

**ORDINANCE NO. 2019-11**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS; AMENDING THE CODE OF ORDINANCES, CHAPTER 2 TITLED "ANIMAL CONTROL," ARTICLE 2.01 TITLED "GENERAL PROVISIONS," SECTIONS 2.01.001 TITLED "DEFINITIONS"; AMENDING THE DEFINITIONS OF "FERAL" "LIVESTOCK" "POULTRY/FOWL" AND "WILD BIRDS" AND 2.01.007 TITLED "INJURY OR DESTRUCTION OF WILD BIRDS;" AMENDING THE PROVISION FOR THE EXCLUSION OF CERTAIN BIRDS FROM THIS SECTION BY ADDING POULTRY/FOWL TO THE LIST OF EXCEPTED BIRDS AND REPEALING ALL PRIOR ORDINANCES THAT ARE IN CONFLICT HEREWITH; AS ATTACHED IN EXHIBIT A; AND PROVIDING FOR FINDINGS OF FACT, ENACTMENT, EFFECTIVE DATE, REPEALER, SEVERABILITY, AND PROPER NOTICE AND MEETING.**

**WHEREAS,** the City of Bastrop ("City") has the responsibility to address any public health and safety problems; and

**WHEREAS,** the Bastrop City Council ("Council") has received information from the Community and the Police Department about the presence of free-ranging/feral chickens that are a nuisance to private property; and

**WHEREAS,** on November 29, 2017, Council conducted a Public Hearing to address the public's concerns pertaining to the free ranging/feral chickens that resided outside of the "Chicken Sanctuary;" and

**WHEREAS,** on March 27, 2018, after receiving an update, the Council unanimously opined that the removal of the "Chicken Sanctuary" would be in the City's best interest; and

**WHEREAS,** on May 22, 2018, and the Council repealed the Ordinance that established the "Chicken Sanctuary;" and

**WHEREAS,** on March 26, 2019, Council had a discussion and determined obtaining help from the property owners who are impacted by the free-ranging/feral chickens would be a positive step in eradicating these broods from the City; and

**WHEREAS,** the City is authorized by Tex. Loc. Gov't Code § 51.001 to adopt, appeal, or amend any ordinance that is for the good government, peace, or order of the municipality, and for the trade and commerce of the municipality, and is necessary or proper for carrying out a power granted by law to the municipality; and

**WHEREAS,** the City has the full power of local self-government as recognized by Tex. Loc. Gov't Code § 51.072; and

**WHEREAS,** the City Council finds this Ordinance to be reasonable and prudent, and in the best interest of the health, safety, and sanitation of the city for its residents.

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

City of Bastrop  
Animal Control Ordinance Amendment

**SECTION 1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**SECTION 2. ENACTMENT**

Chapter 2, Article 2.01, et. Seq. of the Code of Ordinances to the City of Bastrop, which is entitled "GENERAL PROVISIONS" is amended to read as described and attached hereto as *Exhibit "A."* City staff is directed to act in accordance with the Council's amendment to *Exhibit "A"*.

**SECTION 3. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon passage.

**SECTION 4. REPEALER**

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**SECTION 5. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

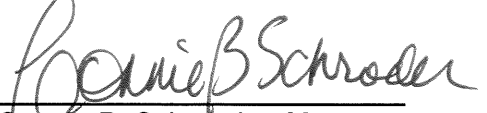
**SECTION 6. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.


**READ & ACKNOWLEDGED** on First Reading on this, the 9<sup>th</sup> day of April 2019.

**READ & APPROVED** on the Second Reading on this, the 23<sup>rd</sup> day of April 2019.


**APPROVED:**

  
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Connie B. Schroeder, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Alan Bojorquez, City Attorney

City of Bastrop Code of Ordinances

Chapter 2 – ANIMAL CONTROL

ARTICLE 2.01 – GENERAL PROVISIONS

Sec. 2.01.001 - Definitions.

When used in the city Code of Ordinances, the following words and terms, unless the context indicates a different meaning, or unless otherwise specifically defined for application to a portion of this chapter, shall be interpreted as follows:

...

*Feral.* An animal that is not domesticated, cultivated, intentionally bred or generally approachable and/or an animal that is not readily able to be handled by humans, including a domestic animal that has returned to a wild state.

*Fowl.* All birds considered to be landfowl, including turkeys, grouse, chickens.

...

*Livestock.* Animals that are routinely raised on a farm and/or are generally found in agricultural habitats, but shall specifically not include feral or stray poultry/fowl.

...

*Poultry.* All domesticated birds or bird captive-raised for meat, eggs, or feathers, including chickens, turkeys, and game birds.

...

*Wild bird.* A bird that normally lives in a state of nature and is not ordinarily domesticated, but specifically does not include pigeons, English sparrows, European starlings, grackles, ravens, red-winged blackbirds, blackbirds, cowbirds, feral rock doves, crows, poultry and fowl.

Sec. 2.01.007 – Injury or destruction of wild birds

- (a) The city is hereby declared a bird sanctuary. Any person who shall willfully kill or injure any wild bird, remove the eggs or young from the nest of a wild bird, or in any manner destroy the eggs or young of wild birds, excluding the pigeon, English sparrow, European starlings, grackles, ravens, red-winged blackbirds, blackbirds, cowbirds, feral rock doves,

crows, poultry and fowl shall be guilty of a class C misdemeanor. Canaries, parrots, and other exotic non-game birds may be sold, purchased, and kept as domestic pets.

- (b) Nothing in this chapter invokes the application of the Endangered Species Act of 1973, as amended, or any other federal, state or local law or regulation related to wild birds or animals, unless such provisions would otherwise apply.