

AN ORDINANCE TO REGULATE THE KEEPING OF LIVESTOCK WITHIN THE CITY LIMITS
OF THE TOWN OF BAYSIDE, COUNTY OF REFUGIO, STATE OF TEXAS.

- SECTION 1. Cruelty (or inhumane treatment) to animals shall be prohibited within the Bayside city limits.
- SECTION 2. Any livestock permitted, suffered or allowed by the owner to be at large on private or public property shall be reported to the sheriff as soon as reasonably possible, in accordance with state law.
- SECTION 3. It shall be unlawful for any owner to keep on premises under his control, within the city limits, any large or medium livestock in such a manner that the livestock's primary quarters are closer than one hundred fifty (150) feet from any human living quarters, other than the owner's or keeper's living quarters.
- SECTION 4. All owners who keep medium and large livestock within the city must first obtain a permit from the city. The city may make an inspection of the applicant's facility to ensure that all sections of the ordinance are met before issuing a permit. The city shall have the authority to revoke a permit at any time the owner does not comply with the ordinance or any other requirements. The permit shall be valid for a period of five (5) years and must be renewed. In order to qualify for a permit for either medium or large livestock, an owner must have at least one (1) acre of land. A minimum of one-third ($1/3$) of that acre shall be set aside for exclusive use by the livestock. For the first full acre two (2) adult large livestock and one (1) immature large livestock under (6) months will be allowed, or for the first full acre six (6) adult medium livestock, and their immature offspring under six (6) months will be allowed. If a combination of large and medium livestock is desired, it will be calculated that three (3) medium adult livestock will be equal to (1) adult large livestock. For each additional full acre set aside for exclusive use by the livestock, one (1) additional adult large livestock or three (3) additional medium livestock will be allowed. When large and/or medium livestock are to be confined to an enclosed restrictive structure for more than twenty-four (24) hours a minimum floor space of one hundred forty-four (144) square feet for large livestock, and (20) square feet for medium livestock shall be provided for each animal for their exclusive use. Small livestock may be kept on any property in the city if all other requirements of this ordinance are met. All small, medium and large livestock shall be contained on the owners premises by a fence constructed as provided in this ordinance. Owners of small livestock will be allowed to keep a maximum of fifteen (15) adult livestock over six (6) months of age. All small livestock shall be in an enclosed cage or fence and be provided a shelter with a minimum of three (3) square feet of floor space per animal. all livestock kept on property used for residential, commercial or industrial purposes shall be contained behind the rear building line. If additional adjacent land is available the owner may request a variance from the city, and it shall be recorded on the owner's permit. Livestock kept on property zoned agricultural or residential estate may be contained in front of the rear building line. No livestock shall be kept on property used for multi-family dwellings.
- SECTION 5. It shall be unlawful for any owner to keep on premises under his control, within the city limits, any small livestock in such a manner that the livestock will be quartered closer than thirty (30) feet from any living quarters.
- SECTION 6. It shall be unlawful for anyone to keep swine within the city. However, where swine are being kept prior to annexation in which the area or part of the area becomes part of and within the boundaries of the incorporated area of the city, the keeping of swine shall be permitted for one (1) year by applying for a permit from the city council. Extension of this exemption may be obtained for successive one year periods up to a maximum of three (3) years by applying for and obtaining a certificate from the city council certifying to the existence of sanitary conditions and compliance with all guidelines as required by the city. Such exemption under provision shall not in any event extend beyond three (3) years from the date of passage of this ordinance.

SECTION 7 LIVESTOCK FENCING

A. IN GENERAL

All fences that are presently being used for confinement of livestock and are not in conformance with the following requirements shall be a nonconforming use and be allowed to remain in use. The nonconforming fences must still confine the livestock to the owner's premises. Barb wire fences and electric fences shall never be used for a perimeter fence in the city. Barb wire fences and electric fences may be allowed on the interior of an approved perimeter fence. All electric fences shall meet state regulations and the controller shall be UL approved.

B. FENCING FOR LARGE AND MEDIUM LIVESTOCK

For the use as a perimeter fence to contain large and medium livestock the fence shall be constructed as follows:

(1) Fences made of wire shall be:

- (a) made of woven wire;
- (b) a minimum of fifty-five (55) inches, and a maximum of ninety-six (96) inches high, as measured from ground level;
- (c) a minimum of eleven (11) gauge wire;
- (d) a maximum of six (6) inches between the wire stays; and
- (e) a maximum of ten (10) feet between fence posts.

(2) Fences made of wood shall be:

- (a) a minimum of five (5) feet, and a maximum of eight (8) feet high;
- (b) constructed with a minimum of four (4) rails between fence posts;
- (c) with the distance between fence posts of eight (8) feet maximum;
- (d) with wood rails a minimum of two (2) inches thick and six (6) inches wide.

C. FENCING FOR SMALL LIVESTOCK

For small livestock a wire chainlink fence shall be used, and shall be a minimum of four (4) feet in height.

D. OTHER FENCING

All other types of fencing shall be so constructed as to ensure the containment of the livestock to the owners premises, and shall be approved by the city council.

- SECTION 8. The keeping on any premises in the city of fowl or livestock is prohibited unless the pens, stalls or other facilities for keeping the same shall be so located that the livestock or fowl cannot come within one hundred (100) feet of any dwelling or business building owned, used or maintained by any person as a food services establishment or food processing establishment, regardless of ownership or occupancy of such establishment.
- SECTION 9. The owner of every animal shall be responsible for the removal of any feces deposited by such owner's animal on public or private property. Feces deposited by any animal upon private property of any person other than the such animal owner shall be collected and removed by such animal's owner. Collection and removal of any animal feces shall be in a container of such type that, when close is rat-proof and fly-tight. Such container shall be kept closed after collection. At least once a week, each such animal owner shall cause all feces so collected to be disposed of in such a way as not to permit fly breeding.
- SECTION 10. If an owner has withheld or falsified any information on an application or rabbi certificate the city may refuse to issue a permit or tag/license or may revoke any permit or tag/license issued in connection with such application.
- SECTION 11. Any person having been denied a license or permit for any reasons other than next section, may not apply for a period of thirty (30) days after such denial. Each reapplication shall be accompanied by a nonrefundable fee.
- SECTION 12. No person who has been convicted within the preceding sixty (60) months of cruelty to animals under this ordinance or any other animal cruelty law of this state or any jurisdiction in the United States shall be issued a permit or license.
- SECTION 13. Compliance with this ordinance is not relief from compliance with other regulations. The keeping of any animal in accordance with this ordinance shall not be construed to authorize the keeping of the same in violation of the zoning ordinance or any other ordinance of the city.
- SECTION 14. The city council shall have the authority to grant variances, and revoke variances to this ordinance. The application for a variance must be made in writing, give the reason for the variance, and the address or location of the requested variance.
- SECTION 15. Whenever any premises where animals are kept in an unsanitary condition, or the facilities are not in keeping with the provisions of this ordinance or any other regulations, or if health rules or laws are not observed, the city council, by written notice to the owner of the animals, may order abatement of the conditions which constitute a nuisance. Failure to comply with such order shall, in addition to any criminal or administrative proceedings, be grounds for and entitle the city to obtain relief by injunction.
- SECTION 16. Any person in violating any portion or provision of the ordinance shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be punished by the assessment of a fine as set by the city council, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. If any person is found guilty of violating any provision of this ordinance, they may be liable for denial, suspension or revocation of a license variance and/or permit provided by this ordinance and issued by the city council. Upon denial, suspension or revocation the animal owner shall have ten (10) working days to correct the violation or remove the animal(s) from the city. If the violation is not corrected and the animal(s) is not removed from the city within the ten (10) working days the city council will take action to have said animal removed and impounded. After impoundment the owner shall have ten (10) more working days to correct the violation. If the owner does not correct the violation then the animal will be deemed abandoned and disposed of in accordance with this ordinance, and the animal's owner shall reimburse the city for all costs of impoundment.

SECTION 17 The sections, paragraphs, sentences, clauses and phrases of this ordinance are separable, and if any phrase, clause, sentence, paragraph or section shall be declared unconstitutional or invalid by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

PASSED BY THE BOARD OF ALDERMEN AND APPROVED by the MAYOR of the Town of Bayside, County of Refugio, State of Texas, this 10th day of December, 1991.

ATTEST:

Wanda Massey
City Secretary

Kay Phillips
Mayor