

ANIMALS

Section X.01 Definitions

“**Bird**” means a feathered, winged, bipedal, warm-blooded, egg-laying, vertebrae animal and member of the Aves family. **DOES NOT INCLUDE OSTRICHES OR EMUS.**

“**Domesticated Livestock**” means domestic animals generally used or raised on a farm for profit, work, or pleasure, including, but not limited to, horses, mules, asses, cattle, swine, sheep, and goats. The term “domestic livestock” for the purpose of this ordinance excludes poultry.

“**Exotic Animals**” means non-native species of animal, including reptiles that, when mature are over six-feet in length, ostriches, any member of the Ratite family, or exotic livestock as set forth in Texas Agriculture Code 142.001.

“**Fish**” means a cold-blooded vertebrae animal that lives in water.

“**Kennel**” means any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

“**Public Nuisance**” Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to the enjoyment of life or property. The term public nuisance shall mean and include, any animal that:

- a) repeatedly is at large or stray;
- b) damages the property of anyone other than its owner;
- c) molests or intimidates pedestrians or passersby;
- d) chases vehicles or bicycles.

(Source: Section 2.16. Public Nuisance Sixth Amended Hays County Animal Control Ordinance No. 32190)

“**Pig/Hog/Swine/Pot-Bellied Pig**” means a wild or domesticated swine; any of the animals in the Suidae family Sus genus Scrofa species of even-toed hoofed animals.

“**Poultry**” means a domesticated chicken kept for eggs or meat. **DOES NOT INCLUDE ROOSTERS.**

“**Reptile**” means cold-blooded, air-breathing, usually egg-laying vertebrates that includes non-venomous snakes, non-venomous lizards, non-venomous frogs, and turtles.

“**Slaughter**” means the killing of animals for food.

“**Small Livestock**” means rabbits, ferrets, hamsters, and guinea pigs regardless of age, size, or breed.

Section X.02 Animal Control

The City has an inter-local enforcement agreement with Hays County to enforce the County’s Animal Control Ordinance in the City. Specifically, the Sixth Amended Hays County Animal Control Ordinance No. 32190 (An Ordinance of The Commissioners’ Court Of Hays County, Texas. To Establish A Rabies Control Program, Require The Licensing And Restraint Of Certain Animals, Designate A Local Animal Control Authority, Regulate Dangerous Dogs, Declare A Public Nuisance And Provide Penalties Pursuant To Chapters 822 And 826 Of The Texas Health & Safety Code) and all of its amendments are adopted by

reference and declared to be a part of the Mountain City Animal Control Ordinance to the extent there is not a conflict with Mountain City local ordinances.

Section X.03 Limitation on Animals and Numbers of Animals

Type of Animal	Maximum Number	Special Permit Required
Dogs or Cats	5 dogs or 5 cats or a combination of dogs and cats that do not exceed a total of 5.	If more than 5 dogs or more than 5 cats or a combination of more than 5 dogs and cats, a Special Animal Permit is required.
Puppies or Kittens	No numerical limit on new-born litters under the age of 4 months.	
Fish or Birds	No Numerical Limit	Not Applicable
Reptiles	4	If more than 4 reptiles, Special Animal Permit by Variance.
Poultry (no roosters)	5	If more than 5 poultry, Special Animal Permit by Variance.
Small Livestock	4	If more than 4 small livestock, Special Animal Permit.
Domestic Livestock, excluding Small Livestock	None	Not Applicable
Exotic Animals	None	Not Applicable
Wild Animals	None	Not Applicable

Section X.04 Small Livestock Regulations

In addition to the requirements listed in the table above, a person who keeps or houses small livestock pursuant to this ordinance must adhere to the following requirements:

1. The principal use of the person’s property must be residential.
2. **No person shall keep any rooster within the city limits.**
3. A person can keep small livestock either inside their residence or in a fenced rear yard. For purposes of this ordinance, “rear yard” means that portion of a lot enclosed by the property’s rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family structure and extending to the side lot lines.
4. No covered enclosure used to keep small livestock shall be located closer than 10 (10) feet to the property line of any adjacent property and shall not be located closer than ten (10) feet to any residential structure on the adjacent property.
5. All enclosures used to keep small livestock shall be constructed and kept in good repair so as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
6. All feed and other items associated with the keeping of small livestock that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
7. Animal sanitation – see Sanitation and Health ordinance Chapter ?

Section X.05 Other Regulations

1. Kennels, pet shops and animal breeding operations are prohibited within the City.
2. Prohibition on slaughter. Animals, excluding poultry, may not be slaughtered in the City.
3. It shall be unlawful for any person to keep, maintain or own an animal or animals, or failure to exercise sufficient control of the animal/animals such that it constitutes a nuisance.

Section X.06 Special Permits

1. Special Animal Permit. A resident or property owner who desires to own, control, or possess, animals on land within the City in a number exceeding the limitations in Section X.03 or a type of animal not permitted in Section X.03, may apply to the City for a Special Animal Permit.

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