

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING SECTION 90.01 – DEFINITIONS TO THE CODE OF ORDINANCES TO ADD DEFINITIONS OF “BACKYARD CHICKEN,” “CHICKEN COOP,” AND “EXERCISE YARD;” AMENDING SECTION 90.39 TO AUTHORIZE THE KEEPING OF BACKYARD CHICKENS; PROVIDING REGULATIONS REGARDING THE LOCATION AND MAINTENANCE OF BACKYARD CHICKENS; AND PROHIBITING BACKYARDS CHICKENS FROM WALKING OR FLYING ONTO ADJACENT PROPERTY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS AS FOLLOWS:

Section 1. Section 90.01 of the Code of Ordinances is amended to add the following definitions:

BACKYARD CHICKEN means a female chicken (hen) which is possessed or harbored to provide eggs and egg production for personal consumption by persons residing on the lot or tract where the Backyard Chicken is kept.

CHICKEN COOP means an enclosed structure constructed with three or more sides, with a roof or other cover capable of allowing chickens kept inside the coop to remain dry and protected from the elements and which provides direct access by an enclosed passage between the roosting area and any adjacent Exercise Yard. A Chicken Coop must have a floor and a door that allows the chickens to move back and forth between the Chicken Coop and the adjacent Exercise Yard.

EXERCISE YARD means an enclosed pen outside of the Chicken Coop in which chickens can move about in a confined space. The Exercise Yard must be covered with wire or solid material to ensure that chickens remain confined and are unable to escape. An Exercise Yard must have more than ten (10) square feet of surface area for each Backyard Chicken that is kept within the Exercise Yard and shall not exceed a total of one hundred twenty (120) square feet in area.

Section 2. Section 90.39 – Keeping Animals, Fowl and Bees Other Than Swine or Hares of the Code of Ordinances is amended to read as follows:

A. Subject to the provisions of Section 90.39(B), it shall be unlawful for any person to introduce, keep, or maintain any guinea fowl, horses, mules, donkeys,

cattle, goats, sheep, chickens, turkeys, geese, ducks, or pigeons, bees, or the feed or feed area for such in any pen, barn, building, or structure, excluding property perimeter fences within the City limits, within two hundred feet (200') of the residence of any person other than the owner. In the event the property owner can establish that the literal application of this section to the particular circumstances of his property present an unreasonable burden, said property owner may request a permit by letter to the City Manager. The City Manager will review such request and may approve an exception to the two hundred foot (200') distance required above; however, the minimum distance shall not be less than seventy-five feet (75'). In reviewing such request, the City Manager will consider the health and safety of all adjacent property owners, as well as issues relating to noise, sanitation and privacy. Such permits shall be revocable at will upon ninety (90) days notice or upon lesser notice if the City Manager deems such revocation to be necessary to protect the public health or safety or public property.

B. The following provisions shall apply to the keeping of Backyard Chickens:

1. A property owner, or the occupant of property that has obtained written permission from the property owner, may possess not less than three (3) nor more than six (6) Backyard Chickens on residential property located in areas zoned R1 provided that the Backyard Chickens are confined in an enclosed Chicken Coop with Exercise Yard attached which is located no less than seventy-five feet (75') from any building or dwelling occupied by a person other than the owner of the Backyard Chickens.

2. A person keeping Backyard Chickens shall comply with the following regulations:

(a) No more than one (1) Chicken Coop and Exercise Yard is permitted on a residential tract and the Chicken Coop and Exercise Yard must be located in the rear yard of the residential tract not less than seventy-five feet (75') from any building or dwelling occupied by a person other than the owner of the Backyard Chickens.

(b) The Chicken Coop and Exercise Yard must be maintained in a sanitary condition and the accumulation of chicken waste on the property is prohibited.

(c) Any person building a permanent non-moveable Chicken Coop and/or Exercise Yard must obtain any necessary permits and inspections through the City as required prior to construction.

(d) Nuisance odors and excessive noise shall not be allowed to travel beyond the property line and disturb neighbors of ordinary sensibilities.

(e) Adequate food, water and medical treatment shall be provided to any Backyard Chickens maintained within the City limits of the City of Harker Heights.

(f) No roosters (male chickens) can be kept or maintained within the City limits of the City of Harker Heights. It shall be a defense to the prosecution of a violation of this section if on the date of the offense the rooster was sixty (60) days old or younger.

(g) When a person eighteen (18) years of age or older is physically present to supervise the Backyard Chickens, such Backyard Chickens may be allowed to roam outside of the confines of the Chicken Coop and Exercise Yard for so long as the Backyard Chickens do not leave the tract of property upon which the Backyard Chickens are kept or cross any property line onto a tract of property other than that upon which the Backyard Chickens are kept.

3. It is an offense to allow any Backyard Chickens to walk or fly onto any tract of property adjacent to the property upon which the Backyard Chickens are kept unless the adjacent property is owned by the owner of the Backyard Chickens or the owner of the Backyard Chickens has written consent authorizing the Backyard Chickens to cross onto an adjacent tract of property.

PASSED on this the 26th day of January, 2020.



ATTEST:

Juliette Helsham

Juliette Helsham, City Secretary

CITY OF HARKER HEIGHTS, TEXAS

Spencer H. Smith
Spencer H. Smith, Mayor