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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 6, ANIMALS, OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, ADDING PROVISIONS RELATED TO BACKYARD CHICKENS AND MINIATURE SWINE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code;

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:**

**SECTION I.** That Chapter 6, Articles I and VI of the City of Killeen Code of Ordinances are hereby amended to read as follows:

**Chapter 6 Animals**

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**ARTICLE I. IN GENERAL**

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**Sec. 6-4. Definitions.**

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*Backyard chicken* shall mean a female chicken 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* shall mean a fully 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.

*Hen* shall mean a female chicken.

*Rooster* shall mean a male chicken.

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## ARTICLE VI. TRAPPING, WILD ANIMALS, AND LIVESTOCK

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### *DIVISION 3 LIVESTOCK, FOWL AND SWINE*

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#### **Sec. 6-158. Miniature swine.**

Miniature swine may be kept as pets in the City of Killeen. The following requirements shall apply to the keeping of miniature swine.

- (a) There shall be a maximum of two (2) miniature swine per household or business. The swine may be of any age.
- (b) All miniature swine must be either spayed/neutered in compliance with section 6-63. The owner of such animal must retain documentation of the spay/neuter of their animal. Under no circumstances may a person engage in the propagation or breeding of miniature swine within the Killeen city limits.
- (c) It shall be unlawful for any person to keep or maintain miniature swine outdoors. A person may permit miniature swine outdoors for brief periods (but not to exceed one (1) hour per occurrence) as necessary for exercise or for the elimination of waste. The outdoor area used for exercise and waste elimination must be a secure area from which the miniature swine may not escape.
- (d) It shall be unlawful for any person to keep or maintain miniature swine unless the swine have received annual vaccinations against erysipelas, parvo virus, and Leptospirosis. The first inoculations for such diseases must be received before the animal is four (4) months of age.
- (e) It shall be unlawful to allow the miniature swine to drink water from, or have access to, or enter into any public body of water, including a creek, stream, or lake, within the Killeen city limits.
- (f) All miniature swine kept within the corporate city limits must be microchipped in compliance with section 6-62.
- (g) All areas where miniature swine are located shall be kept in a clean and sanitary condition. Exercise areas shall be cleaned of swine excrement on a daily basis.
- (h) It shall be unlawful for any person to keep or maintain miniature swine over two hundred (200) pounds within the city limits in a single-family or two-family dwelling unit or over one hundred (100) pounds in a multi-family unit. Miniature swine shall not be permitted above the first floor in a multi-family unit.

( Ord. No. 22-030 , § I, 5-10-22)

#### **Sec. 6-159. Backyard Chickens.**

- (a) A person may keep no more than twelve (12) hens in residential zoning districts of the city provided that the hens are confined in a chicken coop which is located no less than twenty-five (25) feet from any habitable structure on a neighboring property.
- (b) All hens must be contained within the backyard.

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- (c) The chicken coop must be maintained in a sanitary condition and the accumulation of chicken waste on the property is prohibited.
  - (d) Nuisance odors and excessive noise shall not be allowed to travel beyond the property line.
  - (e) Roosters are prohibited, except in agricultural zones.

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**SECTION II.** That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION III.** That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

**SECTION IV.** That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION V.** That this ordinance shall be effective on March 1, 2023, after its passage and publication according to law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 28<sup>th</sup> day of February 2023, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

**APPROVED**

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Debbie Nash-King, MAYOR

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**ATTEST:**

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Laura Calcote  
CITY SECRETARY

**APPROVED AS TO FORM:**

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Holli Clements  
CITY ATTORNEY