

CITY OF OAK RIDGE
KAUFMAN COUNTY, TEXAS

ORDINANCE 10-09 AMENDMENT A
ANIMALS

AN ORDINANCE OF THE CITY OF OAK RIDGE, TEXAS, AMENDING ORDINANCE 10-09 RELATING TO ANIMALS WITHIN THE CITY LIMITS; PROVIDING DEFINITIONS; PROVIDING REGULATIONS REGARDING THE MAXIMUM NUMBER OF ANIMALS PERMITTED ON PROPERTY WITHIN THE CITY LIMITS; ESTABLISHING EXCEPTIONS; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.

WHEREAS, livestock, including fowl, are found to be nuisances per se in residential districts within the corporate City limits due to the size of lots in residential districts and the related inability to keep such livestock in sanitary and humane conditions; and

WHEREAS, the City Council hereby exercises its authority under Local Government Code Section 51.032 as a type-B municipality to enact regulations not inconsistent with the general laws of the State of Texas in the interest of the health, safety and welfare of the citizens of the City of Oak Ridge.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE, TEXAS:

SECTION I.
FINDINGS INCORPORATED

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION II.
AMENDMENT

Ordinance 10-09, Section V, of the City of Oak Ridge, Texas, is hereby amended by adding a Subsection C. to read as follows:

“C. Maximum Number of Animals

1. Definition:

- (a) Companion Animals: domesticated or domestic-bred animals, whose physical, emotional, behavioral, and social needs can be readily met as companions in the home, or in close daily relationship with humans. Species suitable to be companion

- (b) animals include dogs, cats, rabbits, ferrets, birds, guinea pigs and other small mammals, small reptiles and fish.
 - (c) Livestock: one or more domesticated animals raised in an agricultural setting to produce commodities such as food, fiber and labor. This definition of livestock includes fowl.
2. Prohibitions.
- (a) It shall be unlawful for a person in possession or control of property, which is 1.99 acres or less, to possess, have custody or control of more than four (4) companion animals on the property.
 - (b) It shall be unlawful for a person in possession or control of property, which is 2.0 acres or more, to possess, have custody or control of more than six (6) companion animals on the property.
 - (c) It shall be unlawful for a person to possess, have custody or control of livestock on property that is not in the agricultural district or zoned for agricultural use.
3. Exceptions.
- (a) Property zoned and in use for an agricultural purpose.
 - (b) No limitations are placed upon the number of fish permitted within a structure or in an outdoor pond.
4. Penalty. A person found to have violated this Section shall be subject to a fine in accordance with Ordinance 33-11.”

SECTION III.
PENALTY CLAUSE

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$500.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

SECTION IV.
SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would

have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION V.
REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION VI.
EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Oak Ridge, Texas, on this the 24TH day of JANUARY, 2012.

Roy W. Perkins, Mayor
City of Oak Ridge

ATTEST:

seal

Jan Shedd, City Secretary
City of Oak Ridge