

ORDINANCE NO. 1658

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 AND UPDATING PROVISIONS THEREIN TO COMPLY WITH STATE LAW; REPEALING OBSOLETE, DUPLICATIVE, INEFFECTIVE AND UNNECESSARY PROVISIONS AS THEY PERTAIN TO THE CODE OF ORDINANCES WITHIN THE CITY OF LAMPASAS, AS THEY PERTAIN TO LIVESTOCK REGULATIONS, EXEMPTIONS, ENFORCEMENT, FINES; PROVIDING A SAVINGS AND SERVABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Lampasas is granted authority by the State of Texas to safeguard the health, safety, and general welfare of the City and its citizens; and

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

WHEREAS, after receipt of citizen complaints to the City of Lampasas and following the Lampasas Police Department's careful study and evaluation of the complaints alleged, the Chief of Police has recommended that the City Council amend the City's Code of Ordinances related to the livestock control, identified as Chapter 10, Article III - Livestock, 'Specific Definitions, Regulations, Enforcement and Fines', to detail regulations related to keeping, managing and raising livestock within the corporate jurisdiction of 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 managing and handling of 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, 'Animal Code', 'Article III Livestock' providing for definitions, detailing specific livestock regulations, exemptions, and enforcement of same, and providing for fines related to violations of the amended Code provisions, to be applicable within the corporate boundaries 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, further, the conditions in which animals are kept should be the responsibility of the owners and should be appropriate and humane so as to protect the animals, but also avoid nuisances and infringement on the peace and enjoyment of surrounding property, homes and 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: An animal that has been left behind, alone (with or without a known owner), without proper care or feeding, or an animal that has been permitted to be left 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 includes land that is primarily being used – and has been used for at least five of the past seven years – for agricultural purposes. For purposes of this definition, 'agricultural purposes' include crop production, livestock management, and beekeeping with hives maintained in agricultural quantities, and similar recognized agricultural activities.

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

- a. *Large Animals:* Large animals that are kept domestically, including but not limited to cows, horses, mules, burros, other ruminants and other equine.
- b. *Medium Animals:* Medium animals that are kept domestically, including but not limited to miniature livestock, sheep, and goats.
- c. *Small Animals:* Small animals that are kept domestically, including but not limited to fowl, guinea pigs, rats, mice, hamster, or gerbils.

Animal Control/Care Officer: A person designated by the state, or the city, who is qualified to perform the duties related to control and care of animals pursuant to the laws of the state and the ordinances of the city.

Animal Rescue Organization for Livestock: Any not-for-profit organization that has and maintains current tax-exempt status, under Section 501(c)(3) of the United States Internal Revenue Code, which rescues and places animals in foster or permanent homes. The term 'Animal Rescue Organizations' does not include any entity that breeds animals, or any entity that in exchange for payment, barter, or compensation of any type or kind,

obtains or relinquishes any animal 'for sale'. Animal Rescue Organizations may ask adoptive owners for reimbursement of the actual required medical and administrative fees related to the adopted animal.

At Large: Any animal, including fowl and livestock, that is not restrained by some physical means to the premises of its owner or caretaker is deemed to be 'at large'. However, an animal, fowl, or livestock shall not be considered 'at large' when held and controlled by some person by means of a leash, chain of proper strength and length, or other proper restraint that safely and adequately controls the actions of the animal, fowl, or livestock, including while confined within a non-open bed vehicle or secured by a rope, leash, chain, pen, or cage 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 Animals: A cow, calf, steer, bull, or other animals in the bovine family; a chicken, goose, turkey, ducks, or other fowls in the Galliformes order; a horse, mule, donkey, or other animal of the equine family; a lamb, sheep, ewe, or other animals in the ovine family; or a goat, kid, or buck, or other animal in the caprine family; or hogs, pigs and swine, or other animals in the porcine family; rabbits, does, kits or other animals in the leporidae family. See also: Livestock, Fowl, Poultry, and Urban Fowl.

Caretaker: A person is subject to this chapter as the 'caretaker' of an animal and is presumed to be responsible for the control and care of 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/or 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, routinely feeding/watering or sheltering any Animal.

Department: The Lampasas Police Department.

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

Exotic Livestock: 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. See City of Lampasas Code of Ordinances Article IV-Exotic or Vicious Animals.

Fowl: 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. The term specifically includes the following:

- a. *Pullets*- an immature hen.
- b. *Cockerels*- an immature male chicken.
- c. *Exotic Fowl* - any avian species that is not indigenous to this state. The term includes ratites (see definition below) 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* -birds with a flat breastbone (lacking a keel on the breastbone), particularly of the various, mostly flightless birds, such as an ostrich, rhea, emu, moa, or kiwi, that also have small or rudimentary wings. .
- d. *Game Fowl* - birds of any various strains of domestic or feral fowl that has been bred or trained chiefly with the intent of fighting or using the bird in the activity commonly referred to as 'cockfighting'.

Grandfathered Animals: Animals that are exempted from the permitting required by this chapter, granted at the city's sole discretion, based on circumstances that related to cases when livestock was kept and managed by the current owner within the city's corporate limits, prior to the adoption of the code requiring a permit for keeping the animals.

Grazing for Brush Control: An activity by any entity that rents out grazing animals, primarily goat herds, for the purposed of clearing property and land of brush, weeds, unwanted grass or vegetation.

Habitual Public Nuisance Violator: An animal owner/caretaker convicted with three violations of this chapter, within a contiguous twelve (12) month period, is deemed to be a Habitual Public Nuisance Violator.

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

Impound: The placement of an animal in the Lampasas Animal Shelter or in a location that the city may deem appropriate or necessary for the care of the animal and/or taking control over and custody of an animal for the purpose of transporting the animal to an 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, consisting of all porcine species. Livestock includes but is not limited to: cows, horses, swine, mules, sheep, goats, llamas, alpacas, exotic livestock, elk, hogs, bison, buffalos, and any hybrid thereof, unless otherwise defined.

Noisy Animal: Animals that make a noise that is disruptive, annoying, or disturbing to a person of normal sensibilities, to include but not limited to the following:

1. Excessively makes disturbing noises, including, but not limited to continued and repeated howling, barking, whining, or other animal sounds or utterances that causes unreasonable annoyance, disturbance, or discomfort to neighbors or other humans in proximity to the premises where the animal is kept or harbored; including:
 - a. Any animal/fowl that barks, whines, howls, crows or makes other noise in an excessive, continuous startling manner, so to interfere with the reasonable use and enjoyment, if the premise/s occupied by humans is within 500 feet of the animal making the noises.
 - b. If noises described in (a) supra, occur between 11:00 p.m. and 6:00 a.m., it shall be prima facie evidence that the noise is 'unreasonable' and interferes with the use and enjoyment of premise/s occupied by humans within 500 feet of the animal making the noises.
 - c. It shall be a defense to prosecution for noise and disturbance by an animal, if it is shown that a person, other than the owner/caretaker of the animal provoked or taunted the animal and the noise was made by the animal as a reaction to the provocation.

Owner: A person owning, keeping, harboring, routinely feeding/watering, sheltering or acting as custodian or caretaker of an animal and includes:

- a. A minor's parent, guardian, or another adult with whom the minor resides, if the minor owns, harbors or cares for the animal.
- b. Temporary Owners, who are defined to be individuals who find an animal at large, who have the animal for fewer than thirty (30) days, are attempting to identify and locate the animal's true owner. On day thirty-one (31), the Temporary Owner is considered to be the owner as they have become the custodian and caretaker of the animal, provided that the original owner does not declare ownership or otherwise make themselves known.

Performing Animal Exhibition: Any spectacle, display, act or event, circuses and rodeos, temporarily in the city of Lampasas, in which livestock is a part of will not require a livestock permit.

Pet or Companion Animal: Any animal kept for pleasure, social companionship, or enjoyment, rather than for utility, labor, service or commercial purposes, including animals of species that have been bred and raised to live in or about the habitation of humans and that are 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, ferrets, gerbils, guinea pigs, pot-bellied pigs, turtles, reptiles, snakes, and domesticated rabbits. For purposes of this chapter, "livestock," "fowl," and "urban chickens" as defined herein shall not be considered pets or companion animals.

Poultry: Poultry is domesticated fowl, such as chickens, turkeys, ducks, and geese. Ratites are not considered poultry. The USDA classifies fowl and rabbits as poultry -as they may be referred to as poultry for 4-H, FFA, or other school related programs. To better identify the specific type of animal when referred to as poultry, the animal or animal unit shall be identified as either fowl or rabbits as within this chapter.

Public Nuisance Animal: Includes Livestock and Fowl, but is not limited to Livestock and Fowl, and refers to any animal identified and regulated by this chapter when:

- 1) The animal is found at large on three (3) occasions within any contiguous twelve (12) month period; or
- 2) The Animal damages the property of anyone other than its owner, including, but not limited to, soiling, urinating or defecating on private property owned or controlled by someone other than the animal's owner/caretaker, so long as the animal is found to have caused substantial damage or inconvenience by doing so; or
- 3) The Animal molests, chases, harms, intimidates or attacks pedestrians or passersby; or
- 4) The Animal chases vehicles, including bikes, skateboards, motorized cars, trucks, or other wheeled toys or vehicles; or
- 5) The Animal excessively makes disturbing noises, including, but not limited to continuing and repeated howling, barking, whining, or other animal sounds or utterances that cause unreasonable annoyance, disturbance, or discomfort to neighbors or other humans in proximity to the premises where the animal is kept or harbored; including; or
- 6) The animal/fowl barks, whines, howls, crows or makes other noise in an excessive, continuous startling manner, so to interfere with the reasonable use and enjoyment, if the premise/s occupied by humans is within 500 feet of the animal making the noise:
 - (a) If noises described in (a) supra, occur between 11:00 p.m. and 6:00 a.m., it shall be prima facie evidence that the noise is 'unreasonable' and interferes with the use and enjoyment of premise/s occupied by humans within 500 feet of the animal making the noises.
 - (b) It shall be a defense to prosecution for noise and disturbance by an animal, if it is shown that a person, other than the owner/caretaker of the animal provoked or taunted the animal and the noise was made as a reaction to that provocation.
- 7) The Animal 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, including, but not limited to:
 - (a) any animals, enclosures, objects, places, or conditions (such as fecal matter, garbage, or other organic wastes) that is a potential instrument or medium for odor and disease transmission,
 - (b) Any dead animal/s not lawfully disposed of and removed from the premise/s within 24 hours of its death.
- 8) A condition or place for keeping the animal is a breeding ground for flies, mosquitoes, or similar disease vectors.

- 9) The Animal causes an infestation of fleas, lice, ticks, or similar pests: or any condition that encourages or causes the harboring of rats, mice, rodents or similar vermin.
- 10) The animal is a dangerous animal that is not confined as required by the law, city ordinance, or by an Animal Control/Care officer; or
- 11) The animal is diseased and dangerous to public health; or
- 12) The animal(s) is/are maintained in violation of this chapter.

Public Nuisance:

1. Maintaining any animal specified in this chapter and/or property in a condition that is unsanitary, or kept with a lack of cleanliness that poses a danger to the public health, welfare, or safety of the animal or animals housed thereon, or failing to maintain animals in a manner that reduces the probability of transmission of disease, including but not limited to:
 - a. Animals, enclosures, objects, places, or conditions that contain or are surrounded by fecal matter, garbage, rotten feed, or other organic wastes in a volume that is a potential instrument or medium for odor and disease transmission.
 - b. Any dead animal/s that are not lawfully disposed of and removed from a premise/s within 24 hours of the animal's death.
 - c. A condition or place that is a breeding ground for flies, mosquitoes or similar disease vectors.
 - d. Flea, tick or lice infestations.
 - e. Any condition that encourages or causes the harboring of rats, mice, other rodents or vermin.
2. Maintaining or causing conditions that are unsanitary in enclosures or immediate surroundings where the animal is kept or harbored. If animals are found to be kept in areas where manure or animal droppings have accumulated for a period of three (3) days (i.e., 72 hours), it shall be prima facie evidence that the enclosure/surroundings/environment is unsanitary and lacks cleanliness.
3. Maintaining or causing conditions that are offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained thereon, or that are maintained 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.

Single Family Residential Lot: A parcel of subdivided land, in the city, that is zoned for use and construction of one building, designed for and containing not more than two separate units, with facilities for living, sleeping, cooking, and eating therein. This type of parcel designation does not include condominium uses.

Temporary Permit: Permits that are issued that last for only a short or limited period of time; i.e., not permanent. A temporary permit may be issued pursuant 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 (3) temporary permits within any consecutive twelve (12) month period.

Urban Chicken: A species of chicken known as Gallus Domesticus, also referred to as the common chicken. Urban chickens are those fowl that are maintained in the city and suburban environment areas, pursuant to permits issued for same. See also definitions for Fowl, Poultry, Urban Fowl, and Barnyard Animals.

Veterinarian: A person who is duly licensed to practice veterinary medicine by the state board of veterinary examiners.

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, 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 that are expressly allowed to be kept by owners as domestic animals, as per this chapter. See City of Lampasas Code of Ordinances, Chapter 10 Animals Article IV-Exotic or Vicious Animals.

Wildlife: A general term for all wild, untamed animals. These include, but are not limited to, deer, birds, wild birds; such as geese and ducks, raccoons, opossum, skunks, feral hogs, porcupine, squirrels, coyotes, bats, alligators, bears, herons, mountain lions, nutria, bob-cats, etc.

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 the 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, their authorized designee, or other authorized city official with enforcement authority, 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.

Section 10-147. - Entry In or On Private Premises

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

If the person keeping animals, fowl, livestock, wildlife, or wild animals 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 having care, custody, or control over the animals to the area or places in or on the private premise where animals are kept.

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 area housing the animals located on the exterior of the property, if animals are present there, on the private premises, for the purpose of correcting a threat to an animal's life.

The City of Lampasas Animal Control shall not issue permits, exemptions, waivers or temporary permits for wildlife or wild animals. Wildlife, wild animal permits are considered for issuance by the Department of Texas Parks and Wildlife for wildlife rehabilitation, Humane Organizations, or for research purposes, etc.

Section 10-148. - Abandoned Animal; Impoundment

1. It shall be unlawful for any person to abandon, leave, or turn any animal loose within the city limits of Lampasas.
2. Any animal left without proper food, water, or shelter (if shelter is necessary) for more than three (3) days (i.e., a 72 hour period) and/or any animal left in conditions that endanger the health, life, and safety of the animal is deemed to be 'abandoned' by its owner(s) and caretakers.
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, handler or caretaker 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.

1. Any Animal Control Officer or Peace Officer shall take up and impound animal(s) found by them or by any other person to be running at large in the city's corporate limits.
2. Animals found at large and impounded shall be turned over to the Lampasas Animal Shelter, or other authorized 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. Owners shall obtain annual permits for animals regulated by this chapter by application made through the Lampasas Animal Control Officer.
2. The city allows eight (8) rabbits or eight (8) fowl, or a combination of fowl and rabbits not to exceed eight (8), to be kept per residential lot. The number of animals, including fowls/rabbits may increase, thereafter, as the property size increases, as set forth in this chapter in Section 10-151.
3. No pens, enclosures, hutches, cages or other structures for any animal in this chapter will be permitted within twenty-five (25) feet of any adjoining residentially zoned property, or any building used for human habitation that does not belong to the owner of such animals.
4. An exemption to the enclosure distance restriction will be provided to the animal owner in cases where animals regulated by this chapter were present on the owner's property prior to the construction of the buildings for habitation on the adjoining property. This exemption shall apply only to the distance for animal enclosures and does not exempt the requirements for permitting and density restrictions, which become effective for all animals regulated by this chapter, effective January 1, 2022.
5. All animals shall be fed with constant and adequate amounts of nutritious food and such food shall be provided to animals in a clean, sanitary manner.
6. 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.
7. All animals shall be provided with clean, fresh, potable water in sufficient quantities to keep the animals hydrated for the existing environmental conditions.
8. 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 animals; those zones shall be classified by the zoning ordinance as agricultural, residential and, in some instances, as commercial.
9. It shall be unlawful to possess, harbor, or maintain a Habitual Public Nuisance Animal in the city limits of Lampasas.
10. It shall be unlawful to "tie out," stake, or otherwise anchor or chain an animal outside, for more than three (3) hours within a 24-hour period. Additionally,

any animal that is tied-out shall be provided water, food and adequate protection from the elements while tied-out.

- 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, without permission from the City of Lampasas.
 - b. Herding animals 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 horses, 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.
 - c. It shall be unlawful for any person to leave any Livestock or animal hitched or tied to any vehicle within the city of Lampasas without the animal being guarded or fastened as to prevent it from entering the street and preventing the animal from escaping and running away.
 - d. 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, stake, bench, sign, or fixture upon the sidewalks of the city.
 - e. It shall be unlawful for any person to tie, hitch or cause to be tied or hitched any livestock or animal to any tree, pole, fence, or dumpster upon any sidewalk, public street or public alley and upon the downtown area of Lampasas.
 - f. A person may not stake any animal at a location or in a manner that allows the animal to graze on or reach a public property.
 - g. 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. Exceptions are allowed for extenuating circumstances that requires the immediate herding of loose or 'at large' animals being brought to a safe location.
11. 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.
- a. The Animal Control Officer may require proof from a veterinarian of proper care, treatment and health of the animal.
 - b. It is an affirmative defense to prosecution under this chapter that the animal's treatment was directed by a licensed veterinarian.
12. When a structure is required for adequate shelter, then the structure shall:
- a. Be large enough for the animal to enter, stand, turn around and lie down in a natural manner; and,
 - b. Be large enough to prevent injury to the animal and keep the animal in good condition; and,
 - c. Keep the animal dry; and,
 - d. Provides the animal with natural or artificial shade; and,

- e. Protects the animal from excessive heat or cold and other adverse weather conditions; and,
 - f. Be adequately ventilated; and,
 - g. Not confine the animal to an extent that it is forced to stand, sit, or lie in its own excrement.
13. The owner/caretaker of the animal shall ensure that both the animal, and the area/shelter provided for the animal are properly maintained to prevent odor, health or sanitation problems.
 14. Fences for pens, corrals, gates and similar enclosures must be of a sufficient height and strength to retain animals and to safely keep the animals on the owner's property.
 15. All poultry, fowl, barnyard fowl, and/or urban fowl shall be properly penned and contained and the containment area(s) for such fowl shall be at least twenty (20) square feet per fowl and no pens, enclosures, hutches, cages or other structures for any animal in this chapter will be permitted within twenty five (25) feet of any adjoining residentially zoned property, or any building used for human habitation that does not belong to the owner of such animals.
 16. All rabbits and small animals shall be properly contained in pens, hutches, or areas that are at least nine (9) square feet per rabbit or small animal and no pens, enclosures, hutches, cages or other structures for any animal in this chapter will be permitted within twenty-five (25) feet of any adjoining residentially zoned property, or any building used for human habitation that does not belong to the owner of such animals.
 17. Electrical and barbed-wire fences are prohibited as perimeter fencing where animals are kept, except as perimeter fencing for containment of farm animals on property that is at least five (5) or more acres.

Section 10-151. - Animal Density

Animals, barnyard animals and livestock come in many shapes and sizes. The amount of pasture needed to sustain animals, barnyard animals and livestock depends upon where they are kept, what type of livestock is kept, and the amount of forage available in the area that the animals, barnyard animals and livestock are kept. The City of Lampasas allows the following:

1. Permitted Livestock may be allowed in areas of the city limits of Lampasas as per the City's Code of Ordinances.
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 set out in this chapter, without a waiver, exemption, or exception granted by the city, 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. Animal Density Large Sized Animals.

One (1) Cow = One (1) animal unit per acre of land, not allowed on a residential lot up to one acre.

One (1) horse = One (1) animal unit per acre of land, not allowed on a residential lot up to one acre.

One (1) mule or burro= One (1) animal unit per acre of land, not allowed on a residential lot up to one acre.

b. Animal Density Medium Sized Animals:

Eight (8) miniature livestock = One (1) animal unit per acre of land, half (1/2) an animal unit is allowed on half (1/2) an acre of land.

Eight (8) sheep= One (1) animal unit per acre of land, half (1/2) an animal unit is allowed on half an (1/2) an acre of land.

Eight (8) goats=One (1) animal unit per acre of land, half (1/2) an animal unit is allowed on an half (1/2) acre

c. Animal Density Small Sized Animals:

Eight (8) Fowl=One (1) animal unit per residential lot.

Eight (8) Rabbits=One (1) animal unit per residential lot.

(3. a.) 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 additional acres. 1 animal unit per acre. Chart Examples: 3 acres	Animal units allowed on additional acres is 1 animal unit per acre. Chart Examples: 5 acres	Ag. Exempt	Setback requirement is twenty five (25) feet of any adjoining residentially zoned property, or any building used for human habitation that does not belong to the owner of such animals.
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 1 Horse, mule, donkey, or other equine	0	1	3	5	Per Exemption	25 feet
Above Off-Spring	0	Exempted until weaned	Exempted until weaned	Exempted until weaned	Per Exemption	25 feet
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

3.b.) Medium Livestock Chart

Medium Half (1/2) an Animal Unit allowed on Half (1/2) of an acre of land.	1/2 acre 1/2 animal unit per acre	1 acre 1 animal unit per acre	1 animal unit per acre. Chart Examples: 3 acres	1 animal unit per acre. Chart Examples: 5 acres	Per Exemption	Setback requirement is twenty-five (25) feet of any adjoining residentially zoned property, or any building used for human habitation that does not belong to the owner of such animals
Allowable 1/2 animal units	Number of animals allowed	Number of animals allowed	Number of animals allowed	Number of animals allowed	Per exemption	25 feet
1 animal unit 8 Sheep	4	8	24	40	Per Exemption	25 feet
1 animal unit 8 Goats	4	8	24	40	Per Exemption	25 feet
1 animal unit 8 Miniature Livestock	4	8	24	40	Per Exemption	25 feet
Above Off-Spring	Exempted until weaned	Exempted until weaned	Exempted until weaned	Exempted until weaned	Per Exemption	25 feet

(3.c.) Small Animal Livestock Charts

Animal Unit	Single Family Residential Lot	More than one Single Family Residential Lot	1 animal unit per acre. Chart Examples: Various Acres	1 animal unit per acre. Chart Examples: Various Acres	Per Exemption	Setback requirement is twenty-five (25) feet of any adjoining residentially zoned property, or any building used for human habitation that does not belong to the owner of such animals
Fowl						
	Number of animals allowed	Number of animals allowed	Number of animals allowed	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
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
Males/Cockerels 4 months-	Prohibited after 4 months	Prohibited after 4 months	Prohibited after 4 months	Prohibited after 4 months	Per Exemption	
Pigeons and other domestic birds	See Fowl Above	See Fowl Above	See Fowl Above	See Fowl Above	Per Exemption	25 feet
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 until they are weaned.	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	

Combination of Animal Units (as Animal Units is used in the above shown Density Chart) will be allowed and will depend on the type of Animal Units and the acreage of the land, which will be noted on the permits provided under this chapter.

Examples Include: Four (4) fowl and Four (4) rabbits (poultry) for a combined total of eight (8) which is one (1) animal unit on one single family residential lot up to one acre is allowed or any combination thereof.

For any other livestock not specifically listed in the chart above, 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 for a 'large animal'. If the animal is similar in size to a sheep, goat, llama or alpaca, then those animals will equal one animal unit for a 'medium animal', etc.

Offspring shall be exempt from the animal limitation until being weaned, except for fowl offspring, which is exempt for a period of 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, bodies of water and/or any enclosed or fenced area that are not accessible to the livestock for grazing or roaming.

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 any adjoining residentially zoned property, or any building used for human habitation that does not belong to the owner of such animals.

Section 10-153. -Prohibited Animals

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 potbellied pigs with the exception of one (1) Companion Pot-Bellied Pig, as allowed with the provisions stated in Section 10-161 Domestic Pot-Bellied Pigs.
2. Any species of ratites are not allowed on less than 5 acres of land,
3. Roosters, cockerels when over 4 months of age,
4. Any guinea, guinea fowl, peafowl, or fighter fowl breeds,
5. Any animal that is a Habitual Public Nuisance Animal.

See also City of Lampasas Code of Ordinances Chapter 10 Animals, Article IV-Exotic or Vicious Animals.

Section 10-154.- Slaughtering of Animals

It shall be unlawful for any non-commercial slaughtering of any cattle, horse, sheep, swine, or goats of any description within the city limits without a current and valid Personal Use Exemption, issued by the USDA, detailed by the Meat and Poultry Inspection Act.

1. Any slaughtering of animals shall be done in accordance with the Meat and Poultry Inspection Act and, when allowed, and slaughtering within the city limits, and
2. Must be done out of sight and sound of any adjoining properties or properties with 'lines of sight' of the slaughtering activities; and
3. Must include complete disposal of the carcass, bones, and blood and no animal byproducts shall be left on the property to decay; and

Shall not include any disposal of the carcass, bones, and blood in trash receptacles, where they will become a public nuisance by their odor and cause unhealthy conditions by rotting or decay and in violation of City of Lampasas Code of Ordinances Article III. Sanitary Sewer System, Section 82-123 Deposit of Excrement, Garbage, or Other Objectionable Waste, states, it shall be unlawful for any person to place, deposit, or permit to be deposited upon any public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

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 dispose of a dead animal or animal carcass found in the city limits, then the owner/caretaker will be responsible to the City for:
 - a. Cost of time of City of Lampasas employees, and
 - b. The reasonable cost of any equipment used,
 - c. Contract service fees, if required for animal disposal.
 - 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 dead animal remains, unless other arrangements/agreements have been made with the City of Lampasas Financial Director.
3. Any owner wishing to relinquish/surrender an unwanted animal that is regulated by this chapter to the Animal Control Officer or other authorized designee will be charged the appropriate fees that are set forth in Appendix A of the City Ordinances of Lampasas. This provision does not apply to animals found running

loose or that are 'at large' or found abandoned and are turned over to animal Control or the Lampasas Animal Shelter.

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 there is an accumulation of manure or animal droppings that have accumulated for three (3) days/72 hours.
4. Every person owning or leasing such premises where animals are kept in a residential or commercial district with adjoining residences and/or buildings used for human habitation or commercial occupation 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, if such creates a public nuisance odor or health and safety concern. If the Animal Control Officers finds it to be a nuisance where there are fly maggots and other pest in the manure, the manure and/or dropping shall be removed or treated so as to destroy the fly maggots or all other pests found the manure.
7. Manure, droppings or food waste from animals shall not be used for compost, if such creates a public nuisance odor or health and safety concern. It shall be *prima facie* evidence of a public nuisance or public health/odor concern if the city received complaints of odor, flies, or other vermin nuisances related to the placement of manure.

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, braying, crowing, bawling, or otherwise.

2. If any animal/fowl barks, whines, brays, howls, crows or makes other noise in an excessive, loud, or continuous manner, so as 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 such noise is unreasonable.
3. If such noise occurs between 11:00 p.m. and 6:00 a.m. it shall be prima facie evidence that it is unreasonable.
4. It shall be a defense to prosecution for noise and disturbance by an animal, if it is shown that a person, other than the owner/caretaker of the animal provoked or taunted the animal and the noise was made as a reaction to that provocation.

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.
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. Exception to this provision exist for any areas where hunting is permitted by law and for the protection of private property, so long as the property owner complies with all shooting and gun laws applicable to the area in the city.

Section 10-159. - Fowl

Permitting and maintaining fowl in the city of Lampasas is regulated as follows:

Single Family Residential Lot up to One (1) acre of land. No person shall have more than one animal unit of fowl on any single-family residential lot that is less than one (1) acre in size, in the city in an area zoned as agricultural or residential in the city limits of Lampasas.

1. No pens, enclosures, hutches, cages or other structures for any animal in this chapter will be permitted within twenty-five (25) feet of any adjoining residentially zoned property, or any building used for human habitation that does not belong to the owner of such animals.
2. 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.
3. A fenced yard shall not qualify as a pen, coop, or hutch for purposes of this chapter, related to keeping fowl in the city.

4. All pens, coops, hutches and exercise run for fowls shall be completely enclosed.
 - a. For a chicken that will be inside the run at all times (never able to roam freely), the coop/run is required to measure at least 10 square feet per fowl.
 - b. For coops, etc. that will contain more than one chicken, that will be inside at all times, the coop/run is required to measure at least 20 square feet per fowl.
5. The pen, coop, hutch or exercise run shall not be placed in the front yard of any property.
6. A person who keeps, harbors or maintains fowl, poultry, and 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 with sufficient food, potable water, adequate shelter, and protection from weather.
7. Male chickens/cockerels over four months of age are not allowed to be kept in the city.
8. 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.

Section 10-160. - Rabbits/Small Animals:

Single Family Residential Lot up to One (1) acre of land. No person shall have more than one small animal unit (e.g. rabbit) on any single-family residential lot that is less than one (1) acre in size, in the city in an area zoned as agricultural or residential in the city limits of Lampasas.

Rabbit/Small Animals enclosures used to keep the following:

- a. No pens, enclosures, hutches, cages or other structures for any animal in this chapter will be permitted within twenty-five (25) feet of any adjoining residentially zoned property, or any building used for human habitation that does not belong to the owner of such animals.
- b. Rabbits or other small animals, small livestock barnyard type animals shall be kept within pens, coops or hutches which meet the requirements of this chapter.
- c. Small animal pens, hutches and coops are required to have a minimum of nine (9) square feet per small animal/rabbit.
- d. A fenced yard may not qualify as a pen, coop or hutch for purposes of compliance with this provision.
- e. Pens, coops, hutches are not allowed in the front yard of any zoning district in the city for housing or keeping small animals, including rabbits.

Section 10-161. - Domestic Pot-Bellied Pigs

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 are dependent on people for food and shelter.

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

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

1. A pot-bellied pig may not be younger than six weeks of age and shall be spayed or neutered. The owner must provide with the permit application a written certification from a veterinarian that the pot-bellied pig is spayed or neutered and is no younger than six weeks of age.
2. 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.
3. 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.
4. One pot-bellied pig is considered one animal unit and only one may be permitted.
5. No pens, enclosures, hutches, cages or other structures for any animal in this chapter will be permitted within twenty-five (25) feet of any adjoining residentially zoned property, or any building used for human habitation that does not belong to the owner of such animals.
6. Hog wallows are prohibited in the city of Lampasas, in any district or area.
7. No public nuisances shall be allowed to be created in keeping domesticated pot-bellied pigs.

Section 10-162.-Annual Permits/Waivers

1. Livestock Permit Application forms will be provided by the Lampasas Police Department and when completed, submitted to the Lampasas Animal Control Officer for processing and permit issuance.
2. The application will include: the owner information, emergency contact information, animal types, location, enclosure type, and enclosure location with a site plan showing (in accurately measured feet) the distances of the proposed animal housing within proximity to adjacent property structures and boundaries.

- a. Additionally, as applicable, the application may include requests for waivers, exemptions and information that would support such requested waivers or exemptions.
3. Permit Effective Date: Animals in this chapter shall be required to have a permit, exemption, or waiver 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.
4. Annual Permits Required: A permit shall be sought and applied for each year, by any person in the city limits of Lampasas seeking to keep animal(s) that are regulated by this chapter.
5. Cost: Annual or temporary permits are issued at NO CHARGE, however, all animals referenced in this chapter must have a permit or a waiver/exemption issued to it each year, in order to be kept in the Lampasas city limits.
6. Temporary permits may be issued, as set forth in this chapter, and will be valid for the number of days stated in the temporary permit, not to exceed fifteen (15) consecutive days. No person may apply for more than three (3) temporary permits within a twelve (12) consecutive month period, regardless of the number of animals owned or kept by the person in the city limits.
7. 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, if determined by the Animal Control Officer or their designee, that the permit holder is unable or unwilling to comply with this chapter or to keep the animals in a healthy or sanitary environment.
8. Certifications from a Veterinarian may be required by this chapter or the Animal Control Officer, related to animal medications, vaccinations, treatments, etc.
9. Notice of denial of either an annual or temporary permit shall be in writing from the Animal Control Officer to the person who requests a permit;
 - a. 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,
 - b. 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.
10. The Chief of Police shall not consider or grant a waiver unless all of the following conditions are met:
 - a. Evidence is provided showing that 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 keep the animals desired; and,

- b. The strict application of the provisions of this section is not necessary to promote the public health, safety and welfare; and the strict application of the provisions of this section is not necessary to protect the health or safety of the animals that will be kept at the location involved; 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 chapter; and
 - e. In granting a waiver, the Chief of Police may prescribe conditions that are deemed necessary or desirable to protect the public interest; and
 - f. The owner shall not acquire any additional animals after applying for and obtaining a waiver under this chapter, from the Chief of Police.
 - g. The Chief of Police's decision on a request for a waiver may be appealed, as followed:
 - 1. Persons receiving a notice of a denial of a waiver shall have the right, within ten (10) calendar days of the date that the notice is postmarked or hand delivered, to appeal the denial of the waiver by the Chief of Police, by sending a written notice of appeal, detailing the reasoning and any support for the appeal, to the City Manager of Lampasas.
 - 2. The City Manager will cause an odd number of senior members from a committee or board of the City of Lampasas to review and make a final determination.
 - 3. Any person having a waiver denied and/or upheld on appeal may not apply for the same waiver for a period of one year from the date of the denial or the upholding of same on appeal.
11. The City Council shall, from time to time, adopt fees to include, but not limited to, fees for issuance of permits and for additional fees for care and expenses of animals incurred during impoundment at the Lampasas Animal Shelter.
12. 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.

13. 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.
14. 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.
15. 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.
16. 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 an animal found in the city's corporate limits.
17. A Property Owner Association within the city limits of Lampasas may not impose restrictions that are less stringent or protective of animals than those set forth in this chapter.
18. No person, organization or entity shall be allowed to sell animals in the city's corporate limits on public roads or public right of ways.
19. No provision of this article may supersede the city's Zoning Regulations.
20. 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.
21. Property owners with current Agricultural "AG" Exempt Property shall be permitted to keep animals in compliance with the terms of their valid exemptions.

Section 10-163. -Exemptions/Exceptions

Exemptions and Exceptions to the permit requirements set forth in this Chapter may be granted for the following:

1. Grandfathered Animals may be exempted from the permitting required by this chapter, granted at the city's sole discretion, based on circumstances that related to cases when livestock was kept and managed by the current owner, within the City's corporate limits, prior to the adoption of the code requiring a permit for keeping the animals, and

2. exhibition at stock shows, fairs, circuses, rodeos, festivals, parades, and zoological institutions, veterinarians or trainings, and
3. when animals are involved in or located at and on the property of any vocational learning area, or school, and
4. for commercial slaughtering establishments, and
5. city sanctioned brush control grazing activities using livestock; such as, Rent a Goat for the purpose of clearing property and land of brush, weeds, unwanted grass or vegetation, and
6. Recognized Educational Agricultural Programs,
7. when animals are 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 twenty five (25) 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 habitual public nuisances will be allowed or exempted.
 - g. Enrollees must be under close supervision of a vocational agricultural teacher or the county agricultural agent.
 1. 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 adviser 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 the 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.
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. The provisions of this chapter regarding permits does not apply to Animal Rescue Organizations for Livestock, or Humane Organizations for animals mentioned in this Chapter.
12. This ordinance cannot and does not apply to the permitting of wild fowl; such as geese, ducks, and other fowl that are drawn to our waterways and city parks within the city.
13. 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.
14. No provision of this chapter may supersede the City/County Zoning Regulations.
15. A permitted exemption granted based on circumstances where previously existing livestock has been allowed.

Section 10-164- Notice of the Revocations or Denials

Revocations or denials of permits, exemptions or exceptions shall be provided, in writing, from the Animal Control Authority to the permittee, as follows:

- 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, or, exception.
- b. Persons receiving a notice of revocation or denial of permit, exemption, or exception shall have the right, within ten (10) calendar days of the date that the notice is postmarked or hand delivered, to appeal the decision of the Animal Control Officer, by sending a written notice of appeal, detailing the reasoning and any support for the appeal, to the Chief of Police. The Chief of Police shall review the materials sent and shall have ten (10) business days from the date of receipt of the written appeal to render a decision, which will then be provided to the persons appealing. If the Chief determines that additional time is required to investigate the circumstances under appeal, the person will be notified and provided an approximate date that the decision on appeal will be rendered by the Chief of Police.
- c. Persons receiving a notice of revocation or denial of permit, exemption, or exception from the Chief of Police shall have the right, within ten (10) calendar days of the date that the notice is postmarked or hand delivered, to appeal the decision of the Chief of Police, by sending a written notice of appeal, detailing the reasoning and any support for the appeal, to the City Manager of Lampasas. The City Manager will cause an odd number of

senior members from a committee or board of the City of Lampasas to review and make a final determination.

- d. Any person having a permit, exemption, or exception revoked may not apply for another permit, exemption or exception for a period of one year from the date of the revocation.

Section 10-165.- Estray-

The 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 the Agriculture Code, Title 6. Productions, Processing, and Sale of Animal Products, Subtitle B. Livestock, Chapter 142. Estrays.

Sec. 10-166. - Penalty for Violation

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.

1. Each day that a violation exists shall constitute a separate offense.
2. Ticketing with three (3) convicted offenses under this chapter, in any contiguous twelve (12) month period, will render an individual to be considered a Habitual Public Nuisance Violator and a person so identified shall not be allowed to possess any livestock or animals that are otherwise regulated by this chapter, in the city's corporate limits, for a minimum period of twelve (12) months, set to begin sixty (60) days after the third conviction date. All animals within this chapter shall be removed, or as soon as the animals are removed by the owner the Habitual Public Nuisance Violator restrictions shall apply for a twelve-month period. The Habitual Public Nuisance Violator will receive a Suspension of Animals in writing with

whichever date comes first, i.e., 60 days from the 3rd conviction or upon the removal of the animals from the city limits.

3. If the animal has been found by the animal control officer, after notice to its owner and a hearing, to be a Habitual Public Nuisance Animal, as defined herein, it shall be unlawful for any person to own, keep, possess, or maintain that Habitual Public Nuisance Animal in the corporate limits of the city.

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 ordinance was passed was open to the public and the public was provided notice of the time, place, and purpose of the open meeting, 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 12th day of July, 2021 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 ADOPTED ON THE SECOND AND FINAL READING by the City Council of Lampasas at the regular meeting on the 26th day of July 2021, 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

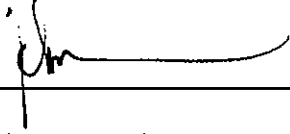
APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney

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

CITY OF LAMPASAS ORDINANCE NO. 1658

I, Jo-Christy Brown, City Attorney for the City of Lampasas, Texas hereby approve the form of the above-noted City Ordinance, passed and approved by the City Council of Lampasas Texas on the Second Reading on the 26th of July, 2021, as shown by my signature affixed hereto below.

A handwritten signature in black ink, appearing to read 'JCB', is written over a solid horizontal line.

Jo-Christy Texas Brown
Lampasas City Attorney
Texas State Bar No. 03141980