

ORDINANCE NO. 2021-O-075

AN ORDINANCE OF THE CITY OF ATHENS, TEXAS, AMENDING CITY CODE OF ORDINANCES BY REPEALING CHAPTER 4, ARTICLE I, SECTION 4-5 IN ITS ENTIRETY AND ADOPTING IN ITS PLACE A NEW SECTION ENTITLED “LIVESTOCK AND FOWL”, PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on the 15th day of March 2021, the City Council of the City of Athens, Texas after due notice did meet to discuss current city regulations regarding farm animals and to receive input from the public regarding the same matter.

WHEREAS, the City Council finds it necessary to amend the ordinance regulating farm animals within the city limits to further enhance and protect the health, safety, and welfare of the citizens of the City of Athens.

WHEREAS, on the 14th day of June 2021, the City Council of the City of Athens, Texas after due notice as required by law, held the first reading of the ordinance as required by Article III, Section 3.11 of the City of Athens Charter.

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

Section 1. The City Council hereby authorizes the repeal of Chapter 4, Article I, Section 4-5 entitled “Fowl” in its entirety and the adoption in its place of the following:

CHAPTER 4, ARTICLE I, SECTION 4-5 – LIVESTOCK AND FOWL

- a) *Fowl. No more than twelve (12) fowl including chickens, ducks, guineas, pigeons, pheasants, peacocks, geese, quail, dove or similar feathered animals shall be kept for domestic purposes in any zoning designation other than in Agriculture zoning on a farm or ranch. Exception: Roosters shall not be kept for any reason in any zoning designation other than on an approved farm or ranch.*
- b) *Livestock. Large livestock including cows, horses, donkeys, or similar animals shall be limited to one per three and one-half acres of pasture. Small livestock including goats, sheep, and similar animals shall be limited to five per three and one-half acres. Exception: Stallions shall not be kept for any reason other than on an approved farm or ranch or on a property with an approved commercial stable.*
- c) *Requirements for pens, barns or sheds.*
 - 1) *All pens or other enclosures where fowl or livestock are kept shall be maintained in such a manner as to not become unsanitary, offensive, or disagreeable to persons residing or working in the vicinity thereof, nor shall they be so maintained or kept as to breed flies or in any manner cause injury to the health of the public or any person residing in the vicinity of the said pen or enclosure.*

- 2) *All pens or other enclosures where fowl or livestock are kept shall be located at least twenty-five (25) feet from adjoining properties.*
- 3) *Prohibited at large. It shall be unlawful for any person:*
 - a. To willfully turn out or cause to be turned out on land not their own or under their control, or*
 - b. To willfully fail or refuse to keep confined, or*
 - c. To willfully allow to trespass upon the land of another, or*
 - d. To willfully permit to run at large, any fowl or livestock of their own or of which they have the control.*

Section 2. Should any clause, phrase, sentence section of this Ordinance be deemed invalid or unconstitutional by a court of competent jurisdiction, said finding shall not affect the remaining clauses, phrases, sentences or sections of this Ordinance.

Section 3. Any ordinance, resolution or order previously passed and/or adopted by the City Council, or any part thereof, if found to be in conflict with the provisions of this Ordinance, shall be resolved in favor of the terms and conditions of this Ordinance, and any prior conflicting ordinance, resolution or order or any part thereof, is hereby repealed to the extent of said conflict.

Section 4. This ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Athens, Texas.

PASSED, APPROVED and ADOPTED this the **28th** day of **June 2021** at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

Toni Clay, Mayor	Aye
Aaron Smith, Councilmember	Aye
SyTanna Freeman, Councilmember	Aye
Robert Gross, Councilmember	Aye
Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

Toni Clay, Mayor

ATTEST:

Bonnie Hambrick, City Secretary