

ORDINANCE NO. 2013-021

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE IX (GENERAL REGULATIONS) TO ADD CHAPTER 98 (KEEPING OF CHICKENS); PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, SAVINGS AND SEVERABILITY CLAUSE, AND EFFECTIVE DATE.

WHEREAS, the City Council of the City of Wimberley (Council) seeks to provide for the health, safety, and welfare of its citizens; and

WHEREAS, urban chicken-keeping is growing in popularity throughout the country and the State of Texas; and

WHEREAS, the Council seeks to balance the desires of those citizens who wish to keep chickens in a residential areas against the health, safety, and comfort of their neighbors; and

WHEREAS, the Council finds that the reasonable regulations provided by this ordinance achieve that balance;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, HAYS COUNTY, TEXAS

**Section 1. Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**Section 2. Amendment.**

THAT the City of Wimberley Code of Ordinances, title IX (General Regulations) is amended to add Chapter 98 (KEEPING OF CHICKENS) to read as follows:

**“KEEPING OF CHICKENS**

**§ 98.01 Keeping of Chickens Allowed in Certain Residential Areas**

A person may keep or house chickens on property located in a residentially zoned district if the property encompasses an area of two (2) acres or greater in size.

**§ 98.02 Regulations**

In addition to the requirements listed in § 98.01, above, a person who keeps or houses chickens pursuant to this Chapter must adhere to the following requirements:

(A) The principal defined use of the person's property must be "single-family," as that term is defined in the City's land use regulations.

(B) No person shall keep any rooster within the city limits.

(C) No person shall slaughter any hens.

(D) A person shall not keep chicken hens in any location on the property other than in a fenced rear yard. For purposes of this ordinance, "rear yard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family structure and extending to the side lot lines.

(E) No covered enclosure used to keep chicken hens shall be located closer than twenty (20) feet to the property line of any adjacent property and shall not be located closer than thirty (30) feet to any residential structure on the adjacent property unless the subject property owner also owns the adjacent property. Such enclosures may be placed closer to an adjacent property line than the specified setback amounts, if the subject property owner also owns the adjacent property. For purposes of this ordinance, "adjacent property" includes any parcel of property that comes into contact with one (1) or more points of the subject property, but does not include parcels that are legally adjacent to but are in fact separated from the property by a public or private street or waterway.

(F) All enclosures used to keep chicken hens shall be constructed and kept in good repair so as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.

(G) All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.

### **§ 98.03 Exception**

The restrictions and regulations provided by this Chapter shall not apply to animal shelters, veterinary establishments, animal hospitals operated by a licensed veterinarian, or commercial animal establishments located on property zoned for such purposes. Such establishments, however, must meet sanitation requirements and keep animals securely caged or penned.

**Section 3.** Except as expressly amended herein, the Wimberley Code of Ordinances shall remain in full force and effect.

**Section 4.** All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

**Section 5.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

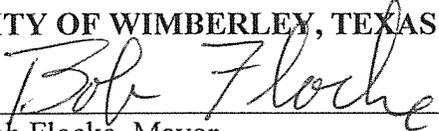
**Section 6.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**Section 7. Open Meetings.** That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Capt. 551, Loc. Gov't. Code.

**FIRST READING PASSED AND APPROVED** this 19th day of September, 2013, by a vote of 4 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

**SECOND READING PASSED AND APPROVED** this 3rd day of October, 2013, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY, TEXAS

  
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Bob Flocke, Mayor

**ATTEST:**

  
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Cara McPartland, City Secretary

**APPROVED AS TO FORM:**

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Catherine B. Fryer, City Attorney

