

STATE OF TEXAS

AN ORDINANCE OF THE CITY OF SEGUIN, TEXAS, AMENDING THE SEGUIN CODE OF ORDINANCES, CHAPTER 14, ANIMALS, ARTICLE I, IN GENERAL, TO CREATE NUISANCE ANIMAL; AND ARTICLE IV, LIVESTOCK, TO CHANGE THE RULES RELATED TO KEEPING FOWL; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES

**WHEREAS**, the City has received requests that it examine the rules concerning the keeping of chickens in residential back yards; and

**WHEREAS**, the keeping of chickens has become more popular in recent years, particularly as a source of fresh eggs; and

**WHEREAS**, the issues of noise and odor crossing property lines can be addressed by adjusting both the distance that a chicken coop must be from the neighboring structures and the number of chickens allowed at each distance; and

**WHEREAS**, animals can become a nuisance when they are kept in unsanitary conditions, allowed to roam freely, or otherwise kept in a manner that has a detrimental effect on reasonable neighbors in the community.

**NOW THEREFORE BE IT RESOLVED** by the City Council of Seguin, Texas:

**SECTION ONE.** The Seguin Code of Ordinances, Chapter 14, Animals, Article I, In General, is amended to add a new Section 14-9 to read as follows:

**Sec. 14-9. – Public Nuisance Animals**

A public nuisance animal is any animal wherein a person who harbors that animal permits, or by insufficient control allows:

(1) the conditions of the animal, yard, or other enclosure are such that they endanger the health or safety of the animal or surrounding neighbors by:

- (a) accumulation of organic animal wastes which cause foul and offensive odors; or
- (b) by being a hazard to any other animal or human being; or
- (c) keeping animal pens, stables, coops, or enclosures in an unsanitary condition;
- (d) repeatedly at large, specifically three or more times per 12-month period; or
- (e) biting other animals or humans.

(2) If an animal services officer determines that any animal is a nuisance, the officer may issue an order requiring that the owner meet certain remedial requirements to correct the animal's conduct or surrounding conditions.

(3) Within ten days of receiving an order to remediate an owner may file a written appeal of the correction order to the Seguin Municipal Court stating the reasons for the appeal. The municipal court shall conduct a hearing on the merits of appeal.

(4) If the remedial order is not appealed, and the condition is not remedied within ten days of the receipt of the remedial order, the offending animals may be seized by Animal Services.

(5) The return of animals seized as a nuisance shall require the owner to remedy the nuisance, take a relevant course on animal husbandry and care, and pay all costs of upkeep.

**SECTION TWO.** The Seguin Code of Ordinances, Chapter 14, Animals, Article IV, Livestock, Section 14-162, Exemptions, is amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

(a) Nothing in this article shall prohibit or regulate the keeping of livestock for a period of not more than 72 hours in enclosures used by slaughterhouses or auction rings or veterinary hospitals nor shall this article prohibit or regulate the exhibition of any animal or fowl, whether designated by name in this article or not, at stock shows and fairs during the time that such stock shows or fairs may be open for exhibition, not to exceed seven days.

(b) Secondary school students in a 4-H or FFA program may obtain a permit from the Animal Services Department to keep fowl for an approved program. The fee for the permit will be waived. Such permits shall be time limited to the program, may include reasonable restrictions required by the Animal Services Department, including minimum lot size where appropriate.

**SECTION THREE.** The Seguin Code of Ordinances, Chapter 14, Animals, Article IV, Livestock, Section 14-164, Space and fence requirements, subsection (5) fowl (only, other subsections to remain as is), is amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

*Fowl.* No person shall keep, harbor, possess or allow to remain on anyone premises under his control within the corporate limits of the city:

(1) all persons keeping fowl must obtain an annual permit from the Animal Services Department.

(2) Rooster shall not be allowed to be kept within the City limits.

(3) more than 8 chickens where the enclosure can be located no less than ten (10) feet from all property lines and no less than twenty (20) feet from any other separate residential structure on the same property; or

(4) up to 26 chickens where the enclosure and run can be located at least 75 feet from any business or dwelling other than the owners; or

(5) up to 50 chickens in a rear yard with at least 8,000 square feet and the enclosure is at least 100 feet from the nearest residential structure other than that of the owner.

(6) chickens shall be kept in an enclosure that provides at least five-square feet per chicken; and

(7) enclosure must be constructed so that the chickens are secure, and no rodents and other pests are able to enter the enclosure. Chickens must be kept in the enclosure from 10:00 p.m. to 6:00 a.m.

(8) either fenced back yard or an enclosed run must be provided. In order to reasonably keep the chickens in place the fence or run shall be constructed to be 6 feet high.

~~more than 12 grown fowl. No chickens, except laying hens and pullets, may be kept or maintained in this city; that is roosters are not allowed to be kept within the city limits. Any lot maintained in the city limits must be large enough to provide five square feet per fowl. The chicken house or house for other fowl will be allowed to be part of this area. Chicken wire shall be used as the fence material for chickens and other fowl. Such enclosure shall be located not less than 100 feet from any residence, other than that of the owner.~~

**SECTION FOUR.** In accordance with Section 3.10 of the Seguin City Charter, this Ordinance shall become effective upon ten (10) days following passage on second reading and shall be published in a newspaper of general circulation.

**SECTION FIVE.** If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

**PASSED AND APPROVED** on first reading this 7<sup>th</sup> day of July 2020.

**PASSED AND APPROVED** on second reading this 21<sup>st</sup> day of July 2020.

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DON KEIL, Mayor

ATTEST:

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Naomi Manski, City Secretary