

ORDINANCE NO. 80-2

AN ORDINANCE OF THE CITY OF CUMBY, TEXAS, PROHIBITING LIVESTOCK OR FOWL TO RUN AT LARGE WITHIN THE CORPORATE LIMITS; PROVIDING MINIMUM SPACE REQUIREMENTS FOR THE KEEPING OF SUCH ANIMALS WITHIN THE CORPORATE LIMITS; PROVIDING FOR REPEAL OF PRIOR ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING A PENALTY FOR VIOLATION OF SAID ORDINANCE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CUMBY,
TEXAS:

I

THAT it shall be unlawful for any person having the ownership, care, custody or control of any livestock or fowl to cause, suffer, permit or allow the same to run at large within the City of Cumby, Texas, off the premises where the same are normally kept.

THAT in any prosecution charging a violation of this section, proof that the livestock or fowl described in the complaint charging such offense was at large within said city off the premises where the same was normally kept, together with proof that the defendant named in such complaint was at such time the owner or the person having the care, custody or control of such livestock or fowl, shall constitute in evidence a prima facie presumption that such person caused, suffered, permitted or allowed the same to run at large off the premises where the same was normally kept.

II

THAT no person shall maintain livestock or fowl within the City of Cumby, Texas, unless the following requirements are met which concerns the space allotted to each animal or fowl.

(A) Horses. There shall be a minimum space of 1850 square feet for each horse kept within the city limits. The shed used for protection against the elements may be located on this plot. Each additional horse that is kept on the same lot must be given an additional 1850 square feet. Barbed wire will be approved.

(B) Cows. There shall be a minimum space of 1850 square feet for each cow kept within the city limits of the City of Cumby, Texas. The shed for protection against the elements and used for

milking purposes may be located on this plot. Any additional cows will be given 1850 square feet each. For purposes of this article, a calf shall require the same number of square feet, that is 1850 square feet, that is required of a cow. The lot will be enclosed with barbed wire or other suitable fencing.

(C) Goats. Any goat kept in the city limits will be allowed 375 square feet for stable and lot. Any additional goat kept at the lot will be granted an additional 375 square feet.

(D) Sheep. Any sheep kept within the city limits will be allowed 375 square feet for stable and lot. Any additional sheep kept in the same lot will be granted an additional 375 square feet.

(E) Hogs or pigs. Any hogs or pigs kept within the city limits, under conditions described in Section 3 below, will be allowed 375 square feet for pen and lot. Any additional hog or pig kept in the same pen will be granted an additional 200 square feet.

III

THAT it shall be unlawful for any person to keep, or permit to be kept upon premises under his control, any hog or pig within the corporate limits of the city, except that hogs or pigs being held for slaughtering purposes may be kept within the corporate limits for a period not exceeding 48 hours, and except that not more than 2 hogs or 2 pigs may be kept within the city limits in hogs or pens, which lots or pens shall not be within 300 feet of any dwelling house, without the written consent of the owner or occupant thereof.

THAT all pens and enclosures wherein swine are kept shall be maintained and kept in such a manner as not to become unsanitary, offensive or disagreeable to persons residing in the vicinity thereof, nor shall they be so maintained or kept as to breed flies or in any manner cause any injury to the health of the public or any person residing in the vicinity of the pen or enclosure.

IV

THAT this Ordinance shall supercede any prior ordinances in conflict herewith, and such prior conflicting ordinances are hereby repealed to the extent that they conflict with this Ordinance.

V

THAT any person convicted of violating any of the provisions of this Ordinance shall be punished by a fine of not less than \$1.00, nor more than \$200.00; and each and every day or fraction of a day during which this Ordinance, or any part thereof, shall be violated, shall be deemed a separate offense and punishable as such.

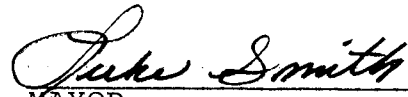
VI

THAT if any section, sentence, clause or phrase of this Ordinance is for any reason held to be illegal, ultra vires or unconstitutional, such invalidity shall not effect the validity of the remaining portions of this Ordinance.

VII

THAT this Ordinance shall become effective as of April 15, 1980.

PASSED AND APPROVED this 4TH day of March, 1980.

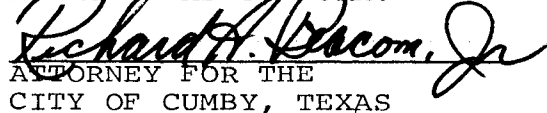


MAYOR
CITY OF CUMBY, TEXAS

ATTEST:


CITY SECRETARY

APPROVED AS TO FORM:


ATTORNEY FOR THE
CITY OF CUMBY, TEXAS

PASSED AND APPROVED this 8th day of January, 1980.

Luke Smith
MAYOR,
CITY OF CUMBY, TEXAS

ATTEST:

Les Mc Miller
CITY SECRETARY

APPROVED AS TO FORM:

Richard A. Padcom, Jr.
ATTORNEY FOR THE CITY
OF CUMBY, TEXAS