

By: Hall

S.B. No. 86

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of raising or keeping six or fewer chickens by a political subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 251, Agriculture Code, is amended to read as follows:

CHAPTER 251. EFFECT OF NUISANCE ACTIONS AND GOVERNMENTAL REQUIREMENTS ON CERTAIN [~~PREEXISTING~~] AGRICULTURAL OPERATIONS

SECTION 2. Chapter 251, Agriculture Code, is amended by adding Section 251.007 to read as follows:

Sec. 251.007. SIX CHICKENS ALLOWED. (a) Notwithstanding any other law and except as provided by Subsection (b), a political subdivision may not impose a governmental requirement that prohibits an individual from raising or keeping six or fewer chickens in the boundaries of the political subdivision.

(b) A municipality may impose reasonable governmental requirements on the raising or keeping of poultry in the boundaries of the municipality that do not have the effect of prohibiting the raising or keeping of six or fewer chickens, including:

(1) a limit on the number of chickens an individual may raise or keep in excess of six;

(2) a prohibition on breeding poultry;

(3) a prohibition on raising or keeping roosters; or

(4) the minimum distance an individual must maintain

1 between a chicken coop and a residential structure.

2 (c) A governmental requirement adopted by a political
3 subdivision that violates Subsection (a) is void.

4 SECTION 3. Section 251.007, Agriculture Code, as added by
5 this Act, applies to a governmental requirement adopted before, on,
6 or after the effective date of this Act.

7 SECTION 4. This Act takes effect September 1, 2019.