**ORDINANCE 576**

**AN ORDINANCE AMENDING THE CITY OF FRITCH, TEXAS CODE OF ORDINANCES BY ADDING ARTICLE 2.06 “HENS, OTHER FOWL AND RABBITS” CONCERNING THE REGULATION OF KEEPING SUCH ANIMALS INSIDE THE CITY; ESTABLISHING PEN REGULATIONS; ESTABLISHING A REGISTRATION PROCESS AND FEE; PROVIDING FOR A PENALTY NOT TO EXCEED $500 FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE AND A REPEALER.**

 **WHEREAS**, the City of Fritch, Texas, a Type A General Law Municipality, is authorized by state law to adopt and implement necessary and reasonable ordinances for the government interest, welfare, or good order of the municipality and that is in the best interests of its citizenry; and

 **WHEREAS**, the City Council of the City of Fritch desires to regulate the keeping of hens, other fowl and rabbits within the municipal limits of the City of Fritch; and

 **WHEREAS,** the City Council of the City of Fritch finds the following addition to the Code of Ordinances for the City of Fritch regulating the keeping of hens, other fowl and rabbits is reasonable and beneficial for the public health, safety and general welfare of the citizens of Fritch and a proper exercise of its police power;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FRITCH, TEXAS, THAT:**

SECTION 1. The Code of Ordinances of the City of Fritch is amended by adding Article 2.06 to read as follows:

 **“ARTICLE 2.06 HENS, OTHER FOWL AND RABBITS”**

**Sec. 2.06.001 Definitions**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Fowl* means and includes all birds, e.g., chickens, turkeys, pheasants, quail, geese, ducks, and other domestic feathered creatures and nondomestic feathered creatures, regardless of age or sex.

*Hen* means a female chicken.

*Rabbit* means any of a family (Leporidae) of long-eared short-tailed lagomorph mammals with long hind legs.

**Sec. 2.06.002 Hens, other fowl, and rabbits**

(a) No more than six hens and/or two other fowl and/or five rabbits may be kept at a residence.

(b) All hens, other fowl, and rabbits kept at a residence shall have a pen, coop or hutch constructed and available to such hens, other fowl and rabbits. All hens, other fowl, and rabbits must remain on owner's property behind a fence, on a leash, or on a tether.

(c) The pen, coop, or hutch shall be at least 20 feet from neighboring residences and at least ten feet from the owner's residence.

(d) The keeping of roosters, guineas, and peafowl at a residence is prohibited.

**Sec. 2.06.003 Pen Regulations**

(a)  Each hen, other fowl, and rabbits will be restrained by fence, or cage of sufficient size and strength to maintain such, with adequate shelter from the elements of weather and predators.

(b)     All pens, coops or hutches shall be kept clean of feces, discharge, and any other unwholesome matter, as to eliminate germs, bacteria, and flies.

(c)     All feces, discharge, or unwholesome matter will be removed immediately from the pen, coop or hutch by transporting and disposing at the city recycle center in an area designated by the Director of Public Works and City Manager.

(d)     All dead animals will be removed immediately, and the owner is to contact Fritch Animal Control for proper disposal.

(e)     No dead animals shall be placed in city trash dumpsters.

(f)     All pens, coops or hutches are to be kept in good working repair at all times; and the area surrounding pens are to be maintained so as not to become a nuisance to the community of Fritch.

**Sec. 2.06.004 Registration Required**

(a)     All hens, other fowl, and rabbits kept in the City of Fritch are required to be registered with the City of Fritch as approved by this article.

(1)     Registration is to include:

(A)     Name of owner;

(B)     Name of landowner;

(C)     Notification telephone number and address;

(D)     Description of hens, other fowl, and rabbits kept;

(E)     Registration fee of ten dollars ($10.00) total for up to a maximum number of permitted animals kept at a residence, as provided in this chapter;

(F)     Compliance with the requirements of this article and subject to inspection by animal control officer or its agent.

Section 2. Penalty.

(a) Any person, firm or corporation violating any portion of this section shall be deemed guilty of a misdemeanor and shall be fined in accordance with the general penalty provision in Sec. 1.01.009 of this code per animal. Each day constitutes a separate violation.

(b)     Two (2) or more violations may result in revocation of registration.

Section 3. Effective Date. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 4. Repealed. All other terms and provisions of the Code of Ordinances of the City of Fritch, not in conflict herewith and not hereby amended shall remain in full force and effect.

SECTION 5. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Fritch, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 6. Publication. The City Secretary of the City of Fritch is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

Passed and approved on first reading this 25th day of February, 2019.

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Dwight Kirksey, Mayor

ATTEST:

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Michelle Moneymaker, City Secretary