

**ORDINANCE NO. 2015-17**

**AN ORDINANCE OF THE CITY OF COPPERAS COVE, TEXAS, AMENDING CITY CODE CHAPTER 3 (ENTITLED “ANIMALS AND FOWL”) BY AUTHORIZING THE KEEPING OF HENS IN RESIDENTIAL DISTRICTS AND REORGANIZING THE CHAPTER; REPEALING CONFLICTING ORDINANCES; PROVIDING SEVERABILITY CLAUSES; PROVIDING PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS,** the City Council of the City of Copperas Cove requested information on the keeping of fowl specifically chickens; and

**WHEREAS,** a presentation and report on the keeping of chickens were presented to the City Council; and

**WHEREAS,** after consideration of the report, the City Council determined that hens would be allowed to be kept within areas zoned as residential; and

**WHEREAS,** the City Council now finds it necessary to make the following amendments to the Code of Ordinances; and

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS:**

**SECTION 1.**

That the City of Copperas Cove Code of Municipal Ordinances be amended by amending Chapter 3 (entitled “*Animal and Fowl Regulations*”) as follows:

Section 1.(a). Article I. Section 3-1 is revised as by adding a definition for the term “*Chicken*” to read as follows:

*Chicken* shall mean a fowl from the species *Gallus gallus domesticus*.

Section 1 (b). Article I. Section 3-1 is revised as by adding a definition for the term *Coop* to read as follows:

*Coop* shall mean a secure small enclosure or cage for chickens.

Section 1 (c). Article I. Section 3-1 is revised by replacing the current definition of the term *Dangerous animal* with the definition that follows:

*Dangerous animal* shall mean any animal that:

- (1) Makes an unprovoked attack on a person causing bodily injury; or
- (2) Commits an unprovoked act of attack in a place other than the premises of the owner within a house, building or other enclosure and said act causes a person to reasonably believe that the animal will attack and cause bodily injury to that person. If the premises is enclosed with a fence, the animal should not be able to extend any part of its body over, under, or through the fence. Further such enclosure should be of a structure and design reasonably certain to prevent the animal from leaving the enclosure on its own; or
- (3) Attacks and bites another animal, other than fowl, without provocation.

Section 1 (d). Article I. Section 3-1 is revised as by adding a definition for the term *hen* to read as follows:

*Hen* shall mean a female chicken.

Section 1 (d). Article I. Section 3-1 is revised as by adding a definition for the term *rooster* to read as follows:

*Rooster* shall mean a male chicken.

Section 1 (e). Article V. is retitled *Animal Control*.

Section 1 (f). The words “*DIVISION I., DOMESTIC ANIMALS AT-LARGE PROHIBITED*” is deleted.

Section 1 (g). Article V. Section 3-38 is revised by retitling “*Animal at-large*” and by replacing the existing language in Subsection (a) to read as follows:

- (a) It shall be unlawful for any person owning or having charge, custody, care, or control of any animal to allow, either knowingly or unknowingly, said animal to be at-large. The prohibition against an animal running at-large shall not apply to a cat that has been vaccinated, licensed, is wearing the required tags as mandated by this chapter, and remains on the premises of the owner, custodian, or caregiver.

Section 1 (h). Sections 3-65 to 3-70 are recodified as follows:

Section 3-66 shall become Section 3-72.

Section 3-67 shall become Section 3-73.

Section 3-68 shall become Section 3-74.

Section 3-69 shall become Section 3-75.

*Reserved* Sections 3-70 and 3-71 shall become *Reserved* Sections 3-76 – 3.78.

Section 1 (i). *Reserved* Article IX., is retitled *Livestock* and new Sections 3-65 to 3-70 shall read as follows;

Sec. 3-65. – Livestock Prohibited.

It is unlawful and constitutes a nuisance to keep livestock in any house, structure, shed, pen, lot pasture, or other enclosure in the City limits except as otherwise provided in Section 3-66, for property zoned as Agricultural (AG-1) according to the Zoning Ordinance of the City, or for property properly zoned or used as veterinary clinics or facilities or kennels that are for the purposes of care or boarding livestock.

Sec. 3-66. – Hens.

- (a) No person may keep more than six (6) hens in residential zoning districts of the City. A coop must be located at least (20) feet from a habitable structure on a neighboring property. All hens must be contained within the owner's backyard.
- (b) The owner shall provide written notice to the Animal Control Department indicating ownership of hens and location of the coop at least (20) feet from the property line of a residence of another. All coops must meet any applicable standards or permit requirements in the Zoning Ordinance. Permit fees will be assessed in accordance with Appendix C – Schedule of Fees.
- (c) Roosters are prohibited, except in Agricultural (AG-1).

Sec. 3-67. – Registration of Livestock

To assist with the identification and return of stray livestock, it is recommended that owners register all livestock with the Animal Control Department. Registration information shall include the owner's contact information, identification of the type of animal, the quantity of livestock kept, and if applicable, the ear tag or band number for each animal.

Secs. 3-68. – 3-70. – Reserved.

Section 1 (i). Sections 3-72 to 3-85 are recodified as follows:

Section 3-72 shall become Section 3-79.

Section 3-73 shall become Section 3-80.

Section 3-73.1 shall become Section 3-81.

Section 3-74 shall become Section 3-82.

Section 3-75 shall become Section 3-83.

*Reserved* Sections 3-76 and 3-77 shall become *Reserved* Sections 3-84 – 3.86.

Section 3-78 shall become Section 3-87.

Section 3-79 shall become Section 3-88.

Section 3-80 shall become Section 3-89.

Section 3-81 shall become Section 3-90.

Section 3-82 shall become Section 3-91.

Section 3-83 shall become Section 3-92.

Section 3-84 shall become Section 3-93.

Section 3-85 shall become Section 3-94.

**SECTION 2.**

That violation of any provision of this ordinance shall be penalized as provided in Section 1-5 of the City Code of Municipal Ordinances.

**SECTION 3.**

That any ordinances or resolutions or part of ordinance or resolutions in conflict with the provisions of this Ordinance is hereby repealed to the extent of such conflict.

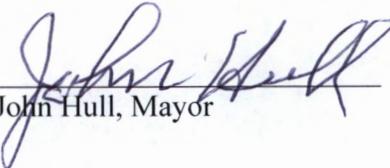
**SECTION 4.**

That should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the City as a whole or any part thereof, other than the part so declared to be invalid.

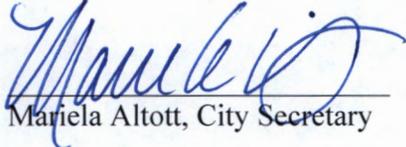
**SECTION 5.**

That this ordinance shall go into effect immediately upon its adoption and approval by City Council and publication as may be required by law.

**PASSED, APPROVED, AND ADOPTED** on this 2nd day of June 2015 at a regular meeting of the City Council of the City of Copperas Cove, Texas which meeting was held in compliance with the Open Meetings Act, *Tex. Gov't Code*, §551.001, et.seq. at which meeting a quorum was present and voting.

  
John Hull, Mayor

**ATTEST:**

  
Mariela Altott, City Secretary



**APPROVED AS TO FORM:**

  
Denton, Navarro, Rocha, Bernal,  
Hyde & Zech P.C., City Attorney  
*as amended*