

ORDANANCE 13-15

Linden, Texas
Municipal Code

Animal Regulation

AN ORDINANCE ESTABLISHING THE GUIDELINES FOR KEEPING LIVESTOCK WITHIN THE CITY LIMITS OF LINDEN TX; DEFINING CERTAIN TERMS; PROVIDING FOR EXCEPTIONS; DEFINING OFFENSES; AND PROVIDING FOR A FINE AND PENALTY OF THE VIOLATION OF THE ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINDEN, TEXAS:

ARTICLE 1. DEFINITIONS.

§ 1-1 DEFINITIONS

(A) ENCLOSURE means a pen, cage, coop, loft, stable, shed, structure or enclosure used to house a bird, fowl, livestock, or other animal. (Does not include pastured animal within a pasture fence)

(B) FOWL includes a chicken, turkey, goose, guinea hen, or duck.

(C) HANDLER means a person who has charge, care, custody, or control of an animal.

(D) LIVESTOCK includes, but it not limited to horses, mules, burros, cattle, sheep, swine and goats.

(E) OWNER means a person who owns, feeds, keeps, maintains, or harbors an animal or who knowingly allows an animal to remain on the person's property.

(F) SMALL ANIMALS includes, but is not limited to rabbits, hamsters, squirrels, bats, ferrets, Guinea pigs, that are kept outside. Excluding cats and dogs.

(G) NUISANCE the following conditions would qualify as a nuisance

1. Noises that disrupt the peace of the neighborhood.
2. Unpleasant smells
3. Unhealthy conditions for humans and or animals involved
4. Unsightly conditions that undermine adjoining property values.

ARTICLE 2. Enclosures.

§ 2-1 ENCLOSURE REQUIREMENTS.

(A) Any person (s) may not keep an animal, fowl, bird, or reptile in an enclosure unless the enclosure is:

- (1) Securely built;
- (2) Adequately sized for the kind and number of animals, fowl, birds, or reptiles housed in the structure
- (3) Maintained in a sanitary condition that minimizes flies and reduces odor offensive to an adjacent residence or business.

§ 2-3 ENCLOSURE FOR SMALL ANIMAL.

(A) An enclosure used to keep fewer than 10 small animals must be located at least 30 feet from an adjacent residence or business, excluding the residence or business of the owner or handler of the small animals.

(B) An enclosure used to keep ten or more small animals must be located at least 50 feet from an adjacent residence or business, excluding the residence or business of the owner or handler of the small animals.

(C) This section does not apply to an animal shelter, veterinary clinic, pet store, or institutional or education research facility.

§ 2-4 ENCLOSURE FOR LIVESTOCK.

(A) Except as provided in Subsection (B) stated below, an enclosure used to keep livestock, other than miniature livestock, must be located:

- (1) at least 30 feet from adjoining residential or business property; and
- (2) at least 50 feet from a structure used for human habitation, excluding the residence or business of the owner or handler of the small animals.

(B) An enclosure used to keep miniature livestock (i.e. animals weighing less than 200 pounds) must be located at least 30 feet from a structure used for human habitation, other than a structure owned or occupied by the owner or handler of the livestock.

§ 2-5 ENCLOSURE FOR FOWL.

An enclosure used to keep two or more fowl must be located at least 30 feet from a residence or business, excluding the residence or business of the fowl's owner or handler.

§ 2-6 ENCLOSURE FOR PIGEON OR SIMILAR BIRD.

(A) An enclosure used to keep two or more but fewer than ten pigeons or birds must be located at least 20 feet from an adjacent residence or business, excluding the residence or business of the owner or handler.

(B) An enclosure used to keep ten or more birds must be located at least 30 feet from an adjacent residence or business, excluding the residence or business of the owner or handler.

ARTICLE 3. LIVESTOCK.

§ 3-1 GRAZING LIVESTOCK.

A person may not stake livestock at a location or in a manner that allows the animal to graze on or reach a public property or property belonging to others unless permission is given.

§ 3-2 STORAGE, DISPOSAL, ETC., OF MANURE. .

(A) Any person owning or leasing any stable where livestock is kept will not allow the manure to accumulate in such a manner as to be a nuisance.

(B) It is unlawful for any person to throw or deposit any manure in any street or public place, or to allow manure from any animal under the person's care, control, or custody to remain in any street or public place. No person hauling manure through the streets shall permit the manure to litter the streets.

§ 3-4 MINIMUM LAND AREA REQUIREMENTS FOR ANY KIND OF LIVESTOCK.

The minimum land area to house any livestock is one acre. To house any combination of livestock, the area shall be either one acre or the sum of the required land areas for each animal as listed below, whichever is greater:

(A) Cattle, swine or oxen, one acre each; provided, that un-weaned young will not be counted.

(B) Horses or ponies, one-half acre each;

(C) Sheep, goats or llamas, one-quarter acre each; provided, that un-weaned young will not be counted.

Example 1: The minimum land area required to maintain one goat and one horse shall be one acre. Although the sum of one-quarter acre for the goat and one-half acre for the horse equals three-quarters acres, the minimum land area to house any livestock is one acre.

Example 2: The minimum land area to maintain one pig, one horse and two sheep is two acres. This sum is reached by adding one acre for the pig, one-half acre for the horse and one-quarter acre for each of the two sheep.

§ 3-5 LIVESTOCK RUNNING AT LARGE.

It shall be unlawful for any person owning or in control of any livestock to willfully or negligently allow such livestock to run at large in any area of Linden City Limits, nor shall any person owning or in control of any livestock allow such livestock to wander or stray upon the right-of-way of any public highway lying within the area of The City of Linden unless such livestock is in the actual physical charge of some person.

§ 3-6 PRE-EXISTING LIVESTOCK.

Pre-existing livestock, prior to date of adoption of the ordinance codified in this section, are allowed to remain as long as they do not constitute a nuisance to the neighbors, surrounding businesses and the animals involved.

ARTICLE 4. VIOLATIONS AND PENALTIES.

§ 4-1 VIOLATIONS AND PENALTIES.

Any person violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction for each act herein prohibited of a continuing nature, each day shall be considered a separate offense. A monetary penalty of \$52.00 shall also be imposed for failure to respond to the citation or pay the monetary penalties imposed by the citation.

Passed and approved this 9 day of Nov 2015



Clarence Burns, Mayor Linden, Texas