

ORDINANCE NO. O-2021-0018

AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS AMENDING SECTION 8-8 OF THE CITY CODE ALLOWING FOR THE KEEPING OF HENS; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, Section 8-8 of the City Code prohibits the keeping of any animal or fowl within 100 feet of any occupied building and

WHEREAS, the City Council desires to amend Section 8-8 of the City Code to allow for the keeping of Hens.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS THAT:

Section 1. The findings and recitals set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. Section 8.8 of the Code of Ordinances, City of La Marque, Texas is deleted and amended to read as follows:

Sec. 8-8 Keeping of Hens

(a) Definitions:

Hen means a female chicken.

Fowl means chicken.

Rooster means a male chicken.

Coop means an enclosure having four sides at least four feet in height and covered at the top with a roof to prevent the Hens from escaping and protect them from the elements. The enclosure shall have a minimum of 3 square feet of space per Hen.

Chicken Run means a fenced outdoor area where the Hens have at least 10 square feet per Hen. The fence shall be at least four feet in height and prevent the Hens from escaping. For purposes of calculating a Chicken Run square footage a person may include the area within the Coop, if the Coop is connected to the Chicken Run.

(b) Keeping of Hens near residences.

It shall be unlawful for any person to keep, harbor, or maintain hens within twenty five feet of any occupied building or business, but excluding the owner's occupied building or business, within the City. The number of Hens shall be limited to a maximum twenty five (25) per lot.

(c) Keeping of Roosters.

It shall be unlawful for any person to keep, harbor, permit, or maintain Roosters within the City.

(d) Condition of the Premises where Hens are kept.

A person who keeps, harbors, permits, or maintains Hens in the City shall house the Hens in a Coop and a Chicken Run in accordance with this Section. Hens shall not be permitted to roam free in the City. The Coop and Chicken Run shall be kept in a clean and sanitary condition. The floor of Coop and Chicken Run shall be maintained such that no offensive odors are emitted therefrom. The floor of the roosting spaces shall be kept covered with deep dry litter. The Hens kept in the Coop and Chicken Run shall always have access to clean water.

(e) Food storage requirements.

Food for the Hens shall be kept in non-permeable storage bins. These bins shall be lockable to prevent pests and predators from accessing the food.

(f) Permit requirements.

(1) Every person who keeps Hens in the City shall apply for a permit from the City. Said permit shall be valid for one year after its issuance. A person who keeps Hens must apply for an annual renewal of the permit. There shall be a fee of \$30.00 for an initial permit under this Section. Annual renewals of fees under this Section shall be \$15.00.

(2) Prior to the issuance of a permit under this section Code Compliance shall inspect the Coop to ensure compliance with this section. Prior to the issuance of any permit renewal under this section Code Compliance may inspect the Coop to ensure compliance with this section.

(g) Enforcement

- (1) The provisions of this section shall be enforced by the Code Compliance Department. The Code Compliance Supervisor and its deputies shall have full authority to enforce this section and in doing so are empowered to enter upon any private property to ascertain whether Fowl are being kept in accordance with this section.

- (2) A person who violates this section shall for each violation or noncompliance be deemed guilty of a misdemeanor, and upon conviction, shall be fined as provided in Section 1-7 of the City Code. Upon the third conviction, within two years, of a person for violation of this Section such person may have its Permit to keep Hens under this section revoked by the Supervisor of Code Compliance. A person whose permit is revoked under this Section shall be ineligible for a permit for Five years after the third conviction of a violation of this Section.

Section 3. Repeal. This ordinance is intended to be cumulative and shall not repeal any provision of a previous ordinance or City Code provision, except to the extent that a provision is inconsistent and cannot be reconciled with this ordinance.

Section 4. Severability. In the event any clause, phrase, provision sentence, or part of this Ordinance or the application of the same to any person or circumstance for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it is the intention of the City Council that the invalidity or unconstitutionality of the one or more parts shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision other than the part declared to be invalid or unconstitutional; and the City Council of the City of La Marque, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. Effect on HOA Requirements. Nothing in this Ordinance or the application of it will affect any applicable deed restrictions or rules of homeowners' associations.

Section 6. Purpose. The purpose of passing this Ordinance is to control noise, safety, sanitary, and odor conditions.

Section 7. Publication and Effective Date. This Ordinance shall be effective August 1, 2022.

PASSED, AND APPROVED by the City Council of the City of La Marque on First Reading this **11th** day of **April, 2022**; and

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque on Second and Final Reading this _____ day of _____, **2022**; and

CITY OF LA MARQUE, TEXAS

Keith Bell, Mayor

ATTEST:

Kierra K. Nance, TRMC, City Clerk

APPROVED AS TO FORM:

Gus Knebel
City Attorney