

**ORDINANCE NO. 2017-11-21-5**

**AN ORDINANCE REGULATING THE NUMBER AND MANNER OF KEEPING OF DOMESTIC ANIMALS AND LIVESTOCK WITHIN THE VILLAGE OF VINTON.**

**WHEREAS**, the Village Council of the Village of Vinton, Texas desires to protect the public health and safety by regulating the number and manner of keeping of domestic animals and livestock within the jurisdictional limits of the Village of Vinton.

**WHEREAS**, this ordinance is to be interpreted in a manner consistent with state laws and regulations and Ordinance No. 2017-06-6-1 which adopted the October 24, 2016 El Paso County Animal Regulations Order of the El Paso County Commissioner's Court, and any lawfully adopted successor orders and animal regulations.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VINTON, TEXAS as follows:**

**I. Care and keeping of animals.**

(a) No owner shall fail to provide his animals with sufficient wholesome and nutritious food, water in sufficient quantities, adequate ventilation, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(b) No person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, catfight, cockfight, or other combat between animals.

**II. Keeping of domestic animals and livestock.**

(a) It shall be unlawful for any person to own, keep, or harbor more than three animals of the same species (except for livestock and fowl as covered in subsections (d) and (e) of this section) over three months of age at anyone address or location within the municipal limits. Additional animals owned by temporary visitors are permitted for periods not exceeding thirty (30) days. No limit for fish.

(b) All persons residing in the Village of Vinton who own one or more animals must keep said animals at the residential premises permanently occupied and inhabited by said animal owners. It shall be unlawful for said animal owners to keep their animal at any other location within the municipal limits of Vinton (except for livestock as covered in subsection (d) and animal(s) for the protection of property, belongings, or interests covered in subsection (c) of this section).

(c) All persons owning animal(s) for the protection of their property, belongings, or interests at a location other than their residential premises shall be authorized to keep said animal(s) at a location other than their residential premises. When left unattended any animal(s) shall be restrained by a secure enclosure capable of being secured by a locking mechanism so designed to prevent any reasonable person from unauthorized entry. This does not presume to allow a violation of any section or provision of this ordinance to exist.

(d) Livestock may be kept in any zoning district on any property, lot, or tract of land containing a minimum of 1 acre, exclusive of residential square footage. This provision prohibits the harboring of such animals in high-density residential areas within the corporate limits of the Village of Vinton. Livestock shall not be allowed to be staked/tied and graze in public right-of-ways. Livestock shall not be allowed to roam, graze, or be housed within 50 feet of any residence on adjacent property or within 200 feet of any food service establishment or food processing establishment, regardless of ownership or occupancy of such establishments. Prior and continued use of property with livestock shall take precedence. There shall be allowed no more than two head of large livestock (horse, mule, cow, or similar animal) for the first two acres and one head per each acre of land after up to ten acres, no limit after ten acres provided adequate care is maintained, and no more than three head of small livestock (hog, sheep, goat, or similar animal) for the first two acres and two head per acre of land after up to ten acres, no limit after ten acres provided adequate care is maintained. Any combination of large and small livestock will follow the guidelines of large livestock. Acreage must be contiguous, owned or leased.

(e) Fowl may be kept in any zoning district on any property, lot, or tract of land however it shall be the duty of every person raising or keeping chickens, turkeys, geese, guineas, ducks, pigeons, or other fowl, to keep them in a pen, coop or enclosure, that shall be a distance of at least 25 feet from their own residence and at least 50 feet from any residential structure on adjacent property and shall be kept in a clean and sanitary condition; and shall also be kept in such a manner as will be reasonably calculated not to become offensive to neighbors or to the public. There shall be allowed no more than 20 such fowl.

(f) Other small animals (such as rabbits, guinea pigs, rats, mice, hamsters, or other similar small animals), may be kept in any zoning district on any property, lot, or tract of land, however it shall be the duty of every person raising or keeping such small animals to keep them in a pen, coop or enclosure at a distance of at least 25 feet from their own residence and at least 50 feet from any residential structure on adjacent property and shall be kept in a clean and sanitary condition; and shall also be kept in such a manner as will be reasonably calculated not to become offensive to neighbors or to the public. There shall not be allowed more than 20 such animals. Other small animals of three or less of the same species will not be required to meet the enclosure or enclosure distance requirement of this section.

(g) Subsections (a), (b), (d), (e) and (f) shall not apply to animal shelters, veterinary establishments, animal hospitals operated by a licensed veterinarian, local school districts agricultural facilities, or commercial animal establishments located on property zoned for such purposes. Such establishments, however, must meet sanitation requirements, health regulations, and the establishment must keep animals securely caged or penned. The said subsections shall not be construed to prohibit any person engaged in operating any abattoir, packing house or stockyard from keeping livestock for a reasonable length of time while awaiting their use in connection with the operation of such abattoir, packing house or stockyard that had been zoned for such use.

### **III. Animal waste.**

The owner of every animal shall be responsible for the removal of any feces deposited by his/her animal(s) on public walks, recreation areas, or private property including the property of the owner. It shall be a violation of this chapter for any person to allow an animal that is under their control to:

- (a) Defecate on private property not belonging to them;
- (b) Defecate on public property, and not remove the feces deposited in a timely manner;
- (c) Allow feces to overflow or drain onto adjacent properties;
- (d) Allow the deposit of feces to remain on their property in such quantities that it becomes offensive to others either aromatically or sanitarily.

It is not the intent of this section to prohibit the keeping of livestock in the limits of the Village of Vinton. While a certain amount of what may be considered offensive aroma coming from livestock will be tolerated, it shall not be permitted to unreasonably interfere with the peaceful and quiet enjoyment of neighboring properties.

### **IV. Storage of feed.**

All feed provided for animals shall be stored and kept in a rat proof, fly tight building, box, container, or receptacle. Livestock stables must carry out a continuous, active rat control program. The storage of bailed hays, grasses, or other similar cultivated crops shall not be required to be kept in a building, box, container, receptacle or covered.

### **V. Permit Required.**

No person shall keep any livestock within the jurisdictional limits of the Village of Vinton without a permit. The application shall state the name and residence of the applicant, the location of the premises where such livestock are to be kept, the acreage and square

footage of the area in which they are confined, the number of such livestock, and the kind of enclosure within which they are to be kept.

**VI. Inspection of animals and premises.**

Animals and premises whereon animals are kept or maintained shall be subject to inspection to the full extent permitted by law (due process) by the Village of Vinton and its designees at any reasonable hour, or at any hour in cases of emergency.

**VII. Abatement of conditions not complying with this ordinance.**

Whenever any premises where animals are kept are in an unsanitary condition, or the facilities are not in keeping with the provisions of this ordinance or any other applicable regulations, or if any health ordinance or law is not observed, the Village of Vinton, by written notice to the person responsible for the condition of the premises or the keeping of the animals or the person owning or in control of such premises, may order the abatement of the conditions that are not in accordance with this ordinance, state laws, or other regulations, or conditions that constitute a public nuisance. Failure to comply with such order shall, in addition to any criminal or administrative proceedings, be grounds for and entitle the Village of Vinton to obtain relief by injunction.

**VIII. Penalties.**

Any person who shall violate any of the provisions of this ordinance, or fail to comply therewith or with any of the provisions hereof, shall be guilty of a class C misdemeanor, and upon conviction shall be fined in a sum not less than \$25.00 and not more than \$2,000.00 per violation, per day, and each violation shall be a separate offence, and each day the violation exists shall constitute a separate offense.

**IX. Repealer clause.**

All ordinances and/or parts of ordinances that are in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances and/or parts of ordinances of the Village of Vinton not in conflict with the provisions of this ordinance shall remain in force and effect.

**X. Savings clause.**

The terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase, of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, phrase of this ordinance.


**XI. Effective Date**

This ordinance shall become effective 180 days after its passage by the Village Council. This delay in implementation is to allow a reasonable period of time for persons who own, keep, or harbor animals to come into compliance.

PASSED, APPROVED AND ADOPTED this 21 day of November, 2017.

  
Manuel Leos, Mayor

Attest:

  
Andrea Carrillo, City Secretary

Approved as to Form:

  
Shane A. English, Village Attorney