

VILLAGE OF SAN LEANNA

ANIMAL ORDINANCE NO. 12-001

AN ORDINANCE, REPEALING ORDINANCE NO. 00-001, WHICH REPEALED SECTION 23(A) OF ZONING ORDINANCE NO. 97-001; PROHIBITING THE KEEPING OF ROOSTERS, SWINE, PEACOCKS, AND GUINEA FOWL IN THE VILLAGE OF SAN LEANNA LIMITS; ESTABLISHING THE NUMBER OF ANIMALS THAT MAY BE KEPT PER ACRE OR PORTION THEREOF; ESTABLISHING SETBACK REQUIREMENTS; REQUIRING THE REMOVAL OF MANURE; ESTABLISHING CERTAIN EXCEPTIONS; AND PROVIDING CIVIL REMEDIES AND A PENALTY FOR EACH SEPARATE VIOLATION OF THE ORDINANCE.

WHEREAS, on March 16, 2000, the Board of Aldermen of the Village of San Leanna , Travis County, Texas, adopted Animal Ordinance No. 00-001 which repealed Section 23(a) of Zoning Ordinance No. 97-001, and replaced it with a revised ordinance; and

WHEREAS the Board of Aldermen of the Village of San Leanna, Travis County, Texas has determined that the keeping of livestock within the Village limits, if not properly regulated, poses health risks to the general public, affects the aesthetic quality of the community, and can become a general nuisance due to noise, offensive odor, and destruction of neighboring property.

WHEREAS the Board of Aldermen of the Village of San Leanna, Texas has determined that the regulation of livestock within The Village will promote the general health, safety, and welfare of the citizens of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SAN LEANNA, TEXAS:

That Ordinance No. 00-001, previously passed by the Board, is repealed, and the new Animal Ordinance No. 12-001 is hereby enacted in lieu thereof, to read as follows:

SECTION 1. DEFINITIONS

As used in this Ordinance, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

LIVESTOCK: Any Domestic Animal except a house pet.

UNIT OF LIVESTOCK: An individual Domestic Animal.

SECTION 2. LIVESTOCK PERMITTED

Livestock, except for roosters, swine, peacocks, and Guinea fowl of any kind, may be kept in

the Village, not in excess of the following limitations:

- (A) One large animal, such as a horse, pony, cow, calf, emu, ostrich, rhea, mule, or donkey per one acre; **OR**
- (B) One small animal, such as a goat or sheep per one-half acre; **OR**
- (C) Ten fowl or rabbits **per fenced enclosure** of one-quarter acre; **OR**
- (D) Five fowl or rabbits **per fenced enclosure** under one-quarter acre.

SECTION 3. ROOSTERS, SWINE, PEACOCKS, AND GUINEA FOWL PROHIBITED

No roosters, swine, peacocks, and guinea fowl of any kind shall ever be kept, maintained, stabled, or corralled in the Village of San Leanna.

SECTION 4. SETBACK REQUIREMENTS

- (A) The dwelling for horses, cows, ponies, calves, emus, rheas, ostriches, mules, donkeys, and other large animals must be located a minimum of 30 feet away from any lot line.
- (B) The dwelling for sheep or goats must be located a minimum of 30 feet away from any lot line.
- (C) The dwelling for fowl or rabbits must be located a minimum of 30 feet away from any lot line.
- (D) All fencing used to enclose animals in the Village must be maintained in good repair for the purpose for which it is intended and must be constructed in such a manner that animals may not reach any body part onto a neighbor's property or to any shrub, tree, or plant growing on a neighbor's property.

SECTION 5. MANURE

Manure shall not be allowed to accumulate and must be cleaned up and removed from the property on a regular basis.

SECTION 6. LIVESTOCK IN VILLAGE ON EFFECTIVE DATE

This Ordinance shall not be construed to require the removal of any livestock that are lawfully located in the Village on the effective date of the Ordinance, even though the number exceeds the permitted number under Section 2 hereof. The owners of all such livestock shall, within ninety (90) days after the effective date hereof, keep such livestock within the fencing requirements of Sections 2 hereof. Thereafter, each livestock unit may remain until either its death or its removal from the property for a period longer than thirty (30) consecutive days.

Upon a livestock unit's death or removal from the property for a period longer than thirty (30) consecutive days, the limitations set forth in Section 2 hereof shall apply, and no livestock in excess of those permitted under Section 2 hereof shall be permitted on any lot in the Village.

SECTION 7. EXCEPTIONS~VARIANCES

Variations from the requirements of this Ordinance may be granted for 4H, FFA, and other school or civic projects conducted by residents of the Village. The variance, when granted, will state such terms and conditions as the Board of Aldermen shall prescribe, taking into consideration the purposes of this Ordinance and the extent to which the requested variance may defeat the purposes stated herein. Any such variance will be granted for a stated period of time which shall not exceed one (1) year. The variance request must: be in writing; identify the property to which the variance will apply; specifically state the variance that is requested; be signed by the owner of the property to which the variance will apply; and state what precautions will be taken to minimize the conditions this Ordinance seeks to avoid. All applications for a variance will be considered by the Board of Aldermen on a case by case basis. Any violations of the terms upon which the variance is granted will be grounds for cancellation of the variance. Variations will not be granted to board, stable, house, or keep an animal that is not owned by a resident of the Village.

SECTION 8. NON-CONFORMING STRUCTURES

Nothing in this Ordinance shall require the removal of any existing structure that does not meet the setback requirements of Section 4 hereof, but all such structures shall be deemed to be non-conforming structures. A non-conforming structure may not be rebuilt, enlarged, or moved on a lot unless, after its relocation, it would be in compliance with this Ordinance.

SECTION 9. INJUNCTION AND OTHER REMEDIES

Any livestock that is kept, maintained, pastured, stabled, corralled, or housed in the Village in violation of this Ordinance is hereby declared to be unlawful, and this Ordinance may be enforced by injunction, mandamus*, abatement, or any other action in law or in equity to prevent, enjoin, abate, correct, or remove such unlawful use or condition.

*mandamus - a Writ issued by a higher court to a lower court or city to do something.

SECTION 10. PENALTY

Any person, firm or corporation violating any provision of this Ordinance shall be fined an amount of money not to exceed five hundred (\$500.00) dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 11. SEVERABILITY

Should any sentence, paragraph, clause, or provision of this Ordinance be held

invalid, unconstitutional, or unenforceable as applied to a particular person, property, or livestock, the same shall not be construed to affect any other valid portion of this Ordinance, but all valid portions hereof shall remain in full force and effect.

SECTION 12 EFFECTIVE DATE.

This Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED this 19th day of January, 2012, by a vote of 4 ayes, 0 nays, and 0 abstentions of the Board of Aldermen of the Village of San Leanna, Texas.

VILLAGE OF SAN LEANNA

BY: _____

Joel Chapa, Mayor

ATTEST:

Kathleen Lessing, Village Administrator