

ORDINANCE NO. 2638

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING CHAPTER 8: OFFENSES AND NUISANCES OF THE CITY OF TERRELL CODE OF ORDINANCES BY THE ADDITION OF SECTION 8-20: REGULATION OF SLAUGHTERHOUSES, SLAUGHTER PENS, HIDE HOUSES, RENDERING ESTABLISHMENTS AND CONCENTRATED ANIMAL FEEDING OPERATIONS IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF TERRELL, TEXAS; DEFINING PROSCRIBED USES; DEFINING NUISANCES AND DEFENSES; PROVIDING FOR CRIMINAL AND CIVIL PENALTIES; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, slaughterhouses, slaughter pens, hide houses, rendering establishments and concentrated animal feeding operations are industrial food and material production facilities which temporarily store concentrations of live animals, slaughter animals and separate commercially useful animal parts from waste animal parts; and

WHEREAS, these activities generate vapors, waters and solid wastes containing animal diseases, animal byproducts, animal bodily wastes and animal fluids; and

WHEREAS, these activities and the vapors, waters and solid wastes necessarily generated are disagreeable and unsanitary for nearby humans, household animals and farm animals; and

WHEREAS, these activities also create off-site burdens such as sounds of livestock and poultry concentrated for processing, sounds of butchering and processing, smells of byproducts from live animal storage, smells of byproducts from animal slaughter production and processing, storm water runoff with animal waste and disease, large volumes of freight trucks transporting concentrations of live animals and unsightly appearances of heavy concentrations of animals; and

WHEREAS, these off-site burdens are inconsistent with nearby land uses such as residential, retail, highway corridor, commercial, educational, institutional, farming, ranching, agricultural production, business park and other active assemblies of worship, learning, persons or trade; and

WHEREAS, these land uses are consistent with industrial areas with substantial separation from non-industrial uses and extremely remote non-incorporated areas; and

WHEREAS, the City adopted long-range comprehensive plan identifies residential, retail and highway corridor uses in areas of the Extraterritorial Jurisdiction not otherwise covered by a Developers Agreement; and

WHEREAS, proper treatment for wastewater and storm water originating from slaughterhouses, slaughter pens, hide houses, rendering establishments and concentrated animal feeding operations is necessary to protect the sanitary conditions of the resulting food supply, the general public, and the geographic area surrounding any such uses; and

WHEREAS, treatment facilities cannot functionally provide service for raw storm water or raw waste water effluent from such uses; and

WHEREAS, the demands of protecting public health and safety require municipal entities to identify and regulate land use conflicts and waste water or storm water treatment services.

NOW THEREFORE BE IT HEREBY ORDAINED THAT:

Chapter 8 of the City of Terrell Code of Ordinances shall be amended to add Section 8-20 as set forth below.

Section 8-20. Regulation of Slaughterhouses, Slaughter Pens, Hide Houses, Rendering Establishments and Concentrated Animal Feeding Operations In The Extraterritorial Jurisdiction of the City of Terrell, Texas

**ARTICLE I
Definitions**

- 1) Concentrated Animal Feeding Operation: a location where animals are confined for more than a 24 hour period and there is no natural forage in the confinement area.
- 2) Slaughter House: a building where animals are killed for their meat or other products.
- 3) Slaughter Pen: An outdoor facility where animals are killed for their meat or other products.
- 4) Hide House: also known as tannery – a place where animal hides are processed into leather or other products.
- 5) Rendering Establishment: any establishment or part of an establishment, a plant or any other premises at which dead animals or renderable raw materials are rendered, boiled, processed or otherwise prepared to obtain a product for commercial use or disposition, other than as food for human consumption. The term includes all other operations and facilities that are necessary or incidental to the establishment.

**ARTICLE II
Offenses**

- 1) A person creates a nuisance and commits an offense if he initiates construction of, constructs, operates or maintains any slaughterhouse, slaughter pen, hide house, rendering establishment or concentrated animal feeding operation used for any purpose

whatever, within 5,000 feet of the corporate limits of the City. It is a defense to prosecution under this subsection that a study, at the cost of the landowner, prepared by a professional firm acceptable to the City, has been finally approved by the City Engineer addressing and mitigating all adverse impacts of the use on air, water, soil, other natural resources; adverse impacts on adjoining properties; adverse impacts on the City's waste water or storm water facilities; and adverse impacts on members of the public from sounds, odors, dust, or disease from activities of such uses.

- 2) A person creates a nuisance and commits an offense if any land, structures, lots, pens, yards, barns, enclosed areas used for any of the following occurs less than 1,000 feet from any property line of such a facility:
 - a) the storage of shipping containers with or without animals, or
 - b) transfer of animals, or
 - c) temporary storage of animals, or
 - d) processing of animals and the byproducts of animals, or
 - e) air monitoring and air emissions filtering equipment associated with operations, or
 - f) storm water runoff detention, treatment or filtering associated with any aspect of operations, or
 - g) wastewater storage, treatment, processing or filtering associated with any aspect of operations.
- 3) A person creates a nuisance and commits an offense if he fails to stop, allows, permits or is in any way involved in the on-site incineration or on-site storage of animal bodily waste, animal refuse or waste animal byproducts of any such facility as set forth herein.
- 4) A person creates a nuisance and commits an offense if the animal storage area for any such use exceeds the animal density requirements as set forth in the City of Terrell Animal Control Ordinance.
- 5) A person creates a nuisance and commits an offense if the person does not obtain all required State, Federal, and County permits and licenses pertaining to any such use.

ARTICLE III

Penalty and Enforcement

- 1) The penalty for an offense under this section shall be a fine not to exceed \$2,000.00 per day per offense.

- 2) This section may also be enforced by injunctive relief or civil penalties, which shall not exceed \$1,000 per day per offense, pursuant to and in compliance with Tex. Loc. Gov't Code Chapter 54, Subchapter B.

ARTICLE IV
Repeal

All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

ARTICLE V
Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases 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 without such unconstitutional phrase, clause, sentence, paragraph or section.

ARTICLE VI
Effective Date

This Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

PASSED AND APPROVED on first reading this the 16th day of June, 2015.

PASSED AND ADOPTED on second reading this the 7th day of July, 2015.

Hal Richards, Mayor

Attest:

John Rounsavall, City Secretary

Approved as to Form:

Mary Gayle Ramsey, City Attorney

