

**ORDINANCE NO. 2018-36**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS BY AMENDING SECTION 8-122, DEFINITIONS, AND SECTION 8-124, KEEPING RESTRICTED, OF ARTICLE III, LIVESTOCK, OF CHAPTER 8, ANIMALS, TO ADD A DEFINITION OF *AGRICULTURAL SCIENCE PROJECT CENTER*, AND TO EXCLUDE THE REGULATIONS OF SECTION 8-124 FROM APPLYING TO AGRICULTURAL SCIENCE PROJECT CENTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.**

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**WHEREAS**, the City Council of the City of Tomball, Texas finds that it is in the best interest of the health, safety and welfare of its citizens to define Agricultural Science Project Centers and to except such centers from the application of the regulations contained in Section 8-124 of the Code of Ordinances; and

**WHEREAS**, the City Council desires to Agricultural Science Project Centers in the manner set forth in this ordinance; now, therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:**

**Section 1.** The facts and matters contained in the preamble to this ordinance are hereby found to be true and correct.

**Section 2.** Section 8-122, Definitions, of Article III, Livestock, of Chapter 8, Animals, of the City of Tomball Code of Ordinances is hereby amended to add the language underscored below as follows:

**“Section 8-122. – Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural Science Project Center shall mean a facility that adheres to school project facility guidelines as approved by the City Council and is designed to meet the Supervised Agricultural Experiences (SAE) requirement of agricultural education as stated by the Texas Administrative Code.

*Livestock* means and includes any horse, mule, jack, jenny, cow, cattle, hog, sheep, goat or similar animal; but shall not include potbelly pigs and pygmy goats.

*Potbelly pigs* means and includes Vietnamese miniature potbelly pigs meeting the published breed definition for registration by a recognized association for breeding such Vietnamese miniature potbelly pigs and weighing less than 200 pounds and standing no taller than 36 inches at the shoulders.

*Pygmy goat* means and includes a miniature domestic goat meeting the National Pygmy Goat Association's Breeding Standards."

**Section 3.** Section 8-124, Keeping Restricted, of Article III, Livestock, of Chapter 8, Animals, of the City of Tomball Code of Ordinances is hereby amended to add the language underscored below and delete the language struckthrough below as follows:

**“Section 8-124. – Keeping restricted.**

With the exception of Agricultural Science Project Centers that are approved by City Council, the following restrictions shall apply to all livestock kept within the city:

- (1) All livestock kept on land which is immediately adjacent to a single-family residence or a single-family residential platted lot shall be kept in a stable, shed or pen, or a fenced pasture, which stable, shed, pen or fenced pasture shall be at least 100 feet distant from every such single-family residence or single-family residential platted lot.
- (2) No livestock shall be kept in any pasture or on any lot which is less than one acre (43,560 square feet) in area. The maximum number of animals kept per one-acre area shall not exceed one per acre.
- (3) For the purposes of determining whether or not the property contains one acre in area, any areas containing a single-family residence or other building, swimming pool or structure, shall not be taken into consideration. The one acre must be devoted entirely to pasture land.
- (4) If a single-family residence is constructed adjacent to an area where livestock are being kept, the owner of the livestock shall have 60 days in which to comply with the terms of this section. If a tract or parcel of land adjacent to an area where livestock are being

kept is platted in single-family residential lots, the owner of the livestock shall have 60 days in which to comply with the terms of this section.”

**Section 4.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 5.** Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5<sup>th</sup> DAY OF NOVEMBER 2018.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 19<sup>th</sup> DAY OF NOVEMBER 2018.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>ABSENT</u>
COUNCILMAN TOWNSEND	<u>ABSENT</u>
COUNCILMAN QUINN	<u>AYE</u>

Gretchen Fagan  
Gretchen Fagan, Mayor

ATTEST:

Doris Speer  
Doris Speer, City Secretary