

ORDINANCE NO. 19-08

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BROWNWOOD, TEXAS, BY AMENDING CHAPTER 98-2 OF THE ZONING CODE REGARDING DEFINITIONS; AMENDING THE CONDITIONAL USE REGULATIONS IN CHAPTER 98-583(B)(3), (4), (5) AND (7) REGARDING THE KEEPING OF CHICKENS IN ALL ZONING DISTRICTS OF THE CITY; AMENDING SECTION 98-561 OF THE CHART OF PERMITTED USES TO PROVIDE THAT CHICKENS MAY BE KEPT IN ALL ZONING DISTRICTS OF THE CITY PROVIDED THAT THEY MEET THE CONDITIONAL USE REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE/REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to allow the raising of chickens in all zoning districts of the City, to minimize the impact that the keeping of chickens has to adjoining land uses and to clarify and establish regulations regarding the keeping of chickens in all zoning districts of the City; and

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

Section 1. DEFINITIONS

Section 98-2 of the Code is hereby amended by adding the following definition:

“Offsite Receptor” means offsite residences, institutions (e.g., schools, hospitals), industrial, commercial and office buildings, parks, or recreational areas inhabited or occupied by the public at any time without restriction.”

Section 2. CONDITIONAL USES

Section 98-583(b) (1), (2), (3), (4), (5), (6) and (7), and Section 98-561, Chart of Permitted Uses, are hereby amended in their entirety to read as follows:

Sec. 98-583.- Accessory and incidental uses.

(b) Keeping of Livestock and other Animals.

(1) No livestock shall be permitted to be kept, harbored or maintained within the following zoning districts of the city: R-1, R-1A, R-1B, R-2, R-3, MH, CN, C-2A, C-U AND CO, excluding ranchette subdivisions

established under chapter 94, article VI, division 2 of this Code. Livestock may be permitted as a conditional use in the following zoning districts of the city: RR, C-1, C-2, M-1, M-2 and A-1.

(2) In zoning districts where livestock are permitted, except A-1 and ranchette subdivision as described below, the number of livestock kept on a given lot shall not exceed the ratio of one animal unit, per one free roaming acre, with an animal unit identified as follows:

- 1 cow = 1 animal unit
- 1 horse = 1 animal unit
- 1 mule = 1 animal unit
- 1 burro = 1 animal unit
- 2 sheep = 1 animal unit
- 2 goats = 1 animal unit
- 2 llamas = 1 animal unit
- 2 alpacas = 1 animal unit
- 10 chickens = 1 animal unit

For any other livestock not specifically listed, the animal unit equivalency will depend on the size of the typical adult animal of the species. If the animal is similar in size to a cow, horse, mule or burro then it will equal one animal unit. If the animal is similar in size to a sheep, goat, llama or alpaca, then two of those animals will equal one animal unit.

Offspring shall be exempt from the animal limitation until reaching the age of 12 months. Any acreage designated for livestock shall be "free roaming acres" such that the livestock has unrestricted access to the entirety of the acreage. For purposes of determining the amount of "free roaming acres" available to keep livestock, any area on the site designated for the keeping of livestock shall exclude structures, dwellings or houses (except structures used for shelter by the livestock), any lakes, tanks, ponds or other bodies of water and/or any unenclosed or unfenced area. In ranchette subdivisions established under chapter 94, article VI, division 2 of this Code, and in A-1 districts, the site for the keeping of livestock shall contain a minimum

of one, free roaming acre per three animal units quartered. Offspring shall be exempt from the animal limitation until reaching the age of 12 months.

(3) Notwithstanding the foregoing, no swine, emu, ducks, geese, guinea, turkeys or any other fowl, shall be allowed or permitted to be kept in the City, except swine as provided by chapter 14, article IV, subsection 14-223(b)(5) and chickens as provided herein. Chickens may be allowed in all Zoning Districts of the City, subject to the restrictions as set forth in subsections (b)(4), (b)(5) and (b)(7) of this section.

(4) Adequate shelter shall be provided for each animal. The shelter must be of sufficient size to allow each animal to stand up, lie down and turn around in a natural position. With the exception of chicken coops, pens or enclosures, any structure, pen, shelter, enclosure or other means used to restrain an animal, including, without limitation, a rope, shall be located not less than seventy five (75) feet from any street right-of-way or lot line. Chicken coops, pens or enclosures are restricted to rear yards only and must be a minimum of ten (10) feet from any lot line and a minimum of fifty (50) feet from a neighboring occupied structure or offsite receptor.

(5) Fences for pens, corral fences or similar enclosures must be of a sufficient height and strength to retain animals. All chickens shall be properly penned and contained. Chickens shall be restricted to a maximum of ten (10) hens per lot, except for property located in the following zoning districts: RR, C-1, C-2, M-1, M-2 and A-1. Roosters are prohibited within the City limits. There shall be a minimum space for coops of four (4) square feet for each bird and a minimum space for pens or runs of fifteen (15) square feet per bird. Barbed-wire fences are not permitted in any zoning districts, except A-1 districts as set forth in subsection (e)(5) of this section.

(6) Manure and droppings shall be removed from the property, including any of the pens, stables, sheds or other enclosures, regularly, based on the size and number of animals. This waste matter shall be disposed of in such a way and with such frequency so as to keep the property free from any nuisance.

(7) The keeping of livestock in the zones indicated in subsection (b)(1) and chickens in the zones indicated in subsection (b)(3) above, may only be permitted so long as such use does not cause a hazard to

health by reason of unsanitary conditions, and are not offensive by reason of odors, dust, fumes, noise or vibration, and are not otherwise detrimental to the public welfare.

Section 98-561 Chart of Permitted Uses is hereby amended as follows:

Sec. 98-561 Chart of Permitted Uses

<i>Accessory and Incidental Uses</i>																
	R-1	R-1A	R-1B	R-2	R-3	RR	MH	CO	C-U	CN	C-1	C-2	C-2A	M-1	M-2	A-1
Keeping of Chickens	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

Section 3. Severability Clause.

If any word, section, article, phrase, paragraph, sentence, clause or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect, for any reason, the validity of the remaining portions of this ordinance and the remaining portions shall remain in full force and effect.

Section 4. Cumulative/Repealer Clause.

This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Brownwood, Texas, whether codified or uncodified, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.

Section 5. Savings Clause.

All rights and remedies of the City of Brownwood, Texas, are expressly saved as to any and all violations of the provisions of this ordinance or any other ordinance which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 6. Penalty.

(a) Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, punishable by a fine not to exceed \$500.00.

(b) Every act in violation of this Ordinance shall constitute a separate offense.

(c) Unless otherwise specifically set forth herein, an allegation and/or evidence of culpable mental state is not required for the proof of an offense of this Ordinance.

(d) The penal provisions imposed under this Ordinance shall not preclude the City of Brownwood from filing suit to enjoin the violation of this Ordinance. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 7. Effective Date.

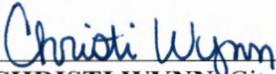
This ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED on First Reading this the 13th day of August, 2019.

PASSED AND APPROVED on Second Reading this the 27th day of August, 2019.

PASSED AND APPROVED on Third/Final Reading this the 27th day of August, 2019.

ATTEST:


CHRISTI WYNN, City Secretary




STEPHEN E. HAYNES, Mayor

APPROVED AS TO FORM:


PAT CHESSER, City Attorney