

May 13, 2021

Item No. 9.3.

Ordinance related to the keeping of Fowl within the city limits of College Station.

Sponsor: Billy Couch

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action regarding an ordinance amending Chapter 6, Sec. 6-147 regarding keeping of fowl within the city limits.

Relationship to Strategic Goals:

- Good Governance
- Neighborhood Integrity
- Sustainable City

Recommendation(s): Staff is presenting this for consideration and possible adoption.

Summary: Council requested information from staff pertaining to the keeping of fowl in the city limits of College Station.

Budget & Financial Summary: None

Attachments:

1. Sec 6-147 Fowl Final
2. Sec 6-147 Fowl Redline

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 6, "ANIMALS," ARTICLE V, "LIVESTOCK, BIRDS, EXOTIC ANIMALS AND WILD ANIMALS," SECTION 6-147 "FOWL", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS RELATING TO FOWL; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That **Chapter 6, "Animals," Article V, "Livestock, Birds, Exotic Animals and Wild Animals," Section 6-147 "Fowl"** of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit "A"** attached hereto and made a part of this Ordinance for all purposes.

PART 2: If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas, that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.

PART 3: That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than twenty five dollars (\$25.00) and not more than five hundred dollars (\$500.00) or more than two thousand dollars (\$2,000) for a violation of fire safety, zoning, or public health and sanitation ordinances, other than the dumping of refuse. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 4: This Ordinance is a penal ordinance and becomes effective ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.

PASSED, ADOPTED and APPROVED this _____ day of _____, 20__.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

EXHIBIT A

That **Chapter 6, "Animals," Article V, "Livestock, Birds, Exotic Animals and Wild Animals," Section 6-147 "Fowl"** of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

Sec. 6-147. Fowl.

- (a) ***Keeping allowed without permit.*** Keeping of fowl is allowed in accordance with the zoning land use regulations of the City set forth for an R Rural Zone, WE Wellborn Estate Zone, and an E Estate Zone as same may from time to time be amended and by meeting the regulations in this article.
- (b) ***Keeping allowed with permit.*** Keeping of fowl is allowed in all single-family residential zones consistent with the land use regulations therein for such zone as same may from time to time be amended, and upon issuance of a permit and by meeting other applicable regulations as set forth herein.
- (c) ***Permit requirements.*** The following is required to be issued a permit for keeping of fowl in a single-family residential zone:
 - (1) An application must be completely and accurately filled out and submitted to the City identifying the location, contact information for the owner of the property and the owner of the fowl, type and number of fowl, type of enclosure, distance from adjacent residences other than applicant's, and other pertinent information; and
 - (2) Payment of a fee as may be imposed by the City Council.
- (d) ***Keeping fowl in enclosures.*** It shall be the duty of the owner of fowl to keep same enclosed in such manner that the fowl cannot go upon public streets, highways, alleys, rights-of-way or parkways of the City, or upon the private property of others. Any deviations from the distances below may be considered upon the owner making proper application before the Zoning Board of Adjustment.
 - (1) Any enclosure that houses fowl must be at least 50 feet from any dwelling other than the dwelling occupied by the owner of the fowl.
 - a. Any enclosure at 50 to 100 feet may house up to 6 fowl.
 - b. Any enclosure greater than 100 feet may house up to 12 fowl.
- (e) ***Nuisance.*** A person commits an offense and it is declared a nuisance and may be enforced 5,000 feet outside the City limits, if a person keeps fowl in any way that creates odor, unreasonable noise that would annoy or disturb a person of ordinary sensibilities, attracts pests, or endangers the health, safety, comfort or repose of any person.
- (f) ***Roosters prohibited.*** It is unlawful to own, keep, harbor, or to maintain or to possess a rooster within the City limits.

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