

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LAMPASAS, TEXAS, AMENDING CHAPTER 10 (ANIMAL CODE, ARTICLE III, “LIVESTOCK” SECTIONS 10-145 THRU SECTIONS 10-175 CODE OF ORDINANCES BY ADDING, REORGANIZING , UPDATING PROVISIONS TO COMPLY WITH STATE LAW; AND REPEALING OBSOLETE, DUPLICATIVE, INEFFECTIVE AND UNNECESSARY PROVISIONS AS THEY PERTAIN TO THE CODE OF ORDINANCES WITHIN THE CITY OF LAMPASAS, ET SEQ; REGULATIONS, EXEMPTIONS, ENFORCEMENT PROVISIONS, FINES, AND A SAVINGS AND SERVABILITY CLAUSE; AND INCLUDING AN EFFECTIVE DATE.

WHEREAS, the City of Lampasas, Texas is a Home Rule Municipality located in Lampasas County, Texas, which is enabled by its Charter and the laws of Texas to enact local legislation related to animal control to include regulations pertaining to livestock; and

WHEREAS, the City of Lampasas is thus authorized to safeguard the health, safety, and general welfare of the City and its citizens, including;

WHEREAS, after citizen complaints to the City of Lampasas and the Lampasas Police Department’s careful study and analysis, the Chief of Police has recommended that the City Council amend City’s Animal Code, to be set forth in the Code of Ordinances, Chapter 10, Article III Livestock, ‘Specific Definitions, Regulations, Enforcement and Fines’, and to detail regulations related to Livestock within the City of Lampasas; and

WHEREAS, based upon the recommendations from the Chief of Police, the City Council now recognizes that citizens will benefit from the provisions set forth herein, including those related to various animals to include livestock, which may pose a health, safety, general welfare risk and cause a nuisance to those within close proximity of certain Livestock;

WHEREAS, the City Council of the City of Lampasas deems it necessary and in the best interest of the safety, health and wellbeing of the citizens of Lampasas to amend the City’s Code of Ordinances, Chapter 10, entitled ‘Animal Code’, entitled “‘Article III Livestock’ providing for definition, detailing specific Livestock regulations, exemptions, and enforcement, fines within the corporate limits of the city of Lampasas,

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

SECTION 1. The City of Lampasas' Code of Ordinances, Chapter 10, Animal Code, Article III, Livestock, is amended to read as follows:

It is the intent and purpose of this chapter to provide a safe and healthy environment within the city for both people and animals with the recognition that while persons may own and keep animals within the city, the conduct of those animals should be controlled for public safety and the conditions in which they are kept should be appropriate so as to protect the animals and avoid infringement on the peace and enjoyment of surrounding property homes and property owners.

Section 10-145.-Definitions

Terms used in this chapter shall have the meanings ascribed to them in the Texas Health and Safety Code, Texas Agriculture Code, and the City of Lampasas Code of Ordinances. If the term is not defined herein or in those laws, it shall have its commonly understood meaning.

Abandoned Animal: shall mean leaving behind an animal alone or permitting the animal to be abandoned in circumstances which might cause harm to the animal. See also Section 10-148 for further description.

Agricultural "AG" Exempt property: Property that has been given the designation by the Lampasas Appraisal District as Agriculture Exempt. This include land that is primarily being used – and has been used for at least five of the past seven years – for agricultural purposes. Agricultural purposes include crop production, livestock, beekeeping, and similar activities.

Animal: An animate being that is not human and has the power of voluntary action,

- a. *Small Animal:* means a small animal kept domestically, including a rabbit, guinea pig, rat, mouse, hamster, or gerbil.
- b. *Noisy Animal*-an animal that makes a noise that is disturbing to a person of normal sensibilities.
- c. *Wild Animal:* Any mammal, amphibian, reptile or fowl which is of a species that is wild by nature and of a species which due to size, vicious nature or other characteristics is dangerous to human beings but shall not include raptors and falcons that are licensed or that are properly permitted by the State of Texas. Such as, but not limited to lions, tigers, leopards, panthers, bears, wolves, deer, raccoons, skunks (whether deodorized or not), apes, gorillas, monkeys, foxes, elephants, rhinoceroses, crocodiles, alligators and all forms of venomous reptiles, but such terms shall not include animals expressly allowed in this chapter.

Animal Control/Care Officer: Shall mean a person designated by the state, or the city who is qualified to perform such duties under the laws of the state and the ordinances of the city.

Livestock Animal Rescue Organization means any not-for-profit organization that has tax exempt status under Section 501 (c) (3) of the United States Internal Revenue Code, which rescues and places animals in permanent homes. Animal Rescue Organizations does not include an entity that breeds animals, or an entity that in exchange for payment or compensation obtains any animal for sale.

At Large: means any animal, including fowl and livestock, not restrained by some physical means to the premises of its owner or caretaker. However, an animal, fowl, or livestock shall not be considered at large when held and controlled by some person by means of a leash or chain of proper strength and length to control the actions of the animal, fowl, or livestock or while confined within a non-open bed vehicle or secured by a rope, leash or chain in any open bed vehicle. Further, an animal shall not be considered at large when participating in a show, competition or training program which is approved by the City Council of Lampasas.

Barnyard Animal: A cow, calf, steer, bull, or other ruminant; a chicken, goose or duck; a horse, mule, donkey or other animal of the equine family; a lamb; or a goat.

Caretaker: A person is subject to this chapter as the caretaker of an animal and is presumed to control the animal if the person (1) is the owner, or lessee of the yard, pen, pasture, or place in which the animal is located and has control of the place, or (2) exercises care or control over the animal. This section includes any person or persons owning, possessing, harboring, keeping, or sheltering any animal.

Department: The Lampasas Police Department.

Enclosure: means a pen, cage, coop, loft, stable, shed, structure or enclosure used to house a bird, fowl, livestock, or other animal.

Fowl: shall mean any heavy bodied, terrestrial bird of the order of Galliformes, including but not limited to chickens, ducks, geese, pheasants, turkeys, grouse, guineas, or other common domestic fowl

- a. *Pullet*-immature hen
- b. *Cockere*-immature male
- c. *Exotic Fowl* shall mean any avian species that is not indigenous to this state. The term includes ratites but does not include a bird defined by Section 64.001, Parks and Wildlife Code, as a game bird or any other indigenous bird regulated by the Parks and Wildlife Department as an endangered or threatened species. The term does not include nonindigenous birds located on publicly owned land.
 1. *Ratites*- a bird with a flat breastbone especially : any of various mostly flightless birds (such as an ostrich, rhea, emu, moa, or kiwi) with small or

rudimentary wings and no keel on the sternum that are probably of polyphyletic origin and are assigned to a number of different orders.

- d. *Game Fowl* shall mean a bird of any various strains of domestic feral fowl developed chiefly for the intent of fighting or used in the act of cockfighting.

Grandfathered Animals: A *permitted* exemption granted based on circumstances where previously existing livestock has been allowed.

- a. Animals in this chapter shall be required to have a permit on or before January 1, 2022, after which time it shall be unlawful for any person, firm or corporation to keep the prohibited or above limit of animals/livestock on property located within the city limits of Lampasas without a permit, waiver, or exemption.

Habitual Public Nuisance Violator: An animal owner/caretaker found to be in violation with a conviction of three offenses within a twelve (12) month period of this Chapter.

Humane Organization: A non-profit organization which provides for the care and custody of sick, injured, lost, abandoned or strayed animals and which may provide veterinary services for the care of animals, kept only for the recovery of the animal or relocation of the animal.

Impound shall mean the placing of an animal in the Lampasas Animal Shelter or in a location that the City may deem necessary for the care of the animal care or taking into custody of an animal for purpose of transportation to the city's animal care facility

Livestock: includes regardless of age, sex or breed, horses, consisting of all equine species, cows consisting of all bovine species, sheep consisting of all ovine species, llamas; goats consisting of all caprine species and pigs, consisting of all species of swine, pig, and family of Suidae. These include but are not limited to; cow, horse, swine, mule, sheep, goat, llama, alpaca, exotic livestock, elk, hogs, bison, buffalo, and any hybrid thereof, unless otherwise defined. "Livestock" includes exotic livestock as defined by Section 161.001, Agriculture Code.

Exotic Livestock: means grass-eating or plant-eating, single-hooved or cloven-hooved mammals that are not indigenous to this state and are known as ungulates, including animals from the swine, horse, tapir, rhinoceros, elephant, exotic deer breeds, and antelope families but not including a mammal defined by Section 63.001, Parks and Wildlife Code, as a game animal, or by Section 71.001, Parks and Wildlife Code, as a fur-bearing animal, or any other indigenous mammal regulated by the Parks and Wildlife Department as an endangered or threatened species. The term does not include a nonindigenous mammal located on publicly owned land.

Owner means a person owning, keeping, harboring, or acting as custodian of an animal.

- a. "Owner" includes a minor's parent, guardian, or another adult with whom the minor resides, if the minor owns the animal.

- b. *Temporary owner* shall mean an individual who finds a stray animal, has the animal for fewer than thirty (30) days and attempts to find the true owner of the animal.

Performing Animal Exhibition: shall mean any spectacle, display, act or event, other than circus and rodeos, in which the performing animals are used.

Pet or Companion Animal: shall mean any animal kept for pleasure or enjoyment, rather than utility or commercial purposes. An animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter. The term specifically includes, but is not limited to, domesticated dogs, domesticated cats, canaries, parakeets, parrots, cockatiels and other birds commonly maintained in households in cages, hamsters, gerbils, guinea pigs, and rabbits. *For purposes of this chapter, "livestock," "fowl," nor "urban chickens" as defined herein shall not be considered pets or companion animals.*

Poultry: shall mean all domesticated fowl which are kept in captivity. Poultry is defined as a live or dead domesticated bird. Ratites are not considered poultry.

Public Nuisance Animal: shall include Livestock but is not limited to Livestock and Fowl, any animal within this chapter that:

1. Is repeatedly found at large; [found to be at large on 3 occasions within a 12 month period is prima facie evidence]
2. An animal as defined in this chapter, that damages the property of anyone other than its owner; which includes soiling, urinating or defecates on private property other than that of the owner/care taker and causes a substantial inconvenience by doing so,
3. An animal that molests, chases, or intimidates pedestrians or passersby;
4. Any animal that chases vehicles;
5. Any animal that excessively makes disturbing noises, including, but not limited to continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
 - a. Any animal/fowl that barks, whines, howls, crows or makes other noise in an excessive continuous manner, so to interfere with the reasonable use and enjoyment, if the premise/s occupied by humans within 500 feet of the premise/s. [If such noise occurs between 11:00 p.m. and 6:00 a.m. it shall be prima facie evidence that it is unreasonable, it shall be a defense to prosecution if an individual, other than the owner/caretaker provoked or taunts the animal.]
6. Any animal that causes fouling of the air by odor and thereby creates unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
 - a. Includes but is not limited to any animal/s, enclosure/s, object/s, place/s, or condition/s (including but not limited to: fecal matter,

- garbage, or other organic wastes) that is a potential instrument or medium for odor and disease transmission,
 - b. Includes but is not limited to any dead animal/s not lawfully disposed of and removed from the premise/s within 24 hours of its death,
 - c. Includes but is not limited to a condition or place that is a breeding ground for flies, and mosquitoes,
 - d. Includes but is not limited to the infestation of fleas,
 - e. Includes but is not limited to any condition that causes the harboring of rats.
7. Any animal that is a dangerous animal and not confined as required by the law, city ordinance, or by an Animal Control/Care officer or an animal that is diseased and dangerous to public health.
 8. Any animal that molests, chases, or attacks humans or other animals.

Public Nuisance:

1. Maintaining any animal mentioned in chapter and/or property that is unsanitary with lack of cleanliness that is dangerous to the public health, welfare, or safety of the animal or there is a failure to maintain animal/s in a manner so to reduce the probability of transmission of disease.
 - a. Includes but is not limited to animal/s, enclosure/s, object/s, place/s, or condition/s (including but not limited to: fecal matter, garbage, rotten feed, or other organic wastes) that is a potential instrument or medium for odor and disease transmission.
 - b. Includes but is not limited to any dead animal/s not lawfully disposed of and removed from the premise/s within 24 hours of its death.
 - c. Includes but is not limited to a condition or place that is a breeding ground for flies, and mosquitoes.
 - d. Includes but is not limited to the infestation of fleas.
 - e. Includes but is not limited to any condition that causes the harboring of rat/s or other rodents.
2. Causes unsanitary conditions in enclosures or immediate surroundings where the animal is kept or harbored; [If manure or animal droppings have a three (3) day/72 hour accumulation, it shall be prima facie evidence that the enclosure/surroundings/environment is unsanitary and lacks cleanliness.]
3. Offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained or in violation of this chapter.

Recognized Educational Agricultural Programs: Any agricultural, vocational, school or other educational or county fair/livestock show projects involving raising, feeding, and/or maintaining livestock, conducted within the city limits, includes 4-H Club, Future Farmers of America.

Grazing for Brush Control: a company which rents out grazing animals, primarily goat herds for land-clearing purposes.

Single Family Residential Lot shall mean the use of a lot with one building designed for and containing not more than two separate units with facilities for living, sleeping, cooking, and eating therein. This does not include a condominium.

Temporary Permit, means lasting for only a limited period of time; not permanent. A temporary permit may be issued as it pertains to this chapter and shall be valid for the number of days stated thereon not to exceed 15 consecutive days. No person may apply for more than three temporary permits within a twelve (12) consecutive month period.

Urban Chicken: A species of chicken known as Gallus Domesticus, also referred to as the common chicken. The keeping of chickens in urban and suburban environment areas.

Veterinarian shall mean a person duly licensed to practice veterinary medicine by the state board of veterinary examiners.

Section 10-146.- Responsibility for Enforcement; Police Powers

1. The City of Lampasas authorizes the Lampasas Police Department, its employees of the Animal Control Division, the Lampasas Animal Shelter and Peace Officers to have the powers and authority to enforce federal, state, and local ordinances relating to animals, fowl, livestock, and wildlife.
2. No person shall interfere in any manner or give false information to the above-stated employees in the performance of their duties.
3. It shall be unlawful for any person to interfere with or hinder any employee of Lampasas Police Department in the discharge of his or her duties as provided in this chapter.
4. It shall be unlawful for any person to fail to obey a lawful order of an Animal Control Officer, if such failure interferes with or hinders such Officer in the discharge of his or her official duties. For purposes of this subsection, the term "lawful order" shall be strictly construed and shall include only such orders that relate directly to matters of substantial importance in the discharge of the official duties regarding animals and animal welfare.
5. It is an affirmative defense to this subsection that failure to obey the lawful order did not interfere with or hinder the duties of those authorized in this chapter to perform such duties.

Sec. 10-147. Entry of Private Premises

If a person keeping animals, fowl, livestock or wildlife within the city, after request of the persons mentioned in Section 10-146 refuse to permit access to the area or places of keeping of such animals, fowl, livestock or wildlife, the Animal Control Officer and/or Peace Officer shall seek the necessary court authorization to enter the premises.

If the person keeping animals, fowl, livestock or wildlife within the city has been issued a permit, exemption, waiver, or temporary permit, that exemption, waiver or permit of any kind is revoked, if access is refused by any person have care, custody, or control over the animals to the area or places of keeping of such animals.

If the Animal Control Officer or Peace Officer determines that the life of the animal is in imminent danger, the Animal Control Officer may enter the curtilage of the premises for the purpose of correcting the threat to the animal's life.

Section 10-148: Abandoned Animal; Impoundment

1. It shall be unlawful for any person to abandon or turn any animal loose within the city limits of Lampasas.
2. Any animal in this chapter left without proper food, water, or shelter when required for more than three (3) days a 72 hour period or any animal left in conditions that endanger the health, life, and safety of the animal will be deemed abandoned.
3. Animal Control or a Police Officer, or any other authorized agent of the City may impound any abandoned animal.

Section 10-149.-Running at large; Impoundment

It shall be unlawful for the owner or controller of any livestock or fowl, including but not limited to, cows, horses, mules, jacks or jennets, hogs, sheep or goats, to permit such animals to run at large, or be at large within the city limits.

- a. Any Animal Control Officer or Peace officer shall take up and impound such animal found by them or by any other person to be running at large.
- b. The before mentioned person shall turn over such animal to the Lampasas Animal Shelter.

Section 10-150.-Keeping of Animals

Animals as defined in this chapter that are not prohibited shall be allowed to be kept in the territorial limits of the City of Lampasas, subject to the following conditions:

1. Shall be permitted with the City of Lampasas through the Lampasas Animal Control Officer,
2. This ordinance allows eight (8) rabbits, or eight (8) fowl with a total combination of eight (8) fowl and rabbits being allowed per residential lot and increases thereafter, as per property size and animal units.
3. No pens, enclosures, hutches, cages or other structures for any animal in this chapter will be within twenty five (25) feet of any adjoining residentially zoned property or any building used for human habitation not that of the owner of such

- animal, or up to one hundred (100) feet depending on the unit of animals; unless otherwise specified in this chapter,
4. There shall be an exemption to the enclosure distance restriction, if the keeping of an animal in this chapter and the enclosure for the animal was on the property prior to the construction of adjoining property.
 1. This applies to the enclosure only; as the animal/s still have to comply with the permit and density restrictions effective January 1, 2022.
 5. Miniature Livestock enclosure used to keep the following:
 1. Eight (8) or less miniature livestock enclosure must be located at least twenty (25) feet from a structure used for human habitation, other than a structure owned or occupied by the owner/caretaker of the miniature livestock,
 2. or the enclosure must be located at least one hundred (100) feet from any structure used for human habitation, other than a structure owned or occupied by the owner/caretaker, when there are more than six miniature livestock.
 6. All animals shall be fed with a constant and adequate amounts of nutritious food, and such food shall be provided to animals in a clean, sanitary manner.
 7. All food used for poultry, fowl, rabbits, and grazing animals shall be kept in suitable containers with tightfitting covers, so as to be inaccessible to rats and other disease carrying rodents.
 8. All animals shall be provided with clean, fresh, potable water in sufficient quantities to keep the animal/s hydrated for the environmental conditions; and
 9. No person shall possess, harbor, or maintain any type of animal in any area of the corporate limits of the city that is not zoned such as to allow the keeping of such animal/s; those zones shall be classified by the zoning ordinance as agricultural, residential and in some instances commercial.
 10. It shall be unlawful to possess, harbor, or maintain a Public Nuisance Animal in the city limits of Lampasas.
 11. It shall be unlawful to "tie out" an animal for more than three (3) hours within a 24-hour period.
 - a. Livestock shall not be staked out on a public street or in a public place. It shall be unlawful for any person to stake out, or cause to be staked out, any horse, mule, jack, jennet, or animal upon the public streets or public places of the city.
 12. Herding in the area known as the downtown area and in city parks shall be unlawful. It shall be unlawful for any person to herd or congregate any drove of horse, mules, cattle, sheep, or any other livestock upon the downtown area, school grounds, or any park within the city limits, without permission from the City of Lampasas.
 13. Hitching to vehicles, it shall be unlawful for any person to leave any Livestock or animal hitched to any vehicle within the city without being guarded or fastened as to prevent it from entering the street and to prevent a runaway.
 1. It shall be unlawful for any person to hitch or tie, or cause to be hitched or tied any Livestock or any animal to any type of post upon the sidewalks of the city.

2. It shall be unlawful for any person to tie, hitch or cause to be tied or hitched any Livestock or animal to any tree upon any sidewalk, public street or public alley and upon the downtown area of Lampasas.
3. 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.
4. Exceptions to staking out, herding, and hitching provisions. This section is in no way intended to interfere with the temporary staking out, herding or temporary hitching of animals during parades, rallies, or other similar uses of public places in the city, which are authorized by the City Council and/or by city ordinance. It does not include extenuating circumstances that requires the immediate herding of loose animals to a safe place.
14. All animals shall be provided with care and medical treatments for injuries, parasites, infestations, and diseases that is sufficient to maintain the animal in good health and minimize any suffering of the animal.
15. When a structure is required for adequate shelter,
 - a. The enclosure/structure needs to be large enough for the animal to enter, stand, turn around and lie down in a natural manner; and
 - b. that space shall be large enough to prevent injury and keep the animal in good condition; if enclosure is required,
 - c. it should keep the animal dry; and
 - d. provides the animal with natural or artificial shade,
 - e. protects the animal from excessive heat or cold and other adverse weather conditions; and
 - f. is adequately ventilated.
 - g. All animals may not be confined to the extent that it is forced to stand, sit, or lie in its own excrement.
16. The owner/caretaker of the animal shall ensure that (1.) the animal, and (2.) the shelter or area provided for the animal is properly maintained to prevent odor, health or sanitation problems.
17. Fences for pens, corral, fences or similar enclosures must be of a sufficient height and strength to retain animals to maintain the animal on the owner's property,
18. All poultry, fowl, urban fowl shall be properly penned and contained. The containment area shall be at least twenty (20) square feet per fowl.
19. All rabbits and small animals shall be properly contained and the containment area shall be at least nine (9) square feet per rabbit or small animal. Electrical and Barbed-wire fences is prohibited as perimeter fencing except as perimeter fencing for containment of farm animals on five (5) or more acres.

It is an affirmative defense to prosecution under this chapter that the animal's treatment was directed by a licensed veterinarian.

Section 10-151. - Animal Density

Animals, Barn Animals, Livestock come in many shapes and sizes. The amount of pasture needed to sustain Barn Yard, Livestock, and animals depends upon where you live, what type of livestock you have, and the amount of forage available. The city of Lampasas allows the following:

1. Permitted Livestock may be allowed in areas of the city limits of Lampasas as per this ordinance.
2. It shall be unlawful to keep, possess or maintain within the City of Lampasas any number or combination of animals/barnyard/livestock in a density that exceeds those within this chapter, without a waiver, exemption, or exception in writing.
3. It shall be unlawful to keep, possess or maintain within the City of Lampasas any number or combination of animals/barnyard/livestock in a density that exceeds animal unit/s per acre of land or causes health and safety issues to the animal or the public.
 - a. 1 cow =1 animal unit per acre of land, not allowed on a residential lot up to one acre.
 - b. 1 horse =1 animal unit per acre of land, not allowed on a residential lot up to one acre.
 - c. 1 mule or burro=1 animal unit per acre of land, not allowed on a residential lot up to one acre.
 - d. 8 miniature livestock =1 animal unit per acre of land
 - e. 8 sheep= 1 animal unit per acre of land, ½ animal unit allowed on ½ acre of land.
 - f. 8 goats=1 animal unit per acre of land, ½ animal unit allowed on ½ acre
 - g. 8 Fowl=1 animal unit per residential lot.
 - h. 8 rabbits=1 animal unit per residential lot.

Large Livestock Animal Chart

| Large Animal per animal unit allowed on land | Animal unit allowed on One-half (1/2) acre. | 1 Animal unit allowed on 1 acre | Animal units allowed on 3 acres is 1 animal unit per acre. | Animal units allowed on 5 acres 1 animal unit per acre. | Ag. Exempt | Setback requirement of enclosure from residence other than owner/caretaker |
|--|---|---------------------------------|--|---|---------------|--|
| Not allowed on one-half acre | Number of animals allowed | Number of animals allowed | Number of animals allowed | Number of animals allowed | Per exemption | |
| 1 units 1 Cattle, Steer, bull or other ruminant | 0 | 1 | 3 | 5 | Per exemption | 25 feet 1 unit or less, 100 feet more than 1 unit |
| 1 unit 1 Horse, mule, donkey, or other equine | 0 | 1 | 3 | 5 | Per Exemption | 25 feet 1 unit or less, 100 feet more than 1 unit |
| Above Off-Spring | 0 | Exempted until weaned | Exempted until weaned | Exempted until weaned | Per Exemption | |
| | | | | | | |
| 1 animal unit only with at least one acre of land: 1 Domestic Pot- Bellied Pig | 0 | 1 Unit only | 1 Unit only | 1 Unit only | 1 Unit only | 25 feet |

Medium Livestock Chart

| Medium One-half (1/2) Animal Unit allowed on one-half (1/2) acre of land | 1/2 acre 1/2 animal unit per acre | 1 acre 1 animal unit per acre | 3 acres 1 animal unit per acre | 5 acres 1 animal unit per acre | Per Exemption | 25 feet 1 unit or less, 100 feet more than 1 unit |
|---|-----------------------------------|-------------------------------|--------------------------------|--------------------------------|---------------|---|
| Allowable 1/2 animal units | Number of animals allowed | Number of animals allowed | Number of animals allowed | Number of animals allowed | Per exemption | |
| 1 animal unit 8 Sheep | 4 | 8 | 24 | 40 | Per Exemption | 25 feet 1 unit or less, 100 feet more than 1 unit |
| 1 animal unit 8 Goats | 4 | 8 | 24 | 40 | Per Exemption | 25 feet 1 unit or less, 100 feet more than 1 unit |
| 1 animal unit 8 Miniature Livestock | 4 | 8 | 24 | 40 | Per Exemption | 25 feet 1 unit or less, 100 feet more than 1 unit |
| Above Off-Spring | Exempted until weaned | Exempted until weaned | Exempted until weaned | Exempted until weaned | Per Exemption | |
| | | | | | | |

Small Animal Livestock Charts

| One (1) Animal Unit allowed up to one acre of land | Single Family Residential Lot | More than one Single Family Residential Lot | 1 animal unit per acre up to 4 acres | 5 acre plus 1 animal unit per acre | Per Exemption | 25 feet 1 unit or less, 100 feet more than 1 unit |
|---|---|---|---|---|---------------|---|
| Fowl | | | | | | |
| | Number of animals allowed | Per exemption | |
| 1 animal unit of Fowl eight (8) | Eight (8) | Eight (8) | 1 acre 8; 2 acres 16; 3 acres 24; 4 acres 32; | 5 acres 40; 6 acres 48; 7 acres 56; 8 acres 64; 9 acres 72; | Per Exemption | 25 feet 1 unit or less, 100 feet more than 1 unit |
| Roosters | Prohibited | Prohibited | Prohibited | Prohibited | Per Exemption | Not allowed |
| Above Off-Spring- | Exempted 4 months-Pullets @ 4 months considered part of an animal unit. | Exempted 4 months-Pullets @ 4 months considered part of an animal unit. | Exempted 4 months-Pullets @ 4 months considered part of an animal unit. | Exempted 4 months-Pullets @ 4 months considered part of an animal unit. | Per Exemption | 25 feet 1 unit or less, 100 feet more than 1 unit |
| Males/Cockerels 4 months- | Prohibited after 4 months | Per Exemption | |
| Registered with a recognized association of pigeon fanciers | | | | | | 25 feet 1 unit or less, 100 feet more than 1 unit |

| One (1) Animal Unit allowed on one-half (1/2) acre of land | Single Family Residential Lot up to 1 acre | More than one Single Family Residential Lot | 1 animal unit per acre up to 4 acres | 5 acres plus 1 animal unit per acre | Per Exemption | 25 feet 1 unit or less, 100 feet more than 1 unit |
|---|--|---|--|---|---------------|---|
| Rabbits | | | | | | |
| | Number of animals allowed | Number of animals allowed | Number of animals allowed | Number of animals allowed | Per exemption | |
| 1 unit 8 rabbits or small animal and one litter at any one time | 8 and one litter | 8 and one litter | 1 acre 8; 2 acres 16; 3 acres 24; 4 acres 32; | 5 acres 40; 6 acres 48; 7 acres 56; 8 acres 64; 9 acres 72; | Per Exemption | 25 feet 1 unit or less, 100 feet more than 1 unit |

| | | | | | | |
|------------------------|--|--|--|--|--|--|
| until they are weaned. | | | | | | |
|------------------------|--|--|--|--|--|--|

Combination of Animal Units will be allowed and will depend on the type of animal unit/s and the acreage of the land, as will be noted on the permit.

For any other livestock not specifically listed, the animal unit equivalency will depend on the size of the typical adult animal of the species. If the animal is similar in size to a cow, horse, mule or burro then it will equal one animal unit. If the animal is similar in size to a sheep, goat, llama or alpaca, then those animal will equal one animal.

Offspring shall be exempt from the animal limitation until being weaned, other than for fowl which is no longer than 4 months. Any acreage designed for livestock shall be “free roaming acres” such that the livestock has unrestricted access to the entirety of the acreage or land for the animal. For purpose of determining the amount of “free roaming land” available to livestock, any area on the site designated for the keeping of livestock shall exclude structures, dwellings, or other bodies of water and/or any unenclosed or unfenced area.

Section 10-152.-Method of Measuring Distance

For the purpose of determining compliance with the provisions of this chapter, distances, shall be measured in a straight line from the nearest point of the shed, stable, barn, pen or enclosure or area in which the animal is contained to the nearest point of such actual residence or building used for human habitation.

Section 10-153.-Animals Prohibited

It shall be unlawful for any person to keep, possess, or maintain within the city limits of Lampasas the following, regardless of age, sex, or breed:

1. Any swine, hog, pig, consisting of all swine, pig species, to include but not limited to pot-bellied pigs, non-domesticated Vietnamese pot-bellied pigs;
2. Any species of ratites are not allowed on less than 5 acres of land,
3. Roosters, cockerels at 4 months of age,
4. Any guinea, guinea fowl or peafowl, fighter fowl breeds,
5. Any habitual public nuisance animal.

Section 10-154. Slaughtering of Animals

It shall be unlawful for any person to slaughter any cattle, horse, sheep, swine, or goats of any description within the city limits without a Personal Use Exemption, from the USDA, as is included in the Meat and Poultry Inspection Act.

The slaughtering of animals shall be done in accordance with the Meat and Poultry

Inspection Act:

1. When allowed must be done out of sight and sound of the adjoining properties.
2. The disposal of the carcass, bones, and blood shall not be left on the property to decay,
3. The disposal of the carcass, bones, and blood shall not be placed in trash receptacles, where they will become a public nuisance by their odor and cause unhealthy conditions by rotting and decay.

Section 10-155. Disposal of Animals and Livestock

1. No property owner or caretaker of any dead livestock shall fail to lawfully dispose of dead livestock within 24 hours of its discovery.
2. If the City of Lampasas is required to provide a lawful disposal of the animal the owner/caretaker will be responsible to the City for:
 - a. Cost of time of city of Lampasas employees,
 - b. A reasonable cost of equipment used, and if required,
 - c. Contract service fees.
 - d. The above fees will be paid directly to the City of Lampasas or the Lampasas Police Department prior to the collection and disposal of the animal unless other arrangements/agreements have been made with the City of Lampasas Financial Director.
3. Any Owner wishing to relinquish/surrender an unwanted animal to the Animal Control Officer or other authorized employee that applies to this chapter will be charged the appropriate fees within Appendix A of the City Ordinances of Lampasas.
 - a. This does not apply to loose animals.
4. It shall be unlawful for any person to abandon or turn any animal loose within the city limits of Lampasas.

Section 10-156.-Remove of Waste; Manure and Animal Droppings

1. The owner, caretaker or possessor of animals in this chapter shall be responsible for the removal of excreta by the animal on public walks, recreation areas, public property and private property.
2. The owner, caretaker or possessor of every animal shall be responsible for the sanitary conditions of enclosures and the immediate surroundings where animals are kept or harbored.
3. It shall be prima facie evidence that the enclosure/surroundings/environment where the animal is kept is unsanitary and lacks cleanliness, if has an accumulation of manure or of animal droppings is of three (3) days/72 hours.
4. Every person owning or leasing such premises where animals are kept in a residential district with adjoining residences and/or buildings used for human

habitation shall have all manure from such animals removed from the premises, so that at no time shall the manure be allowed to accumulate in such manner as to become or otherwise constitute a nuisance or health hazard.

5. In no event shall any manure be thrown or deposited in or upon any street or public place, or allowed to remain in such places. Further, no person hauling or transporting manure shall transport or haul the same in a manner so as to allow the same to litter the public streets or other public property.
6. Manure and/or droppings shall not be used for fertilizer unless first treated so as to destroy fly maggots.
7. Manure, droppings or food waste from animals shall not be used for compost, if they create a public nuisance odor or health and safety issue.

Section 10-157. - Noise

1. No person shall keep or maintain or permit the keeping of, on any premises owned, occupied or controlled by such person, any animal, fowl, livestock or wildlife of any kind which by frequent or habitual noise makes an unreasonable disturbance to the peace of occupants of adjacent premises or vicinity thereof, including the making of unusual noises by howling, barking, bawling, or otherwise.
2. Any animal/fowl that barks, whines, howls, crows or makes other noise in an excessive continuous manner, so to interfere with the reasonable use and enjoyment of premise/s occupied by humans within 500 feet of the premise/s it shall be prima facie evidence that it is unreasonable.
3. If such noise occurs between 12:00 p.m. and 7:00 a.m. it shall be prima facie evidence that it is unreasonable,
4. It shall be a defense to prosecution if an individual, other than the owner/caretaker provoked or taunts the animal.

Section 10-158. -Shooting or Catching Wild Birds

1. It shall be unlawful for any person to shoot or attempt to shoot or kill with an air rifle, bow and arrow, slingshot, or firearm or other means any wild bird within the city limits, except for the protection of private property, so long as no laws are violated and except where hunting is permitted by law.
2. It shall be unlawful for any person to ensnare or catch or attempt to ensnare or catch, by any means, any wild bird within the city unless such ensnaring or catching is approved by the Animal Control Officer or authorized person in this Chapter for the health and safety of the wild bird.
3. This ordinance cannot and does not apply to wild fowl; such as geese, ducks, and other fowl that are drawn to our waterways and city parks within the city.

Section 10-159. - Fowl

Single Family Residential Lot up to One (1) acre of land. No person shall have more than one animal unit of fowl on up to one (1) acre of land in an area zoned as agricultural or residential in the city limits of Lampasas.

One animal unit is allowed per residential lot up to one acre of land that is zoned as Agricultural or Residential.

1. A person commits an offense if he keeps, harbors or maintains fowl in the city other than on premises or in a district classified by the zoning ordinance as "AG-Agricultural or Residential." Within areas classified by the zoning ordinance as "AG-Agricultural," and Residential fowl shall be kept within pens, coops or hutches which meet the requirements of this chapter and are maintained in compliance with the provisions of this chapter.
2. A fenced yard shall not qualify as a pen, coop, or hutch for purposes of this section.
3. For an animal unit or less fowl enclosures are allowed to be twenty five (25) feet of any actual residence or building used for human habitation not that of the owner of such animal.
4. All pens, coops, or hutches for the keeping of more than one unit of fowl shall be maintained a minimum twenty five (25) feet from any residence or commercial building, excluding the residence or commercial building of the person keeping or harboring the fowl, except as specifically provided herein.
 - a. If the fowl kept are pigeons, registered with a recognized association of pigeon fanciers and kept for purposes of competition, the enclosures for such pigeons may be located no less than 25 feet from any residence or commercial building, excluding the residence or commercial building of the person keeping or harboring the pigeons.
5. All pens, coops, hutches and exercise runs shall be completely enclosed.
 - a. For a chicken that will be inside the run all the time (never able to roam), the coop/run is required to measure 10 square feet per fowl.
 - b. For more than one chicken 20 square feet per fowl is required.
6. The pen, coop, hutch or exercise run shall not be placed in the front yard of any property.
7. A person who keeps, harbors or maintains urban/barnyard chickens in the city shall ensure that the animal(s) in their care or custody are treated humanely by, at a minimum, providing all types of chickens with sufficient food, potable water, adequate shelter, and protection from weather.
8. Male chickens/Cockerel over four months of age are not allowed. Roosters are prohibited.
9. No owner/caretaker of any type of chickens, urban chickens, turkey's or other fowl shall allow the fowl to run at large within the city limits. The fowl running at large shall be impounded by the Animal Control Officer. The owner of the fowl impounded may redeem such by paying the appropriate

impound and boarding fees for the impoundment period with the Lampasas Animal Shelter.

Section 10-160. - Rabbits/Small Animal:

Single Family Residential Lot up to One (1) acre of land. No person shall have more than one animal unit of rabbits on one (1) acre of land in an area zoned as agricultural or residential in the city limits of Lampasas.

One animal unit is allowed up to one acre of land that is zoned as Agricultural or Residential.

Rabbit/Small Animal enclosure used to keep the following:

- a. One unit or less the enclosure must be located at least twenty five (25) feet from a structure used for human habitation, or other than a structure owned or occupied by the owner/caretaker of the rabbits/small animals.
2. Rabbits/small animals shall be kept within pens, coops or hutches which meet the requirements of this chapter.
 - a. Nine (9) square feet per rabbit is required.
3. A fenced yard shall not qualify as a pen, coop or hutch for purposes of compliance.
4. Pens, coops, hutches are not allowed in the front yard of any zoning district.



Section 10-161.-Domestic Pot Bellied Pig

Pot Bellied Pigs are a type of small, domesticated pig with a lighter band around its middle, native to Vietnam. They are small weighing about 80 to 150 lbs. and about 16 to 20 inches at the shoulder. They may be considered a pet depending on their lifestyle; such as it has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

A domestic pot-bellied pig may meet this chapter definition of a pet or companion animal, if it is a household pet that is kept for the sole purpose of providing human companionship, and has a livestock permit issued by the City of Lampasas Police Department.

All requirements of this chapter shall be followed as they apply.

A potbellied pig may not be younger than six weeks of and shall be spayed or neutered. The owner must provide with the permit application a written certification from a veterinarian that the potbellied pig is spayed or neutered and is no younger than six weeks of age.

As a pet, domestic pot-bellied pigs are not required to have a rabies vaccination; however, the owner must provide written certification from the veterinarian that within 30 days of the application for a permit that the domestic pot-bellied pig has been vaccinated against and/or has been blood tested, with negative status, for pseudorabies and for brucellosis.

The owner shall provide with the application a sworn affidavit signed by the owner a description of the pot-bellied pig that meets the description provided in this section of a pot-bellied pig.

One pot-bellied pig is considered one animal unit and only one may be allowed on one acre of land.

Any outdoor pen size shall be a minimum of one hundred and fifty (150) feet from any dwelling or business owned or occupied by any person other than the owner of the pot-bellied pig or persons keeping and maintaining the same,

Hog wallows are prohibited,

No public nuisances shall be allowed.

10-162.-Section Permits/Waivers

1. Livestock Permit Applications will be provided by and submitted to the Lampasas Animal Control Officer, the application will include the owner information, emergency contact information, animal types, location, enclosure type, and enclosure location with a site plan indicating the animal housing within proximity to adjacent property structures and boundaries, it will include exemptions and information that applies to the exemption.
 - a. A permit will be required on January 1, 2022;
 - b. a permit shall be sought annually by the person with any animal in this chapter;
 - c. Annual or Temporary Permits are issued at no charge but are required to have animals mentioned in the Chapter in the city limits.

- d. Temporary Permits may be issued as it pertains to this chapter and shall be valid for the number of days stated thereon not to exceed 15 consecutive days. No person may apply for more than three temporary permits within a twelve (12) consecutive month period.
2. An annual or temporary permit issued pursuant to this chapter may be revoked or denied at any time by the Animal Control Officer for cause including, but not limited to, violations of this chapter or, in the determination of the inability of the permit holder to keep the animals in a healthy or sanitary environment:
3. Certifications from a veterinarian may be required by this chapter or the Animal Control Officer,
4. Notice of denial of either an annual or temporary permit shall be in writing from the Animal Control Officer to the person who requested such a permit;
5. The Chief of Police may authorize a waiver from regulations contained in subsection above when proof of an unnecessary hardship will result from requiring strict compliance,
6. before the issuance of a waiver will be considered there shall have been no convictions of public nuisance or complaints of violations of this chapter,
7. The Chief of Police shall not grant a waiver unless the following conditions are met:
 - a. There are special circumstances or conditions affecting the property of the applicant seeking the waiver, the location, size, or type of proposed pen, coop or hutch, or the surrounding area such that the strict application of the provisions of this section would deprive the applicant of the reasonable ability to the animals it desires; and
 - b. The strict application of the provisions of this section is not necessary to promote the public health, safety and welfare; and
 - c. The granting of the waiver will not be detrimental to the public health, safety or welfare, or injurious to other persons or property in the area; and
 - d. The granting of the waiver will be in harmony with the spirit and purpose of this section. In granting a waiver, the Chief of Police may prescribe conditions that are deems necessary or desirable to protect the public interest.
8. The City Council shall, from time to time, by resolution adopt fees to be assessed and may do so for this chapter. During such time the City Council may wish in pursuant to the provisions of this chapter to include fees, but not limited to, the fees for issuance of permits and for additional fees for care and expenses of animals incurred during impoundment at the Lampasas Animal Shelter.

9. The City may in the event of a shortage of food and/or a food supply shortage prescribe conditions that it deems necessary or in the best interest of the public in regards to this chapter.
10. It is the intent of this chapter that the owner of the animal(s) bear the costs of such animal's care in those circumstances in which care is provided at the Lampasas Animal Shelter or other appropriate facility. The City shall be authorized to recover, in addition to any fines imposed in a prosecution, all fees and costs incurred by the city for the care and welfare of the animal made the subject of the prosecution.
11. Nothing herein shall be construed to limit or negate the authority of the city's animal control authority or the City Prosecutor under appropriate circumstances, to waive redemption fees or expenses where such waiver is in accord with policies and procedures previously adopted.
12. Nothing herein shall be construed to limit or negate the authority of the city's animal control authority or the City Prosecutor under appropriate circumstances to reduce the allowable animal units in this chapter.
13. Additional remedies may also apply to this chapter, in that the Animal Control Officer, Police Officer or designee for the city may pursue a civil action for appropriate legal relief including the collection of a civil penalty or for any equitable relief that is considered appropriate to recover any and all cost of care or disposal of the animal.
14. A Property Owner Association within the city limits of Lampasas may not impose restrictions that are less than those of this chapter.
15. No permit shall be issued to sell animals in this chapter on public roads or public right of ways.
16. No provision of this article may supersede the County Zoning Regulations.

Section 10-163.-Exemptions/Exceptions

1. Exhibition at stock shows, fairs, circuses, rodeos, festivals, parades, and zoological institutions, veterinarians or trainings;
2. When located at and on the property of any vocational learning area, or school
3. Slaughtering establishments;
4. City sanctioned brush control using livestock; such as, Rent a Goat
5. Recognized Educational Agricultural Programs,
6. When kept at the home of an FFA (Future Farmers of America) member under the supervision of a high school vocational agricultural teacher or of a 4-H member under the supervision of the county agricultural agent, subject to the following conditions:

- a. Each enrollee shall obtain a permit from the department before commencing a project. The form of application for permits shall be prescribed by the department. No fees shall be charged for such permits;
 - b. The property upon which the FFA or 4-H enrollee resides and maintains Livestock, if swine, must be a minimum of one (1) acre in area with a maximum limit of five (5) swine;
 - c. Pen size and exercise area information to be provided on the application.
 - d. The pen size for swine shall be a minimum of one hundred fifty (150) feet from any dwelling or business building owned or occupied by any person other than the owner of the swine or person keeping and maintaining same; and
 - e. Hog wallows are prohibited;
 - f. No public nuisances will be allowed or exempted;
 - g. Enrollees must be under close supervision of a vocational agricultural teacher or the county agricultural agent. If an enrollee does not conform to city regulations, the Animal Control Officer or designee will report to the teacher, agent or advisor and if the teacher, agent or advisor find that the enrollee/permittee is in violation that can cause a public health concern or public nuisance they will report the violation to the Animal Control Officer or designee; all will work together before the permit is voided and the animal removed from the city limits.
 - h. Setbacks variances can be made for Recognized Educational Agricultural Programs but cannot cause or create a public nuisance.
 - i. As part of the permit application to the department by the county agricultural agent for 4-H members and agricultural teacher or adviser for FFA members or advisors supervising the enrollees and their projects, and such other information as the department shall require, shall be included along with contact information.
 - j. Dates of the project must be included with the application for permit information. The above mentioned officials shall notify the department of the termination of an enrollee's projects.
7. No permit shall be issued to roadside animal vendors, it shall be illegal to sell animals on public roadways and on public right of ways.
 8. The provisions of this chapter requiring permits shall not apply to the Lampasas Animal Shelter.
 9. The provisions of this chapter requiring permits shall not apply to the Lampasas Independent School District.
 10. The provisions of this chapter regarding permits does not apply to farm and ranch supply businesses.
 11. In the event of a shortage of food and/or food supply shortage the Lampasas City Council may prescribe conditions that it deems necessary or desirable that is best for public interest, in regards to this chapter.
 12. No provision of this chapter may supersede the City/ County Zoning Regulations.

13. A permitted exemption granted based on circumstances where previously existing livestock has been allowed.

Section 10-164.-Notice of the Revocation of permit, exemption, exception, waiver

Revocations shall be in writing from the Animal Control Authority to the permittee;

- a. A notice of revocation or denial shall set forth, in general terms, the deficiencies, violations or other conditions considered in the decision to revoke or deny the permit, exemption, exception, or waiver.
- b. Persons receiving a notice of revocation or denial of permit, exemption, exception, or waiver shall have the right, within ten days of the date that the notice is postmarked or hand delivered to appeal, by written notice of appeal, the decision of the Animal Control Officer to the Director of Animal Services, the Chief of Police. The Chief of Police shall have ten days from the date of receipt of the written appeal to render a final determination in writing.
- c. Any person having their permit exemption, exception, or waiver revoked may not apply for another for a period of one year from the date of revocation.
- d. Animals pertaining this chapter shall be permitted or have an exemption; exception, or wavier.

Section 10-165.- Estray-Posting of notices of impounded Livestock; redemption; sale; disposition of proceeds; fees.

Upon receipt by the animal control authority of a report of estray within the city or upon discovery by the animal control authority of estray within the city, the Animal Control Officer and/or the Animal Shelter Supervisor shall, as soon as practicable, notify the county sheriff to report the presence of the estray, a description of the estray and the location where the estray may be found. If circumstances permit, the animal control authority shall refer the impoundment and disposition of the estray to the county sheriff. If circumstances do not permit such a referral, the animal control authority shall be authorized to assist the sheriff in the seizure and impoundment of the estray pending the disposition of the estray by the county sheriff in accord with the provisions of Chapter 142 of the Texas Agriculture Code.

Sec. 10-166. - Penalty for Violation

1. Any person found to have violated any provision of this chapter or to have failed to comply with any provision of this chapter shall, upon conviction, be fined in an amount not to exceed the sum of \$500.00. The imposition of a fine shall be in addition to all other remedies provided in this chapter.
2. Each day that a violation exists shall constitute a separate offense.

3. Three (3) offense convictions in a twelve (12) month period will be considered a Habitual Public Nuisance Violator and the person shall not be allowed to possess any livestock or animals in this chapter, in the city limits for a minimum period of twelve (12) months.
4. If the animal has been found by the animal control officer, after notice to its owner and a hearing, to be a Public Nuisance Animal by virtue of being a menace to the public health, welfare or safety, it shall be unlawful for any person to own, keep, possess, or maintain a Public Nuisance Animal.
5. Any animal in this chapter or Animal Owner or Care Taker found to be in violation with a conviction of three offenses within a twelve (12) month period of this Chapter shall be deemed a Habitual Public Nuisance Violator and the Animal a Public Nuisance Animal.
6. The Habitual Public Nuisance Violator shall have their permit revoked and not be allowed to have animals mentioned in this chapter in the city limits of Lampasas for a period of twelve months or a time set forth as provided by written notice not less than a twelve month period.

SECTION 2. The provisions of this Ordinance are severable and, thus, the invalidity of any word, phrase, or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

SECTION 3. All ordinances or part of ordinances in conflict with the provisions of this Ordinance are hereby repealed, and are specifically replaced by the terms set for in the amendment shown on the Ordinance attached as Exhibit A.

SECTION 4. It is hereby officially found and determined that the meeting at which this is passed is open to the public and the public notice of the time, place, and purpose of said meeting was given as required by law.

SECTION 5. This Ordinance shall be effective at the time that its publication, if required by state law, has been accomplished by the City.

READ AND CONSIDERED ON FIRST READING by the City Council of Lampasas at a regular meeting on the ____ day of ____ at which a quorum was present and for which due notice was given pursuant to Section 551.001, *et seq.* of the Local Government Code.

READ AND CONSIDERED, PASSED, AND APPROVED ON THE SECOND AND FINAL READING by the City Council of Lampasas at the regular meeting on the ____

day of _____, at which a quorum was present and for which due notice was given pursuant to Section 551.001, *et seq.* of the Local Government Code.

T.J. Monroe, Mayor

ATTEST:

Becky Sims, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney

(Signature of Attorney Provided on Separate Page, To be Attached)

DRAFT