

CITY OF ANNA, TEXAS
ORDINANCE NO. 738-2017

AN ORDINANCE OF THE CITY OF ANNA, TEXAS, AMENDING THE ANNA CITY CODE OF ORDINANCES BY AMENDING PART II, ARTICLE IV (ANIMALS), SECTION 6 (REQUIREMENTS OF LIVESTOCK), AND ADDING SECTION 6.08 (HARBORING CHICKENS); PROVIDING FOR A PENALTY FOR ANY VIOLATION OF THIS ORDINANCE NOT TO EXCEED \$2000; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Anna, Texas (“the City”) has previously adopted ordinances, rules and regulations governing the harboring of livestock and domestic fowl within the city limits; and

WHEREAS, the City of Anna, Texas City Council (“the City Council”) has investigated and determined that it would be advantageous and beneficial to the City and its citizens to amend Part II, Article IV (Animals), Section 6 (Requirements of Livestock), of the Anna City Code of Ordinances (“Anna Code”); and adding Section 6.08 (Harboring Chickens).

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

Section 1. Recitals Incorporated.

The above-referenced recitals are incorporated herein as if set forth in full for all purposes.

Section 2. Amendments.

1.01 PART II, ARTICLE IV (ANIMALS), SECTION 6 (REQUIREMENTS OF LIVESTOCK), AND ADDING SECTION 6.08 (HARBORING CHICKENS).

In accordance with Part II, Article I, Section 9 of the Anna Code, the following amendments are made to Part II, Article IV (Animals), Section 6 (Requirements of Livestock), and adding Section 6.08 (Harboring Chickens).

Section 6. Restrictions on Livestock and Domestic Fowl

6.02 Livestock or Domestic Fowl Restricted

Except as authorized under Section 6.08, it shall be unlawful for any Person to Harbor any Livestock or Domestic Fowl, on any lot, premises, or tract within the City except for a lot, premises, or tract that is at least two acres in size and zoned Agricultural, Single Family Estate, or Planned Development and only to the extent that the zoning specifically applicable to such lot, premises, or tract permits Harboring of Livestock or Domestic Fowl.

6.03 Numbers of Livestock or Domesticated Fowl Restricted

- (a) On any lot, premises, or tract that is at least two acres in size, it shall be unlawful within the Anna city limits for any Person to Harbor more than:
 - 1. a single Large Livestock animal per one acre and its young up to nine months of age;
 - 2. a single Small Livestock animal per one-half acre; and
 - 3. a single Domestic Fowl animal per one-eighth acre of such premises or tract, except as authorized under Section 6.08.
- (b) It shall be unlawful for any Person to Harbor more than an aggregate of 12 Domestic Fowl, in One Enclosure. Additionally, not more than one-quarter of the number of Domesticated Fowl in One Enclosure may be of the male species, unless otherwise restricted under Section 6.08.
- (c) Agricultural zoned properties are exempt under this section, as long as the Person does not Harbor more than can be cared for under sanitary conditions and/or create a nuisance.
- (d) The Person in lawful possession of a lot, premises, or tract, as the owner thereof or the owner's tenant, may Harbor thereon cattle, horses, calves, or foals belonging to others but must still comply with all provisions of this section and abide by its restrictions.
- (e) Any Agricultural zoned premises shall not be operated as a commercial business in violation of any City ordinance.

6.04 Holding Areas

- (a) Livestock and Domestic Fowl must be kept within an enclosure, pen, corral, or restrictive area to prevent exit by the Animal(s). The fence posts must not sway more than six inches when tested by an Animal Control Officer.

- (b) A gate for Livestock enclosure shall be mounted on hinges to a solid wall or fence post. Such a gate must connect with another fence post or wall in a manner that Livestock cannot pass through it, and the gate itself must be constructed so that there is not an opening that will allow the Animal(s) to escape the enclosed area. The gate must have a latch or chain attached capable of keeping it closed when tested by an Animal Control Officer.

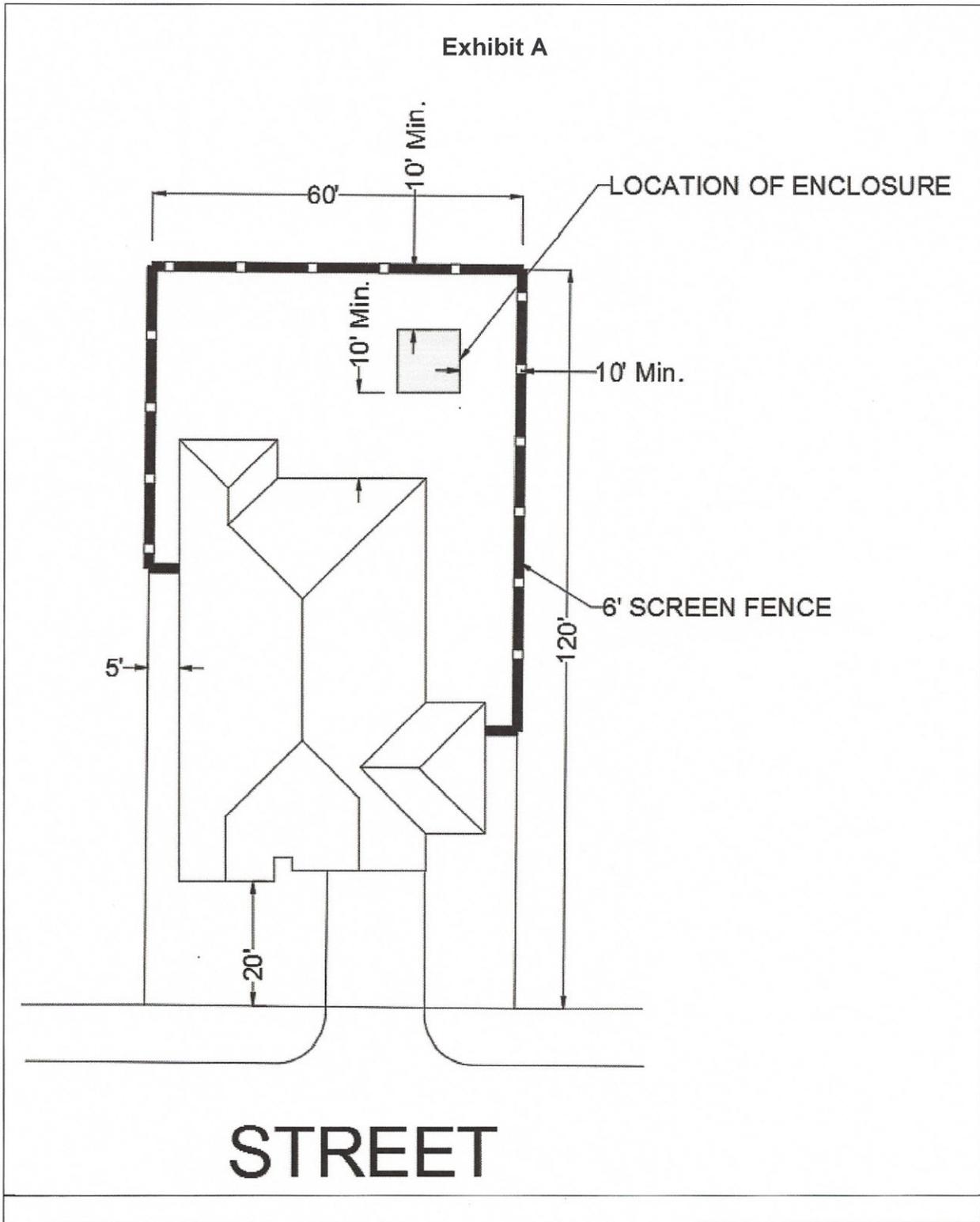
6.05 Proximity to Human Living Quarters

- (a) Except as authorized under Section 6.08, it shall be unlawful for any Person to Harbor on premises within the Anna city limits under his/her control, any Livestock or Domestic Fowl in such a manner that any of same will be quartered closer than 100 feet from any human living quarters measured in a straight line from any direction, whether occupied or unoccupied. Notwithstanding the foregoing, if the human living quarters are the living quarters of the Harboring, then the Livestock or Domestic Fowl must not be quartered closer than 20 feet thereto measured in a straight line from any direction.
- (b) Except as authorized under Section 6.08, no Livestock or Domestic Fowl, shall be permitted to graze, forage or otherwise roam within 100 feet of any neighboring dwelling, residence, or structure used for human occupancy, other than that of the Harboring.

6.08. Harboring Chickens

- (a) Harboring chickens is allowed in all residential zoning districts.
- (b) It shall be unlawful to Harbor more than an aggregate of twelve (12) chickens per one (1) enclosure. Only one (1) enclosure shall be permitted on a residential lot that is smaller than one-acre. On lots one-acre or larger, it shall be unlawful to Harbor more than an aggregate of twelve (12) chickens, or one (1) chicken per one-eighth acre, whichever is greater.
- (c) Roosters are prohibited on residential lots that are smaller than two-acres.
- (d) Enclosures shall not be located in the front yard, and shall not be closer than ten (10) feet from any habitable structure, or side or rear lot line (see Exhibit A).
- (e) Harboring chickens in residential districts shall be a secondary or accessory use to the primary residential use of the property.
- (f) Chicken enclosures on lots smaller than two-acres shall be screened at the property line with a minimum 6-foot screening fence (See Exhibit A).

Exhibit A



Section 3. Penalty.

Any violation of any of the terms of this ordinance, whether denominated in this ordinance as unlawful or not, shall be deemed a misdemeanor. Any person convicted of any such violation shall be fined in an amount not to exceed \$2000 for each incidence of violation. Each violation is considered a separate offense and will be punished separately.

Section 4. Savings, Severability and Repealing Clauses.

All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The City declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause, and phrase be declared unconstitutional or invalid.

Section 5. Publication of the Caption Hereof and Effective Date.

This ordinance shall be in full force and effective from and after its passage and upon the posting and/or publication, if required by law, of its caption and the City Secretary is hereby directed to implement such posting and/or publication.

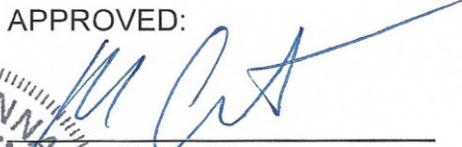
PASSED by the City Council of the City of Anna, Texas, this 24th day of January, 2017.

ATTESTED:



City Secretary Carrie Smith

APPROVED:



Mayor Mike Crist

