

Article 8. Livestock

2-801. Keeping livestock.

It is unlawful to possess or maintain any livestock within any residential zone in the city, except by special permit issued by the animal control officer. Persons applying for or holding such special permit shall comply with all livestock policies and regulations promulgated and approved by the city council.

(Ord. 536; Code 2018)

2-802. Farm animals and livestock range and other restrictions

(a) The following limitations by type and acreage are listed below and no livestock such as cows, or horses shall be kept on lot sizes less than two (2) acres and no sheep or goats, llamas, ostriches, emus, alpaca and other similar animals or birds shall be kept on lot sizes less than one (1) acre:

- (1) Horses, mules, and donkeys: There shall be no more than one (1) such animal on a lot size of at least two (2) acres; or
- (2) Cattle: There shall be no more than one (1) such animal on a lot size of at least two (2) acres; or
- (3) Sheep or Goats: There shall be no more than the (10) such animals on a lot size of at least two (2) acres, and no more than five (5) such animals on a lot size of at least one (1) acre; or
- (4) Llamas, Ostriches, Emus, Alpaca and other similar animals or birds: There shall be no more than four (4) such animals on a lot size of at least two (2) acres, and no more than two (2) such animals on a lot size of at least one (1) acre.
- (5) Poultry and other fowl: There shall be no more than twenty (20) such animals per acre on lots of at least one (1) acre. On lots of at

least one half (1/2) acre there shall not be more than twenty (20) chickens/poultry with no male/roosters. On lots less than one (1/2) acre there shall not be more than ten (10) chickens/poultry with no male/roosters.

- (6) Limitations: There shall be no more than one (1) animal unit, as described and listed in sections 1 thru 4 above, on any lot of the appropriate minimum size, excluding poultry and other fowl.
- (7) Nothing herein shall be construed as authorizing the keeping of animals capable of inflicting harm or endangering the health or safety of any person or property.
- (8) Permitted animals other than household pets and poultry/fowl shall not be kept within fifty (50) feet of any dwelling on an adjoining property. No manure shall be stockpiled within fifty (50) feet of any adjoining property.
- (9) Permitted animals and fowl shall be kept in properly maintained housing, caging, fencing, or corrals. If it is determined that the animal facilities and waste is not being properly maintained the property will be deemed to be in non-compliance and the animals required to be removed from the property.
- (10) The slaughter of any permitted animal or fowl is permitted only where intended for consumption by the resident family.
- (11) If an animal comes into question and is not listed above, then the unlisted animal shall be grouped with the animal listed above that it is the most similar to.
- (12) These regulations shall supersede any covenants, deed restrictions, or any other requirements currently in place on a property. Any Animal Unit currently on property that does not meet the lot size requirements set forth herein may remain on said property until: a) the death of the animal, b) the absence of the animal or animal unit from said property for longer than seven (7) days, or c) 2 months from the adoption of Ordinance No. 536, whichever occurs first.

- (13) Under no circumstances shall stallions or swine of any kind be permitted within the corporate limits of the City of Leon.
- (14) Each animal kept in conformity with this section, except for chickens, will be assessed a fifteen dollar per year permitting fee. Chickens will be permitted at the rate of five dollars for the first 10 birds and ten dollars for eleven to twenty birds.
- (15) Any animal or animals kept under this Section must maintained in a fenced area suitable to safely contain such animal or animals. Said fencing must comport with the requirements for fencing set forth by City Ordinance.

(Ord. 536; Code 2018)

2-803. Impoundment of estray and livestock.

(a) The animal control authority, upon receipt of a report or upon discovery of an estray, within the city the animal control officer may cause the impoundment of any and all estray and other livestock that may be found in and upon any street, alley or upon any unenclosed lot in the city, or otherwise to be found at large, and to confine such estray or livestock for safe keeping. Upon impounding, the animal control officer shall prepare a file to be located in the animal control division offices. Each entry shall include the following:

- (1) The name and address of the person who notified the animal control division of the estray or other livestock;
- (2) The date, time and location of the estray or other livestock when found;
- (3) The location of the estray or other livestock until disposition; and
- (4) A description of the animal including its breed, color, sex, age, size, all markings of any kind and other identifying characteristics.

(b) When an estray or other livestock has been impounded by the animal control division, the animal control officer shall make a diligent search for the owner of the estray or other livestock. If the search does not reveal the owner, the animal control division shall advertise the impoundment of the estray in a

newspaper of general circulation in the county at least twice during the next fifteen (15) days following impoundment.

(c) The owner of an estray or other livestock may recover possession of the animal at any time before the animal is sold under the terms of this chapter if:

- (1) The owner has provided the animal control officer with an affidavit of ownership of the estray or other livestock containing at least the following information:
 - (A) The name and address of the owner,
 - (B) The date the owner discovered that the animal was missing,
 - (C) The property from which the animal strayed, and
 - (D) A description of the animal including its breed, color, sex, size, all markings of any kind and any other identifying characteristics;
- (2) The animal control officer has approved affidavit; and
- (3) The owner has paid all handling fees to those entitled to receive them.

(d) If the ownership of an estray or other livestock is not determined within fourteen (14) days following the final advertisement required by this section, ownership of the estray or other livestock rests with the city and the animal control officer shall then cause the estray or other livestock to be sold at an auction. If there are not any bidders, ownership is forfeited to the city.

- (1) Title shall be deemed vested in the animal control officer for purposes of passing a good title, free and clear of all claims to the purchaser at the sale.
- (2) The disposition of the proceeds derived from the sale at public auction will be as follows:
 - (A) Pay all handling fees to those entitled to receive them.

- (B) Execute a report of sale of impoundment stock.
- (C) The net proceeds remaining from the sale of the estray or other livestock after the handling fees have been paid shall be delivered by the animal control officer to the city secretary. Such net proceeds shall be subject to claim by the original owner of the estray or other livestock as provided herein.
- (D) If the bids are too low, the animal control officer shall have the right to refuse all bids and arrange for another public auction or sealed bidding procedure.

(3) Recovery by Owner of Sale Proceeds.

- (A) Within twelve (12) months after the sale of an estray or other livestock under the provisions of this chapter the original owner of the estray may recover the net proceeds of the sale that were delivered to the city clerk if:
 - (i) The owner has provided the animal control officer with an affidavit of ownership; and
 - (ii) And the animal control officer has accepted the affidavit of ownership.
- (B) After the expiration of twelve (12) months from the sale of an estray or other livestock as provided by this section, the sale proceeds shall escheat to the city. If an animal was forfeited to the city due to no bidders at auction, then the city is not liable to owner for any proceeds of sale since no proceeds were received.

(e) Use of Estray and Livestock. During the period of time an estray or other livestock is held by one who impounded the estray or other livestock, it may not be used by any person for any purpose.

(f) Death of Estray and Livestock. If the estray or other livestock dies or escapes while held by the person who impounded it, the person shall report the death or escape to the animal control division. The report shall be filed in the records regarding the impoundment.

(Ord. 536; Code 2018; Ord. 2019-04)

2-804. Violation; penalty.

Any person violating or permitting the violation of this chapter shall, upon conviction in municipal court be fined a sum not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). In addition, the court may order the permit, license or registration of the subject animal revoked and/or the animal removed from the city. Should the defendant refuse to remove the animal from the city, the municipal judge shall find the owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement.

(Ord. 536; Code 2018)