

**ORDINANCE NO. 3825**

**AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, AMENDING CHAPTER 14, ANIMALS, TO MODIFY ARTICLE XIII, SECTION 14-442, ADD ARTICLE XVI, BACKYARD CHICKENS, TO PROVIDE FOR THE KEEPING OF BACKYARD CHICKENS ON RESIDENTIAL PROPERTIES WITHIN THE CITY OF NORTH RICHLAND HILLS, AND AMENDING CHAPTER 34, ARTICLE II, SECTION 34-33 TO DECLARE SPECIFIC NUISANCES; PROVIDING A PENALTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEALING CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS,** The City of North Richland Hills, Texas (“the City”) is a home rule city acting under its power adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS,** A number of residents of the City of North Richland Hills have come before the City Council and have requested that the City Code be amended to allow the keeping and raising of chickens; and

**WHEREAS,** The City Council previously adopted an ordinance allowing agricultural animals, including chickens, to be kept on properties zoned AG or R-1-S; and

**WHEREAS,** The City Council now desires to adopt an ordinance establishing standards for the keeping of backyard chickens on single family residential properties; establishing regulations regarding the number of backyard chickens that may be kept on the property; creating a permitting process for the housing and keeping of backyard chickens; and declaring specific conditions to be public nuisances; and

**WHEREAS,** In order to exercise the police powers of the City for the preservation and protection of the public health, safety and welfare, the City Council finds it necessary to adopt an Ordinance amending Chapters 14 and 34 of the Code of Ordinances to provide for the safe and orderly keeping of backyard chickens within the city limits of North Richland Hills.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS:**

**SECTION 1:** The City Council hereby finds the recitals above to be true and correct, and such recitals are hereby incorporated into this Ordinance as if written herein.

**SECTION 2:** Chapter 14, Article XIII, Sec. 14-442 of the Code of Ordinances of the City of North Richland Hills is hereby amended as follows:

**Sec. 14-442. Number of agricultural animals in AG and R-1-S.**

The housing, breeding, training, harboring, or keeping of livestock animals such as horses, cows, cattle, sheep, goats, or fowl, except backyard chickens pursuant to article XVI of this chapter, shall be restricted to properties of one (1) full acre or more. The number of animals shall be limited to one (1) animal for the first acre and one (1) additional animal for every full acre thereafter.

**SECTION3:** Chapter 14, Article I, Section 14-2, Definitions shall be amended to add the following:

*Backyard chicken* means a female chicken or chicken hen.

*Chicken coop* means a completely enclosed, covered, predator-resistant chicken house that is designed to prevent backyard chickens from escaping, can be easily accessed, cleaned, and maintained, and meets all other applicable requirements of this chapter.

*Exercise area* means an enclosure attached to a chicken coop that provides exercise for backyard chickens. Such enclosure shall be constructed to prevent the backyard chickens from escaping and offer protection from predators.

*Nesting box* means a clean, dry, enclosed area in a chicken coop designed to facilitate egg laying that is large enough to allow each backyard chicken being kept to sit, stand up, and turn around easily, with sufficient bedding material or nest pads to reduce egg breakage during laying.

*Rooster* means a male chicken.

**SECTION 4:** Chapter 14 of the Code of Ordinances of the City of North Richland Hills is hereby amended to add Article XVI, Backyard Chickens, and read as follows:

**ARTICLE XVI. – BACKYARD CHICKENS**

**Sec. 14-600. – Generally.**

(a) Subject to Section 14-604 of this article, the owner or occupant of an individual property that is zoned single-family residential with a permanent dwelling unit

(the “property”) may keep backyard chickens in the rear yard of the primary dwelling unit subject to the requirements set forth in this article and all other applicable provisions of this chapter.

- (b) The keeping of roosters or fowl, other than backyard chickens, under this article is prohibited.
- (c) It shall be the responsibility of the person keeping backyard chickens as defined in section 14-2 to protect the backyard chickens from predators and to keep the backyard chickens enclosed in the rear yard of their own residence.
- (d) The Director of Neighborhood Services, or his or her designee, shall be authorized to enforce this Ordinance.

**Sec. 14-601. – Permit required.**

- (a) *Application.* A person desiring to keep backyard chickens pursuant to this article must first apply for a backyard chicken permit from the Neighborhood Services Department. The applicant shall:
  - (1) Submit a completed permit application on a form provided by the Neighborhood Services Department;
  - (2) Provide floorplans and side elevations for the proposed chicken coop or if a commercially available chicken coop is acquired, provide the manufacturer, model, and size of the chicken coop;
  - (3) Provide a site drawing showing the proposed location for the chicken coop and attached exercise area that includes all property lines, building lines, setbacks, other structures located on the property, and distances to all adjacent structures on the property;
  - (4) If the applicant is a person other than the owner of the property on which the backyard chickens will be kept, provide written, notarized authorization from the property owner allowing backyard chickens to be kept on the property; and
  - (5) Provide proof of completion of an educational course on chicken care and sanitation.
- (b) *Inspection required.* Prior to the issuance of a backyard chicken permit, an on-site inspection of the property shall be conducted by the City to determine compliance with the requirements of this article. The property owner, or an adult occupant of the property shall be present during the inspection.

- (c) Any person in possession or in control of backyard chickens at the time of passage of this article shall have sixty (60) days from passage to obtain a permit required by this article. From and after said sixty (60) day period, any person who fails to obtain a permit shall be in violation of this article.
  - (1) Any person in possession or control of backyard chickens in excess of the allowed number under Section 14-604 of this article at the time of the passage of this Ordinance shall obtain a permit, but shall be allowed to continue to house or harbor said number of backyard chickens until such time as the backyard chickens naturally reduce in number due to attrition. Once attrition occurs, any person keeping in excess of the allowed number of backyard chickens under Section 14-604 shall be in violation of this article.
- (d) A permit issued under this section shall be valid for one (1) year, and may be renewed for each additional year thereafter upon re-inspection and compliance with this article, as long as such article is in effect.
- (e) Failure to comply with the permit requirements shall constitute a violation of this article and each day of noncompliance shall constitute a separate offense. An offense may be grounds for revocation of the backyard chicken permit by the Neighborhood Services Department.

**Sec. 14-602. – Chicken coop and attached exercise area.**

- (a) Backyard chickens shall be kept within a chicken coop and attached exercise area that is constructed and maintained in compliance with all requirements of this article.
- (b) The chicken coop and attached exercise area shall be located at least three feet (3') from the property line or any other structures on the property.
- (c) A chicken coop and attached exercise area that sits on a lot less than one quarter acre (10,890 square feet) shall be located behind a fence that is at least six (6) feet in height.
- (d) Backyard chickens shall be kept within the chicken coop and attached exercise area except:
  - (1) When being removed to be transported or returned from a location off the property; or
  - (2) During daylight hours when the backyard chicken is under direct supervision of an adult and is roaming in the rear yard of the person holding a permit for backyard chickens.

- (e) The chicken coop shall have a minimum of ten (10) inches of roosting space for each backyard chicken kept;
- (f) There shall be at least one (1) nesting box for every four (4) backyard chickens kept;
- (g) Any chicken coop and attached exercise area that houses backyard chickens shall be designed to keep the backyard chickens fully contained within the chicken coop or exercise area.

**Sec. 14-603. – Sanitary conditions required.**

- (a) The owner or occupant keeping or harboring any backyard chickens shall keep and maintain all yards, chicken coops or other enclosures in which such animals are confined in such a manner so as not to endanger the public health, safety or welfare, or become a public nuisance in violation of Chapter 34, Section 34-33 of this Code.
- (b) All owners keeping or harboring backyard chickens shall comply with the following sanitary regulations:
  - (1) Manure and droppings shall be removed from yards, coops and other enclosures at least daily and handled or disposed of in such a manner as to keep the premises free of any nuisance;
  - (2) Storage of droppings or manure between such removals shall only be permitted in permanent containers as defined in Section 66-1 of this Code, and limited to areas that are not adjacent to neighboring properties. Such container shall be sufficient to protect against the breeding of flies or rodents, to prevent their migration into drainage easements, and to prevent the migration of fly larvae (maggots) into the surrounding soil;
  - (3) The feeding of vegetables, meat scraps, or garbage shall be done only in impervious containers or on an impervious platform;
  - (4) Watering troughs or tanks shall be provided by the owner or occupant of the property and shall be equipped with adequate facilities for draining the overflow so as to prevent the breeding of flies, mosquitoes, or other insects; and
  - (5) No putrescible material shall be allowed to accumulate on the property, and all such material used to feed backyard chickens which is unconsumed shall be removed and disposed of in compliance with

Chapter 66, Article I of this Code.

- (c) A violation of the provisions of this Section 14-603 is hereby declared to be a public nuisance, in addition to a violation punishable by citation, and may be abated in any manner authorized by law, in addition to or in lieu of prosecution in municipal court.

**Sec. 14-604. – Keeping of backyard chickens on residential property.**

The keeping of backyard chickens shall be limited to single-family residential properties under the following conditions (see chart included as Attachment “A”):

- (a) For a lot size of one quarter acre (10,890 square feet) or less:
  - (1) If the distance between the exterior side of the chicken coop and the exterior side of primary residential structures on all adjacent properties is less than thirty (30) feet, no backyard chickens may be kept on the property.
  - (2) If the distance between the exterior side of the chicken coop and the exterior side of primary residential structures on all adjacent properties is at least thirty (30) feet, but not greater than fifty (50) feet, no more than four (4) backyard chickens may be kept.
  - (3) If the distance between the exterior side of the chicken coop and the exterior side of primary residential structures on all adjacent properties is fifty (50) feet or greater, no more than six (6) backyard chickens may be kept.
- (b) For a lot size greater than a quarter acre, but less than a half acre, if the distance between the exterior side of the chicken coop and the exterior side of primary residential structures on all adjacent properties is fifty (50) feet or greater, no more than six (6) backyard chickens may be kept.
- (c) Six (6) additional backyard chickens may be kept for every additional quarter acre of lot area. The exterior side of the chicken coop must be at least fifty (50) feet from the exterior side of primary residential structures on all adjacent properties.
- (d) Backyard chicken byproducts, including but not limited to eggs, meat, or manure may not be offered for sale by, under the direction of, or with the consent of a backyard chicken permit holder, or owner or occupant of the property, except in accordance with applicable federal, state, and local regulations.

- (e) All backyard chickens must be maintained so as to prevent them from escaping from the rear yard of the property.
- (f) It shall be a violation of this article for a backyard chicken to be found running at large as defined in section 14-2 of this chapter.
- (g) Backyard chickens and fowl, of any type, may not be surrendered to the North Richland Hills Animal Adoption and Rescue Center or any other city facility.

**Sec. 14-605. – Expiration.**

This ordinance establishing regulations and governing the keeping of backyard chickens shall be subject to review for effectiveness by the North Richland Hills City Council, and shall expire on November 30, 2027 (“Expiration Date”), unless such provisions are otherwise modified earlier or extended by the North Richland Hills City Council beyond the Expiration Date.

**SECTION 5:** Chapter 34, Article II, Sections 34-33(21) and (30) shall be amended to read as follows:

Sec. 34-33. – Specific nuisances.

...

(21) Keeping or maintaining of fowl, other than backyard chickens as authorized by Chapter 14, Article XVI of this Code of Ordinances.

(30) Keeping, raising or possessing, except within enclosures or cages and as allowed by zoning, any fowl other than backyard chickens as authorized by Chapter 14, Article XVI of this code with the intent to keep, raise or breed the same.

**SECTION 6:** Any person, firm, corporation, or organization who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 7:** This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of North Richland Hills, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

**SECTION 8:** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this Ordinance

shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 9:** All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances in the Code of Ordinances of the City of North Richland Hills that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 10:** The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clause of this ordinance once.

**SECTION 11:** This ordinance shall be in full force and effect upon publication as required by Section 10 herein.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** on the \_\_\_\_ day of \_\_\_\_\_, 2023.

**CITY OF NORTH RICHLAND HILLS**

\_\_\_\_\_  
Oscar Trevino, Mayor

**ATTEST:**

\_\_\_\_\_  
Alicia Richardson, City Secretary/Chief  
Governance Officer

**APPROVED TO FORM AND LEGALITY:**

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Maleshia B. McGinnis, City Attorney



**RECOMMENDED:**

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Paulette Hartman, Deputy City Manager

## ATTACHMENT "A"

This chart serves as supplemental information to Section 14-604.

<b>Number of Backyard Chickens Allowed</b>		
Lot size	Distance from adjacent residential structures	Maximum number of chickens allowed
Less than 10,890 Square Feet (1/4 Acre)	Less than 30 feet	0
Less than 10,890 Square Feet (1/4 Acre)	30 feet or greater but less than 50 feet	4
Less than 10,890 Square Feet (1/4 Acre)	50 feet or greater	6
10,890-21,780 Square Feet (1/4 – 1/2 Acre)	50 feet or greater	6
21,780-32,670 Square Feet (1/2 – 3/4 Acre)	50 feet or greater	12
32,670-43,560 Square Feet (3/4 – 1 Acre)	50 feet or greater	18
43,560-54,450 Square Feet (1 – 1¼ Acre) *	50 feet or greater	24
<p>*For lots larger than 54,450 Square Feet (1¼ Acre), six (6) additional backyard chickens may continue to be added for every ¼ acre of additional lot area. The distance of the chicken coop and attached exercise area from all adjacent residential structures must be 50 feet or greater.</p>		