

Ordinance No. 12-72

AN ORDINANCE OF THE VILLAGE OF PLEAK PROHIBITING THE OWNING OF CERTAIN ANIMALS ON LESS THAN A ONE ACRE TRACT OF LAND; ESTABLISHING DEFINITIONS; MINIMUM TRACT SIZE FOR CHICKENS AND HOGS; PROHIBITING ANIMALS RUNNING AT LARGE; PROHIBITING ANIMALS AS A NUISANCE; REPEALING ORDINANCE NO. 14, AND REPLACING SAID ORDINANCE WITH THIS CURRENT ORDINANCE; PROVIDING FOR ENFORCEMENT.

WHEREAS, the Village Council for the Village of Pleak intends to repeal ordinance No. 14 with this more current ordinance prohibiting animals at large; chickens on less than a one-acre tract; hogs on less than two-acre tract if hog is a project or school project; animals as a nuisance within the Village limits to protect the environment, promote public health and safety;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PLEAK, TEXAS:

Section 1. *Repeal.* Ordinance No. 14 is hereby repealed and replaced with this ordinance.

Section 2. Definitions.

Animal shall mean a domestic animal or pet animal, as defined in this chapter.

Cat shall mean a domestic feline of either sex.

Confined shall mean restrained within a building, structure, or fenced area, so that the animal cannot escape from said building, structure, or fenced area, without human assistance.

Dog shall mean a domestic canine of either sex.

Domestic animal shall mean and include all species of animals commonly and universally accepted as being domesticated.

Fenced area shall mean an area enclosed by a fence of sufficient height, strength and construction to prevent the animal from escaping.

Harboring shall mean the act of keeping and caring for an animal or of providing a premises to which the animal returns for food, shelter or care for a period of five (5) days.

Owner shall mean any individual, corporation, association or any other legal entity that harbors, shelters, keeps, controls, manages, possesses or has part interest in any animal. If a minor owns an animal subject to the provisions of this chapter, the head of the household for such minor shall be deemed to be the owner of such animal for the purpose of this chapter.

Pet animals shall mean and include dogs, cats, horses, rabbits, rodents, birds, reptiles, and any other species of animal which is sold or retained as a pet.

Running at large shall mean an animal:

- (1) Not confined within a building, structure or fenced area; or
- (2) That is not under the physical restraint of a competent person by means of a leash or chain of proper strength, which precludes the animal from making any unsolicited contact with any other person, including such other person's clothing, property, premises, or other animals under control of such other person.

Section 3. Prohibited Animals in the Village.

It shall be unlawful for any person, agent or employee, to own or harbor, raise or breed animals, poultry or livestock of any kind within the Village limits on less than a one acre tract, except for dogs, cats or other domestic animals.

Section 4. Chickens and Hogs.

1. Chickens may be owned, raised or bred if confined within a fence-enclosed pen located not less than thirty (30) feet from adjoining property lines, and said pen is located on a minimum of a one- acre tract of land.

2. Hogs shall be prohibited within the Village limits unless hogs are being raised or bred for a show or project. If hogs are raised or bred for a show or project, hogs shall be in a fence-enclosed pen located on not less than a two (2) acre tract of land and approved in writing by adjoining property owners.

Section 5. Running at large.

It shall be unlawful for the owner of an animal including, but not limited to, pets, chickens, and hogs to allow such animal to run at large within the Village limits.

Section 6. Animals as a nuisance.

It shall be unlawful for any owner to harbor an animal which by any sound, cry, odor or other activity shall disturb the peace, comfort, health and property of the inhabitants of the neighborhood, and such disturbances are hereby declared to be a public nuisance.

Section 7. Penalty. Any person in violation of any provision of this ordinance shall be subject to a fine not to exceed two thousand dollars (\$2,000.00).

Section 8. Adoption of ordinance.

This ordinance shall become effective upon its approval and passage.

PASSED by a majority vote of the members of the Village Council this 19 day of December , 2012.

APPROVED:


Larry Bijner, Mayor

ATTEST:


Ruth Elster, City Secretary