

**CITY OF SAGINAW
ORDINANCE NO. 2018-05**

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, PERMITTING THE KEEPING OF BACKYARD CHICKENS BY AMENDING SECTION 6-37 “KEEPING OF ANIMALS AND FOWL” IN CHAPTER 6, ARTICLE II, DIVISION 1 OF THE CODE OF ORDINANCES OF THE CITY OF SAGINAW; AMENDING THE MASTER FEE SCHEDULE TO ESTABLISH A \$20 PERMIT FEE FOR THE KEEPING OF BACKYARD CHICKENS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas, is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council has previously adopted ordinances strictly regulating the keeping of animals and fowl within the City; and

WHEREAS, the City Council now desires to adopt regulations permitting the keeping of backyard chickens on certain property within City limits by amending Chapter 6, Article II, Section 6-37 of the Code of Ordinances of the City of Saginaw; and

WHEREAS, the City Council hereby finds and determines that the regulations and amendments set forth herein are in the best interest of the public and are adopted in furtherance of the public health, safety, and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAGINAW, TEXAS:

SECTION 1.

That Section 6-37 of Article II of Chapter 6 of the Saginaw City Code is hereby amended to read as follows:

Section 6-37. – “Keeping of animals and fowl.”

- (a) With the exception of backyard chickens as regulated below, it shall be unlawful for any person, firm, or corporation to harbor livestock without 20,000 square feet of land per animal, and said animal shall not be kept less than 100 feet from another residence or occupied building, provided that a hog may not be kept less than 500 feet from another residence or occupied building.
- (b) Backyard Chickens Allowed – After issuance of a permit by the city, a person may keep a maximum of three (3) female chickens of the species *Gallus gallus domesticus* on residential property; property owned or leased by the city; a public or private school; or a college, junior college, or university in accordance with the following requirements:

- (1) Permit Requirements – The city shall develop a form and application requirements for the keeping of backyard chickens.
 - (a) Only one permit for backyard chickens may be issued per property, tract or individual lot.
 - (b) A permit is non-transferable and shall be valid and effective until the permit holder no longer resides at the property, ceases to keep backyard chickens on the property, or is otherwise revoked.
 - (c) A permit may be revoked upon a finding by the city after written notice of two documented violations of this ordinance within a twelve (12) month period.
- (2) Roosters and Other Fowl Prohibited – Male chickens (roosters) may not be kept as backyard chickens. Turkeys, ducks, geese, peacocks and other fowl species are prohibited.
- (3) Standards for Keeping Backyard Chickens – Chickens must be kept in a secure pen, coop or enclosed yard at all times and may not run at large. Chicken coops and pens and other appurtenances shall be located and maintained as follows:
 - (a) Chicken coops and other enclosures shall be a minimum of thirty two (32) square feet in size and must be located a minimum of five (5) feet from any property line. Only one (1) chicken coop and one (1) pen shall be allowed on the property and both must be located on the rear half of the property.
 - (b) Pens, enclosures, yards, cages, structures or other similar enclosures must be kept in a clean and sanitary condition at all times and shall not create any offensive odors or favorable conditions that breed or attract flies, mosquitoes, maggots or other insects.
 - (c) Manure and droppings shall be removed from pens, yards, cages and other enclosures as necessary to maintain sanitary conditions and handled or properly disposed of as to keep the premises free of any public nuisance. Discarding waste on any public or private property shall be considered a violation. The accumulation of waste on the property is prohibited.
 - (d) Nuisance odors or excessive noise as defined in Sections 30-131 and 30-132 of this Code shall not be detectable at the property line of the lot, property or tract.
 - (e) Any processing of deceased backyard chickens shall not occur in any area visible from public rights-of-way or from adjacent properties.
- (4) Care of Backyard Chickens – Adequate food, shelter, water and care shall be provided to all backyard chickens at all times in accordance with the following regulations:
 - (a) Backyard chickens shall have access to a chicken coop or other enclosure providing protection from the elements and from predators.
 - (b) Access shall be provided to an enclosure or pen outside of a chicken coop that provides fresh air.
 - (c) Sufficient food and water shall be provided. However, the feeding of vegetables, meat scraps or garbage shall be done only in impervious containers or on an impervious platform. Watering troughs, tanks or other watering containers shall be equipped with adequate facilities for draining water overflow to prevent the breeding of flies, mosquitoes and other insects.
 - (d) Backyard chickens shall not be kept in any unsanitary or other conditions that are favorable for any zoonotic diseases or that endangers public or animal health and safety.
 - (e) Medical treatment from a licensed veterinarian must be obtained by the permit holder and provided to any backyard chicken(s) showing symptoms of illness or injury.

SECTION 2.

That the Master Schedule of Fees established pursuant to Ordinance No. 2010-14, as amended, is hereby amended by adding a new animal services fee to permit backyard chickens. The new fee is set forth in the attached and incorporated as Exhibit "A", hereto.

SECTION 3.

The City Secretary is hereby directed to revise the Master Schedule of Fees in accordance with the above-referenced revision. A revised Master Schedule of Fees shall be kept on file with the office of the City Secretary.

SECTION 4.

This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Saginaw, and this ordinance shall not operate to repeal or affect the Saginaw City Code or any other ordinances.

SECTION 5.

The sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.

SECTION 6.

Any person, firm, association of persons, corporation, or other organization violating any provision of this ordinance shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$500.00, as provided by Sec. 1-13 of the Saginaw City Code. Each day that a violation continues shall be deemed a separate offense.

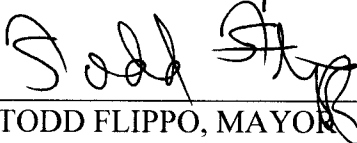
SECTION 7.

The City Secretary of the City of Saginaw is hereby directed to publish at least twice in the official newspaper of the City of Saginaw, the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Local Government Code.

SECTION 8.

This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED ON this the 15th day of May, 2018.



TODD FLIPPO, MAYOR

ATTEST:


JANICE ENGLAND, CITY SECRETARY



APPROVED AS TO FORM AND LEGALITY:


BRYN MEREDITH, CITY ATTORNEY

FEE SCHEDULE

| Animal Services Fees | | |
|-----------------------------|----------|--|
| Backyard Chicken permit fee | \$ 20.00 | One permit issued per property, for up to three chickens |