

**ORDINANCE NO. 2018-25**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS BY AMENDING SECTION 8-122, DEFINITIONS, AND SECTION 8-126, POTBELLY PIGS, OF ARTICLE III, LIVESTOCK, OF CHAPTER 8, ANIMALS, TO ADD A DEFINITION OF PYGMY GOATS, AND TO APPLY REGULATIONS TO PYGMY GOATS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.**

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**WHEREAS**, the City Council of the City of Tomball, Texas finds that it is in the best interest of the health, safety and welfare of its citizens to adopt regulations of pygmy goats; and

**WHEREAS**, the City Council desires to regulate pygmy goats in the manner set forth in this ordinance; now, therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:**

**Section 1.** The facts and matters contained in the preamble to this ordinance are hereby found to be true and correct.

**Section 2.** Section 8-122, Definitions, of Article III, Livestock, of Chapter 8, Animals, of the City of Tomball Code of Ordinances is hereby amended to add the language underscored below as follows:

**“Section 8-122. – Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Livestock* means and includes any horse, mule, jack, jenny, cow, cattle, hog, sheep, goat or similar animal; but shall not include potbelly pigs and pygmy goats.

*Potbelly pigs* means and includes Vietnamese miniature potbelly pigs meeting the published breed definition for registration by a recognized association for breeding such Vietnamese miniature potbelly pigs and weighing less than 200 pounds and standing no taller than 36 inches at the shoulders.

*Pygmy goat* means and includes a miniature domestic goat meeting the National Pygmy Goat Association's Breeding Standards.”

**Section 3.** Section 8-126, Potbelly pigs and pygmy goats, of Article III, Livestock, of Chapter 8, Animals, of the City of Tomball Code of Ordinances is hereby amended to add the language underscored below and delete the language struck through below as follows:

**“Section 8-126. – Potbelly pigs and pygmy goats.**

- (a) All potbelly pigs and pygmy goats shall be subject to the restrictions and ordinances set forth in article II of this chapter wherein those provisions apply to potbelly pigs and pygmy goats. Article II, division 2, pertaining to restraint and impoundment, shall also apply to potbelly pigs and pygmy goats where those restrictions apply; article II, division 3 of this chapter, vaccinations, shall also apply to potbelly pigs and pygmy goats. Article V of this chapter, relating to impoundment of livestock and fowl, shall apply to miniature livestock, as does article VI of this chapter, relating to kennels, and article VII of this chapter, relating to rabies control; except that the hereinafter set forth restrictions shall be specifically applicable to potbelly pigs and pygmy goats in addition to those which are already set out herein by reference.
- (b) When no more than two female or neutered male potbelly pigs and no more than four female or neutered male pygmy goats are kept, the stable, shed, pen or other enclosure in which they are kept shall be located at least 20 feet from every building or structure used for sleeping, dining or living, other than structures owned or occupied by the keeper of the potbelly pigs or pygmy goats.
- (c) No more than two potbelly pigs and four pygmy goats may be kept by any one owner at any one location within the city, unless it becomes a kennel and the owner complies with all the requirements of article VI of this chapter for the operation of a kennel.”

**Section 4.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the

omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 5.** Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6<sup>th</sup> DAY OF AUGUST 2018.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20<sup>th</sup> DAY OF AUGUST 2018.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>ABSENT</u>
COUNCILMAN TOWNSEND	<u>NAY</u>
COUNCILMAN QUINN	<u>AYE</u>

Gretchen Fagan  
Gretchen Fagan, Mayor

ATTEST:

Doris Speer  
Doris Speer, City Secretary