YES	NO
5. If yes, have you filed a city homestead exemption of 20%?	YES	NO
6. Are you over age 65?	YES	NO
7. If yes, have you filed an over 65 age exemption of \$50,000?	YES	NO
8. Are you medically disabled?	YES	NO
9. If yes, have you filed a disability exemption of \$30,000?	YES	NO
10. Do you think the city should use economic development sales tax dollars to supplement/cover budget shortages at Hawks Creek Golf Club?	YES	NO
11. What area(s) of municipal service merits increased spending?		

**City Ordinances and Zoning:**

Westworth Village ordinances and comprehensive zoning plans are available online or at city hall. They promote the overall health, safety, and development of the city and must be compliant with state laws.

Regarding your private property (home, storage and yard) please rank the top 5 issues you face from the list below. If you have an issue not listed, please add it at the bottom in the "Other" box.

<input type="checkbox"/>	Water drainage	<input type="checkbox"/>	Fencing issues	<input type="checkbox"/>	Driveway issues
<input type="checkbox"/>	Carports	<input type="checkbox"/>	Garage issues	<input type="checkbox"/>	Landscaping/Tree
<input type="checkbox"/>	Lot size	<input type="checkbox"/>	Zoning districts	<input type="checkbox"/>	Unightly view of neighbor's backyard
<input type="checkbox"/>	Outdoor storage options	<input type="checkbox"/>	Additions (increasing square footage)	<input type="checkbox"/>	Storage of boats/RV, or large equipment
<input type="checkbox"/>	Trash in neighborhood	<input type="checkbox"/>	Roof (pitch or material)	<input type="checkbox"/>	Alleyway overgrown, not maintained or blocked
<input type="checkbox"/>	Light in neighborhood	<input type="checkbox"/>	Noise in neighborhood	<input type="checkbox"/>	Neighbors' home/yard not maintained
<input type="checkbox"/>	Insufficient street lighting	<input type="checkbox"/>	Crime in my neighborhood	<input type="checkbox"/>	Speeding on my street
<input type="checkbox"/>	Excessive yard lighting	<input type="checkbox"/>	Parking on my street	<input type="checkbox"/>	Other:
1. Would you participate in a town hall meeting regarding the ordinances that govern all construction projects in the city?				YES	NO
2. Are you pleased with Westworth Village's overall direction?				YES	NO
Please provide any additional comments, concerns or questions (use additional paper if needed):					
3. Please have the Mayor or a member of the city staff call me. I would like to have further discussion on a subject of importance to me.				YES	NO

**Staff Recommendation:**

Review and propose changes to the existing ordinance based on the new state legislation currently in effect.

**Prior Action:**

Possession of chickens on less than 1 acre was prohibited, except for those grandfathered in prior to October 12, 2011 with a Special Use Permit.

**Background Information/Analysis:**

A copy of the existing ordinance section, 2.01 is attached, the highlighted areas need to be reviewed for modification. In addition, the new state law (Senate Bill No. 86) is included in the packet. The underlined sections were changed.

This is to encourage young people to get involved in agriculturally based activities such as 4-H, FFA etc and not exclude those living inside city limits.

Based on the Ordinance Committees recommendations and actions an Ordinance will be drafted for the council consideration.

**Financial Consideration:**

N/A

**Existing verbiage in codified ordinance  
Highlighted areas should be reviewed in detail**

**ARTICLE 2.01 GENERAL PROVISIONS**

**Sec. 2.01.001 Definitions**

When used in this chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

*Animal control officer.* A person designated by the city administrator or police chief to receive reports of animal bites, investigate bite reports, ensure quarantine of possibly rabid animals, removal of dead animals and otherwise carry out provisions of state law pertaining to controlled eradication of rabies.

*Cat.* Any live or dead cat (*Felis catus*).

*Currently vaccinated.* Vaccinated and satisfying the following criteria:

- (1) The animal must have been vaccinated against rabies by four months of age.
- (2) Not more than twelve (12) months have elapsed since the most recent vaccination.
- (3) The dog or cat must have been revaccinated against rabies at a minimum of once every three years.

*Dangerous dog.* As defined in V.T.C.A., Health and Safety Code, section 822.041.

*Dog.* Any live or dead dog (*Canis familiaris*).

*Domestic animal.* Includes all species of animals commonly and universally accepted as being domesticated.

*Harboring.* The act of keeping and caring for an animal or of providing premises to which the animal returns for food, shelter or care for a period of ten (10) days.

*Kennel.* Kennels are prohibited within the city limits.

- (1) Any building, lot, or premises where four (4) or more dogs or cats (at least eight (8) weeks of age) are kept. This shall not include residentially zoned premises or premises which are used for residential purposes, at which the occupant is keeping his or her own dogs or cats; and
- (2) Any building, lot, or premises where dogs or cats are housed or accepted for boarding, for which remuneration is received.

*Local rabies control authority.* The person designated by the city council as the local health authority who has the duties as described in V.T.C.A., Health and Safety Code, section 826.017(c).

*Owner.* Any person, firm or corporation who has right of property in an animal or who harbors an animal or allows an animal to remain about his premises for a period of ten (10) days.

*Pet animal.* Includes dogs, cats, rabbits, rodents, birds, reptiles, and any other species of animal which is sold or retained as a household pet, but shall not include miniature swine, skunks, primates or any other species of wild, exotic or carnivorous animal that may be further restricted in this chapter.

*Running at-large.* Animals not under the immediate personal supervision and command of the owner or handler, or not completely confined on the owner's or handler's personal property.

*Stray animal.* Any animal for which there is not an identifiable owner or the animal does not have an identifiable collar, tag or data chip under its skin or any such means of identification.

*Swine.* Any member of the swine family.

*Vaccinated.* Properly injected with necessary vaccines licensed for use in that species by the United States Department of Agriculture or by the state and administered by a veterinarian licensed to practice in the state.

*Vicious animal.* Any individual animal of any species that has, on one previous occasion, without provocation, attacked or bitten any person or other animal, or an individual animal which the

local health authority has reason to believe has a dangerous disposition, or any species of animal which the local health authority has reason to believe has a disposition likely to be harmful to humans or other animals. This includes any dangerous dog not currently in compliance with state laws.

*Wild animal.* Includes any mammal, amphibian, reptile, or fowl, which is of a species, which is wild by nature, and of a species, which due to size, vicious nature, or other characteristic, is dangerous to human beings. Such animals shall include, but not be limited to, deer, lions, tigers, leopards, panthers, bears, wolves, raccoons, skunks, apes, gorillas, monkeys, foxes, elephants, rhinoceroses, alligators, crocodiles and all forms of poisonous reptiles. The term “wild animal” as used in this code shall not include gerbils, hamsters, guinea pigs, mice or rabbits.

(Ordinance 421 adopted 11/14/17)

### **Sec. 2.01.002 Penalty**

Any person, firm or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon final conviction thereof fined as provided in [section 1.01.009](#) of this code. Each day any such violation shall be allowed to continue shall constitute a separate violation and be punishable hereunder. (Ordinance 198, sec. 16, adopted 2/11/03)

### **Sec. 2.01.003 Enforcement**

- (a) Enforcement of this chapter shall be the responsibility of the police department.
  - (b) The animal control officer shall have the authority to issue citations for any violation of this chapter.
  - (c) If the person being cited is not present, the police or the animal control officer may send the citation to the alleged offender by registered or certified mail.
  - (d) It shall be unlawful for any person to interfere with the city animal control officer in the performance of his or her duties.
- (Ordinance adopting 2012 Code)

### **Sec. 2.01.004 Registration of dogs and cats**

No owner shall have within the city any dog or cat four (4) months of age or older unless such dog or cat is currently registered with the animal control officer. A current official registration tag issued by animal control, or a veterinarian authorized by the animal control officer to issue the tag, must be affixed to a collar or harness that must be worn by the dog or cat at all times. No dog or cat shall be registered until it has a current vaccination.

- (1) Application of each registration must be made by the owner in writing or in person, and be accompanied by a fee outlined in the city [fee schedule](#), unless the cat or dog being registered has been neutered or spayed and proof of such surgical sterilization can be shown to the animal control officer or a veterinarian authorized to issue such registration, and then the registration fee will be as outlined in the city [fee schedule](#). If the original current registration certificate is lost or destroyed, the owner may obtain a duplicate registration from the animal control officer by paying a fee as outlined in the [fee schedule](#).
- (2) Registration and/or vaccination certificates (and tags) shall be valid only for the animal for which originally issued.
- (3) If there is a change in ownership of a registered dog or cat, the new owner shall have the registration transferred to his name. There shall be no charge for said transfer. Application for such transfer shall be made to the animal control officer in writing or in person.
- (4) Fee-exempt registrations may be issued for the following:
  - (A) Police department dogs;

(B) Dogs trained and certified to assist auditory or visually impaired person(s), or the handicapped; and

(C) Licensed guard dog.

Eligibility for fee-exempt registration does not relieve the owner of his responsibility under other provisions of this chapter.

(5) No household will be allowed to register or keep more than three (3) dogs or three (3) cats, or a combination thereof totaling three (3).

(6) Puppies or kittens are allowed to be kept until nine (9) weeks after birth. After nine (9) weeks of age, the limitations provided in the preceding subsection will apply.

(Ordinance 351, sec. 1, adopted 11/13/12)

**State law reference**—Registration of dogs and cats, V.T.C.A., Health and Safety Code, sec. 826.031 et seq.

### **Sec. 2.01.005 Running at-large**

(a) It shall be unlawful for any animal possessed, kept, or harbored, other than a cat, to run at-large. Animals must remain under the immediate personal command and supervision of the owner or handler. Animals must be kept on a leash that is less than 10 feet in length, or under the direct physical control of the owner or handler; except when such animal is either:

(1) Completely confined by a building, wall or fence of sufficient strength or construction to restrain the animal under direct supervision of the owner and the animal is properly registered, if required in [section 2.01.004](#) of this chapter;

(2) Held in the hands of the owner or handler if small enough to sufficiently control the animal;

(3) Temporarily in an automobile or other vehicle that provides adequate restraint and a safe and humane environment for the animal; or

(4) In any designated off-leash city parks or recreational areas. Provided the animal remains under the immediate personal supervision and command of the owner or handler, while in off-leash areas. If a police officer or city worker ask the animal to be secured, the owner or handler must restrain the animal either via a leash or physically hold the animal.

(b) The animal control officer is authorized to impound such animals running at-large, and may impound a cat under conditions specified in [section 2.03.001](#) of this chapter, or when a complaint is received that the cat has caused a nuisance or hazard to the health or welfare of the human or animal population.

(Ordinance 421 adopted 11/14/17)

**State law references**—Animals at large, V.T.C.A., Local Government Code, sec. 215.026; restraint, impoundment and disposition of dogs and cats, V.T.C.A., Health and Safety Code, sec. 826.033.

### **Sec. 2.01.006 Nuisances**

The following acts are hereby declared to be nuisances and constitute violations of this chapter:

(1) The keeping of any animal which, by causing frequent or long-continued barking, crying, or noise, shall disturb any person of ordinary sensibilities in the vicinity.

(2) The keeping of any animal in such a manner as to endanger the public health, or to annoy neighbors by the accumulation of animal wastes which cause odors which are foul and offensive to persons of ordinary sensibilities or are considered to be a hazard to any other animal or human being, or by continued presence on the premises of another.

(3) Persistent laxness in supervision of cats so that their running at large results in disturbance to persons of ordinary sensibilities.

(4) It shall be unlawful to keep or permit to be kept any stable, stall, shed or apartment, or any yard or appurtenance thereof, in which any horse, cattle, cow, or any other animal shall be kept or any other place within the city in which manure or liquid discharges of such animals shall collect or accumulate in an unclean and unsanitary condition which allows offensive smells to escape therefrom; provided that nothing in this section shall be so construed as to include manure deposits upon any private property for the purpose of cultivating same, when such deposits are maintained so as to prevent the breeding of flies.

(5) It shall be unlawful to keep, possess or maintain any horse, donkey, mule, or other animal of the equine family, or any cow, calf, steer or bull or other member of the bovine family, or any sheep, ram, ewe, or lamb, or any goat, billy, nanny, or kid, on any parcel of land unless such parcel of land shall have a minimum area of forty thousand (40,000) square feet for one (1) such animal and twenty thousand (20,000) additional square feet for each additional animal. It shall be unlawful to keep, possess or maintain any horse, mule, donkey, cow, calf, steer, bull, sheep, ram, ewe, lamb, goat, billy, nanny, or kid within one hundred (100) feet of any residence or building used for human habitation (other than that of the keeper or owner of such animal), any restaurant, cafe, or other public eating place or any church, school or hospital. If such animal is kept in or confined by any building or structure such as a stable, barn, shed, pen, or fence, such distance of 100 feet shall be measured in a straight line from the nearest point of such building or structure to the nearest point of such residence or building used for human habitation, restaurant, cafe, or other public eating place or church, school, or hospital.

(6) It shall be unlawful to keep, possess or maintain any combination on less than 1 acre, of any rabbit, pigeon, chicken, turkey, goose, duck, peafowl, or other fowl, in any pen, enclosure or other structure. Under no circumstances can the total count of any of the above combination of animals exceed 20, regardless of acreage. Any such animals shall not be within one hundred (100) feet of any residence or building used for human habitation (other than that of the keeper or owner of such animal or fowl), any restaurant, cafe or other public eating place, or any church, school or hospital. If such animal or fowl is kept or confined such distance of one hundred (100) feet shall be measured in a straight line from the nearest point of any pen, enclosure or other structure in which such fowl or animal is kept to the nearest point of such residence or building used for human habitation, restaurant, cafe or other public eating place, or church, school or hospital.

Special use permits granted prior to October 12, 2011, grandfathering existing residents that maintain fowl of no more than 50, on a minimum lot size of .4 acre, will remain in effect; the special use permit will be revoked if code enforcement or the police officers are denied voluntary access to the property for inspection.

All litter and droppings from any animal or fowl, referenced in the preceding paragraph, shall be collected daily in a container or receptacle of such type that when closed is ratproof and flytight, and after each collection such container or receptacle shall be kept closed and ratproof and flytight, and such keeper shall maintain such container or receptacle in such condition as to prevent the escape of odor from such litter or droppings; the litter or droppings collected shall be disposed of in such a way as not to permit fly breeding.

**Sec. 2.01.007 Prohibited animals**

- (a) It shall be unlawful to color, dye, stain, or otherwise change the natural color of any chickens, ducklings, other fowl, or rabbits, or to possess for the purpose of sale or to be given away any of the above-mentioned animals which have been so colored.
  - (b) It shall be unlawful to keep any wild animal inside the city.
  - (c) It shall be unlawful to release or to allow to run at large any wild or vicious animal.
  - (d) It shall be unlawful to keep any beehive in the city.
  - (e) It shall be unlawful to keep any swine in the city.
- (Ordinance adopting 2012 Code)

**Sec. 2.01.008 Vicious animals**

- (a) Any vicious animal found running at large may be destroyed by any peace officer or animal control officer in the interest of public safety.
  - (b) The animal control officer may order any owner or person having care, custody or control of any vicious animal to remove such animal permanently from the city. This animal must be removed immediately following receipt of such an order, even if an appeal is initiated. This order may be appealed in writing within ten (10) days to the municipal court judge. The judge may uphold, reverse or modify the animal control officer's order, and may stipulate restrictions on the animal as a condition to allowing the animal to remain in the city. If the judge upholds the animal control officer's order, the owner or person having care, custody or control shall not bring the animal back inside the city limits.
  - (c) If the owner or person having care, custody or control of a vicious animal fails to remove such animal as provided for in subsections (a) and (b) of this section, such animal may be impounded and/or destroyed.
  - (d) The owner or person having care, custody or control of a vicious animal must report the disposition and relocation of such animal to the animal control officer in writing within ten (10) days after the expiration date for removal of such animal from the city. Each day thereafter such information is not provided shall constitute a separate offense.
  - (e) The animal control officer shall be authorized to obtain a search and seizure warrant if there is a reason to believe that an animal ordered removed from the city for being vicious has not been so removed.
- (Ordinance 198, sec. 9, adopted 2/11/03)

**Sec. 2.01.009 Proper care**

Every owner or other person having care and control of any animal shall provide the following for each animal under his or her care and control:

- (1) Sufficient nutritious and wholesome food, served to the animal in clean containers, to maintain the animal in good health.
- (2) Clean and wholesome water, served to the animal in a clean container, such water to be available to the animal at all times.
- (3) Adequate shelter and protection from the weather at all times.
- (4) Veterinary care as needed to prevent suffering.

(Ordinance 198, sec. 12, adopted 2/11/03)

**Sec. 2.01.010 Removal of dog feces**

- (a) An owner, harbinger, or other person having care, custody, or control of a dog commits an offense if he knowingly permits or by insufficient control allows the dog to defecate in the city:
  - (1) On private property other than property owned, leased, or controlled by the owner, harbinger, or person having care, custody, or control of the dog; or

- (2) On public property or any other place to which the public or a substantial group of the public has access, including, but not limited to, a street, sidewalk, alley, park, or playground, or any common area of a school, hospital, apartment house, office building, transport facility, or shop.
- (b) It is a defense to prosecution under subsection (a) that:
- (1) The owner, harbinger, or other person having care, custody, or control of the dog immediately and in a sanitary manner removed and disposed of, or caused the removal and disposal of, all feces deposited on the property by the dog;
  - (2) The dog was specially trained to assist a person with a disability and was in the care, custody, or control of that disabled person at the time it defecated on the property;
  - (3) The owner or person in control of the property had given prior consent for the dog to defecate on the property; or
  - (4) The dog was being used in official law enforcement activities.
- (c) Any person other than a disabled person who has a dog on a leash shall have on his or her person a plastic bag for the purpose of picking up such dog's feces. Such bag shall be presented upon request by any city officer or employee.
- (d) A person who violates this section is guilty of an offense and, upon conviction, is punishable by a fine not to exceed:
- (1) \$10 for the first offense;
  - (2) \$25 for the second offense; and
  - (3) \$50 for the third and each subsequent offense.

(Ordinance 170 adopted 11/14/00)

**Sec. 2.01.011 Dangerous dogs**

Dangerous dogs, as defined in V.T.C.A., Health and Safety Code, section 822.041, shall be regulated in accordance with the provisions of V.T.C.A., Health and Safety Code, chapter 822, subchapter D, section 822.041 et seq. (Ordinance adopting 2007 Code)

**Sec. 2.01.012 Dangerous wild animals**

The keeping of dangerous wild animals shall be regulated in accordance with the provisions of V.T.C.A., Health and Safety Code, section 822.101 et seq. (Ordinance adopting 2007 Code)

(White)

Substitute the following for S.B. No. 86: No.

A BILL TO BE ENTITLED  
AN ACT

relating to the regulation of raising or keeping chickens on single-family residential lots by a municipality.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 217, Local Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. MISCELLANEOUS REGULATORY AUTHORITY

Sec. 217.051. SIX CHICKENS ALLOWED ON SINGLE-FAMILY RESIDENTIAL LOT. (a) Notwithstanding any other law and except as provided by Subsection (b), a municipality may not adopt or enforce an ordinance that prohibits the raising or keeping of six or fewer chickens on a single-family residential lot.

(b) A municipality may impose reasonable regulations on the raising or keeping of poultry on a single-family residential lot that do not have the effect of prohibiting the raising or keeping of six or fewer chickens, including:

(1) a limit on the number of chickens that may be raised or kept in excess of six;

(2) a prohibition on breeding poultry;

(3) a prohibition on raising or keeping roosters; or

(4) the minimum distance between a chicken coop and a residential structure.

(c) An ordinance adopted by a municipality that violates Subsection (a) is void.

SECTION 2. Subchapter D, Chapter 217, Local Government Code, as added by this Act, applies to an ordinance adopted before, on, or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2019.