

ORDINANCE NO. 98-320-7

AN ORDINANCE OF THE CITY OF BROOKSHIRE, WALLER COUNTY, TEXAS, PROHIBITING THE KEEPING AND MAINTAINING OF SWINE, SHEEP, AND GOATS WITHIN THE CITY OF BROOKSHIRE; PROVIDING REGULATIONS FOR MAINTAINING HORSES, MULES, CATTLE AND FOWL. PROVIDING FOR EXCEPTIONS FOR SCHOOL AGE CHILDREN TO PARTICIPATE IN VOCATIONAL AGRICULTURE PROJECTS; PROVIDING FOR A FINE OF NOT MORE THAN \$200.00 UPON CONVICTION OF A VIOLATION UNDER THIS ORDINANCE; REPEALING ORDINANCES NO. 48, 79 AND 79-A; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR POSTING AND PUBLICATION.

WHEREAS, in Section 215.0264(b) of the Texas Local Government Code, the governing body of a city is authorized to prohibit or otherwise regulate certain animals; and

WHEREAS, it is in the best interest of the City that the health, safety and general welfare of the City be promoted by the proper regulation of certain livestock and fowl; and

WHEREAS, the City Council of the City of Brookshire finds it to be in the best interest of the public safety, health and general welfare to regulate certain livestock and fowl within the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSHIRE, WALLER COUNTY, TEXAS:

Section 1: Ordinances No. 48, 79, and 79-A are hereby repealed.

Section 2: It shall be unlawful for any person, firm or corporation to keep within the city limits of Brookshire, Texas, any swine, sheep or goats.

Section 3: It shall be unlawful for any person, firm or corporation to maintain horses, mules and cattle within the city limits of Brookshire, Texas, unless the owner of such animals has the use of at least one acre on which to keep them.

Section 4: It shall be unlawful for any person, firm or corporation to maintain fowl within the city limits of Brookshire, Texas, unless the fowl are kept and maintained on the property of the owner thereof and enclosed by a fence or kept in a pen.

Section 5: A school age child who participates in any program sponsored by the Future Farmers of America or any 4-H Club, may keep a sheep or swine within the city limits of Brookshire, Texas, during the duration of said program subject to the following rules:

- a. Any animal shall be kept and maintained in a suitable pen which is to be cleaned and freed of waste material once daily.
- b. The pen in which a sheep is kept and maintained shall be located not less than 100 feet from any residence, church or school except for the residence

of the owner.

- c. The pen in which a swine is kept and maintained shall be located not less than 300 feet from any residence, church or school except for the residence of the owner.
- d. All animals will be removed at the termination of the program which generally concludes with the final show and auction.

Section 6: Any person who shall violate any provision of this ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than \$200.00 for each such violation. Each day in which any violation shall occur shall constitute a separate offense.

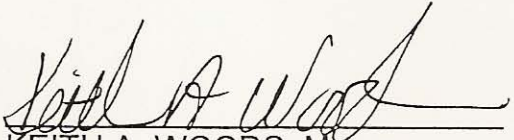
Section 7: If any provision, section, subsection, sentence, clause, phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this ordinance are declared to be severable for that purpose.

Section 8: This ordinance shall be effective immediately from and after the date of passage.

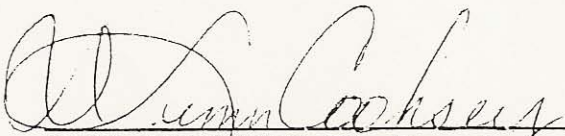
Section 9: The City Secretary is instructed to post and publish notice of this ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED this 15 day of September, 1998.

THE CITY OF BROOKSHIRE, TEXAS

By: 
KEITH A. WOODS, Mayor

ATTEST:

By: 
DAYL COOKSEY, City Secretary