

ORDINANCE NO. 353

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANDERA, TEXAS AMENDING THE CODE OF ORDINANCES CHAPTER 2 ANIMAL CONTROL, ARTICLE 2.04 LIVESTOCK BY ADDING ARTICLE 2.04.008 DOMESTICATED SWINE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING; REPEALING ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT; SETTING A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Bandera, Texas (the "City"), has previously adopted regulations to provide for the regulation of livestock and domesticated animals and the issuance of permits; and,

WHEREAS, the City Council has evaluated the effectiveness of the regulations and deems it necessary to amend the City's Code of Ordinances by revising Chapter 2, Article 2.04, Livestock by adding provisions to regulate the keeping of certain domesticated swine; and,

WHEREAS, the City Council finds that amending the City's Code of Ordinances as described herein will further promote the public health, safety, and general welfare of the City.

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

I. CODE AMENDMENT

The City of Bandera Code of Ordinances, Chapter 2, Article 2.04, Livestock is hereby amended as set forth in the attached Exhibit A, which is fully incorporated herein by reference.

II. REPEALER

All ordinances, or part thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein for the period of time stated.

III. SEVERABILITY

It is hereby declared to be the intention of the City Council of the City that the phrases, clauses, sentences, paragraphs, and sections 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 or 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.

IV. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted 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, Chapter 551 of the Texas Government Code, as amended.

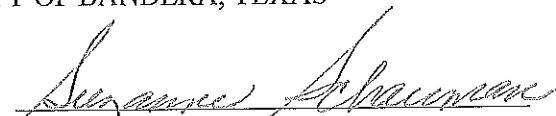
V. EFFECTIVE DATE

This ordinance shall become effective upon its passage and publication as provided by law.

PASSED, ADOPTED, APPROVED, AND EFFECTIVE THE 2ND DAY OF AUGUST, 2018.

CITY OF BANDERA, TEXAS

By:


Suzanne Schauman, Mayor

ATTEST:



Jill Shelton, City Secretary

Exhibit A

Amend the Bandera Code of Ordinances Chapter 2 Animal Control Article 2.04 Livestock by adding Article 2.04.008 Domesticated Swine as follows:

Sec. 2.04.008 Domesticated Swine

- (a) It shall be unlawful for a person to keep any swine within the city limits except in a zoning district in which a stockyard or stable is permitted or the following exception:
- (1) No more than one domesticated miniature potbellied pig, no more than 24 inches tall at the shoulder, may be kept or maintained on any one premises within the city.
 - (2) All owners of domesticated miniature potbellied pigs shall have such pigs tested for Pseudorabies and Brucellosis prior to being brought into the city and shall maintain proof of such tests being performed by a veterinarian properly licensed by the state. In addition, all such pigs brought into the city must be neutered or spayed before the pig reaches six months of age.
 - (3) Every owner of a domesticated miniature potbellied pig shall obtain a license for such pig within seven days after bringing such pig into the city and annually thereafter. There will be a fee of \$10.00 (neutered animal) and \$20.00 (non-neutered animal) for said license. The provisions of Article 2.03 Division 2 shall apply to the license and registration required under this chapter.
 - (4) Domesticated miniature potbellied pigs must be maintained in a fenced yard.
 - (5) Domesticated miniature potbellied pigs at large:
 - a. It shall be unlawful for any owner of a domesticated miniature potbellied pig to permit such pig to be unattended by the owner or the owner's designee in the outdoor premises of the owner or to permit such pig unrestrained to enter upon the private property or premises of another without the prior consent of the owner or person in possession or in charge of such private property, or upon any publicly owned property and facilities.
 - b. Any person who shall violate any of the provisions of this Section 2.04.008 (1) through (7) shall, upon conviction, be fined the sum of not less than \$35.00 nor more than \$500.00. Minimum fines herein shall not be suspended by orders of court.
 - (6) It shall be the duty of the animal control officers to see that any domesticated miniature potbellied pig found running at large is impounded, without the necessity of filing a complaint, and disposed of the same as dogs. Any such pig impounded which has not been spayed or neutered shall be at the owner's expense.
 - (7) The following shall be considered a public nuisance and unlawful:
 - a. Excessive, continuous or untimely squealing by domesticated miniature potbellied pigs.
 - b. Rooting to such an extent that the animal traverses the property boundary line.
 - c. Running at large on three or more occasions within a 12-month period.
 - d. Failure to maintain good sanitation and health care.