

Approved 4-12-2011

ORDINANCE NUMBER 03082011.

ORDINANCE REGULATING LIVESTOCK /FOWL WITHIN THE CITY OF MUNDAY, TEXAS

Whereas, the City of Munday, Texas has the power to adopt this ordinance to regulate livestock within the city limits of the City of Munday, Texas

Whereas, the keeping of livestock/fowl within the City of Munday, Texas is in need of regulation.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF MUNDAY AS FOLLOWS:

ARTICLE I. IN GENERAL

SECTION A: DEFINITIONS.

For the purposes of this Ordinance and unless the context specifically indicates otherwise, the meanings of terms used in this ordinance shall be as follows:

ANIMAL means any and all types of animals and other non-human living creatures, whether a member of the animal kingdom or not, domesticated and wild, male and female, singular and plural.

AT LARGE means off premises of the owner or custodian of the animal/fowl and not under the control of the owner or custodian, a member of the immediate family of the owner or custodian, or a person expressly designated by the owner or custodian, either by means of a leash, cord, chain or other secure means.

LIVESTOCK means any farm or tame animals owned, kept, raised for profit or pleasure, with the exception of domestic dogs and cats owned or kept as pets.

- a) Large livestock is defined any animal above 25 pounds when grown.
- b) Small animals are defined as any animal smaller than 25 pounds when grown.

FOWL means any wing bird, such as chickens, turkeys, geese, guineas, ducks, pigeons, pheasants, and similar classified fowl.

OWNER means any person, partnership, association, firm, or corporation owning, keeping or harboring an animal.

RESIDENCE means any dwelling utilized or capable of being utilized for residential purposes.

SECTION B: APPLICABILITY.

- A) This chapter shall apply to all animals/fowls and persons owning animals/fowls or in control or possession of animals/fowls within the corporate limits of the city, regardless of when such animals/fowls were obtained, acquired or otherwise received.
- B) Any person owning or in control or possession of animals/fowls of such a type or in such a manner as to be in violation of the ordinance must fully comply with all terms of this ordinance within thirty (30) days of this ordinance becoming effective. All violations continuing at the expirations of this thirty-day period will be prosecuted to the fullest extent of the law.

SECTION C. ENFORCEMENT RESPONSIBILITY.

- A) The police department and any other lawfully designated official or representative of the city shall have the primary duty and responsibility of enforcing the provisions of this ordinance. Any officer of

- the city's police department and any such designated official or representative is fully authorized and empowered to enforce any and all of the provisions hereof.
- B) Any official or representative of the city lawfully designated to enforce the provisions of this ordinance shall have the power and authority to issue summonses returnable to the municipal court or to any other proper authority for violations of this ordinance. Such summonses shall have the same full force and effect as if issued by the police department.
 - C) The police department or other designated official or representative of the city may develop and utilize such forms as may be required and necessary to implement these powers and actively enforce this ordinance.

SECTION D. PENALTIES.

The failure or refusal of any person to comply with any of the provisions of this ordinance and the violation of and provisions of the ordinance by any person shall constitute a misdemeanor. Any person guilty of any violation of any provision of this ordinance shall, on conviction thereof, be subject to punishment allowed by law. The municipal court is hereby authorized to establish a schedule of penalties for various offenses, subject to review by the Mayor and the City Council Members.

SECTION E. PLACES WHERE ANIMALS/FOWLS KEPT TO BE CLEAN.

It shall be unlawful for any lot, stall, stable, pen or other place where animals/fowls are kept to be in an unclean, filthy or unsanitary condition. All lots, stalls, stables, pens and other places where cattle, horses, mules or other animals/fowls are lawfully kept for the purposes whatever, anywhere in the city, shall be kept clean, wholesome and free of offensive odors, flies, rodents and other pests, by removal of all offensive matter and by suitable cleansing and disinfecting as often as may be necessary, which is hereby required and made the duty of every person having, owning or controlling such places.

SECTION F: PROMOTING ANIMAL FIGHTS PROHIBITED.

It shall unlawful for any person to promote or allow or cause to be promoted or allowed any fight involving animals/fowls within the corporate limits of the city.

SECTION G. ANIMALS/FOWLS MAKING EXCESSIVE NOISE

- A) Definitions in this section:
 - Excessive Noise** means and includes any noise made and produced by an animal/fowl which is so loud and continuous or untimely so as to disturb the sleep of a neighbor, interfere with the proper enjoyment of a neighbor's property, or create a material disturbance or discomfort to a neighbor.

Neighbor means an individual residing in a residential structure that is within three hundred (300) feet of the property on which the animal/fowl is kept harbored and who does in writing state that he will testify under oath to such animal/fowl making excessive noise.

- B) Prohibited. No person shall own or keep any animal/fowl, which by making excessive noise disturbs a neighbor or neighborhood.
- C) Issuance of subpoena in Contested Proceeding. Should a charge of a violation under this section be contested, a subpoena shall be issued to the disturbed neighbor requiring his testimony in the matter.

ARTICLE II. LIVESTOCK

SECTION A. RESTRICTION ON KEEPING IN CERTAIN AREAS.

- A) It shall be unlawful for any person to house, keep or confine any livestock in any area of the city zoned for residential or business purposes, unless the livestock is kept in a open area of at least one (1) acre per animal, with no part of the area lying within three hundred (300) feet of any residence, residence located on the property where the livestock will be kept.
- B) The following are exempt from the requirements of this section.
 - 1) Any duly authorized livestock or cattle barn permitted to lawfully operate within the city;

- 2) Any lawfully operated animal hospital or animal shelter;
 - 3) Any hospital for humans or laboratory lawfully using animals for research or experimental purpose.
 - 4) Any lawfully operated livestock show, rodeo, carnival, charitable function, or similar event at which the presence of animals is a part of the temporary event.
 - 5) Livestock that is or partly being used as FFA or 4-H school projects
 - a) Individuals seeking an exemption for FFA or 4-H school projects must not be a family member occupying a residence with a three acre residential property, any of the property where the livestock will be temporarily housed.
 - b) Livestock under this exemption may not be placed on the public streets or on any other property owned or managed by the City of Munday.
 - c) Livestock under this exemption is a direct subject of the permit application.
 - d) The duration of this exemption shall be no longer than six (6) months.
 - e) Any individual requesting the exemption must state all conditions of the exemption and must specifically list the number, breeds of livestock and the property under this exemption.
 - f) This exemption is limited to two large animals per acre of land.
- C) Permit required on livestock that can meet the above restrictions. This permit can be obtained at the City Hall during regular business hours. The cost of a permit for livestock is \$25.00 per head per year. FFA, 4-H projects, rodeos, and charitable functions, or similar events at which the presence of animals is part of the temporary events are exempt from the permit fees.

SECTION B: KEEPING OF FOWL CERTAIN AREA.

- A) It shall be unlawful for any person to house, keep or confine any fowl in any area of the city zoned for residential or business purposes, unless the fowl is kept in an enclosed area. These enclosures must be able to maintain so that the fowl are not running loose within the city limits and three hundred (300) feet from any residence.
- B) Permit required on fowl that can meet the above restrictions. This permit can be obtained at city hall during regular business hours. The cost will be \$5.00 per each fowl per year.

SECTION C: KEEPING SWINE WITHIN THE CITY

It shall be unlawful for any person to raise or keep hogs and pigs within the corporate limit of the city.

ARTICLE III. MISCELLONEOUS

SECTION A: Insofar as the provisions of this ordinance are inconsistent with the provisions of other ordinances of the City of Munday, the provisions of this ordinance shall be controlling.

SECTION B: In event any provision of this ordinance is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the applicability of such provision to other persons or circumstances and the constitutionality or validity or every other provision of this ordinance shall be valid and enforceable and shall not be affected thereby.

SECTION C: The ordinance shall take effect one month from the date of its adoption and after its publication in a local newspaper as required by law.

The foregoing, having been reduced to writing was proposed in a motion by Wilson and seconded By: Fletcher having called for a reading, it was brought to a vote as follows:

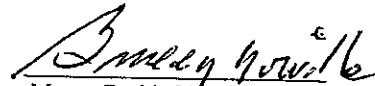
Council Member; Adrin Fletcher YES David Walsh YES

Dena King NO Todd Wilson YES

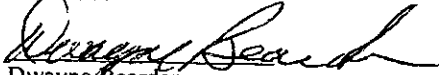
Mayor Pro-Tem Tammy Pienaar Yes

This ordinance having received a majority vote, the Mayor declared it passed and duly adopted

SO ORDERED, this 12 day of April, 2011.


Mayor Buddy Norville

ATTEST:


Dwayne Bearden