

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS ADOPTING A REPORT PREPARED BY THE CITY HEALTH OFFICER IN ACCORDANCE WITH THE TEXAS AGRICULTURE CODE, TITLE 8, CHAPTER 251, SECTION 251.0055, “LIMITATIONS ON CITY GOVERNMENTAL REQUIREMENTS APPLICABLE WITHIN CORPORATE BOUNDARIES”; MAKING CERTAIN FINDINGS AS REQUIRED BY CHAPTER 251 OF THE AGRICULTURE CODE; PROVIDING FOR THE INCORPORATION OF PREMISES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND DECLARING AN EFFECTIVE DATE**

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

**WHEREAS**, the State of Texas Legislature adopted House Bill (H.B.) No. 1750 during the 88<sup>th</sup> Regular Legislative Session, adding Section 251.0055 limiting a City’s ability to impose a Governmental Regulation applicable to agricultural operations within the City’s corporate limits unless (1) there is clear and convincing evidence that the requirement cannot be addressed through less restrictive means; (2) the requirement is necessary to protect persons residing in the immediate vicinity or persons on public property in the immediate vicinity of the agricultural operation from imminent danger such as flooding, infestation, spread of disease, discharge of firearms and other hazards identified in Section 251.0055; (3) the City first obtains a report prepared by the City Health Officer or consultant that the requirement is necessary to protect public health and is not otherwise prohibited by Section 251; and (4) the City Council makes a finding by Resolution based upon such report that the requirement is necessary to protect public health; and,

**WHEREAS**, a Governmental Requirement includes “any rule, regulation, ordinance, zoning, license or permit requirement or other requirement or restriction” enacted by the City or County; and,

**WHEREAS**, H.B. 1750 made amendments to expand the definition of agricultural operation, made any limitations on city requirements apply to agricultural operations located within the City, rather than only those annexed in the future, and expanded the requirements for a city to adopt any governmental requirement that applies to an agricultural operation; and,

**WHEREAS**, the City Health Officer of the City has finalized the City of Mansfield Health Official Report on Agricultural Operations (hereinafter “Report”) in accordance with Section 251.0055 of the Texas Agriculture Code, a copy of which is attached hereto and incorporated herein as **Exhibit A**; and,

**WHEREAS**, the City Council has previously adopted regulations governing animal control, including regulation and permitting requirements for livestock; and,

**WHEREAS**, the City's ordinances impose governmental requirements on agricultural operations regarding the keeping and raising of livestock and poultry; and,

**WHEREAS**, the Report evaluates whether each of the governmental requirements will prohibit or restrict a generally accepted agriculture practice; and,

**WHEREAS**, the Report provides evidence regarding health hazards associated with agricultural operations within the corporate boundaries of the City; and,

**WHEREAS**, the Report identifies necessary requirements to protect public health while considering the limitations imposed by the City's governmental requirements; and,

**WHEREAS**, the Report finds that the health hazards directly attributable to livestock and poultry-related agricultural operations are physical injury, the spread of contagious diseases, infestation of vermin or insects, and contamination of water supplies and stormwater systems; and,

**WHEREAS**, the Report finds that at-large livestock and poultry pose dangers such as traffic accidents, damage to public property, and potential physical harm to residents; and,

**WHEREAS**, the Report provides evidence that livestock animals and poultry are transmitters of pathogens such as Campylobacter, Salmonellosis, Avian Influenza, and E. coli, and at-large livestock and poultry increase the risk of the spread of these zoonotic diseases, posing a significant health risk, especially for at-risk populations such as children and the elderly, in densely populated urban areas where contact between livestock, poultry, and people is more likely to occur; and,

**WHEREAS**, the Report provides evidence that the spread of these pathogens can occur in infected livestock and poultry, which contaminate their surroundings, including feed, water troughs, barnyards, feeding equipment, and persons who come in contact with them; and,

**WHEREAS**, the Report finds that at-large livestock and poultry may also come into contact with livestock or poultry from another property, and risk the spread of zoonotic diseases to other animals, negatively impacting the conservation, protection, or production of food and other agricultural products; and,

**WHEREAS**, the Report provides evidence that livestock- and poultry-keeping practices attract urban wildlife, which are shown to carry zoonotic diseases, and containing livestock and poultry in a manner which makes them less accessible to predatory wildlife is important to mitigate threats to public health; and,

**WHEREAS**, the City has adopted governmental requirements prohibiting livestock and poultry from being at-large by requiring proper containment of livestock and poultry, and by requiring the annual registration of livestock; and,

**WHEREAS**, the Report finds that these governmental requirements that add additional protection for consumers, persons in the immediate and adjacent facility of poultry, and water

supplies and stormwater systems, are necessary to mitigate the risks associated with poultry-related transmissions of Campylobacter, Salmonellosis, Avian Influenza, and E. coli; and,

**WHEREAS**, the Report finds that in the event that animal meat byproducts are contaminated by an infectious pathogen, the activity of selling such products increases the speed and distance the pathogen spreads, thereby increasing the risk of illness and outbreak, and the sale of unwholesome, unadulterated, or misbranded meat or meat food products can injure the public welfare; and,

**WHEREAS**, the Report finds that poultry food sources should be stored in secure containers, that manure and soiled bedding be immediately disposed of, properly composted, or stored in secure containers, and perishable food scraps should not be fed except within or upon an impervious container; and,

**WHEREAS**, the Report finds that prohibiting the keeping or raising of poultry within 100 feet of a private well can reduce the potential contamination of groundwater sources caused by improper disposal or treatment of animal waste; and,

**WHEREAS**, the Report provides evidence that agricultural operations can lead to increased stormwater runoff that may affect local groundwater and have the potential to increase mosquito breeding sites, which become more prevalent in standing water that is enriched by animal wastes; and,

**WHEREAS**, the Report finds that vermin and insects, such as rodents and flies, may be attracted to poultry-related agricultural operations due to the ready availability of feed, water, and shelter; and,

**WHEREAS**, the Report provides evidence that rodents are known carriers of Hantavirus and Leptospirosis, among other diseases, and flies are known to carry over 60 diseases that can infect humans; and,

**WHEREAS**, the Report finds that the governmental requirement of setback rules for secure enclosures, which specify minimum distances between the enclosure(s) and adjacent structures, are integral to protection from an infestation of vermin or insects, physical injury, and the spread of zoonotic diseases; and,

**WHEREAS**, the Report provides evidence of roosters having an increased risk of aggressive behavior, which can lead to conflicts with other animals and humans, and provides evidence of documented cases of roosters causing various injuries, sometimes leading to severe consequences, including fatalities; and,

**WHEREAS**, the Report documents cases of rooster-related attacks, including incidents where children were attacked by roosters, leading to serious injuries such as retained spurs, and another incident of a fatal brain abscess in a child caused by rooster pecking; and,

**WHEREAS**, the Report finds that keeping or maintaining a rooster on any property other than a poultry farm increases the risk of public injury; and,

**WHEREAS**, to mitigate the risks associated with poultry-related agricultural operations the city has adopted governmental requirements for the proper containment of poultry, established conditions based on property size, proximity to neighboring structures, and hygiene standards; and,

**WHEREAS**, the Report finds that the governmental requirements protect public health and safety, prevent environmental contamination, enhance community welfare, and ensure efficient administrative operations; and,

**WHEREAS**, the Report cites research, studies, and findings from over 20 data sources, including the Centers for Disease Control, U.S. Department of Agriculture, Cornell University College of Veterinary Medicine, local and regional public health departments, and various academic journals; and,

**WHEREAS**, the findings in the report were reviewed by third-party agents, including the Agricultural Leadership Coordinator from the Mansfield Independent School District, the Vice President and Chief Operating Officer of Texas Health Hospital Mansfield, the Clinical Assistant Professor of the Public Health Program and Faculty Affiliate of the Multi-Interprofessional Center for Health Informatics from the University of Texas at Arlington, and a Family Nurse Practitioner; and,

**WHEREAS**, the City Council has reviewed the Report and finds that the Report identifies evidence of the health hazards related to agricultural operations; determines the necessity of regulation and the manner in which agricultural operation should be regulated; and states whether each manner of regulation will restrict or prohibit generally accepted agricultural practice listed in the manual prepared under Section 251.007 of the Agriculture Code; and,

**WHEREAS**, despite imposing the restrictions on agricultural operations, the City Council has determined and finds that these requirements are essential to address the imminent health hazards associated with keeping livestock or poultry in residential areas; and,

**WHEREAS**, the City Council finds that the governmental requirements are the least restrictive means available to protect persons who reside in the immediate vicinity or persons on public property in the immediate vicinity of the agricultural operation from imminent danger; and,

**WHEREAS**, the City Council finds there is sufficient evidence that the governmental requirements are not intended to prohibit the raising or keeping of livestock or poultry, but instead to provide for compliance standards and consistent enforcement of restrictions that mitigate adverse effects of agricultural operations; and,

**WHEREAS**, the City Council finds that the governmental requirements promote fairness and transparency in enforcement, and balance the needs of agricultural operations with the imperative to protect the well-being of the City's residents and environment; and,

**WHEREAS**, the City Council finds that based on the Report, it is in the best interest of the public to adopt the City Health Official Report and that the requirements adopted in the City of Mansfield Code of Ordinances regulating livestock and agricultural operations are necessary to protect the health, safety, and general welfare of the residents of Mansfield and the public, and are not prohibited by Chapter 251 of the Texas Agriculture Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THAT:**

**SECTION 1.  
INCORPORATION OF PREMISES**

The recitations set out in the preamble of this Ordinance are found to be true and correct, constitute findings of the City Council, and are hereby adopted by the City Council and made a part hereof for all purposes.

**SECTION 2.  
REPORT ADOPTED**

The City of Mansfield Health Official Report on Agricultural Operations, attached hereto and incorporated herein as **Exhibit A** is hereby adopted.

**SECTION 3.  
OPEN MEETING**

It is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

**SECTION 4.  
EFFECTIVE DATE**

This Resolution shall be effective from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD ON THIS 9<sup>TH</sup> DAY OF DECEMBER, 2024.**

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**Michael Evans, Mayor**

**ATTEST:**

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**Susana Marin, City Secretary**