

AN ORDINANCE DECLARING IT TO BE A NUISANCE TO KEEP OR ALLOWING TO BE KEPT, HOGS WITHIN THE CITY OF DE LEON, TEXAS, AND DECLARING IT TO BE A NUISANCE TO KEEP OR ALLOW TO BE KEPT OTHER LIVESTOCK WITHIN THE CITY OF DE LEON, TEXAS, EXCEPT FOR DOMESTIC USES, PROVIDING A METHOD FOR ABATING THE NUISANCE, PROVIDING A PENALTY FOR VIOLATING THIS ORDINANCE: AND DECLARING AN EMERGENCY:

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DE LEON, TEXAS:

SECTION 1. Definition for the purposes of this Ordinance

- (a) The word "hogs" shall mean swine of any age, sex or number.
- (b) The word "livestock" shall mean cattle, horses, and/or mules of any age, sex or number.
- (c) The word "Domestic use" shall mean that the owner thereof shall reside on the lot or tract of land upon which said livestock are kept and shall personally use and consume the production therefrom or shall personally use the services of such livestock. Any livestock kept for trade, barter or sale shall not come within the definition of being kept for "domestic use."
- (d) The word "person" shall mean and include any person, independent firm, partnership or corporation.
- (e) The word "animal" shall mean hogs and/or livestock as the terms "hogs" and "livestock" are above defined.

SECTION 2. NUISANCE DEFINED

It is hereby declared to be a nuisance for any person to keep or allow to be kept upon premises owned or in such person's possession hogs within the city limits of the City of DeLeon, Texas; and it shall be unlawful for any person to so keep or allow to be kept hogs which constitute a nuisance, as nuisance is above described and declared.

SECTION #3. PERSONS GUILTY

It shall constitute a separate offense for each hog kept within the city limits in violation of this ordinance; and both the owner and person in possession of the premises upon which such

nuisance is located, and the owner and caretaker of such hog or hogs shall be guilty of violating this ordinance.

SECTION 4. NUISANCE DEFINED

It is hereby declared to be a nuisance for any person to keep, or allow to be kept upon premises owned or in such persons possession, livestock within the city limits of the City of DeLeon, Texas, except for domestic uses; and it shall be unlawful for any person to keep or allow to be kept any livestock which constitutes a nuisance, as nuisance is above described and declared.

SECTION 5. PERSONS GUILTY

It shall constitute a separate offense for each animal kept within the city limits an violation of this ordinance; and borh the owner and person in possession of the premises upon which such nuisance is located; and the owner and caretaker of such animal shall be guilty of violating this ordinance.

SECTION 6. PRESUMPTION

If any person has in their possession of upon their premises, or owns or cares for in excess of three head of livestock, it shall be presumed that the livestock are not for demestic use and the burden shall be upon any person to prove that such livestock are for domestic use. However, this section shall in no way be interpreted to mean that all persons or any person having in their possession, ownership or care, less than three head of livestock shall be presumed to be keeping or allowing to be kept the same for domestic use.

SECTION 7. IMPOUNDING OF ANIMALS

In the event any hog, whether one or more, or livestock, whether one or more, are found within the city limits of the City of DeLeon, Texas, in violation and contrary to any of the provisions of this ordinance, the same shall be a nuisance per se,

and shall be removed by any police officer and taken to some place designated by the Chief of Police for such purpose and there kept by such officer until application for its redemption shall be made by the owner or his duly authorized agent, who shall be entitled to the possession thereof upon payment ~~off~~ the City of DeLeon of the sum of five dollars together with all costs of removal and storage that may have accrued thereon. In the event the animal impounded shall not be redeemed by its owner or agent, within five days, then such animal shall be sold for such penalty, charged and costs at public sale in the City Hall of DeLeon, Texas, after posting of notice of the time and place of such public sale upon the bulletin board in the City Hall for ten consecutive days. The amount such animal brings in excess to the penalty, charges and costs accrued against same shall be paid over to the owner thereof upon application therefor.

SECTION 8. IMPOUNDING FEES AND COSTS

The remedy and impounding fee and cost provided for in this ordinance, shall be cumulative of any and all penalties provided by ordinances of this city.

SECTION 9. ORDINANCE CUMULATIVE, ETC.

This ordinance shall be and is hereby declared to be cumulative, of all other orders of the City of DeLeon, Texas, affecting hogs or livestock and shall not operate to repeal any such ordinance or ordinance, except insofar as the provisions of such other ordinance or ordinances are not consistent or in conflict with provisions of this ordinance in which instance or instances, those provisions shall be and are hereby repealed.

SECTION 10. INVALID SECTION NOT TO INVALIDATE OTHER SECTIONS

If any section or provision or part thereof, in this ordinance shall be adjudged invalid or unconstitutional by any Court of

competent jurisdiction, such adjudication shall not affect the validity of this ordinance as a whole or any Section or provision therefor not adjudged invalid or unconstitutional.

SECTION II. PENALTY FOR VIOLATION.

Any person who shall violate any of the provisions of this ordinance shall be guilty of an offense and shall be fined in any sum not less than one dollar and not more than one hundred dollars.

SECTION 12. ORDINANCE EFFECTIVE WHEN:

This ordinance shall take effect and be in full force and effect from and after the date of its publication.

SECTION 13: EMERGENCY

The facts that the existence of hogs in the business and residential section, and any section of the City of DeLeon, Texas, create noxious noises, noxious odors and unhealthy conditions and adversely affect the public health and welfare and that the existence of livestock except for domestic uses, within the City of DeLeon, Texas, create noxious noises and noxious odors and adversely affect the public health and welfare of the citizens of DeLeon, Texas, create an emergency requiring that the provisions of the law providing that ordinances shall be read, voted upon and passed at ~~three~~^{two} regular meetings of the City Commission be suspended, and the same are hereby suspended and this ordinance is finally adopted on the date of its introduction.

Passed and Approved unanimously this the 23 day of July,

A. D. 1968.

APPROVED:

J. Edwards
Mayor

ATTEST:

Eula Wheeler
City Secretary