

**OLD BUSINESS**

**ITEM #1**

Going from analog antenna to cellular data. Company is out of Georgetown. The lowest Inframark will go is 15%. Warren will look at third party financing. Can City put the 20% down and look at other options? **A motion was made by Council Member Smith to approve the replacement of the SCADA system at a cost of \$151,710.00 and authorize Warren Escovy to initiate a down payment of no more than 50% from reserve funds and provide Council with options on funding of additional 50% of the cost, seconded by Mayor Pro-Tem Barron, all in favor, motion carried unanimously.**

Closed special meeting at 6:43 pm and adjourned into executive Session.

Texas Government Code Section 551.071 (Consultation with City Attorney), Section 1.05, Texas Disciplinary Rules of Professional Conduct to wit, Discussion with legal counsel regarding Vapor Genius vested rights appeal.

Closed executive session at 7:15 pm and moved into regular meeting.

**No action was taken in Executive Session.**

**Adjournment:**

**A motion was made by Mayor Pro-Tem Barron to adjourn the meeting, seconded by Council Member Divine, all in favor.**

Meeting was adjourned at 7:16 pm.

Respectfully submitted,

\_\_\_\_\_  
Rachel Lumpee, Mayor

ATTEST:

\_\_\_\_\_  
Laurie A. Cassidy, City Secretary

These minutes were approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.



**From:** Jacob Jennings  
PO Box 5056  
Georgetown, TX 78627  
**Phone:** 512-943-4592  
**Fax:** 512-869-7621  
**Email:** jjennings@tracntrol.com

## **Quotation**

**Date:** August 25, 2022  
**To:** Charles Fiero  
INFRAMARK

**Sent via:** Email  
**cc:**

**Project:** Blanco Distribution System PLC Upgrade

### **Scope of Work:**

1. Labor, materials, and programming to replace existing DirectLogic PLCs
2. Warranty – One year parts and labor
3. On and off-site Technical support – 24/7 for the life of the system.
4. Training (4 hours during or immediately following installation, 4 hours follow-up within 90 days, as required)
5. Control Panel Drawings

### **Deliverables:**

1. Office RTU – will be relocated to WTP when WTP is online
  - a. Install new ABMicro800 PLC in the existing Office RTU enclosure
  - b. Add new DC Power Supply
  - c. Add new DC UPS and Battery
  - d. Add interface relays as required for 120VAC power fail and to trigger alarm dialer alarms
  - e. Add Industrial Unmanaged 5port switch
  - f. Reuse existing TransNET Radio
  - g. Add 120VAC Surge Suppression Device
  - h. Add 120VAC 10A Circuit Breaker
  - i. Add Terminal Blocks as Required
  - j. Add new Cox Surge Suppressor
  - k. Program New Micro800 PLC to interface with Radio System
  - l. Modify VTScada Application for distribution system
    - i. VTScada license is tied to the WTP project
    - ii. Application will be moved to WTP Desktop under that project
2. Office SonicWALL Firewall
  - a. Install new SonicWALL Firewall TZ270 to replace existing consumer-grade router
  - b. Relocate SonicWALL to WTP with the relocation of the RTU
  - c. Provide SonicWALL with 1-year active threat support
  - d. Provide SonicWALL with 5pack of SSL VPN licenses
3. EST
  - a. Provide new RTU

4. **Church Tank**
  - a. **Provide new RTU**
5. **Stallion Tank**
  - a. **Provide new RTU**
6. **Cielo Tank**
  - a. **Provide new RTU**
  - b. **Provide Proximity Switch for HydroTank Site Glass**
7. **General New Site RTU Notes**
  - a. **New Enclosure**
    - i. **Saginaw Painted Steel NEMA 4/12**
    - ii. **30"X30"X10"**
    - iii. **Painted back panel**
  - b. **AB Micro870E Series PLC**
  - c. **AB 2085-IF4 analog Inputs Cards as required for existing I/O**
  - d. **AB 2085-IQ16 Digital Input Cards as required for existing I/O**
  - e. **PULS 5A 24VDC Power Supply**
  - f. **PULS DC UPS**
  - g. **12VDC 7AH Battery**
  - h. **S+S 120VAC 10AMP Circuit Breaker**
  - i. **Citel 120VAC Surge Suppression**
  - j. **Citel Analog Surge Suppression**
  - k. **Finder PLC Input/Output Isolation Relays**
  - l. **Terminal Blocks**
  - m. **Wire Duct**
  - n. **Panel Wire**
  - o. **Program New Micro800 PLC to interface with Radio System and control local pumps and fill valves**
  - p. **Reuse existing Radio, Coax, and antennas**
  - q. **Reuse existing Level Transducers and Instruments**
  - r. **Mount new RTU Enclosure next to Existing Site RTU**
  - s. **Convert existing RTU into a termination box**
  - t. **Install conduit and wire between new RTU and existing RTU**
8. **Cellular Routers**
  - a. **Provide Tosibox 670 Cellular Router for each site – QTY 5**
    - i. **Tosibox support – 36month contract paid annually**
    - ii. **No hardware purchase**
    - iii. **Full Hardware warranty while on support including carrier modem obsolescence and lightning damage**
    - iv. **Managed by TraC-n-trol**
    - v. **Buyout of hardware if termination before 36 month term**
    - vi. **Option to buy hardware outright vs subscription model but warranty is 1-year and SW updates are included for 4-years**
  - b. **Tosibox Cellular Data Plan – 1Gig per month**
    - i. **Supports AT&T, Verizon, Sprint & T-Mobile**
    - ii. **Looks for strongest carrier and support fallback to another carrier**
    - iii. **Paid annually through TraC-n-trol**
    - iv. **Personal Cell Plan is an option**
    - v. **Hardline Internet can be used with Cellular Plan or in place of cellular plan.**
    - vi. **Router supports and failover form hardline to cellular**
  - c. **Provide Cellular Antennas for each Tosibox cellular router**
  - d. **Install cellular antenna in the top of each enclosure**

- e. Cellular Routers allow for remote access to each PLC vs onsite PLC program access
- 9. HMI Remote Access Subscription
  - a. Agilicus – WTP & WWTP Computer
  - b. 2 computers
  - c. 5 users

#### Agilicus Description

1. Agilicus provides a Zero Trust Remote Access to specific predetermined resources per user.
2. Agilicus uses an identity service (Google, Apple, Okta, Microsoft) to determine user "identity" for access to system allowed resources.
3. Agilicus will provide mobile/remote access to VTScada Thin Clients
4. Agilicus will provide a secure connection between VTScada and Twilio and allow operator alarm acknowledgement through voice and text alarms.
5. Twilio account and data usage is included with this subscription.
  - a. VTScada Cloud based alarm notifications
6. TraC-n-trol will maintain the Agilicus configuration and will make adjustments per customer feedback.
7. Additional users can be purchased for \$264 per year
8. Additional users will be prorated to align with the current 1-year term.
9. Example: if a new user is added 6month into the current term, then the cost will be  $\$198/2 = \$99$  for 6months.
10. TraC-n-trol will use Agilicus for remote support of the HMI computer
11. Agilicus, Twilio, and TraC-n-trol Remote Support will require an active internet connection.

#### Exclusions and Assumptions:

1. Local and state sales taxes are excluded from quoted pricing.
2. Performance and payment bonds are excluded from quoted pricing.
3. Installation of field instrumentation other than equipment specified will be invoiced on a cost-plus basis.
4. This proposal assumes that equipment can be temporarily removed from service while improvements are implemented.
5. Trenching and line/tank taps;
6. 30x30 space required on electrical service panel;
7. 120VAC power to RTU are to be provided by others;
8. Dry contacts for RTU control of pumps, meter, alarms, etc. inside RTU enclosure or in central proximity to the RTU; each terminated and labeled for our use are to be provided by others;

**Terms:**

1. Invoices are due Net 30 days from date of invoice. Balances paid after due date are subject to a 1.5% charge.
2. Mobilization and equipment will be invoiced at 20% of contract amount upon acceptance of quotation for mobilization and engineering. Freight is prepaid and included in quoted pricing.
3. Billing for materials on hand will be verified by project accounting reports after receipt of supplier invoices.
4. Project Retainage is 0%
5. Agilicus support will be bill after accounts are created for operators
6. Tosibox support will be bill when Tosibox ships
  1. Tosibox support starts when units ship from the factory
7. Balance of contract will be paid monthly based on percentage of project completed each 30 days.
8. Pricing is valid for 30 days from date of quotation.
9. System is quoted for completion within 120 days of approval.
10. Tosibox support pricing is based on a 36month term paid yearly. Cancellation before the 36month term will require a buyout of the hardware.
11. Tosibox Cellular data plan is a yearly term and based on a \$25per month dataplan per site
12. Tosibox 36month upfront payment will lock in pricing for the full 36month term

**Quotation:**

Item	Quoted Pricing
PLC Upgrade	\$136,140.00
Tosibox Cellular Router – 1 year (36month term)	\$3,768.00
Agilicus (5 user + 2 HMI) – 1 year	\$1,422.00
Total	\$141,330.00

**Quotation:**

Item	Quoted Pricing
PLC Upgrade	\$136,140.00
Tosibox Cellular Router – 3 year (36month term)	\$11,304.00
Agilicus (5 user + 2 HMI) – 3 year	\$4,266.00
Total	\$151,710.00

**Respectfully submitted:**

**Accepted & Date**

  
\_\_\_\_\_  
Jacob Jennings, TraC-n-trol, Inc.

\_\_\_\_\_  
INFRAMARK

\_\_\_\_\_  
Date

**If acceptable, please sign, date, and return to our office.**

**NEW BUSINESS**

**ITEM #1**



# **HEARING**

**Appeal of Vested Rights Determination  
Vapor Genius**

**ORDINANCE NO. 2022-O-003**

**AN ORDINANCE ESTABLISHING CERTAIN LOCATION RESTRICTIONS UPON THE SALE OF ADULT-ORIENTED PRODUCTS OR SERVICES, INCLUDING CERTAIN TOBACCO PRODUCTS, ELECTRONIC SMOKING DEVICES AND RELATED ACCESSORIES, AND PROVIDING FOR FINES AND OTHER PENALTIES, AND ENFORCEMENT BY ABATEMENT AND INJUNCTIVE RELIEF**

WHEREAS, since 2014, e-cigarettes have been the most commonly used tobacco product among U.S. youths; in 2020, an estimated 3.6 million (13.1%) U.S. middle and high school students reported using e-cigarettes within the past 30 days (current use); and more than 80% of current users reported flavored e-cigarette use;

WHEREAS, in 2021, 11.3% of high school students (1.72 million) and 2.8% (320,000) of middle school students reported current e-cigarette use; among current e-cigarette users, 43.6% of high school students and 17.2% of middle school students reported using e-cigarettes on  $\geq 20$  of the past 30 days; with daily use at 27.6% among current high school e-cigarette users and 8.3% among current middle school e-cigarette users;

WHEREAS, approximately 2.06 million youths were estimated to be current e-cigarette users in 2021, and use of any tobacco products by youths in any form, including e-cigarettes, is unsafe and highly addictive, because tobacco products and most e-cigarettes contain nicotine, and nicotine exposure during adolescence can harm the developing brain;

WHEREAS, ongoing efforts to address youth e-cigarette use, including FDA's prioritized enforcement against certain unauthorized flavored, cartridge-based e-cigarettes in 2020, are critical, especially inasmuch as the tobacco product landscape continues to evolve, sustained implementation of comprehensive tobacco control and prevention strategies at the national, state, and local levels, coupled with FDA regulation, can reduce and prevent tobacco product initiation and use among youths;

WHEREAS, the foregoing facts are well established and enumerated in numerous studies and reports, as detailed in *E-Cigarette Use Among Middle and High School Students — National Youth Tobacco Survey*, Centers for Disease Control & Prevention (CDC), United States, October 2021;

WHEREAS, the City of Blanco wishes to respond to and support all such efforts to prevent tobacco, nicotine and e-cigarette usage generally, but especially among youth;

WHEREAS, the City has determined that adopting reasonable restrictions within the City to reduce exposure and use of these products generally, and especially among youth, are reasonably related to a recognized and legitimate public health and safety purpose; and

WHEREAS, the City is mindful and has considered that any such restrictions must be carefully and narrowly drawn so as to not improperly interfere with the rights of third parties, including any such rights to free speech and association;

**THEREFORE, in consideration of these premises, BE IT ORDAINED that the City Council of the City of Blanco hereby adopts the following ordinance:**

- a) The sale or provision of adult-oriented business products or services in any location described herein, including but not limited to:
  - 1) a retail store used primarily and substantially for the sale of tobacco products and/or other products that contain nicotine, electronic smoking devices, and/or related accessories, in which the sale of other non-tobacco products is incidental, including vape shops or other establishments that sell electronic smoking devices; or**
  - 2) a retail store that either devotes 25 percent or more of floor area or display area to, or derives 50 percent or more of gross sales receipts from, the sale or exchange of tobacco products and/or other products that contain nicotine, electronic smoking devices, and/or related accessories;****

**is prohibited within 750 feet of a church, school, public park, daycare center, playground, or residential district.**

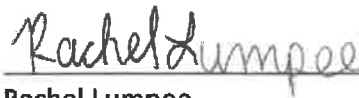
- b) Any retail store location described in paragraph a) above shall be located not less than one-half mile of any such other retail store location that meets the same criteria.**
- c) The measurement of the distance between the location where the sale of such products or services are sold, and the church, school, public park, daycare center, playground, or residential district, or another location where such products or services are sold, shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.**
- d) Any retail stores or businesses that meet the criteria described hereinabove in paragraph a) are restricted to commercial zoned property, with special use permit (SUP), pursuant to Chapter 4 of the City's Unified Development Code (UDC). Accordingly, such restricted use shall be added to and listed in Table 4.2 of the City's UDC. Any special use permit issued pursuant to the procedures of the City's UDC shall operate as a variance described under paragraph e) of this ordinance.**
- e) The City, upon recommendation of its Planning & Zoning Commission, and approval of the City Council, may grant a variance to this regulation upon a determination that enforcement in the specific instance is not in the best interest of the public, does not serve its intended purpose, is not effective or necessary, or for any other reason, all after consideration of the health, safety, and welfare of youth and the general public, and the equities of the situation, as determined in the best interest of the community.**

Any variance granted under this provision of this ordinance shall be deemed a special use permit granted under Chapter 4 of the City's UDC.

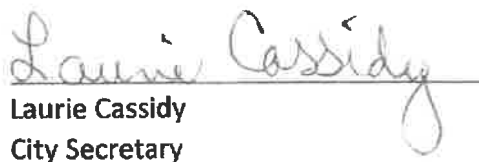
- f) The foregoing provisions of this ordinance are severable. Accordingly, if for any reason one or more provisions of this ordinance is deemed or ordered invalid, null, void, or of no effect, the remaining provisions shall remain in full force and effect.
- g) Enforcement.
  - 1) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this ordinance shall constitute a violation of this ordinance.
  - 2) Any violation of this ordinance is hereby declared as a public nuisance.
  - 3) This ordinance may be enforced in accordance with Section 1.01.009 of the City's Code of Ordinances.
  - 4) In addition to other remedies provided by this ordinance, the City's Code, UDC, or by other law, any violation of this ordinance may be remedied by a civil action brought by the City, including but not limited to administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief. The remedies provided herein are cumulative and in addition to any other remedies available at law or in equity.
- h) This ordinance shall be effective immediately upon the date of adoption.

ADOPTED THE 14th DAY OF FEBRUARY 2022.

CERTIFIED BY MY HAND:

  
\_\_\_\_\_  
Rachel Lumpee  
Mayor

ATTEST:

  
\_\_\_\_\_  
Laurie Cassidy  
City Secretary



June 21, 2022

**Via E-Mail:** [cityadmin@cityofblancotx.gov](mailto:cityadmin@cityofblancotx.gov)

Warren Escovy  
City of Blanco  
300 Pecan Street  
Blanco, TX 78606

Re: Request for Vested Rights Determination

Dear Mr. Escovy:

My firm represents Mr. Paul Dunn, the owner-operator of Vapor Genius, a well-known vape and smoke shop in the Central Texas area. The purpose of this letter is to provide the City of Blanco with Mr. Dunn's application for a vested rights determination for the ongoing project at 48 Main Street in the City of Blanco. On November 29, 2021, Mr. Dunn submitted a commercial building permit application to finish out and remodel the existing building located at 48 Main Street, Suite B, Blanco, Texas. The project name listed under that permit is "Vapor Genius" and it was ultimately approved by the City of Blanco on January 5, 2022, under Permit No. 0152022.

Pursuant to Sec. 4.14 of the City of Blanco Code of Ordinances, Mr. Dunn is applying for a vested rights determination based on the building permit filing date of November 29, 2021. We have inquired with City Staff to request the form necessary to make such an application for recognition of vested rights; however they have stated that no such form exists. Accordingly, this letter represents Mr. Dunn's formal submittal of his application for a vested rights determination; the requisite permit application review fee of \$250 will arrive by check to your office in the mail.

Mr. Dunn is seeking a determination of his vested rights under Chapter 245 of the Texas Local Government Code for his building permit in order to be able to continue his project solely on the basis of any orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time of the filing date for "48 Main" – Permit No. 0152022. To that effect, if there is any other information that is required at this time, please let us know.

Sincerely,



Carly Barton  
Attorney & Counselor



# City of Blanco

P.O. Box 750 Blanco, Texas 78606

Office 830-833-4525 Fax 830-833-4121

July 11, 2022

VIA EMAIL @ [cbarton@braungraham.com](mailto:cbarton@braungraham.com)  
& FIRST-CLASS MAIL

Carly Barton, Esq.  
Attorney & Counselor  
Braun & Gresham  
P. O. Box 1148  
Dripping Springs, TX 78620

Re: Request for Determination of Vested Rights; "48 Main"—Permit No. 0152022

Dear Ms. Barton:

I am writing in response to your request for determination of vested rights, by your letter dated June 21, 2022. The related review fee of \$250 was received thereafter. After review and consulting with the City Attorney, City staff has determined that no vested rights exist in relation to City Ordinance No. 2022-O-003 (the "Ordinance"). We make this determination on two grounds: 1) the Ordinance is exempt from the provisions of Chapter 245 under Section 245.004 thereof; and alternately, 2) the permit application and related project information did not provide "fair notice" to the City under Chapter 245.

You may appeal this decision directly to City Council, as described in Section 4.14 of the City's Code of Ordinances. Alternately, the Ordinance specifically provides for a variance process. In any event, City staff would welcome the opportunity to discuss and possibly resolve this matter by agreement.

Please feel free to contact me at any time with questions or concerns.

Sincerely,

Warren Escovy  
City Administrator

cc: Tim Tuggey, City Attorney (via email)

July 26, 2022

**Via CERTIFIED MAIL: RRR: 7022 0410 0001 6702 7845 and**

**Via E-Mail:**

**[cityadmin@cityofblancotx.gov](mailto:cityadmin@cityofblancotx.gov);**

**[citysec@cityofblancotx.gov](mailto:citysec@cityofblancotx.gov); and**

**[tnt@timtuggeylaw.com](mailto:tnt@timtuggeylaw.com)**

Blanco City Council

300 Pecan Street

Blanco, TX 78606

Re: Appeal of Vested Rights Determination

Dear Blanco City Council:

Our client, Mr. Paul Dunn, is the owner-operator of Vapor Genius, a well-known vape and smoke shop in the Central Texas area. On November 29, 2021, Mr. Dunn submitted a commercial building permit application to finish out and remodel the existing building located at 48 Main Street, Suite B, in the City of Blanco (the "City"). The project name listed under that permit was "Vapor Genius" and it was ultimately approved by the City of Blanco on January 5, 2022, under Permit No. 0152022 (the "Permit"). Based on the Permit that Mr. Dunn received, Mr. Dunn spent a substantial amount of money getting the property ready for use as a retail outlet for Vapor Genius.

On February 14, 2022, the Blanco City Council adopted Ordinance No. 2022-O-003 (the "Ordinance"), which added stores that sell tobacco and vapor products to the list of "adult-oriented" businesses. Based on multiple conversations with your staff, the City seems intent on enforcing this ordinance against Vapor Genius, despite the clear fact that the Permit was filed for and approved prior to the City's adoption of the Ordinance.

Reclassification of Mr. Dunn's property as an adult-oriented business will require Mr. Dunn to restart the permitting process from scratch and seek a variance, in order to develop a site plan consistent with the requirements of a special use permit and to also go through a costly, multi-level public hearing process. ***This type of action is the very reason the state legislature adopted Chapter 245 to protect landowners who go through a City's permitting process in good faith, only to have their projects stripped out from under their feet at the last minute.***

"The effect of vested rights under Chapter 245 of the Local Government Code is to 'freeze' the land use regulations as they existed at the time the first permit application was filed through completion of the 'project;' in other words, a project with vested rights is not subject to intervening regulations or changes after the vesting date." *City of San Antonio*

*v. Rogers Shavano Ranch, Ltd.*, 383 S.W.3d 234, 245 (Tex. App.—San Antonio 2012, pet. denied). Chapter 245 of the Local Government Code creates a system by which property developers can rely on a municipality's land-use regulations in effect at the time the original application for a permit had been filed. *Vill. of Tiki Island v. Premier Tierra Holdings, Inc. (Tiki Island I)*, 464 S.W.3d 435, 439 (Tex. App.—Houston [14th Dist.] 2015, no pet.). The protections of Chapter 245 also apply to municipal ordinances and to fair notice provisions that operate to impose additional requirements in order for development rights to vest. *City of San Antonio v. Greater San Antonio Builders Ass'n*, 419 S.W.3d 597, 603 (Tex. App.—San Antonio 2013, pet. denied)

In an effort to preserve Mr. Dunn's rights under his Permit, on July 21, 2022, Mr. Dunn sought a vested rights determination under Texas Local Government Code 245 and Blanco City Code of Ordinances, Chapter 9 Planning and Development Regulations, Section 4.14. In response to this request, the City Attorney decided that no vested rights existed because the Ordinance is exempted from § 245.004 or alternatively, Vapor Genius' Permit did not provide "fair notice" of the project.

***Mr. Dunn appeals this decision for the following reasons:***

1. *The Blanco Tobacco and Vapor Ordinance is not exempt under § 245.004 because it changes Mr. Dunn's property classification and the type of development permitted.*

Under 245.004(2), the Vested Rights Chapter does not apply to municipal zoning regulations that do not affect *landscaping or tree preservation, open space or park dedication, property classification, lot size, lot dimensions, lot coverage, or building size or that do not change development permitted by a restrictive covenant required by a municipality*. While this double negative is certainly confusing, the bottom line is clear. Property classifications and changes to types of permitted development are the kinds of projects from which development rights will vest.

The Blanco Tobacco and Vapor Ordinance changes Mr. Dunn's property classification because it requires Mr. Dunn to obtain a Special Use Permit to operate a vape shop based on the new classification of an "adult-oriented" business. Before its passage, no such requirement was necessary. Reclassification of properties in this nature is expressly prohibited under Sec. 245.004(2) of the Texas Local Government Code and violates the permitting process laid out in Sec. 245.002

In a case very similar to Mr. Dunn's, the Fort Worth Court of Appeals decided that the City of Frisco's change in their ordinance to prevent "Package Sales" of alcohol within 300 feet of a public school was not exempt under § 245.004(2). The permittee in that case had submitted and received approval, under the Frisco's zoning ordinance, to construct a convenience store and sell alcoholic beverages, which had been a permissible land use.



Subsequently, the City of Frisco adopted a series of ordinances that had the effect of prohibiting the convenient store from being constructed due to the store's proximity to a public school. The Fort Worth Court of Appeals determined that a municipal ordinance imposing a distance restriction on a land use—such as alcohol sales—was an “affect” to a “property classification” for the purposes of Ch. 245. The imposition of greater restrictions than had been in effect at the time of the filing of a permit was squarely within the purview of Chapter 245. “Having determined that a property's classification pertains to the larger district in which it is zoned...” the “imposing [of] additional restrictions on alcohol sales that had not been imposed” previously did not preclude Chapter 245 claims. *FLCT, Ltd. v. City of Frisco*, 493 S.W.3d 238, 269 (Tex. App.—Fort Worth 2016, pet. denied).

2. *The City of Blanco had “fair notice” of the Vapor Genius project.*

When Mr. Dunn submitted his “Commercial Building Permit Application” to remodel 48 Main Street, he listed “Vapor Genius” as the project name. Additionally, the site plans submitted as part of the application also noted “Vapor Genius” on them. The City then reviewed Mr. Dunn's application and approved it. Mr. Dunn has never hidden the name or kind of business from the City of Blanco. Moreover, there was no formal “fair notice” application or process proscribed by the City that Mr. Dunn failed to comply with, and even if there were, the weight of case law suggests the illegality of such a requirement, being an additional restriction for the vesting of a development right.

On February 14, 2022, the City of Blanco had on its agenda for “consideration, discussion, and take action on approval of Ordinance 2022-O-003 Establishing Certain Location Restrictions Upon the Sale of Adult Oriented Product or Services.” The following is from the official minutes:

First, during Public Comment:

- Laurie Cassidy, City Secretary, read comments from multiple Blanco residents regarding their concerns over the opening of a vape store in Blanco near the Methodist Church (Vapor Genius, 48 Main Street).

Then, from the vote:

3. **Consideration, Discussion, and Take Action on Approval of Ordinance 2022-O-003 Establishing Certain Location Restrictions Upon the Sale of Adult-Oriented Products or Services (Warren Escovy).** Warren spoke saying the only permit pulled at this time was for a remodel. No one has pulled a permit to open any type of business referenced in this ordinance. Attorney Tuggey spoke saying he slightly revised heading, and added statutory language, effective immediately upon passing of ordinance. All referenced language, done by CDC, the most narrow, reasonable rights of City and residents. This ordinance pertaining to the primary business purpose, convenience stores are not affected. Display area includes entire store. Mayor Pro-Tem Saucedo asked about City liability. **A motion was made by Council Member Smith to approve Ordinance No. 2022-O-003 Establishing Certain Location Restriction Upon the Sale of Adult-Oriented Products or Services, with modification to section a)2) to read "Is prohibited within 750 feet of a church, school, public park, daycare center, playground, or residential district", seconded by Council Member Divine, all in favor, motion carried 4-1 with Mayor Pro-Tem Saucedo opposed.**

Clearly, Blanco City Council was aware of Vapor Genius and its use before passing the ordinance. Multiple residents expressed concerns over the opening of Vapor Genius specifically during Public Comment. Then, when the Ordinance was taken up, Mr. Warren Escovy noted that there had already been a permit pulled for a remodel, which referred to Vapor Genius.

Courts have consistently held that preliminary applications, as well as subsequent applications or permits related to the original project, are only required to give fair notice that the project included uses consistent with the permissible uses which it sought its permit for.<sup>1</sup> In other words, as long as the project still falls under the original permit under the applicable land-use regulations at the time, the city has fair notice. "It is this identification of the contemplated development as "commercial" in nature that defines the nature and scope of the "project," not narrower descriptive terms or labels that all parties agree had no legal effect at the time. *Harper Park Two, LP v. City of Austin*, 359 S.W.3d 247, 257 (Tex. App.—Austin 2011, pet. denied)

Ultimately, the City Council has two options – it can acknowledge that Mr. Dunn has vested rights under his building permit to continue his project, Vapor Genius, and not have to comply with the Tobacco and Vapor Ordinance, or it can continue on this misguided and clearly illegal path, inviting further litigation. Under § 245.006, Mr. Dunn

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<sup>1</sup> *Harper Park Two, LP v. City of Austin*, 359 S.W.3d 247, 257 (Tex. App.—Austin 2011, pet. denied); *FLCT, Ltd. v. City of Frisco*, 493 S.W.3d 238, 270 (Tex. App.—Fort Worth 2016, pet. denied); *City of San Antonio v. Rogers Shavano Ranch, Ltd.*, 383 S.W.3d 234, 246 (Tex. App.—San Antonio 2012, pet. denied)

July 26, 2022  
Blanco City Council  
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may protect his vested rights by suing the City of Blanco “through mandamus or declaratory or injunctive relief” of which the City is not immune from lawsuit. Furthermore, the Court can award, and Mr. Dunn will be seeking, court costs and reasonable and necessary attorney's fees from any lawsuit that the City forces Mr. Dunn to pursue.

There is still an opportunity for the City to avoid needless waste of taxpayer funds by fighting a legal battle involving a textbook Ch. 245 case. We hope that the City will see the error in its ways and will not continue to illegally and wrongfully enforce its Tobacco and Vapor Ordinance against my client.

Sincerely,

A handwritten signature in black ink that reads "Carly Barton". The signature is written in a cursive, flowing style.

Carly Barton  
Attorney & Counselor

CC: Blanco City Attorney, Tim Tuggey,  
Blanco City Administrator, Warren Escovy  
Blanco City Secretary, Laurie Cassidy  
Paul Dunn  
Eric L. Gomez

**NEW BUSINESS**

**ITEM #2**

**NOTICE OF PUBLIC HEARING ON VOLUNTARY (C-3) ANNEXATION**

**CITY OF BLANCO, TEXAS**

Notice is hereby given that a public hearing will be held during a meeting of the Planning & Zoning Commission of the City of Blanco on the 12<sup>th</sup> day of September, 2022 at 6:30 pm at the Byars Building, 308 Pecan Street, Blanco, Texas 78606 and during a meeting of the City Council of the City of Blanco, Texas on the 13<sup>th</sup> day of September, 2022 at 6:00 pm at Gem of the Hills Senior Citizen Community Center located at 2233 US-281, Blanco, Texas, 78606 where all interested persons will have the right to appear and be heard on the proposed voluntary annexation by the City of Blanco, Texas of approximately 4.09 acres located in the Horace Eggleston Survey No. 24, Abstract No. 1, Blanco County, Texas. The voluntary annexation is contiguous to the current city limits of Blanco, Texas, in the City's exclusive extraterritorial jurisdiction. A map of the area proposed for annexation is available at City Hall and posted on the City's website.



Ryder Moorman (4) picks up yardage for the Panthers in the varsity scrimmage against Mason Thursday, Aug. 18. (Photo by Diana Schwind)

Cason Weathersby (3) pulls a defender along to pick up more yardage in the junior varsity scrimmage against Mason Thursday, Aug. 18. (Photo by Diana Schwind)

**NOTICE OF PUBLIC HEARING ON VOLUNTARY (C-3) ANNEXATION CITY OF BLANCO, TEXAS**

Notice is hereby given that a public hearing will be held during a meeting of the Planning & Zoning Commission of the City of Blanco on the 12th day of September, 2022 at 6:30 pm at the Byars Building, 308 Pecan Street, Blanco, Texas 78606 and during a meeting of the City Council of the City of Blanco, Texas on the 13th day of September, 2022 at 6:00 pm at Gem of the Hills Senior Citizen Community Center located at 2233 US-281, Blanco, Texas, 78606 where all interested persons will have the right to appear and be heard on the proposed voluntary annexation by the City of Blanco, Texas of approximately 4.09 acres located in the Horace Eggleston Survey No. 24, Abstract No. 1, Blanco County, Texas. The voluntary annexation is contiguous to the current city limits of Blanco, Texas, in the City's exclusive extraterritorial jurisdiction. A map of the area proposed for annexation is available at City Hall and posted on the City's website.

- 115 Plain
- 116 Corn
- 117 Bone
- 118 Tool
- 119 Alp
- 121 Int
- 122 Tril
- 123 Vr
- 124 Ar
- 125 In
- 126 N
- 129 F
- 132
- 134
- 136
- 138
- 14
- 63 Medicinal plant
- 64 Newspaper type
- 65 Exchanged
- 66 Ethical
- 68 Coddle
- 69 Lodge dwellers
- 71 Kinono fastener
- 73 — vincit armor
- 75 Renowned recluse
- 76 Gleeful cry
- 79 Give alms
- 80 Dry-heat bath
- 82 Must-have
- 83 Snowy lily
- 84 Do the trick
- 85 Reasons to sue
- 87 Gladden
- 88 Titles like Tarzan's
- 128 Prime off
- 130 "Annabel Lee" poet
- 131 Indescent stone
- 133 Freight haulers
- 135 Glimmer
- 137 Zipping through
- 139 Heads opposite
- 141 Use Argum
- 142 Silent flyer
- 143 Black-and-white animal
- 144 Typo
- 145 Rock musician —
- Cooper
- 146 First version
- 147 Tree topper
- 148 Kittens pleas
- 149 Vine product
- 32 King, in France
- 34 "The" to Wolfgang
- 35 Takes away
- 38 Flowery shrub
- 41 Drive-in feature
- 43 Scamps
- 44 Shad eggs
- 45 New — India
- 47 Xerxes ruled here
- 50 Jack London venue
- 53 Toy on a string (hyph.)
- 54 Palo —
- 58 Overture
- 59 Told all
- 60 Calcutta attire
- 61 Not stringent
- 62 Distorts, as data
- 63 Salon tint
- 64 Obliging
- 66 Coat length
- 67 Max — Sydov
- 68 Mountain gadget
- 69 Dashboard gadget
- 70 Tended the horse
- 72 Tampico cash
- 74 What rainbows are
- 75 Like sandpaper
- 77 Scrape
- 78 Ballroom dance
- 80 Goes on a voyage
- 81 Rajah's land
- 83 Feline attractor
- 86 Close
- 88 Rapier's kin
- 89-Calm
- 93 Dodged
- 95 Garage job
- 96 Stood wide open
- 97 Dolphin habitat
- 98 Pasternak heroine
- 99 Sharp cheese
- 101 Feeling ennui
- 102 Pale

**PREVIOUS SO**

THIRD	WURST
HASTE	PLINATA
RILES	OLIVERO
ETE	IGLITE
WISP	JIDES
AMBER	PUGER
CAIRIES	BEVEL
ANODES	DEALS
DIAMON	GUSTO
ELAN	GUSTO
TONGUE	PUNS
GOALIE	TEA
BALSA	SHANT
BOONE	RINOTS
TRADE	MINUS
LIVE	NADIR
FORSAKEN	ELLS
RECLUSE	ELEK
ERROR	LAVA
ANIMA	STIR
REBEL	EASY

- DOWN**
- 1 Invited
  - 2 Improve upon
  - 3 Temporary failure
  - 4 Holler
  - 5 Phone buttons
  - 6 Caramel-colored
  - 7 Laws
  - 8 Stirs
  - 9 Banana coat
  - 10 Kicks out
  - 11 Title
  - 12 Charm
  - 13 Makeup item
  - 14 Kind of insult
  - 15 Garbage bin output
  - 16 German city
  - 17 Clean-air org.
  - 18 Put — (save)
  - 19 Embankment
  - 20 Grim
  - 33 Nobel Prize city
  - 36 Fifi's friend
  - 37 Form 1040 expert
  - 64 Obliging
  - 66 Coat length
  - 67 Max — Sydov
  - 68 Mountain tops
  - 69 Dashboard gadget
  - 70 Tended the horse
  - 72 Tampico cash
  - 74 What rainbows are
  - 75 Like sandpaper
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  - 98 Pasternak heroine
  - 99 Sharp cheese
  - 101 Feeling ennui
  - 102 Pale

08/24/2022

CITY OF BLANCO WATER TAP APPLICATION

File# \_\_\_\_\_

Acct# \_\_\_\_\_

Name CALEN McNETT Date 5/13/2022

Service Address LOT 02, ROCK ROAD ESTATES BLANCO, TX

Mailing Address P.O. Box 1923 JOHNSON CITY, TX 78636

Phone Number 830-998-5040

← Olga,  
Please call  
this man for  
further direction

WATER SERVICE TAP INSIDE CITY LIMITS \$1200.00 NON REFUNDABLE

WATER SEWER TAP INSIDE CITY LIMITS \$1200.00 NON REFUNDABLE

WATER SERVICE TAP OUTSIDE CITY LIMITS \$1750.00 NON REFUNDABLE FEE

WATER SEWER TAP OUTSIDE CITY LIMITS \$1750.00 NON REFUNDABLE FEE

\*\*\*\*\* (This is for 5/8 & 3/4 meter. If larger service is required, customer will pay the difference.)

Deposit Required:

WATER METER DEPOSIT IS MANDATORY \$185.00 RESIDENTIAL

WATER METER DEPOSIT IS MANDATORY \$208.00 COMMERCIAL

CUSTOMER SERVICE INSPECTION \$35.00 (included in deposit amount) RESIDENTIAL

CUSTOMER SERVICE INSPECTION \$50.00 (included in deposit amount) COMMERCIAL

Date 5/13/2022 Signature [Signature]

The Following Services have been paid:

Water tap paid: \_\_\_\_\_

Sewer tap paid: \_\_\_\_\_

Water Meter deposit paid: \_\_\_\_\_

Refundable RESIDENTIAL Water Deposit \$ 140.00 (AT TIME OF DISCONNECTION ONLY)

Refundable COMMERCIAL Water Deposit \$148.00 (AT TIME OF DISCONNECTION ONLY)

Method of Payment for Services: Check# \_\_\_\_\_ Cash \_\_\_\_\_

Credit Card \_\_\_\_\_

The Following Services have been installed:

Water Meter# \_\_\_\_\_ Meter Reading \_\_\_\_\_

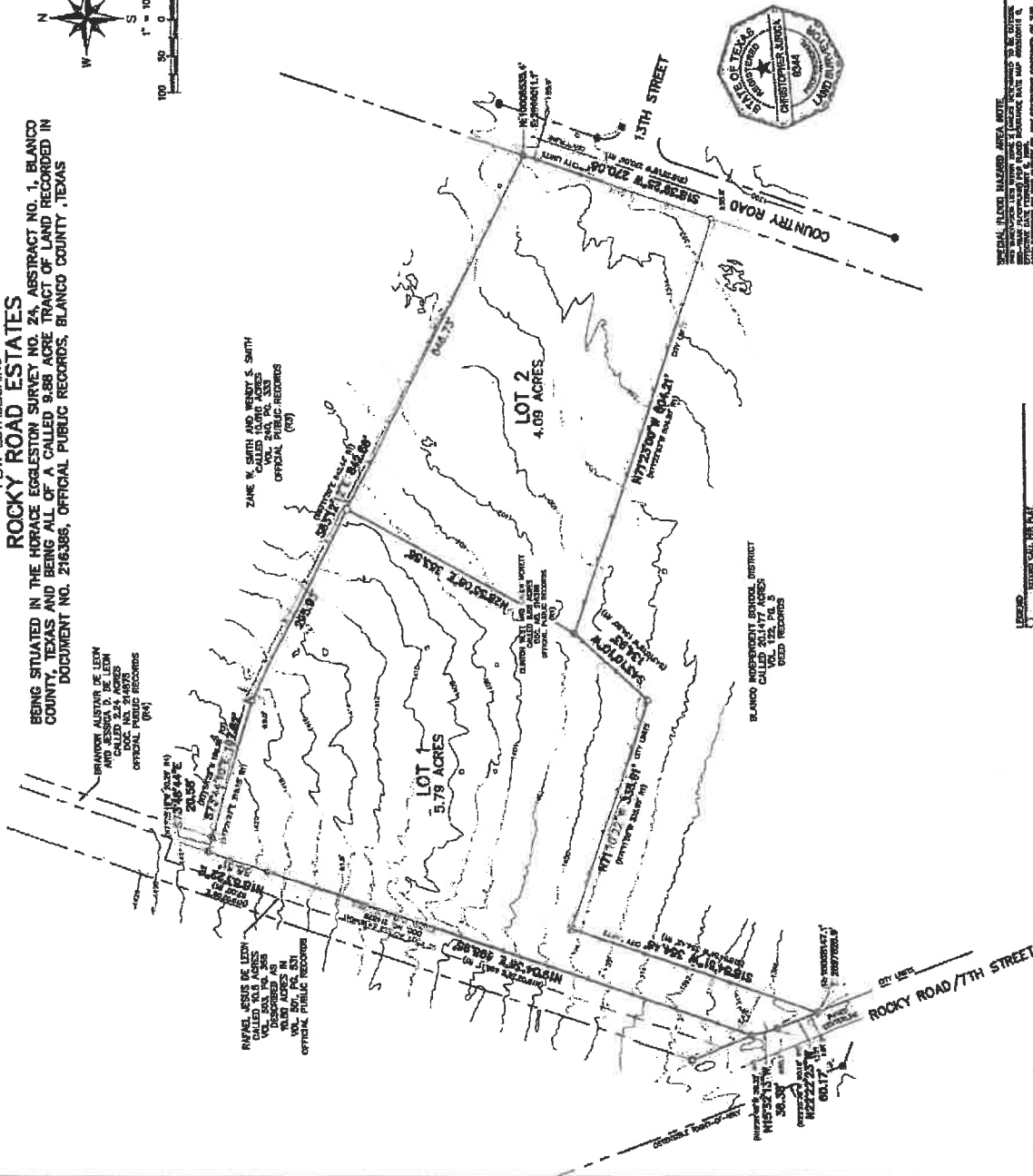
Date Service is On \_\_\_\_\_ Water/Sewer Representative \_\_\_\_\_

Route \_\_\_\_\_ Reading Sequence \_\_\_\_\_

**ALLOW 60 BUSINESS DAYS FOR INSTALLATION OF SERVICE**

Vol. 3/Pg. 365

PLAT ESTABLISHING  
**ROCKY ROAD ESTATES**  
BEING SITUATED IN THE HORACE EGGLESTON SURVEY NO. 24, ABSTRACT NO. 1, BLANCO COUNTY, TEXAS AND BEING ALL OF A CALLED 9.88 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 216386, OFFICIAL PUBLIC RECORDS, BLANCO COUNTY, TEXAS



STATE OF TEXAS  
COUNTY OF BLANCO  
I, M. D. [Signature]  
Notary Public in and for the County of Blanco, State of Texas, do hereby certify that the foregoing is a true and correct copy of the original plat of the Rocky Road Estates, as shown to me by the said [Signature], the owner thereof, and that the same has been duly recorded in my office in accordance with the provisions of the Act in that behalf made.

STATE OF TEXAS  
COUNTY OF BLANCO  
I, [Signature]  
Notary Public in and for the County of Blanco, State of Texas, do hereby certify that the foregoing is a true and correct copy of the original plat of the Rocky Road Estates, as shown to me by the said [Signature], the owner thereof, and that the same has been duly recorded in my office in accordance with the provisions of the Act in that behalf made.

STATE OF TEXAS  
COUNTY OF BLANCO  
I, [Signature]  
Notary Public in and for the County of Blanco, State of Texas, do hereby certify that the foregoing is a true and correct copy of the original plat of the Rocky Road Estates, as shown to me by the said [Signature], the owner thereof, and that the same has been duly recorded in my office in accordance with the provisions of the Act in that behalf made.

STATE OF TEXAS  
COUNTY OF BLANCO  
I, [Signature]  
Notary Public in and for the County of Blanco, State of Texas, do hereby certify that the foregoing is a true and correct copy of the original plat of the Rocky Road Estates, as shown to me by the said [Signature], the owner thereof, and that the same has been duly recorded in my office in accordance with the provisions of the Act in that behalf made.

**WCR**  
LAND SURVEYING  
CREATED BY: [Signature]  
CHECKED BY: CAJ  
JOB NO. 1719-21  
DRAWN BY: ART  
SHEET 1 OF 1

**WCR**  
LAND SURVEYING  
CREATED BY: [Signature]  
CHECKED BY: CAJ  
JOB NO. 1719-21  
DRAWN BY: ART  
SHEET 1 OF 1

**LEGEND**  
RECORDS CALL FOR PLAT  
RECORDS CALL FOR SURVEY  
RECORDS CALL FOR DEED RECORDS  
RECORDS CALL FOR OFFICIAL PUBLIC RECORDS

**NOTICE TO BUYERS**  
THE BUYER OF ANY INTEREST IN THE LAND SHOWN ON THIS PLAT SHALL BE DEEMED TO HAVE NOTICE OF THE EXISTENCE OF THE PLAT AND OF THE RIGHTS AND OBLIGATIONS THEREOF. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING A COPY OF THIS PLAT AND FOR VERIFYING THE ACCURACY OF THE INFORMATION THEREON. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING A COPY OF THE OFFICIAL PUBLIC RECORDS IN WHICH THIS PLAT IS RECORDED AND FOR VERIFYING THE ACCURACY OF THE INFORMATION THEREON. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING A COPY OF THE OFFICIAL PUBLIC RECORDS IN WHICH THE SURVEY IS RECORDED AND FOR VERIFYING THE ACCURACY OF THE INFORMATION THEREON. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING A COPY OF THE OFFICIAL PUBLIC RECORDS IN WHICH THE DEED IS RECORDED AND FOR VERIFYING THE ACCURACY OF THE INFORMATION THEREON. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING A COPY OF THE OFFICIAL PUBLIC RECORDS IN WHICH THE PLAT IS RECORDED AND FOR VERIFYING THE ACCURACY OF THE INFORMATION THEREON. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING A COPY OF THE OFFICIAL PUBLIC RECORDS IN WHICH THE SURVEY IS RECORDED AND FOR VERIFYING THE ACCURACY OF THE INFORMATION THEREON. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING A COPY OF THE OFFICIAL PUBLIC RECORDS IN WHICH THE DEED IS RECORDED AND FOR VERIFYING THE ACCURACY OF THE INFORMATION THEREON. THE BUYER SHALL BE RESPONSIBLE FOR OBTAINING A COPY OF THE OFFICIAL PUBLIC RECORDS IN WHICH THE PLAT IS RECORDED AND FOR VERIFYING THE ACCURACY OF THE INFORMATION THEREON.



**NEW BUSINESS**

**ITEM #3**



# City of Blanco

P.O. Box 750 Blanco, Texas 78606

Office 830-833-4525 Fax 830-833-4121

## “Chat with Council”

- Why?
  - The Council’s regular meetings are always open to the public, but they often have a narrow focus.
  - Citizens can attend these informal sessions to ask questions, discuss issues and offer suggestions on any topic of interest.
  - Events create a relaxed, neutral atmosphere with no speeches, no agenda, and no preset subjects.
  - It also provides an opportunity for City Officials and community members to connect to encourage them to get to know each other and form a working trust.
- Recommendation
  - Held every other month
    - Have two members of the City Council present (to avoid a quorum)
    - 1-2 hours

**NEW BUSINESS**

**ITEM #4**



# City of Blanco

P.O. Box 750 Blanco, Texas 78606  
Office 830-833-4525 Fax 830-833-4121

STAFF REPORT:  
9/13/22

DESCRIPTION: Discussion on the rules and enforcement of Chapter 7 of the Health and Sanitation Ordinance and Chapter 3 of the Animal Control Ordinance.

## ANALYSIS:

Chapter 7 of the health code 7.03.008 (a) Growth restrictions states that uncultivated grass, weeds, or brush to grow to a height no greater than 12 inches. Growth greater than 12 inches can allow for trash, bugs, and other undesirable effects to exist on said property. The City's Community Compliance officer has sent courtesy letters, door hangers, or have spoken to residents. The officer/and or administration can provide an exemption to the property owner if there is a purpose for growth/grass over the allowed amount (such as wildflowers, growing hay, etc).

There are two options (that I know of) that the council should consider:

1. Enforce the violation using a "complaint based" process where enforcement is primarily done when a complaint (anonymous or not) is lodged. We are working on a complaint system on the City's website that will allow for anonymity. The maximum height of the growth will stay the same with only the enforcement being affected.
2. Council to support real compliance of the law but to loosen the restrictions on the code.
  - A. Look at changing the height restriction from 12 inches to 18 or 24 inches on all property or
  - B. changing the restriction on all single family property (to 18 or 24 inches) but still enforcing the 12 inches on vacant lots and commercial properties.

Chapter 3 of the Animal Control Ordinance requires the constraint or fencing in of livestock. The Community Compliance officer has found a few locations where chickens have been found outside their fences. Chickens and Roosters can create a health hazard if outside a fenced area which is why their required to be in some type of constrained are or coup. Poultry can be targets for being run over by cars and can be prey for other animals. The City should try to protect neighborhoods and values by providing safe and clean areas for its residents.

FISCAL IMPACT: Unknown at this time



**RECOMMENDATION:** There are more violations of tall grass and uncultivated growth in Blanco than there are of chickens or roosters running around unconstrained and therefore Administration has a different approach for each issue. Staff prefers to enforce the rules that have been approved by City Council. This agenda item was added to give Council and residents an opportunity to voice their concerns and suggestions.

#### Staff recommendation

1. Recommendation for Chapter 7 of Health and Sanitation (growth) is to change the restriction in Single family occupied homes from 12 inches to (18 or 24 inches) but to require 12 inches on vacant lots and commercial properties.
2. Recommendation for Chapter 3 of the Animal Code would be to move to a Complaint based enforcement primarily as this issue is not very widespread.

Reference #	Date & Time	# of Violation(s)	Violation(s)
2022-000001	07/29/2022 @ 3:54pm	1	7.03.009 Trash Accumulation - Mattress, Toilets, and trash on property
2022-000002	07/29/2022 @ 4:11pm	1	7.03.008 Vegetation Height - Greater than 3'
2022-000003	07/29/2022 @ 4:19pm	1	7.03.008 Vegetation Height - Greater than 2'-3'
2022-000004	07/29/2022 @ 4:29pm	1	7.03.008 Vegetation Height - Greater than 2'
2022-000005	07/30/2022 @ 9:33am	1	7.03.008 Vegetation Height - Greater than 3'
2022-000006	07/30/2022 @ 10:35am	1	7.03.008 Vegetation Height - Greater than 3'
2022-000007	08/01/2022 @ 4:59pm	1	4.02.032 Building Permit - Renovations without active Building Permit
2022-000008	08/01/2022 @ 5:25pm	1	7.03.009 Trash Accumulation - Trash, junk, and debris all over property
2022-000009	08/01/2022 @ 5:36pm	1	7.03.009 Trash Accumulation - Trash, junk, and debris on property
2022-000010	08/01/2022 @ 7:28pm	1	4.02.032 Building Permit - Construction of structure without active building permit
2022-000011	08/03/2022 @ 1:41pm	1	7.03.009 Trash Accumulation - Trash and debris on property
2022-000012	08/03/2022 @ 3:20pm	1	12.03.041 Franchise Required - dumpster being used for Trash purposes without franchise agreement
2022-000013	08/03/2022 @ 5:55pm	1	7.03.008 Vegetation Height - Grass exceeding 2 1/2 feet
2022-000014	08/03/2022 @ 6:15pm	1	9.03.131 Prohibited Sign - feather banner displayed saying "Now Open"
2022-000015	08/05/2022 @ 4:06pm	1	12.03.041 Franchise Required - Dumpster being used for Trash services without active agreement with city
2022-000016	08/05/2022 @ 4:25pm	1	7.03.008 Vegetation Height - Grass exceeds 2'
2022-000017	08/05/2022 @ 5:00pm	1	7.03.008 Vegetation Height - Grass exceeds 3'
2022-000018	08/06/2022 @ 1:24pm	1	9.03.193 Political Sign - Political sign from 2020 still displayed more than 3 days from victor sworn in
2022-000019	08/06/2022 @ 3:58pm	1	9.03.193 Political Sign - Political sign from 2020 still displayed more than 3 days from victor sworn in
2022-000020	08/09/2022 @ 5:49pm	1	7.03.008 Vegetation Height - Grass over 2' tall
2022-000021	08/09/2022 @ 7:59pm	1	7.03.009 Trash Accumulation - Trash, junk vehicles, and debris on property
2022-000022	08/12/2022 @ 4:10pm	1	UDC 4.8 (1)(a) - Accessory use shall be subordinate to principal use (there is no principal structure on lot)
2022-000023	08/16/2022 @ 1:43pm	1	9.03.193 Political Sign - Political sign from 2020 still displayed more than 3 days from victor sworn in
2022-000024	08/16/2022 @ 3:06pm	1	7.03.008 Vegetation Height - Grass over 3' tall
2022-000025	08/19/2022 @ 3:31pm	2	3.02.003 Loose livestock & 3.002.004 Permit for livestock - loose chickens in street and yard and no permit on file with city
2022-000026	08/19/2022 @ 3:31pm	2	3.02.003 Loose livestock & 3.002.004 Permit for livestock - loose chickens in street and yard and no permit on file with city
2022-000027	08/19/2022 @ 5:00pm	1	9.03.132 (e) - 2 portable signs exceeding 8 square feet
2022-000028	08/19/2022 @ 5:41pm	2	7.03.008 Vegetation Height & 7.03.009 Trash Accumulation
2022-000029	08/20/2022 @ 10:29am	1	7.03.008 Vegetation Height - Grass over 12" tall
2022-000030	08/20/2022 @ 10:48am	1	7.03.008 Vegetation Height - Grass over 12" tall
2022-000031	08/20/2022 @ 10:59am	1	7.03.008 Vegetation Height - Grass over 12" tall
2022-000032	08/20/2022 @ 11:36am	1	7.03.008 Vegetation Height - Grass over 12" tall
2022-000033	08/20/2022 @ 2:30pm	1	7.03.008 Vegetation Height - Grass over 12" tall
2022-000034	08/20/2022 @ 5:45pm	1	7.03.008 Vegetation Height - Grass over 12" tall
2022-000035	08/20/2022 @ 5:49pm	1	7.03.008 Vegetation Height - Grass over 12" tall
2022-000036	08/20/2022 @ 5:51pm	1	7.03.008 Vegetation Height - Grass over 12" tall
2022-000037	08/20/2022 @ 6:14pm	1	7.03.009 Trash Accumulation - Trash and debris on property
2022-000038	08/20/2022 @ 6:27pm	1	12.03.041 Franchise Required - Dumpster being used for Trash services without active agreement with city
2022-000039	08/20/2022 @ 7:19pm	2	9.03.012 Street Right-of-Way & 9.03.189 Flags - flags placed in ROW and 4 non-governmental flags displayed
2022-000040	08/27/2022 @ 9:07am	1	7.03.008 Vegetation Height - Grass over 12" tall
2022-000041	08/27/2022 @ 10:46am	1	7.03.009 Trash Accumulation - Trash and debris on property
2022-000042	08/27/2022 @ 11:20am	1	7.03.009 Trash Accumulation - Trash and debris on property
2022-000043	08/27/2022 @ 11:51am	1	7.03.008 Vegetation Height - Grass over 12" tall
2022-000044	08/27/2022 @ 2:27pm	1	7.03.009 Trash Accumulation - Trash and debris on property
2022-000045	08/27/2022 @ 2:39pm	1	7.03.009 Trash Accumulation - Trash and debris on property

**Sec. 7.03.006 Burning trash**

It shall be unlawful for any person to burn any non-vegetative matter at any time within the incorporated city limits. The burning of brush, leaves, and yard trimmings is permitted provided said burning does not cause a health and safety hazard or nuisance to surrounding property owners and/or tenants. (Ordinance 368, sec. 2, adopted 5/12/09)

**Sec. 7.03.007 Depositing or dumping trash, vegetation or unsanitary matter**

(a) It shall be unlawful for any person to dump, place, deposit, throw, or otherwise dispose of any trash of any kind on public or private property. A violation of this section shall constitute a trespass on said property when committed against or upon any public property or property owned or occupied by another person. Violations of this section shall include but are not limited to the following:

- (1) Vegetation and trimmings. The throwing, placing, dumping, or depositing of any lawn trimmings, hedge trimmings, or other cuttings or trimmings of weeds, flowers, or other vegetation on or in any gutter, street, sidewalk, parkway, driveway, curb, alley, or any other public property of the city, or in or on any lot, vacant or occupied, driveway or other private property.
- (2) Trash. The throwing, placing, dumping or depositing of any garbage or refuse of any kind on or in any gutter, street, sidewalk, parkway, driveway, curb, alley, or any other public property of the city, or on any private lot, vacant or occupied, other private property.
- (3) Unsanitary matter. The throwing, placing, dumping, or depositing of any animal, vegetable or mineral matter or any composition or residue thereof which is in an unsanitary condition or injurious to public health on or in any gutter, street, sidewalk, parkway, driveway, curb, alley or any other public property of the city, or on or in any lot, vacant or occupied, driveway or other private property.

(b) Trash that has been properly disposed of in accordance with the garbage collection provisions of this code shall be exempt from this section.

(Ordinance 368, sec. 2, adopted 5/12/09)

**State law reference**—Illegal dumping, V.T.C.A., Health and Safety Code, sec. 365.012.

**Sec. 7.03.008 Maximum height of weeds and other vegetation**

(a) Growth restrictions.

- (1) It shall be unlawful for any person to allow any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, to allow uncultivated grass, weeds, or brush to grow to a height greater than 12 inches on any lot, tract, or parcel of land, or portion thereof.
- (2) It shall be unlawful for any person to allow any lot, tract, parcel of land, or portion thereof, occupied or unoccupied, improved or unimproved, to permit grass, weeds, or any plant to grow in, upon or across the sidewalk or street adjacent to the lot or

property in the area. Cultivated vegetation may be adjacent to the sidewalk when not in violation of other city ordinances. Weeds and vegetation, cultivated or uncultivated, may not be allowed to grow along sidewalks or streets in a manner that obstructs the lines of sight for motorists or pedestrians or that hinders municipal use of the public rights-of-way.

(b) Affirmative defenses. The following shall be affirmative defenses to any charge of permitting grass, weeds or brush to grow in violation of subsection (a) only of this section:

- (1) The grass, weeds, or brush is/are located on land that is actively being used as a pasture for grazing livestock.
- (2) The grass, weeds, or brush is/are located on land that is being used as a garden or is currently being cultivated for agricultural purposes.
- (3) The grass, weeds or brush is/are located on public property owned by the State of Texas, or any of its subdivisions, and such governmental entity has determined that it is in the public interest that such property should remain in its natural, undisturbed condition and the vegetation on such property is in its native biome and the condition of such property does not present a danger or hazard to adjacent properties.
- (4) The code enforcement officer has determined that there is just cause to permit grass, weeds, or brush to grow to a height greater than twelve inches (12") on a lot, tract, or parcel of land. Just cause shall exist if one or more of the following factors apply to the lot, tract or parcel of land in question:
  - (A) The topography of the land makes compliance with the subsection (a) of this section impractical;
  - (B) The density of the brush makes compliance with subsection (a) of this section impractical or impossible;
  - (C) Some act of the city makes compliance with subsection (a) of this section impractical or impossible; and the land does not otherwise present a danger or hazard to adjacent properties.

(Ordinance 368, sec. 2, adopted 5/12/09)

**Sec. 7.03.009 Accumulation of trash**

It shall be unlawful for any person to permit any trash to accumulate upon any such lot, tract, or parcel of land. (Ordinance 368, sec. 2, adopted 5/12/09)

**Sec. 7.03.010 Unsanitary conditions**

It shall be unlawful for any person to permit any of the following unsanitary conditions to exist on, or emanate from, any such lot, tract, or parcel of land:

- (1) Stagnant water or any collection of water that may allow the breeding of insects, exposed animal carcasses, or any other open drain, sewer, or cesspool;



# The Dangers of Mowing Tall Grass

By Matthew • On May 20, 2013 • In [Lawn and Garden Safety](#), [Lawn Care](#), [Lawn Care Tips](#) [Lawn and Garden Safety](#), [Lawn Care](#), [Lawn Care Tips](#) [Comments Off](#) on [The Dangers of Mowing Tall Grass](#)

As we move into summer, tall grass becomes an increasingly greater problem. For one thing, your grass is finally growing again, so if you neglect your lawn for a few weeks, you will certainly be dealing with tall grass. In addition, those of you who have summer homes may be faced with mowing tall grass prior when you first arrive at the start of the season. In this post, we review some of the dangers of tall grass, and provide some helpful instruction in the event that you find yourself tasked with mowing grass that has gotten out of hand.

## What are the consequences of tall grass?

Tall grass poses a whole litany of problems, not only relating to the health of your lawn but also with regard to safety. Tall grass is a breeding ground for bugs and snakes. Also be mindful that more serious insects, such as fleas, ticks, and rats tend to appear when grass gets overly high. It is also important to be mindful of the fact that tall grass can really compromise lawn mowing safety. When you mow grass that's gotten overly high, it is all too easy to miss objects and your mower can inadvertently run over hidden debris. This issue clarifies the importance of cleaning debris off your lawn before mowing, a necessary ritual that is too often neglected. Another safety concern involves terrain. If you are mowing tall grass, it makes it much more difficult to get an accurate sense of the ground and you may find yourself tripping over holes, divots, or other such unsteady terrain. Obviously, this last consideration is less of an issue if you are already well-acquainted with your lawn, but it is just another reason why you need to take tall grass seriously.

## How should you cut tall grass?

Mowing tall grass is a delicate procedure. You want to mow as much as possible, but you don't want to take so much off that you hurt your lawn's growth. Unfortunately, you shouldn't take more than 1/3 off at once or you will seriously injure the future growth of your grass. In addition, it is important to remember that grass really shouldn't get taller than 2 ½ inches or it qualifies as "tall grass." This way, you won't have to mow more than once to do a complete job, and grass won't build up under your mower.

Mowing tall grass is a real annoyance since it poses safety threats and you should only cut about 1/3 of it at once. For these reasons, prevent tall grass by mowing frequently. A well-kept lawn is a more handsome lawn, so preventing tall grass will save you time in the long run and prevent your lawn from becoming the envy of the neighborhood.

## Overgrown grass and weeds could cause major problems

by Brooke Self

Friday, July 24th 2015



Fri, 24 Jul 2015 19:21:50 GMT — With the large amount of rain the Texas panhandle has gotten this summer, Amarillo has also seen a generous amount of vegetation growth.

Although the plants are green for now, they will eventually dry out, creating a serious fire hazard. With this, the [City of Amarillo](#) wants to remind people how important it is to keep the growth of tall grass and weeds under control.

According to the City, the Municipal Code requires people to keep grass and weeds shorter than 8 inches. This helps reduce risk of fires when the greenery starts to dry out. The City also said tall grasses and weeds are the perfect environment for insects like mosquitos to dwell and weeds are an excellent place for several different types of rodents. If this plush greenery is maintained properly, unwanted pests would be kept minimal.

The City would also like people to remember to maintain weeds in the alley, which could cause a fire to spread easier.

According to the City, people who do not keep their property well- maintained may receive a notice of violation from the City. Those who receive this notice will have 10 days from the date the notice is received to get the area mowed. For those who fail to do so, the City will contract to have the property mowed and will be billed for the service, as well as an administrative fee.

People can report tall grass or weeds in their neighborhood by [clicking here](#) or calling (806) 378-3041.

## 4 Potential Dangers of Overgrown Brush on Your Commercial Property

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Commercial properties often require a lot of maintenance. This includes maintaining driveways and parking lots, building upkeep, as well as signage and business lighting. But, what's often overlooked is landscape maintenance and vegetation management around the exterior area. When commercial properties have large areas of overgrown brush and other parts that are left unkempt, it can be a danger to commercial property owners, their tenants, and even customers.



Here are some of the potential dangers of allowing overgrown brush and grass to stay on commercial sites.

### **#1: Less Property Safety and Access**

Commercial lots with areas full of tall, overgrown grass and brush are much less secure than ones with landscapes that are regularly mowed and maintained. Tall grass and invasive weeds that are allowed to grow around a commercial property can give thieves, vandals, and other criminals plenty of places to hide. Overgrown grass and weeds can also make it harder for business owners and utility companies to access certain areas (such as pipelines, HVAC equipment, and other important parts of a commercial building).

## **#2: An Increase in Rodent Activity**

One of the most unsightly parts of commercial properties with tall grass and overgrown brush is they have more rodent and insect activity. They can thrive in these areas and can quickly overrun a commercial property. This can cause an infestation that can negatively impact any of the following:

- Commercial lots.
- Buildings.
- Utility areas.
- HVAC equipment.
- Parking areas.
- Landscape gardens.

When commercial properties are regularly maintained with brush removal, vegetation management, and weed control services, the chance of a rodent or insect infestation decreases significantly.

## **#3: A Decrease in Property and Community Value**

Commercial properties can benefit from regular brush removal and vegetation management. When the surrounding landscape is more presentable, it can be a nice addition to the surrounding community. But, if they allow tall weeds and overgrown brush to stay on their site (especially if it's in plain view), it can become a proverbial blemish on the community and can lower the value of the property. Commercial property owners should always try to keep their landscape manicured and well-kept by mowing lawns, cleaning landscape gardens, and keeping trees healthy because it can increase the value of the property and community. This kind of proactive approach to landscape maintenance can foster more goodwill within the community and can even positively affect their revenue.

## **#4: An Increased Risk of Property Damage**

Allowing trees to become overgrown will increase your risk for property damage. Unpruned trees can become a major threat during a storm. Strong winds can damage everything from a roof to a car, and it doesn't have to be a stormy day for an overgrown tree to fall. Dead or broken branches and limbs are already weak and can fall even when the sun is shining.

If you're looking for one of the best places for brush removal in Corpus Christi, be sure to get in touch with Dawson Recycling and Disposal.

## The dangers of mowing too low



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Spring marks the return of many things. Trees and flowers begin to bloom again in spring, while warmer temperatures are welcomed back with open arms. Grass also begins to grow again in the spring. That means it's not too long before homeowners have to dust off their lawn mowers and get to work. Those who don't necessarily enjoy mowing the lawn may be tempted to cut their grass very low, as doing so can mean longer intervals between mowing sessions. However, mowing grass too low can have a very adverse effect on a lawn.

**Cutting too low can injure the grass.** Cutting grass too low can injure the grass, creating what's essentially a domino effect of problems to come. Injured grass will focus on its recovery efforts, thereby making it vulnerable to other issues.

**Cutting too low promotes weed growth.** Injured grass is vulnerable to invaders, including weeds and insects. Weeds and insects can attack grass as it recovers from injury, and before homeowners know it, their lawns are overcome with a host of problems.

**Cutting too low allows crabgrass to thrive.** Crabgrass needs ample sunlight to grow. By cutting grass too low, homeowners may unknowingly be promoting crabgrass growth. Crabgrass is unsightly and can rob surrounding grass of the moisture it needs to grow. So lawns cut too low may not only lose their lush appeal thanks to the unattractive appearance of crabgrass, but also because areas surrounding the crabgrass patches might turn brown due to lack of water.

**Cutting too low can stress the grass.** Cutting too low also makes lawns vulnerable to summer heat. Without blades tall enough to block some of the summer sun, grass can quickly succumb to summer heat, leading to dried out, discolored lawns.

# TALL GRASS / WEEDS

## **WEEDS AND GRASS AND HEIGHT REGULATIONS**

The goal of the City in the compliance of this code is to ensure that the health, safety and/or welfare of the community is not being compromised. The height limit is set within the ordinance and does not differentiate between non-compliant sporadic weeds/grass and properties that are obviously out of compliance. Section 18-53 of the Code of Ordinances requires that all properties maintain an acceptable vegetation height limit. Generally the height limit is 1 foot (12 inches) per platted lot less than an acre, and 1 ½ feet (18 inches) for undeveloped tracts larger than 1 acre.

Ordinance 1080/1089 (Code of Ordinances Section 18) were enacted in 1990 and are intended to ensure that properties within the city limits are kept in a safe, sightly, and sanitary manner; safe guarding the public against rodent/pest habitation, and preventing the spread of fire or disease. This ordinance also helps keep our community clean and prevents litter from being captured by overgrown vegetation. The majority of communities around us and throughout the country have similar local ordinance or are enforced by state law. It is not the intention of the City of Andrews to be heavy handed in enforcing this ordinance rather to take a customer friendly approach to ensure that everyone is being treated fairly and reaching a higher level of compliance.

The Texas Health and Safety Code Chapter 343, sets guidelines passed by the State Legislature. Local ordinances 1080/1089 use the guidelines set by the state in the Texas Health and Safety Code (THSC) to ensure that all properties are being maintained in a sanitary manner.

The city will send at least one notice per year to property owners that are in violation in accordance with THSC 342.006 and Andrews Code of ordinance section 18-54.



**WHY WE POST OR MAIL CERTIFIED NOTICES:**

In the City of Andrews we are served by only one State Registered Code Enforcement Officer (a.k.a Code Compliance Inspector) and inspections for a town of over 10,000 are time consuming and can render it impossible to have one-on-one contact with everyone. The code compliance inspector handles a multitude of codes and violations other than vegetation, and although we would love to make personal contact with everyone for every violation, it can become very time consuming and detrimental to ensuring the highest level of compliance.

The state law prescribes that a city must notify the owner by mail or by a posting on the property and although we are generally received well in personal contact we would have no recourse if an owner decides not to comply with the personal contact. Most people will receive a notice either by posting or by certified mail notice that is worded in a legal and generally direct manner to ensure that if the City has to take recourse to remedy the violation that the City has fairly, properly and legally notified the owner as required. We pride ourselves in the fairness and customer service we provide, and will be fair to everyone. We ask that if you receive a notice and have any questions or feel that it was received in error that you please make contact with the code compliance inspector.

**HOW INSPECTIONS ARE CONDUCTED:**

Code Compliance Inspections are generally conducted in a non-discriminate "sweep" manner on a block-by-block basis or by received complaint. Violations are handled as prescribed by law and further action on the part of the city generally takes a little bit longer and will cost the owner. We try to address the most severe issues in a manner of what is most detrimental to the public, rather than received complaints, but all complaints will be addressed and dealt with accordingly.

**COMMON MISCONCEPTIONS:****Common misconception #1:**

A property owner receives a notice and complies but a neighbor has yet to comply. Did the code compliance inspector not take note of the neighbor's property conditions or send them a notice?

The neighbor more than likely was sent notice and either did not receive it or has just neglected to comply. When this happens the inspector has to place the property on a schedule for city remediation and/or court action and is awaiting further action by a contractor or municipal court. When the city is required to take further action the due process is not always expedient considering the load on the contractors and the court.

**Common misconception #2:**

If a person does not accept the Certified Mail or removes the posted Notice can they neglect to comply without consequence?

No. The Inspector documents all notices sent or posted and keep such records for further action. It is common in practice that if notice is disregarded the city will continue with further action as instructed by law.

**Common misconception #3:**

Isn't the city required to notify a property owner every single time they violate this ordinance?

**No.** Sending a notice for every occurrence was a practice for the city prior to having a (sole-capacity) Code Compliance Inspector. In the past several years the city has grown and it is common that many of the same owners often fail to comply requiring the city to take further action. This puts a strain on the resources available to efficiently patrol and communicate with other property owners. The city has used the authority granted by the state through THSC 342.006 to only notify owners annually. The law requires the city to send notices via-certified mail or by posting on the property. Yard stakes and certified mail can become very expensive and your tax dollars will not be spent to notify the same property owners multiple times throughout the year. The notices sent also state in bold that "

**The City is only required to send one (1) notice of violation per year.**

**Common misconception #4:**

Contacting a supervisor will cause quicker action.

This statement is incorrect because all complaints will be handled in the manner received and addressed by severity. The law still regulates and trumps any action that an inspector or city official can take as remedy. This ordinance requires that 10 day notice be given unless the growth is over 4 feet tall the city must take action as prescribed by law and the code. Even after the legal time to comply expires there are numerous properties that must either be filed in court or placed on the list with a contractor, once the action is taken we are left at the mercy of the court or the contractor neither of which are under our control.

# COMMON CODE VIOLATIONS

This page contains general information about common code violations. For more detailed information, consult the City of Marble Falls [Code of Ordinances](#). Report suspected violations by calling the Code Enforcement division at 830-798-7091 or 830-798-7092.

## Violations

- Items or trash placed at the curb on non-trash pick-up days, e.g. household goods, furniture, or tree clippings
- Grass and leaves blown/left in public roadways.
- Bandit Signs, e.g., illegal off-premise signs or garage sale signs
- Expired temporary signage
- Signs placed within the public right-of-way
- Improper storage of a trailer, boat, vehicles
- Junk vehicles
- Shipping Containers and Semi-trailers used in unauthorized districts
- Parking on unimproved surfaces e.g., grass areas
- Indoor furniture used outdoors
- High grass and weeds

## Mowing Violation

It shall be the responsibility of any person described in Chapter 13, Article 4, Section 13-101 of the Code of Ordinances to maintain the right-of-way area from the property line of the lot or parcel to the curb line. If there is no curb line, then from the property line to the edge of the pavement. Grass can be mowed to a maximum height of 12 inches.

height.

If the lot or property adjoins an unpaved street or alley, then maintenance shall be from the property line to the center line of the adjacent unpaved street or alley.

Chapter 13, Article IV, Sec. 13-101 (a-c), Code of Ordinances, City of Marble Falls, Texas

Chapter 13, Article IV, Sec. 13-102 (a-c), Code of Ordinances, City of Marble Falls, Texas

**Before**



**After**



## Trash and Debris Violation

Chapter 7, Article IX, Sec. 7-295 (a), Code of Ordinances, City of Marble Falls, Texas

**Before**



**After**



To report a Code Violation click here <https://marblefallstx.gov/RequestTracker.aspx> or contact the Code Enforcement Department at 830-798-7095.

## Additional Resources

## Sec. 14-19. - Public nuisance declared.

- (a) It shall be unlawful for any person, or entity who shall own or occupy any property in the city to allow stagnant water, weeds, brush, vegetation, junk, refuse, rubbish, carrion, or any other unsightly, unwholesome or objectionable or unsanitary matter to be kept, accumulate or grow on property owned or occupied by such person or entity. Violation hereof is hereby declared to be a public nuisance.
- (b) It shall be unlawful for any person or entity who shall own or occupy any property in the City to use or allow the use of a vehicle, boat, trailer, recreational vehicle, container, part of a vehicle or trailer or other vehicle attachment for the storage of junk, trash and/or debris or for housekeeping, living or sleeping quarters not normally associated with the intended use of the said item. It is a defense to prosecution under this section that the same was used for the collection of construction debris or materials during a construction project on the property upon which the item is placed.
- (c) For the purposes hereof, the following definitions are used:
  - (1) Weeds, brush and vegetation shall mean and include brush, vines, grasses, clippings, fallen leaves, branches, fruit and other plant material and products on or about property which accumulate or have attained such growth as to have become a fire menace, a harbor for vermin, rats, insects, animals, reptiles or any other creatures which creates, or tends to create, a menace to health, safety or the public welfare, or an unsightly or blighting influence on the neighborhood of the property. Without limiting the foregoing definition, any growing weeds exceeding 12 inches in height shall be presumed to be a nuisance.
  - (2) Junk, refuse and rubbish shall mean and include all material decayable or non-decayable, new or used, which when kept, stored or accumulated upon property creates or tends to create an unsanitary, unsightly, unsafe environment or blighting influence on the property in question or the neighborhood. Junk, refuse and rubbish shall include all manner of items or material, dead animals or parts thereof, metal, household goods and appliances, machinery, fixtures, building materials, vehicles or motors, parts and accessories of the same. The keeping, storing and accumulating of such goods or materials shall not be considered to be a violation of this nuisance ordinance if:
    - a. The same is contained entirely within a closed receptacle or container composed of durable material designated to prevent the discharge of its contents and to be inaccessible to animals, vermin or other pests and to be inaccessible to children, or
    - b. Such material is owned or kept by a junk dealer, operating a business on the subject premises, in conformity with the zoning and other ordinances of the city. Such dealers are exempt from prosecution hereunder for keeping and accumulating such items, provided

Sec. 54-62. - Limitation on height of grass and weeds.

It shall be unlawful for any person who shall own or occupy any lot or lots in the city limits to allow weeds and/or grass to grow on such lot or lots to a height of more than 12 inches. Weeds and/or grass of a height exceeding 12 inches are declared a nuisance. Provided, however, this section shall not apply to property used for the growing of agricultural crops or grass if such property has not been platted into lots.

(Ord. No. 2000-03, § 3, 2-10-00)

**Sec. 6.02.005 Vegetation**

(a) It shall be unlawful for any person who shall own or occupy any lot, tract or parcel of land in the city to allow grass, weeds, brush or other vegetation to grow to heights over 12 inches within the areas of any lot, tract or parcel of land specified in this section.

(b) The areas to be maintained clean under this section shall extend back from each property line that abuts any open and maintained street right-of-way 25 feet, and all areas within 50 feet from any building or structure, whether situated on the same lot or an adjacent lot.

(c) It shall be the duty of the property owner or person occupying the property to keep the area from the property line to the street curblin, or, if no curblin, then to the bar ditch on the nearest maintained part of the traveled portion of the street or roadway, clean in accordance with this section; however, the property owner or property user shall not be required to remove any shade tree from any areas covered by this section unless the same constitutes a traffic hazard and removal thereof is specifically required by the city.

(d) As to large and undeveloped tracts or where several lots shall have common ownership and the purposes of this section will not be served by requiring compliance with the provision for maintaining clear the area of 25 feet from the street right-of-way, the city manager, upon written request, may, if he finds that the purposes of this section will not be served by compliance, waive or exempt compliance with this section for such period of time until there is a change of conditions requiring compliance, at which time written notice shall be given by the city to such owner that the waiver or exemption has been revoked.

(e) All vegetation not regularly cultivated and that exceeds 12 inches in height shall be presumed to be objectionable and unsightly; except that regularly cultivated crops, regardless of height, shall not be allowed to grow within the right-of-way of any public street, alley or other public easement.

(Ordinance 355-13-12-10 adopted 12/10/13; Ordinance 397, sec. II(B), adopted 9/8/15)

(f) The provisions of this section shall not be applicable to any property which is utilized for agricultural purposes and which has received a tax exemption by virtue of its agricultural use.

(Ordinance 387, sec. 2, adopted 6/9/15)



**Sec. 3.01.008 Dogs running at large**

(a) Prohibition. No owner of any dog shall cause or permit such dog to be or run at large upon any public place or any private property other than that of such owner except with the prior consent of the person in charge of such private property unless such dog is securely restrained by a substantial leash not to exceed six (6) feet in length and is under the charge and control of a person competent to keep such dog under effective charge and control.

(b) Exceptions. Nothing in this section shall prevent a dog from being used without a leash:

- (1) To hunt wild birds or game or to herd, guard, gather, or otherwise work domestic animals or fowl; or
- (2) For obedience training or exercise in or upon a public place so long as such dog does not wrongfully harm or damage or threaten to harm or damage any person on public or private property.

(c) Confinement of female dogs in heat. The owner of any female dog shall keep such dog confined in a secure enclosure during the time that such dog is in heat to prevent the attraction of other dogs.

(Ordinance 2014-396A, sec. 8, adopted 10/14/14)

**State law reference**—Restraint, impoundment and disposition of dogs and cats, V.T.C.A., Health and Safety Code, sec. 826.033.

**ARTICLE 3.02 LIVESTOCK****Sec. 3.02.001 Definitions**

License, unless the context requires otherwise, shall be synonymous with a permit issued under this article.

Livestock includes horses, cattle, goats, sheep, roosters and chickens and any other animals excluding dogs, cats, fish, rabbits and household pets ordinarily confined within a home.

Person means any firm, company, partnership, corporation, association, club, society or other organization.

(Ordinance 393, sec. 2, adopted 5/8/12)

**Sec. 3.02.002 Penalty**

Any person, firm or corporation violating any provisions of this article or failing to observe any provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$500.00 and each and every day or fraction of a day during which this article, or any part thereof, shall be violated, shall be deemed a separate offense and punishable as such. For second and additional offenses, the fine shall not be more than \$2000.00. (Ordinance 393, sec. 6, adopted 5/8/12)

**Sec. 3.02.003 Loose livestock**

It shall be unlawful for any person who owns or controls any livestock to permit or allow such livestock to be loose and unrestrained outside such person's residence (including the yard of the residence) or fenced property owned by a person. "Loose" shall mean without restraints such as a halter, reins, leash or other restraint preventing such livestock to wander. (Ordinance 393, sec. 3, adopted 5/8/12)

**State law references**—Animals at large, V.T.C.A., Local Government Code, sec. 215.026; impoundment of estrays, V.T.C.A., Agriculture Code, sec. 142.009.

**Sec. 3.02.004 Permit**

(a) Every person who owns or controls livestock within the city limits shall file with the city secretary an application in writing on a form to be furnished by the city, which shall provide the following information:

- (1) Proof of age, address and identification of the applicant, to be provided through the applicant's driver's license, articles of creation or incorporation as applicable, or other legally recognized form of identification; photo identification required.
- (2) A brief description of the livestock owned or controlled within the city.

(b) There shall be an application fee in the amount set forth in the fee schedule in appendix A of this code for each applicant, to cover the cost of processing the application.

(c) The city secretary will issue a permit upon approval of an application and payment. A copy will be issued to the chief of police along with documentation.

(d) The permit will be issued for a time frame of one year and must be displayed upon demand by any peace officer or city employee responsible for enforcement of this article. The applicant must report any material changes to the city secretary within the [a] one-month time frame.

(Ordinance 393, sec. 4, adopted 5/8/12; Ordinance adopting Code)

**Sec. 3.02.005 Exemptions**

The permitting requirements and the requirements related to identification of this article shall not apply to any person who is a veterinarian practicing at a location within the city. (Ordinance 393, sec. 5, adopted 5/8/12)



## Why backyard chickens are a health risk

By Jen Christensen and Debra Goldschmidt, CNN

Published: Jul. 26, 2018 at 1:02 PM CDT



"Always wash your hands after handling live poultry." That's the reminder from the US Centers for Disease Control and Prevention this week due to another outbreak of salmonella from backyard chickens.

Two hundred twelve people have gotten sick with salmonella since February due to poultry, the agency [said Monday](#). The illnesses have been reported in [44 states](#).

This is the [10th time since 2011](#) the CDC has announced an outbreak due to live poultry. According to the agency, 70 salmonella outbreaks linked to live poultry have been declared since 2000.

"A lot of people perceive a bird with salmonella will look sick, but that is really not the case," Dr. Megin Nichols, a CDC veterinarian, told CNN after an outbreak last year. The birds carry the bacteria on their feathers, on their feet and in their droppings.

Symptoms of salmonella begin 12 to 72 hours after a person is infected and include diarrhea, fever and abdominal cramping. This can last about four to seven days, and most individuals recover without treatment. However, those who develop severe diarrhea may need to be hospitalized. Thirty-four people have been hospitalized as part of this latest outbreak.

Those who are very young, who are very old or who have compromised immune systems are most at risk for complications and severe cases of illness.

The trendiness of these birds has probably contributed to the rise in these illnesses, Nichols said, as more people want to know where their food comes and are providing it for themselves.

Before committing to keeping chickens, Nichols suggests reading up on caring for the animals. The [CDC offers some advice](#) to help you master a few best practices, as does the US Department of Agriculture on its [Biosecurity for Birds page](#).

But the basics start with always washing hands with soap and water after touching the birds or anything in their environment. Equipment including food and water bowls can be contaminated with the bacteria, too.

To avoid tracking the bacteria elsewhere, use a separate pair of shoes for taking care of the chickens and don't wear them inside your home. And, of course, keep the birds outside, too, so they don't track bacteria into your home.

Children younger than 5 years old should be supervised whenever they are handling these animals as they are particularly susceptible to the infection because they often put their hands in their mouths. Be sure to teach them how to handle the animals.

If you collect your chicken's eggs, wash them well before use and cook them thoroughly before eating.

Those who are sick in this latest outbreak told federal health investigators their chicks and ducklings came from multiple sources, including feed supply stores, websites, hatcheries and from other people. The CDC is reminding feed stores and mail-order hatcheries that sell the animals to take [steps to take](#) to prevent salmonella in flocks.

The-CNN-Wire

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## Backyard Poultry

Poultry includes any domesticated bird often kept for producing eggs or meat, such as chickens, ducks, geese, guinea fowl, and turkeys. Find information about pet birds on the [birds page](#). Find information about wild birds on the [wildlife page](#).

**Overview** Diseases Healthy People Healthy Poultry FAQs Resources

Keeping backyard poultry (chickens, ducks, geese, guinea fowl, and turkeys) is becoming more popular. People enjoy raising baby poultry including chicks, ducklings, goslings, and poults. Many people keep chickens to have fresh eggs. Although keeping backyard poultry can be fun and educational, owners should be aware that poultry can sometimes carry harmful germs that make people sick.

These germs can cause a variety of illnesses in people, ranging from minor skin infections to serious illnesses that could cause death. One of the best ways to protect yourself from getting sick is to [wash your hands](#) thoroughly right after touching poultry or anything in the area where they live and roam.

Whether you are building your first coop or are a seasoned backyard poultry owner, you should know the risks of keeping poultry and the simple things you can do to stay safe.

Follow the [Healthy People](#) and [Healthy Poultry](#) tips to keep yourself and your flock healthy.

Read below to learn about diseases that can be spread by poultry and visit the [Healthy People](#) section to learn about staying healthy around backyard poultry.

### Bird flu (Avian influenza)

Avian influenza, or bird flu, is a contagious respiratory illness caused by influenza viruses. Some avian influenza viruses that primarily circulate in animals have infected people on rare occasion. When influenza viruses that normally circulate in animals cause an infection in people, this is called a "novel" virus infection. Not all influenza viruses found in birds are known to cause human infections.

**How it spreads:** Flu viruses are highly contagious. People can get infected through contact with saliva, nasal secretions, and droppings (poop) from infected animals. People also can get infected through contact with virus-contaminated surfaces, poultry coops, pig pens, and supplies. Less often, people can get infected by touching an infected animal and then touching their own eyes, nose, or mouth.

**Who is at risk:** It is rare for avian flu to spread to people. Anyone can get the flu, but children younger than 5 years old,

### Recent Outbreaks



See the latest outbreaks in people linked to backyard poultry

pregnant people, adults 65 and older, and people with weakened immune systems are at high risk for serious flu complications.

People who work closely with large numbers of birds, such as producers, are more likely to get bird flu if their animals are infected.

**Signs in poultry:** Birds can be infected with flu viruses without showing symptoms. Signs that poultry may be infected range from decreased egg production to extremely high death rates.

**Symptoms in people:** People infected with avian flu viruses can have symptoms similar to the human seasonal flu, such as fever, fatigue, lack of appetite, and coughing. They may also have red eyes, nausea, abdominal pain, diarrhea, and vomiting. Some people can have serious flu complications, including inflammation of the heart (myocarditis), brain (encephalitis), or muscle (myositis, rhabdomyolysis) tissues, and multi-organ failure (for example, respiratory and kidney failure).

## Campylobacteriosis (*Campylobacter* spp.)

*Campylobacter* are bacteria that can make people and animals sick with a disease called campylobacteriosis.

**How it spreads:** *Campylobacter* most often spread to animals and people through the feces (poop) of infected animals, contaminated food, or the environment. People can get infected if they don't wash their hands after touching an animal or its poop, food, toys, habitats (including coops, pens, and cages), or equipment used around these animals.

**Who is at risk:** Anyone can get a *Campylobacter* infection, but children younger than 5 years old, adults 65 and older, and people with weakened immune systems are more likely to get severe illness.

**Signs in poultry:** Poultry usually don't show signs of *Campylobacter* infection. Even if they look healthy and clean, poultry can still spread the bacteria to people.

**Symptoms in people:** People can have diarrhea (often bloody), fever, and stomach cramps. The diarrhea may be accompanied by nausea and vomiting. Symptoms usually start within 2–5 days after infection and last about 1 week.

## *E. coli* (*Escherichia coli*)

*E. coli* are bacteria found in the environment, foods, and intestines of people and animals. Although most kinds of *E. coli* are harmless, others can make people sick.

**How it spreads:** *E. coli* most often spreads to animals and people through the poop of infected animals, contaminated food, or the environment. People can get infected if they don't wash their hands after touching an animal or its poop, food, toys, habitats (including coops, pens, and cages), or equipment used around these animals.

**Who is at risk:** Anyone can get sick from *E. coli*, but children younger than 5 years old, adults 65 and older, and people with weakened immune systems are more likely to get severe illness.

**Signs in poultry:** Poultry naturally have *E. coli* in their gut, and don't usually show signs of illness. Even if they look healthy and clean, poultry can still spread the bacteria to people.

**Symptoms in people:** Symptoms depend on the kind of *E. coli* causing the infection. Shiga toxin-producing *E. coli* (STEC) infection is one of the most commonly diagnosed *E. coli* infections in the United States. Most people infected with STEC experience severe stomach cramps, diarrhea (often bloody), and vomiting. Symptoms usually start within 3–4 days after swallowing the bacteria and last 5–7 days. Some people may develop a type of kidney failure (hemolytic uremic syndrome, also called HUS) and would need to be hospitalized.

## Histoplasmosis (*Histoplasma capsulatum*)

Histoplasmosis is an infection caused by a fungus found in the environment, particularly in soil that contains large amounts of bird and bat droppings.

**How it spreads:** People can get histoplasmosis by breathing in the microscopic fungus from the environment.

**Who is at risk:** Anyone can get histoplasmosis, but children younger than 5 years old, adults 55 and older, and people with weakened immune systems are more likely to get severe illness.

**Signs in birds:** Birds do not get sick from histoplasmosis.

**Symptoms in people:** Most people don't get sick from histoplasmosis. People who do get sick from histoplasmosis can have symptoms that usually appear within 3-17 days of exposure. Symptoms include fever, cough, fatigue, chills, headache, chest pain, and body aches.

## Salmonellosis (*Salmonella* spp.)

Every year people get *Salmonella* infections after handling poultry, such as chicks and ducklings, and the number of people getting sick is increasing.

**Who is at risk:** Anyone can get sick from *Salmonella*, but children younger than 5 years old, adults 65 and older, and people with weakened immune systems are more likely to get severe illness.

**Signs in poultry:** Poultry usually don't show signs of *Salmonella* infection. Even if they look healthy and clean, poultry can still spread the bacteria to people.

**Symptoms in people:** Most people infected with *Salmonella* have diarrhea, fever, and stomach cramps. Symptoms usually start 6 hours to 6 days after swallowing the bacteria. Most people recover without treatment after 4 to 7 days.

## How to stay healthy around backyard poultry

### Wash your hands

- Wash your hands with soap and running water after touching backyard poultry or anything in the area where they live and roam. This includes:
  - After collecting eggs
  - After handling food or water containers or other equipment used for poultry
  - After being in areas near poultry even if you did not touch the birds
- Adults should supervise handwashing for young children.
- Use hand sanitizer if soap and water are not readily available. You can also put hand sanitizer near your coop for easy access.



### Be safe around poultry

- Don't kiss backyard poultry or snuggle them and then touch your face or mouth.

- Don't let backyard poultry inside the house, especially in areas where food or drinks are prepared, served, or stored.
- Don't eat or drink in areas where poultry live or roam.
- Set aside a pair of shoes to wear while taking care of poultry and keep those shoes outside of the house.
- Stay outdoors when cleaning any equipment or materials used to raise or care for poultry, such as cages or food and water containers.



## Handle eggs safely

Eggshells may become contaminated with *Salmonella* and other germs from poultry droppings (poop) or the area where they are laid. To keep your family healthy, follow the tips below when collecting and handling eggs from a backyard flock:

- Always wash your hands with soap and water right after handling eggs, chickens, or anything in their environment.
- Keep a clean coop. Cleaning the coop, floor, nests, and perches regularly will help to keep eggs clean.
- Collect eggs often. Eggs that sit in the nest can become dirty or break.
- Throw away cracked eggs. Bacteria on the shell can more easily enter the egg through a cracked shell.
- Eggs with dirt and debris can be cleaned carefully with fine sandpaper, a brush, or a cloth.
- Don't wash warm, fresh eggs because colder water can pull bacteria into the egg.
- Refrigerate eggs after collection to maintain freshness and slow bacterial growth.
- Cook eggs until both the yolk and white are firm. Egg dishes should be cooked to an internal temperature of 160°F (71°C) or hotter. Raw and undercooked eggs may contain *Salmonella* bacteria that can make you sick.
- Know local regulations for selling eggs. If you sell eggs, follow local licensing requirements.

## Supervise kids around poultry

- Always supervise children around poultry and while they wash their hands afterward.
- Don't let children younger than 5 years old handle or touch chicks, ducklings, or other poultry. Young children are more likely to get sick from germs like *Salmonella*.
- Don't give chicks and ducklings to young children as gifts.

- Because their immune systems are still developing, children are more likely to get sick from germs commonly associated with poultry, such as *Salmonella*, *Campylobacter*, and *E. coli*.
- Live poultry should not be kept in [schools](#), childcare centers, and other facilities with children younger than 5 years old.

## Prevent bird bites and scratches

Backyard poultry and waterfowl do not have teeth, but their bills and beaks can still cause a lot of damage if they bite you. Germs can spread from poultry bites, pecks, and scratches, even when the wound does not seem deep or serious.

- Avoid bites and scratches from your backyard poultry or waterfowl.
- If poultry scratch or bite you:
  - Wash wounds with soap and warm water immediately.
  - Seek medical attention and tell your doctor you were bitten or scratched by a bird, especially if:
    - The bird appears sick or is acting unusual.
    - The wound or injury is serious (uncontrolled bleeding, unable to move, extreme pain, muscle or bone is showing, or the bite is over a joint).
    - The wound or site of injury becomes red, painful, warm, or swollen.
    - It has been more than 5 years since your last tetanus shot.

## How to keep backyard poultry healthy

Keeping your poultry healthy helps to keep you and your family healthy. To learn how to stay healthy around backyard poultry, visit the [Healthy People section](#).

## Prepare for your backyard poultry

- Check your state and local laws before selecting or buying baby chicks, adult poultry (hens, roosters), or waterfowl. Many cities have rules against owning roosters because their crowing violates noise ordinances. Hens will lay eggs without a rooster.
- Find out if there is a local veterinarian who has experience with poultry to help you keep your poultry healthy.
- Learn what types of poultry are suitable for your family. Though most poultry are quite gentle, some breeds are more aggressive and may be more likely to bite or scratch you.
- Learn how to properly care for your poultry before you buy them. Ask your veterinarian or local cooperative extension agent about the best food, care, and enclosure or environment for the poultry you are selecting.
- Build a coop for your poultry outside your home. Backyard poultry need a sturdy environment to protect them from animals that spread disease such as insects and rodents and provide shelter from the weather and predators. The coop should be easy to clean.
- Set up an area outdoors to clean and disinfect all equipment used to care for the poultry and clean their enclosure. Do not clean any items indoors, where the germs could contaminate your home.
- Poultry can shed germs in their droppings (poop). Wear gloves when cleaning bird cages and poultry houses. Always wash your hands thoroughly with soap and water after contact with the poultry or their environment.

## How to choose and introduce poultry

- Buy backyard poultry from hatcheries that participate in the [U.S. Department of Agriculture National Poultry Improvement Plan \(USDA-NPIP\)](#) [↗](#). This program is intended to reduce *Salmonella* in baby poultry in the hatchery, which can help prevent the spread of illness from poultry to people.
- Pick poultry that are bright, alert, and active. Poultry should have smooth, sleek, and soft feathers that are free of debris or droppings. Poultry that seem sluggish, aren't moving around very much, or look dirty may be ill.
- When bringing new poultry to an existing flock:
  - Keep new poultry separated for at least 30 days before they are introduced to your other poultry. This will help prevent the new poultry from passing disease to your flock. Remember that poultry can appear healthy and






clean, but still spread harmful germs that make people sick.

- Clean your hands, shoes, clothing, and equipment when moving between the two groups of poultry during this period of separation. For example, you can dedicate separate pairs of gloves, coveralls, and boots to each group, and you should wash your hands or use alcohol-based hand sanitizer when you go between the two groups.
- Always take care of your existing flock before caring for your new poultry.
- Contact your veterinarian or local extension agent if you notice any signs of illness in your poultry. Sick poultry can:
  - Be less active than normal
  - Eat or drink less than normal
  - Have ruffled feathers, discharge from the eyes or nose, difficulty breathing, or runny diarrhea
  - Produce fewer eggs than normal
  - Produce discolored, irregular, or misshapen eggs
  - Die unexpectedly of no apparent cause
- Your veterinarian or local extension agent can work with you to determine the cause of the illness and help ensure that it does not spread to the rest of the poultry.

## Importing poultry into the United States

- USDA regulates the importation of poultry and poultry hatching eggs. USDA restricts the importation of poultry and poultry hatching eggs from countries with reported cases of avian influenza.
- People interested in importing poultry or poultry hatching eggs should visit the [USDA live animal importation website](#) .



## How to house backyard poultry

Don't allow poultry or waterfowl inside your home for any reason, including areas where food or drink is prepared, served, or stored, such as kitchens or outdoor patios.

- Provide your backyard poultry with a safe, sturdy environment outdoors, with housing areas and feeders/waterers that can be easily cleaned and disinfected. Poultry can be kept warm outdoors in the winter in a draft-free shelter or by using a safe heating source.
  - Set aside a pair of shoes to wear while taking care of poultry and keep those shoes outside of the house.

## How to clean poultry cages and coops

- Use a diluted bleach solution or another disinfectant to clean and disinfect surfaces that have come in contact with poultry.
- Clean poultry enclosures or cages with bottled dish soap and a commercial disinfectant made for this purpose. When using disinfectants, follow the label instructions for diluting the disinfectant and for how long to leave it on the surface before wiping or rinsing it off.
- Go outside to clean any equipment or materials used to raise or care for live poultry, such as cages or feed or water containers. Don't clean these items inside the house. This could bring harmful germs into your home.
- Tips for cleaning poultry cages or enclosures:
  - First, remove debris (manure, broken egg material, droppings, dirt) by wiping the equipment with a brush soaked in warm water and soap.
  - Once most of the debris is removed and the surface is generally clean, then apply the disinfectant. Dilute the disinfectant properly according to label directions before applying it. Most disinfectants only work on clean surfaces and don't work if they are applied directly to a dirty surface.
  - Leave the disinfectant on the surface for the amount of time listed on the label (usually anywhere from 30 seconds to 10 minutes). Then rinse and allow the surface to dry before reuse.


## Monitor your poultry's health

- Work closely with a veterinarian or local extension agent who has experience with poultry for routine evaluation and care to keep your flock healthy and prevent diseases.
  - If you aren't sure if your veterinarian treats poultry, call ahead to ask. If they do not see poultry, they can refer you to a qualified veterinarian in your area that does.



- Keep coops and enclosures clean to prevent the build-up of animal droppings. These droppings could attract insects, rodents, and wildlife that carry disease.
- When you clean droppings and cages, wear work or utility gloves. Don't pick up droppings with your bare hands and wash your hands thoroughly afterwards.
- If your poultry become sick or die soon after purchase, inform the feed store or hatchery. Also, contact your veterinarian or local cooperative extension agent to investigate the cause of death. Consider waiting at least 30 days before replacing the poultry. Don't reuse the enclosure until it has been properly cleaned and disinfected.
- A healthy bird can still spread germs to people and other animals. If you become sick shortly after buying or adopting a bird, tell your health care provider about your new animal and other animals that live in your household.

## Practice biosecurity

**Biosecurity**  is the key to keeping your poultry healthy. Biosecurity means the things we can do to keep diseases away from birds, property, and people. Practicing good biosecurity reduces the chance of your poultry or your yard being exposed to diseases like avian influenza or Newcastle disease. These diseases can be spread by people, animals, equipment, or vehicles, either accidentally or on purpose.

The following steps are important in keeping your poultry healthy and having good biosecurity practices:

- Keep your distance — Isolate your birds from visitors and other birds.
- Keep it clean — Prevent germs from spreading by cleaning shoes, tools, and equipment.
- Don't haul disease home — Also clean vehicles and cages.
- Don't borrow disease from your neighbor — Avoid sharing tools and equipment with neighbors.
- Know the warning signs of infectious bird diseases — Watch for early signs to prevent the spread of disease.
- Report sick birds — Report unusual signs of disease or unexpected deaths.

## Salmonella illness in people

### 1. My family has kept chickens for many years, and they have never made us sick. Why?

Your family may have never gotten sick because of the steps you take to stay healthy around poultry, such as thoroughly washing your hands after contact with chickens, their belongings, and habitats. It is also possible that you and other healthy adults in your family can be infected with *Salmonella* but not realize it because the illness is very mild.

### 2. If poultry can spread germs to people, why aren't there more people getting sick?

The true number of people who get sick with *Salmonella* through contact with poultry is likely much higher than the number of illnesses reported to the CDC. That's because many people who get a diarrheal illness do not know what made them sick, and many others do not get sick enough to visit their healthcare provider and get a diagnosis.

## Salmonella illness in animals

### 3. Can other animals, such as cats and dogs, get a *Salmonella* infection from backyard poultry?

Yes, cats and dogs can get a *Salmonella* infection and become sick. They may also carry and spread the germ without showing signs of illness. Other animals, such as reptiles, amphibians, rodents, and poultry, may also carry and transmit *Salmonella* without showing signs of illness. To reduce your pet's risk of infection, do not let it play, eat, or drink in areas where poultry roam.


### 4. My chickens have *Salmonella*. Can I treat them with antibiotics?

CDC does not recommend giving antibiotics to poultry to "treat" *Salmonella*. *Salmonella* is found naturally in poultry

CDC does not recommend giving antibiotics to poultry to treat *Salmonella*. *Salmonella* is found naturally in poultry, and the germ usually does not cause them to become sick. Giving antibiotics when not medically necessary can result in [antibiotic resistance](#). If you have more questions around antibiotic use, speak with your local agriculture extension agent or poultry veterinarian. Even if your poultry has *Salmonella*, you can stay healthy around them by keeping them outdoors, washing hands and items often, and handling eggs safely. For more information about steps you can take to stay healthy, visit the [Healthy People](#) section.

## Children and backyard poultry

### 5. Should schools keep poultry?


Poultry should not be kept in [schools](#), childcare centers, and other facilities with children younger than 5 years old. If this is not possible, the area where the chickens roam should be considered contaminated, and the children should not be allowed to play, eat, or drink in these areas. The chicken enclosure should be cleaned frequently. Children 5 years and older should be supervised when interacting with chickens. They should wash their hands (under adult supervision) immediately after handling the poultry. In some states, certain animals, including [live poultry](#), are [prohibited in childcare facilities](#)  [because of the health risk](#). For more information, refer to the [NASPHV Compendium of Measures to Prevent Diseases Associated with Animals in Public Settings](#) [🔗](#) .

### 6. I think my child got sick from touching our chicks and chickens. What should I do?


Monitor your child and call your child's healthcare provider if they have [symptoms of serious \*Salmonella\* illness](#). If your child is under 5 years old, it's best to not let them handle or touch chicks, ducklings, and other poultry. Young children are more likely to get sick from germs as their immune systems are still developing and they are more likely to put unwashed hands into their mouth. For older children, always supervise them around poultry and make sure they wash their hands properly afterward.

## Gardening with backyard poultry

### 7. I have a backyard garden that my chickens love to peck around in. Does thoroughly washing the produce reduce the risk of *Salmonella*, or should I keep the chickens out of the garden?

Thoroughly washing produce is always a good idea and can help reduce (although not eliminate) the risk of *Salmonella*. Keeping chickens out of the garden also helps reduce the risk of *Salmonella* infection, as does the practice of using chicken manure that has gone through the complete composting process. The University of Idaho offers [more information regarding composting of chicken manure](#)  [🔗](#) .

### 8. Can I put chicken manure on my garden?

It depends. There is risk of contamination of produce with germs if fresh chicken manure is put directly on food gardens. Although you should not put fresh chicken manure on your garden because of the risk of contamination, using fully composted chicken manure in your garden is safe. The University of Idaho offers [information on composting chicken manure](#)  [🔗](#) .

## Selecting and caring for backyard poultry

- [Backyard Poultry Biosecurity Practices to Keep Your Birds Healthy \(Defend the Flock\)](#) [🔗](#)  
United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA/APHIS)
- [Farm Animal Emergency Preparedness \(Blog\)](#)

## Importing poultry or poultry hatching eggs

- [Animal and Animal Product Import Information](#) [🔗](#)  
USDA/APHIS
- [Procedures for Importing Live Poultry](#) [🔗](#)  
USDA/APHIS
- [Procedures for Importing Poultry Hatching Eggs into the United States](#) [🔗](#)  
USDA/APHIS




## Staying healthy around backyard poultry

- [Printable Resources](#)

• [Printable resources](#)

- [Salmonella and Eggs](#)
- [Facebook Live: CDC's Dr. Megin Nichols talks about Salmonella and backyard flocks](#)
- [How Infected Backyard Poultry Could Spread Bird Flu to People](#)  [PDF – 2 pages]
- [Antimicrobial Products Registered for Use Against Influenza A Virus on Hard Surfaces. \[PDF – 20 pages\]](#)  [List of approved Avian influenza disinfectants. U.S. Environmental Protection Agency \(EPA\)](#)
- [Baby Chicks and Salmonella: Tyler's Story](#)

## Guidance and recommendations

- [Compendium of Measures to Prevent Zoonotic Diseases Associated with Non-Traditional Pets](#) 
- [Compendium of Measures to Prevent Disease Associated with Animals in Public Settings, 2017](#)  [National Association of State Public Health Veterinarians \(NASPHV\)](#)
- [National Poultry Improvement Plan](#) 

## Selected diseases associated with backyard poultry

- [Bird flu, avian influenza](#)
- [Campylobacteriosis](#)
- [E. coli](#)
- [Salmonellosis](#)

# Keeping Chickens in Tennessee, Texas

Local laws relating to coop/pen size, proximity to residences and roads, noise, sanitation, and zoning restrictions apply in all cities and counties. You'll also need to check with the local home owner's association, if one exists in the area you're living in. Many cities require the chickens to be penned at all times. If roosters are allowed, and if no permit is required to keep poultry, this is mentioned in the list below.



A Welsummer hen and her chicks

Tennessee

Chicken keepers in Tennessee are subject to various local laws and ordinances. Anyone wishing to keep chickens in Tennessee's cities should cast their eye over the following list first:

### Cities and Counties in Tennessee that Allow the Keeping of Chickens

- Brentwood – no limit on numbers, no permit required.
- Chattanooga – no limit on numbers, roosters allowed, no permit required.
- Clarksville – no limit on numbers, no permit required.
- Germantown – no limit on numbers, no permit required.
- Jackson – no limit on numbers.
- Knoxville – no limit on numbers, no permit required.
- Maryville – no new flocks have been allowed since 1988, no permit required.
- Memphis – no limit on numbers, roosters allowed, no permit required.
- Murfreesboro – maximum 6 birds, roosters allowed, no permit required.
- Nashville – numbers depend on size of plot.
- Smyrna – no limit on numbers, no permit required.
- Williamson County – no limit on numbers, roosters allowed, no permit required.

### Locations in Tennessee Where Keeping Chickens is Prohibited

- Johnson City
- Kingsport
- Maryville – no new flocks have been allowed since 1988.

## Texas

If you plan keeping chickens in Texas, bear in mind the following local laws and ordinances for all Texas chicken keepers:

### Cities in Texas that Allow the Keeping of Chickens

- Abilene – No number restrictions, no permit required, roosters allowed.
- Addison – No number limit, but no more than two if close to other buildings. No permit required.
- Aledo – Up to 20, no permit required, roosters allowed.
- Alice – Six allowed; more if at least 500 feet from nearest dwelling. Roosters allowed, no permit required.
- Allen – No number restrictions, no permit required, roosters allowed.
- Alvin – Two hens allowed on 2900 sq foot plot, and numbers can increase with size of plot.  
Roosters  
• allowed, no permit required.
- Amarillo – Up to 13 allowed, no permit required.
- Anahuac – No number restrictions, no permit required, roosters allowed.
- Angleton – Allowed, but not in residential zones. No permit required, no roosters.
- Aransas Pass – No number restrictions, no permit required, roosters allowed.
- Arlington – Four per half acre; ten if more than half an acre but less than 1; 25 on plots larger than one  
acre. No permit required.
- Athens – No number restrictions, no permit required, roosters allowed.
- Austin – No number restrictions, no permit required, roosters allowed.
- Azle – No number restrictions, no permit required, roosters allowed.

- Balch Springs – No number restrictions, no permit required, roosters allowed.
- Bay City – No number restrictions, no permit required, roosters allowed.
- Baytown – No number restrictions, no permit required, roosters allowed.
- Beaumont – No number restrictions, no permit required.
- Bedford – Up to five, no permit required, roosters allowed.
- Bellaire – No number restrictions, no permit required, roosters allowed.
- Bellmead – No number restrictions, no permit required, roosters allowed.
- Belton – No number restrictions, no permit required, roosters allowed.
- Benbrook – Two birds, including roosters, allowed without permit. More birds require a permit.
- Boerne – No number restrictions, no permit required, roosters allowed.
- Bowie – Two hens and one rooster, no permit required.
- Bridge City – No number restrictions, no permit required, roosters allowed.
- Brownsville – No number restrictions, no permit required, roosters allowed.
- Brownwood – No number restrictions, no permit required, roosters allowed.
- Bryan – Up to ten, no permit required.
- Burleson – No number restrictions, roosters allowed, no permit required.
- Burnet – No number restrictions, but rules about distance from dwellings apply. No permit required.
- Edinburg – number restrictions, no permit required, roosters allowed.
- Canton – No number restrictions, no permit required, roosters allowed.
- Canyon – No number restrictions, no permit required, roosters allowed.
- Carrollton – Five per acre, no more than six in residential areas. Roosters allowed, but not in residential areas. Permit required in residential areas, but not elsewhere.
- Cleburne – No number restrictions, but 100 sq foot per bird required .No permit required, one rooster allowed.
- Conroe – No number restrictions, no permit required.
- Coppell – No number restrictions, no permit required.
- Corpus Christ – Up to seven, no permit required.
- Dallas – No number restrictions, no permit required.
- Denton – No number restrictions, no permit required.
- El Paso – Six allowed, including up to three roosters.
- Euless – No number restrictions, no permit required.
- Ferris – No number restrictions, roosters allowed.
- Fort Worth – Up to 50, depending on plot size. No permit required, two roosters allowed.
- Garland – Up to four, no permit required.
- Georgetown – No number restrictions, no permit required, roosters allowed.
- Grand Prairie – One per 20 sq feet, no permit required.
- Haltom City – Up to 20 on minimum of 20000 sq feet. One rooster allowed, no permit required.
- Houston – 30 per acre, no permit required.
- Humble – No number restrictions, no permit required, roosters allowed.
- Irving – No number restrictions, no permit required, roosters allowed.
- Keller – No number restrictions, no permit required, roosters allowed.
- Kennedale – No number restrictions, no permit required, roosters allowed.
- Killeen – In agricultural designated zones only, no limit on numbers, no permit required.
- Longview – No number restrictions, no permit required, roosters allowed.
- Lubbock – No number restrictions, no permit required, roosters allowed.
- McAllen – Six per acre, no roosters, no permit required.
- Montgomery – No number restrictions, no permit required.
- New Braunfels – Up to 50 per 40000 sq feet. No permit required, roosters allowed.
- Pharr – Up to 10, no free range, roosters allowed, no permit required.



- Richardson – No number restrictions, no permit required.
- Round Rock – Up to ten, no permit required.
- Sachse – Up to 15, with at least three sq feet each, roosters allowed, permit required.
- San Angelo – No limit on numbers, no permit, one rooster allowed.
- San Antonio – Up to three, no permit required, roosters allowed.
- Sweetwater – No number restrictions, no permit required, roosters allowed.
- Texarcana – Twn per acre on farms and ranches only. No permit required.
- Tyler – Up to six, but prohibited in some areas. No permit required, roosters allowed.
- Waco – No number restrictions, no permit required.
- Webster – 100 per acre on lots larger than 200 acres. No permit required.
- Wichita – No number restrictions, 12 sq feet per hen, permit required.
- Willis – No number limit, but four sq feet per bird, roosters allowed, no permit required.

### Cities in Texas Where Keeping Chickens is Prohibited

- Alamo Heights
- Bunker Hill Village
- Cedar Hill – Can only be kept “for educational purposes” (e.g. by agricultural students)
- Kaufman
- Kirby
- Mount Vernon
- Plano
- Spring Valley Village
- Wolfforth