

ARTICLE 2.03 LIVESTOCK[†]

Sec. 2.03.001 Running at large

It shall be unlawful for the owner, keeper, or person in charge of any horse, mule, jack, jenny, cow, cattle, hog, sheep or goat, or similar animal, to allow or permit the same to run at large within the limits of the city. Every such animal shall be kept in a stable, shed, pen, or other enclosure and every such stable, shed, pen, or other enclosure for such animals shall be a distance of at least fifty (50) feet from every adjoining lot in any residential district, as such district may have been duly designated and defined under the zoning ordinance and regulations enacted by the city commission; and every such stable, shed, pen, or other enclosure wherever located within the city for the keeping of such animals shall be a distance of at least one hundred (100) feet from every building or structure used for sleeping, dining and living. (1987 Code, sec. 4-52)

Sec. 2.03.002 Impoundment

The animal control supervisor shall take up or cause to be taken up any such animals found running at large within the limits of the city and shall impound any such animals in a suitable place provided for that purpose. (1987 Code, sec. 4-53)

Sec. 2.03.003 Notice, sale at public auction

After proper notice, animals impounded shall be sold at public auction in accordance with provisions of V.T.C.A., Agriculture Code, ch. 142. (Ordinance adopting Code)

Sec. 2.03.004 Fees

The animal control supervisor shall collect a fee for taking up and impounding each animal, a fee for feeding and taking care of each animal and a fee for selling each animal, which fees so collected shall be paid to the finance director. The fees shall be fixed from time to time by resolution of the city commission. After deducting the fees for impounding, keeping, and selling each animal, the animal control supervisor shall return the balance of such sale, if any, to the owner. If the owner fails to call for the amount within fifteen (15) days from the date of sale, then he shall pay the same over to the finance director. At any time within six (6) months after any sale, the owner may apply to the animal control supervisor, and upon satisfactory proof of ownership he shall be entitled to receive the amount deposited on account of such sale, after paying such costs as may be necessarily incurred to establish his rights to such amount. (1987 Code, sec. 4-55)

Sec. 2.03.005 Reclamation before sale

The owner of any animal impounded may reclaim the same from the city pound at any time before sale by paying all fees and expenses of taking up and keeping such animal. (1987 Code, sec. 4-56)

Sec. 2.03.006 Records

The animal control supervisor shall keep a book in which he shall record a description of each animal impounded, the date of impounding, the date of sale, the amount realized from the sale, the fees and expenses due for impounding and keeping the animal, the name of the owner, if known, and the name of the purchaser. (1987 Code, sec. 4-57)

Sec. 2.03.007 Redemption

At any time within six (6) months from the date of sale, the owner of any animal impounded and sold under the provisions of this article shall have the right to redeem the same by paying to the purchaser thereof double the amount paid by the purchaser for such animal and his reasonable expenses incurred in keeping the same. (1987 Code, sec. 4-58)

Sec. 2.03.008 Staking and grazing

It shall be unlawful for any person to stake any livestock for the purpose of grazing upon or within reach of any public street, alley, sidewalk, or park within the limits of the city. (1987 Code, sec. 4-59)

Sec. 2.03.009 Cleaning premises

All pens in which any livestock named in section 2.03.001 hereof are kept within the city limits shall be kept thoroughly cleansed so that the same shall not be detrimental to public health and offensive to adjacent neighbors or to the public. (1987 Code, sec. 4-60)

Sec. 2.03.010 Keeping swine

It shall be unlawful for any person to have or keep any swine or permit the having or keeping of any swine on any lot, tract or parcel of land within the corporate limits of the city owned or controlled by any person. (1987 Code, sec. 4-61)

Sec. 2.03.011 Keeping rabbits and fowl

It shall be unlawful for any person to do any of the following:

- (1) Keep, harbor, maintain or permit the presence on any lot or parcel of land within the city of any rabbits, poultry or fowl of any kind, sex or description, other than not more than a total of twenty-five (25) over ten (10) weeks of age, and fifty (50) under (10) weeks of age;
- (2) Maintain or raise any type of rabbits, poultry or fowl within the city limits for commercial purposes;
- (3) Keep any poultry or fowl capable of crowing within the city limits;
- (4) Keep any rabbits, poultry or fowl within fifty (50) feet of any building or structure used for human sleeping, dining or living;
- (5) Keep any rabbits, poultry or fowl within any structure, the interior of which is not whitewashed at least once every six (6) months and without spraying crude oil or some disinfectant on the roosting places at least once in each calendar month to discourage insects, fleas, mites and flies;
- (6) Keep any rabbits, poultry or fowl within any structure in the city without scraping the floor of the room, coop, box or compartment and thoroughly cleaning the area within which such rabbits or fowl are kept at least once in every twenty-four (24) hours;

(7) Accumulate any foul, decaying or putrescent substance or other offensive material dangerous to public health, in or upon any lot, street or highway, or cause or permit the escape of any gases to such an extent that the same or any of them by reason of offensive odors shall become a source of discomfort to persons living or passing in the vicinity;

(8) Allow any rabbits, poultry or fowl owned by or under the control or management of such person to run at large either upon the public streets, alleys, highways or parkways of the city, or upon any private property other than private property owned, controlled or occupied by such person.

(1987 Code, sec. 4-62)

Sec. 2.03.012 Permitted exceptions

(a) The housing or enclosure of animals, fowl or livestock, including, but not limited to, cattle, swine (excluding potbellied pigs), sheep and goats, is allowed for educational projects through such organizations as the Future Farmers of America and 4-H upon the granting of a permit by the building official in the following location only, to-wit: A tract of approximately 0.2984 acre located approximately sixty (60) feet east of the Hereford Breeder's Barn and approximately one hundred (100) feet north of the indoor shooting range at the city's Recreation Park.

(b) The time period for the housing or enclosure of such animals and livestock shall not exceed ten (10) months during any consecutive twelve-month period. The permit shall specify that such premises shall be maintained so that they will not be detrimental to public health and shall be maintained to reduce to a minimum odor, flies and other insect infestation.

(c) Any violation of the permit shall result in this cancellation and such animals, fowl or livestock shall be removed within ten (10) days of its cancellation. Written notice of such cancellation shall be given to the owner of the animal, fowl or livestock by certified mail, return receipt requested or by personal service. Failure of the owner of such animal, fowl or livestock to remove such animals, fowl or livestock shall constitute a class C misdemeanor and each day such animals, fowl or livestock remain shall constitute a separate offense.

(1987 Code, sec. 4-63)

Copyright © 2008 Franklin Legal Publishing, Inc. All rights reserved.