

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING CHAPTER 3, “ANIMALS AND FOWL” OF THE CODE OF ORDINANCES OF THE CITY OF ALLEN, TEXAS, BY AMENDING SECTION 3-1 TO ADD A DEFINITION FOR BACKYARD CHICKENS; BY AMENDING SECTION 3-18 CHANGING THE TITLE OF THE SECTION TO “LIVESTOCK AND FOWL”; BY AMENDING SECTION 3-18(E) AND ADDING SUBSECTION 3-18(H) TO PROVIDE REGULATIONS FOR THE KEEPING OF BACKYARD CHICKENS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. Chapter 3 Article I of the Code of Ordinances of the City of Allen, Texas, is amended by amending section 3-1 to add a definition for “backyard chickens” to read as follows:

“Sec. 3-1. - Definitions.

ADD

“Backyard chicken” shall mean a female chicken (hen) which is possessed or harbored for the purpose of providing organic egg production in compliance with this article.”

SECTION 2. Chapter 3 Article I of the Code of Ordinances of the City of Allen, Texas, is amended by amending Section 3-18 to change the title to the section from “Livestock” to “Livestock and Fowl” and to amend Subsection 3-18 (e) to read as follows:

“Sec. 3-18 Livestock and Fowl

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(e) It shall be unlawful for any person to keep any fowl, including but not limited to roosters, chickens, ducks, turkeys, geese, pigeons or guineas. It shall be a defense to a violation of this subsection (3) if (i) the fowl is kept more than one hundred fifty (150) feet from any property line or (ii) the fowl is a backyard chicken kept in accordance with this Article.”

SECTION 3. Chapter 3 Article I of the Code of Ordinances of the City of Allen, Texas, is amended by amending section 3-18 to add subsection 3-18 (h) to provide regulations for the keeping of backyard chickens to read as follows:

“(h) A person may harbor or possess not more than six (6) backyard chickens on residential property after first having obtained a permit from the City for such location and payment of a one-time permit fee in an amount established from time to time by resolution of the city council. Failure to comply with the conditions of this section shall be grounds for revocation of the permit by the City after written notice thereof to the permit holder. The

permit holder may appeal the revocation to the city manager, or designee whose decision shall be final. Not more than one permit may be issued for an individual property, tract or residential lot. The permit is nontransferable and terminates in the event the permit holder no longer resides at the property for which the permit was issued or in the event the person ceases to harbor or keep backyard chickens on the property. This subsection (h) shall not supersede, replace or control over any recorded deed restrictions, covenants or other restrictions applicable to such residential property. A person keeping backyard chickens on residential property shall comply with the following:

- (1) Not more than six (6) backyard chickens may be kept on any one individual property, tract or residential lot;
- (2) The backyard chicken(s) shall be kept within a secure chicken coop or other similar structure except when being removed to be transported off of the property or returned from a location off of the property;
- (3) The chicken coop or other structure in which the backyard chicken is kept must be located within the rear yard no closer than ten (10) feet from any property line and at a location which is not visible from any public street;
- (4) The chicken coop or other similar structure in which the backyard chicken is kept must be:
 - (i) constructed in a workmanship like manner of naturally decay resistant wood, or wood that has been pressure treated to resist decay, or galvanized steel or aluminum;
 - (ii) constructed in such a manner as to be readily movable;
 - (iii) be stained, sealed or painted on the exterior to provide additional weather protection to the materials of the chicken coop or structure; and
 - (iv) maintained at all times in a good, sound and clean condition.

It shall be unlawful and an offense for any person to harbor or possess any backyard chickens on any property in violation of this subsection (h).”

SECTION 4. All ordinances of the City in conflict with the provisions of this ordinance shall be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect.

SECTION 5. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or of the Code of Ordinances, 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 the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Allen, as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

SECTION 8. This ordinance shall take effect immediately from and after its passage and publication of the caption as the law and charter may require.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 26TH DAY OF JULY 2016.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(PGS:2-18-16:TM 75608)

Shelley B. George, TRMC, CITY SECRETARY