

**ORDINANCE NO. 2011-08-17**

**AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE LANCASTER CODE OF ORDINANCES BY AMENDING ARTICLE 2.100, BY ADDING A DEFINITION FOR GRAZING ANIMAL LIVESTOCK TO SECTION 2.106 DEFINITIONS AND BY REPEALING SECTION 2.117 "PROXIMITY TO RESIDENCES; MINIMUM AREA FOR KEEPING LIVESTOCK" IN ITS ENTIRETY AND REPLACING WITH A NEW SECTION 2.117 "GRAZING ANIMALS AND OTHER SPECIAL USE STANDARDS"; AND BY AMENDING THE LANCASTER DEVELOPMENT CODE BY REPEALING ARTICLE 14.400, SECTION 14.403 "OTHER SPECIAL USE STANDARDS", (a) "FARM ANIMALS AND HORSES", IN ITS ENTIRETY, AND RESERVING FOR A FUTURE USE; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A PENALTY OF FINE FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS:**

**SECTION 1.** That the Lancaster Code of Ordinances be, and the same is, hereby amended by amending Article 2.100, General Animal Control Provisions, by adding a definition for grazing animal livestock to Section 2.106 "Definitions" and by repealing Section 2.117 "Proximity to Residences; Minimum Area for Keeping Livestock" in its entirety and replacing the same with a new Section 2.117, which shall read as follows:

**"ARTICLE 2.100 GENERAL ANIMAL CONTROL PROVISIONS**

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**Sec. 2.106 Definitions**

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Dog at Large .....

Grazing Animal Livestock. Shall mean domestic grazing animals that feed on grass or other lower vegetation and may be kept in open fields or structures for training, boarding, sales, or breeding and production, including, but not limited to, horses, mares, miniature horses, mules, jacks, jennies, colts, cows, calves, bulls, oxen, sheep, goats, lambs or llamas traditionally raised or kept in a farm or ranch environment. This definition does not define household pets i.e. dogs, cats and potbellied pigs as livestock.

Inoculated .....

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## **Section 2.117 Grazing Animals and Other Related Special Use Standards**

### **(a) Animals**

(1) **Grazing Animals and Livestock.** It shall be unlawful for the owner or any person in control of real property located within any district to keep or allow to be kept grazing animals and/or livestock on the property unless the owner or person in control complies with all the requirements set forth in this subsection.

- A. In all non-agricultural districts, large grazing animals or livestock must have a minimum fenced or enclosed area of 15,000 square feet per animal. Small grazing animals or livestock must have a minimum fenced or enclosed area of 3,000 square feet per animal, and a minimum lot size of one acre 43,560 sq. ft.
- B. In all platted zoned residential districts, it shall be unlawful for the owner or any person in control of an unoccupied lot where no residence is maintained to keep or allow to be kept a grazing animal or livestock, regardless of size.
- C. In all districts and notwithstanding subsections A and B above, it shall be unlawful for owner or any person in control of real property to keep or allow to be kept swine, including pigs and hogs, within the city limits of Lancaster.
- D. Poultry and fowl shall be limited to those properties not located within any platted zoned residential subdivision. In those zoning districts other than a platted zoned residential subdivision, all poultry and fowl are to be kept within a fenced enclosure or coops and not allowed to run at large.

(2) **General Conditions.** Notwithstanding the conditions above.

- A. It shall be unlawful for any owner or person in control of real property to allow the accumulation of manure to the extent that such accumulation creates an offensive odor, causes the accumulation of flies, poses any health hazard to any person or animal (whether defined in section or not), or creates a nuisance to any person or animal.

- B. It shall be unlawful for any owner or person in control of real property to construct or maintain any perimeter fences, gates or other property boundary enclosures wherein animals defined in this section are enclosed in such a manner that any animal contained within the enclosure is able to get through or beyond the fence, gate, or enclosure.
- C. All fences, pens, corrals, or other enclosures wherein animals defined in this section are enclosed shall be located at least 75 feet from any adjacent residence.
- D. It shall be unlawful for any owner or person in control of real property to keep or allow to be kept grazing animals and/or livestock on the property for any period of time without necessary food, care or shelter of adequate size and construction so as to protect all grazing animals and/or livestock on the property from the elements of nature.
- E. Nothing in this article shall prohibit the temporary exhibition of farm livestock at any show, fair, exhibition or exposition provided such show, fair, exhibition, or exposition has received prior approval of the City Manager, and it was made known to the City Manager prior to approval that livestock participation would be a part of the event; however, the exceptions made in this subsection shall not relieve the persons in charge of such livestock from the operation of this article and other ordinances of the City of Lancaster relative to the health, safety and well being of the livestock and the citizens of the City of Lancaster.

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**SECTION 2.** That the Lancaster Development Code be, and the same is, hereby amended by amending Article 14.400 by repealing Section 14.403, “Other Special Use Standards” (a), “Farm Animals and Horses” (1) (2) (3), in its entirety, and reserving the same for future use, which shall read as follows:

**ARTICLE 14.400**

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**Sec. 14.402** .....

**Sec. 14.403** Reserved for Future Use

**Sec. 14.404** .....

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**SECTION 3.** That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Lancaster Development Code, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or as amended hereby, which shall remain in full force and effect.

**SECTION 4.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Ordinances of the City of Lancaster, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 5.** That any person, firm, or corporation violating any provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the City of Lancaster, as heretofore amended and upon conviction shall be punished by a fine not exceeding \$500.00. The penalty imposed for a violation of this ordinance shall not exceed or be less than the penalty prescribed by state law, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 6.** That this ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Lancaster, Texas, this the 8<sup>th</sup> day of August 2011.

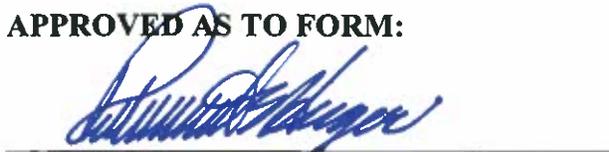
**APPROVED:**

  
MARCUS E. KNIGHT, MAYOR

**ATTEST:**

  
DOLLE K. DOWNE, CITY SECRETARY

**APPROVED AS TO FORM:**

  
ROBERT E. HAGER, CITY ATTORNEY