ORDINANCE NO. 11528

AN ORDINANCE AMENDING CHAPTER 6, "ANIMALS AND FOWL", AND APPENDIX B, CHAPTER 11A, "DEPARTMENT OF CITY SERVICES", OF THE CODE OF THE CITY OF FORT WORTH (1986), AS AMENDED, BY CHANGING SECTION 6-1, "DEFINITIONS", TO AMEND THE DEFINITIONS OF "LIVESTOCK" AND "PROHIBITED ANIMAL" AND TO ADD DEFINITIONS OF "EMU", "OSTRICH" AND "RHEA", AND BY CHANGING SECTION 11A-18, "STABLES, STALLS, ETC. IN WHICH MANURE ACCUMULATES" AND SECTION 11A-21, "KEEPING OF CATTLE, HORSES, SHEEP, GOATS; REGULATIONS" TO INCLUDE CERTAIN PROVISIONS CONCERNING THE KEEPING OF EMUS, OSTRICHES, AND RHEAS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A FINE OF UP TO $2,000 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE MAY BE PUBLISHED IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

That Chapter 6, "Animals and Fowl" of the Code of the City of Fort Worth, Texas (1986), as amended, is hereby amended by changing the definitions of "Livestock" and "Prohibited Animal" in Section 6-1 to read as follows, and by adding the following definitions of "Emu", "Ostrich" and "Rhea" to Section 6-1:

"Emu: A fowl of the Order of Casuariiforme.

Livestock: A horse, stallion, mare, gelding, filly, colt, mule, hinny, jack, jennet, hog, sheep, goat, a head of any species of cattle, or an emu, ostrich or rhea.

Ostrich: A fowl of the Order of Struthioniforme.

Prohibited Animal:

(1) Any animal not normally born and raised in captivity, including but not limited to the following:

a. Class Reptilia: Family Helodermatidae (the venomous lizards) and Varanidae (monitor): Order Ophidia, Family Biodae (boas, pythons,

anacondas); Family Hydrophiidae (marine snakes); Family Viperidae (rattlesnakes, pit vipers and true vipers); Family Elapidae (coral snakes, cobras and mambas); Family Columbridae-Dispholidus Typus (boomslang); Bioga Dendrophilia (mangrove snake) and Kirklandii (twig snake only); Order Crocodilia (such as crocodiles and alligators);

b. Class Aves: Order Falconiforms (such as hawks, eagles, falcons and vultures);

c. Class Mammalia: Order Carnivores, the Family Felides (such as lions, tigers, bobcats, jaguars, leopard and cougars), except commonly domesticated cats; the Family Canidae (such as wolves, dingos, coyotes, foxes, and jackals), except commonly domesticated dogs; the Family Mustelidae (such as weasels, skunks, martins, ferrets, minks, badgers); Family Procyonidae (racoon); Family Ursidae (such as bears); and Order Marsupali (such as kangaroos, opossums, koala bears, wallabys, bandicoots, and wombats); Order Chiroperta (bats); Order Edentata (such as sloths, anteaters, and armadillo); Order Proboscidea (elephants); Order Primata (such as monkeys, chimpanzees, orangutans, and gorillas); Order Rodentia (such as beaver, porcupines) and Order Ungulata (such as antelope, deer, bison and camels);

d. Class Amphibia: Poisonous frogs.

(2) Does not include livestock, fowl or normal household pets, such as but not limited to dogs, cats, cockatiels, hamsters, guinea pigs, gerbils, rabbits, fish or small, nonpoisonous reptiles, or nonpoisonous snakes of a species which does not reach a length greater than six (6) feet.

Rhea: A fowl of the Order of Rheiforme."

SECTION 2.

That the Code of the City of Fort Worth, Texas (1986), as amended, is hereby further amended by changing Section 11A-18 thereof to read as follows:

"Sec. 11A-18. Stables, stalls, etc. in which manure accumulates.

It shall be unlawful to keep or permit to be kept any stable, stall, shed, or apartment, or any yard or appurtenance thereof, in which any horse, cattle, cow, swine, emu, ostrich, rhea, or any other animal shall be kept, or any other place within the city in which manure or liquid discharges of such animals shall collect or accumulate, in an unclean and unsanitary condition which allows offensive smells to escape therefrom; providing that nothing in this section shall be construed so as to include manure deposits upon any private property for purposes of cultivating same, when such deposits are maintained so as to prevent the breeding of flies."

SECTION 3.

That the Code of the City of Fort Worth, Texas (1986), as amended, is hereby further amended by changing Section 11A-21 thereof to read as follows:

"Sec. 11A-21. Keeping of cattle, horses, sheep, goats, and certain animals; regulations.

It shall be unlawful to keep, possess or maintain any horse, mule, donkey, or other animal of the equine family or any cow, calf, steer, or bull or other member of the bovine family, or any sheep, ram, ewe, lamb, or any goat, billy, nanny or kid, or any emu, ostrich, or rhea on any parcel of land unless such parcel of land shall have a minimum area of seven thousand five hundred (7,500) square feet for one (1) such animal, and seven thousand five hundred (7,500) additional square feet for each additional animal. It shall be unlawful to keep, possess or maintain any horse, mule, donkey, cow, calf, steer, bull, sheep, ram, ewe, lamb, goat, billy, nanny or kid, or any emu, ostrich or rhea, within one hundred (100) feet of any residence or building used from human habitation (other than that of the keeper or owner of such animal), any restaurant, cafe, or other public eating place, or any church, school or hospital. If such animal is kept in or confined by any building or structure, such as a stable, barn, shed, pen or fence, such distance of one hundred (100) feet shall be measured in a straight line from the nearest point of such building or structure to the nearest point of such residence or building used for human habitation, restaurant, cafe, other public eating place, or church, school or hospital.

SECTION 4.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986),

as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases 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 in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars ($2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of

the ordinances amended in Sections 1, 2 and 3, which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 8.

The City Secretary of the City of Fort Worth, Texas, is hereby authorized to publish this ordinance in pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Chapter XXV, Section 3, of the Charter of the City of Fort Worth, Texas.

SECTION 9.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption and Section 6 of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 2, Chapter XXV of the Charter of the City of Fort Worth, Texas and by Section 52.013, Texas Local Government Code.

SECTION 10.

This ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Date: 3-31-94

ADOPTED: 4-5-1994

EFFECTIVE:

CITY OF FORT WORTH, TEXAS

COUNCIL PROPOSAL

Date	File Number	Subject
3-30-94	CP- 183	Ordinance Regulating the Keeping of Emus, Ostriches and Rheas in the City of Fort Worth
Proposed by COUNCILWOMAN JEWELL WOODS		City Manager's Review

Proposal:

It is proposed that the City Council adopt the attached ordinance which would regulate the keeping of emus, ostriches and rheas in the City of Fort Worth.

Background:

Citizens have contacted members of the City Council concerning current ordinances which prohibited the keeping of emus, ostriches and rheas in the City of Fort Worth. These citizens have asked the Council to amend the ordinances to permit the keeping of emus, ostriches and rheas in the City under the same regulations that apply to the keeping of livestock such as horses, sheep and cattle.

The attached ordinance was prepared by the Department of Law in cooperation with the Department of Public Health and the Code Enforcement Division.

The ordinance contains the following provisions:

1 The definition of "Livestock" is changed to include emus, ostriches and rheas.

2. The definition of "Prohibited animal" is changed to exclude emus, ostriches and rheas

3 Emus, ostriches and rheas are required to be kept in accordance with the same regulations as other livestock- i.e., the parcel of land where the birds are kept must have at least 7,500 square feet for each bird and no bird may be kept closer than 100 feet from the nearest place of human habitation (other than that of the keeper or owner of the birds), restaurant, cafe, other public eating place, church, school or hospital.

4. The areas where the birds are kept must be maintained in clean and sanitary condition at all times.

5. Violations of the ordinance are punishable by a fine of not more than $2,000 for each violation

Adoption of the ordinance would permit these birds to be kept in the City under conditions that would adequately protect the public health, safety and welfare.

- ☐ LEGALITY
- ☐ FISCAL NOTE
- ☐ CITY MANAGER'S COMMENTS
- ☐ CITY POLICIES MANUAL

CITY OF FORT WORTH, TEXAS

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Legality:

The City Attorney has reviewed this proposal and finds no legal impediments to adoption of the attached ordinance.

Fiscal Note:

This proposal does not require the expenditure of any additional City funds.

City Manager's Comments:

The City Manager has reviewed this proposal and has no objection to adoption of the attached ordinance.

Jewel Woods

Jewel Woods, Councilmember
District No. 6

APPROVED
CITY COUNCIL
APR 5 1994
City Secretary of the
City of Fort Worth, Texas

Adopted Ordinance No. 11528

- ☐ LEGALITY
- ☐ FISCAL NOTE
- ☐ CITY MANAGER'S COMMENTS
- ☐ CITY POLICIES MANUAL