

ORDINANCE NO. 2021-39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 6, ANIMALS, TO ALLOW FOR THE KEEPING OF MINIATURE GOATS IN CONVENTIONAL RESIDENTIAL ZONING DISTRICTS AND ESTABLISH ASSOCIATED REGULATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. The city council seeks to enable the keeping of miniature goats in conventional residential districts, subject to regulations to protect the health, safety and welfare of such animals and of surrounding property owners and residents.

2. Enacting such an ordinance is in the interest of the public health, welfare and safety.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. The city council adopts the recitals as true and correct and such recitals are made a part hereof.

SECTION 2. Chapter 6, Animals, Section 6.001 of the San Marcos City Code, is amended by adding a new definition to be inserted in alphabetical order, to read as set forth below. Added text is indicated by underlining.

Miniature goat means:

- (1) a Pygmy Goat, which is any goat that has been bred to attain a maximum shoulder height of 23 inches and a maximum weight of 70 pounds; or
- (2) a Dwarf goat, which is any goat that has been bred to attain a maximum shoulder height of 23.5 inches and a maximum weight of 80 pounds.

SECTION 3. Chapter 6, Animals, of the San Marcos City Code, is amended by adding a new Section 6.079, to read as set forth below. Added text is indicated by underlining.

Sec. 6.079. Keeping of miniature goats.

(a) The keeping of miniature goats on a premise zoned as Conventional Residential District in the Development Code is allowed with the following requirements:

- (1) Male miniature goats shall be neutered.
- (2) No more than, and no less than, two miniature goats shall be kept on the premises, except that offspring may be kept onsite for up to twelve weeks from birth.
- (b) Miniature goats shall be housed in a shed designed to be:
 - (1) predator proof;
 - (2) thoroughly ventilated;
 - (3) at least three sides and with a roof;
 - (4) easily accessed and cleaned;
 - (5) watertight and draft free; and
 - (6) a minimum of ten square feet of interior space;
- (c) Direct access from the shed to an outdoor enclosure shall be provided with the outdoor enclosure designed to be:
 - (1) secured with a minimum five-foot tall fence;
 - (2) a minimum area of 400 square feet;
 - (3) secured from the outside in a manner that prevents the miniature goats from escaping;
 - (4) fenced so that spacing prevents the goat from sticking its head through the fence;
 - (5) free of objects that would enable the goats to climb out of the enclosure;
 - (6) easily accessed and cleaned; and
 - (7) located no less than 20 feet from an adjacent residence or business structure, excluding the residence of the owner.

(d) Goat's milk, goat's cheese, and other goat-related food products shall be for personal consumption only; sale of such products is prohibited.

(e) Slaughtering, processing, and composting of miniature goats within Conventional Residential Districts is prohibited and, otherwise, is subject to other applicable provisions of this chapter or the San Marcos City Code.

(f) It shall be a violation for any person who owns, harbors, or possesses miniature goats to refuse, upon request by the animal services manager, or his designee, to make his/her goats, premises or facilities available for inspection for the purpose of ascertaining compliance with the provisions of this section.

SECTION 4. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 5. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 6. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 7 This ordinance will take effect after its passage, approval and adoption on second reading and publication in accordance with the City Charter.

PASSED AND APPROVED on first reading on May 18, 2021.

PASSED, APPROVED AND ADOPTED on second reading on June 1, 2021.

Jane Hughson
Mayor

Attest:

Approved:

Tammy K. Cook
Interim City Clerk

Michael J. Cosentino
City Attorney