

## ORDINANCE NO. 57-5

AN ORDINANCE TO RESTRICT AND REGULATE THE KEEPING OF HORSES, PONIES, CATTLE, SHEEP, GOATS AND SWINE, AND PROVIDING THE CONDITIONS UNDER WHICH SAME MAY BE KEPT, AND PROVIDING FOR ENFORCEMENT OF THIS ORDINANCE, AND PROVIDING PENALTIES FOR THE VIOLATION OF SAME.

BE IT ORDAINED BY THE CITY OF BELLE MEADE as follows:

SECTION 1. Ordinance No. 57-3 entitled

"AN ORDINANCE DECLARING THE KEEPING OF HORSES, PONIES, CATTLE, SHEEP, GOATS AND SWINE TO BE A NUISANCE, AND PROHIBITING SAME, AND ALLOWING OWNERS OF SUCH ANIMALS THIRTY DAYS WITHIN WHICH TO DISPOSE OF OR MAKE OTHER ARRANGEMENTS FOR THE KEEPING OF ANY SUCH ANIMALS NOW BEING KEPT WITHIN THE CITY; AND PROVIDING FOR ENFORCEMENT OF THIS ORDINANCE, AND PROVIDING PENALTIES FOR THE VIOLATION OF SAME,"

which passed Third Reading and was adopted on May 17, 1957 is hereby repealed.

SECTION 2. In order to set out the legislative intent, and to state the purposes for which this ordinance is enacted and the acts and conduct which it is designed to prevent or regulate, the Board of Commissioners of the City of Belle Meade declare that:

(a) many complaints have been received by the Mayor, Vice Mayor, the Commissioner and the City Manager and other officials of the city relative to the keeping of horses, ponies and cattle on property occupied by residents of the City;

(b) the development of the City for residential purposes has proceeded to such an extent that the Board of Commissioners are advised that the keeping of horses, ponies, cattle, sheep, goats and swine will cause, or is likely to cause, unsanitary and unhealthful conditions, as well as unpleasant odors and disagreeable sights and noises, which are detrimental, or liable to be detrimental, to the general health, safety, morals, comfort, convenience and welfare of residents of the City nearby and adjoining those places where any of the aforesaid livestock are kept, unless the keeping of such livestock is required.

SECTION 3. The keeping of horses, ponies, cattle, sheep, goats or swine within the City of Belle Meade is hereby prohibited, except as hereinafter provided.

SECTION 4. In the event any property owner shall desire to keep any horse, pony, cattle, sheep, goats or swine upon premises within the City of Belle Meade he shall make application to keep such animal to the City Manager upon forms to be supplied by said Manager. Such application shall be accompanied by payment of a fee of \$2.00 to the City of Belle Meade which shall not be refundable.

Each application shall be referred to and heard by the Board of Zoning Appeals,

an administrative body created by Ordinance No. 39 of the City of Belle Meade, in accordance with the procedure established by said Board, which shall in every case provide that a public hearing on such application shall be held after five (5) days written notice shall have been <sup>sent</sup> to all owners of property adjacent to that upon which such permit is sought, and to such other persons as may appear to be interested or affected by the outcome of such hearing.

After such hearing the Board of Zoning Appeals is authorized to grant a permit for the keeping of animals in accordance with the application provided it shall appear that:

- 1. (a) the property upon which such permit to keep a horse or pony is sought consists of a contiguous area of not less than 175,000 square feet (approximately four acres).
- (b) the property upon which such permit to keep cattle, sheep, goats or swine is sought consists of a contiguous area of not less than twelve (12) acres.
- 2. That the keeping of such animal(s) may reasonably be done without substantial interference with the uses of adjoining property and without detriment to the health, safety, welfare, comfort and convenience of the surrounding neighborhood.

After such hearing, as is provided hereinabove, the Board of Zoning Appeals is expressly authorized to require in the resolution granting such permit, such reasonable precautions and safeguards on the part of such property owner as the physical circumstances and situation may make necessary or advisable in the opinion of said Board.


The term for which such permit shall be effective shall be indefinite, but such permit shall be subject to revocation by the said Board of Zoning Appeals after complaint and public hearing by the Board, of which the permittee shall have not less than five days written notice, if the complaining person or persons shall show to the Board either:

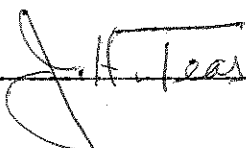
- (a) that the terms and conditions of the permit have been breached or violated; or
- (b) that such other circumstances exist that render the continuation of such permit injurious to the health safety, welfare, comfort and convenience of others.

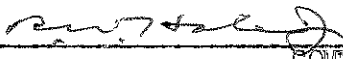
SECTION 5. Any person who shall keep, or allow to be kept, on any premises within the City of Belle Meade, in violation of this ordinance, any horse, pony, cattle, sheep, goat or swine, shall be subject to a fine of not less than TWO DOLLARS (\$2.00) nor more than FIFTY DOLLARS (\$50.00) for each animal so kept, and each day of keeping such animal shall constitute a separate offense. Suit may be brought in the Chancery or Circuit Court of Davidson County for enforcement of this ordinance or of any of the provisions thereof.

SECTION 6. This ordinance shall take effect 30 days after its passage upon third reading following its publication in The Nashville Record, the official newspaper of the City of Belle Meade.

SECTION 7. The sections, paragraphs, sentences, clauses and words of this ordinance are hereby declared to be severable, and in the event the valid decree of any Court of competent jurisdiction shall hold any section, paragraph, sentence, clause or word to be unconstitutional, or in excess of the powers vested in the Board of Commissioners of the City of Belle Meade by law, such holding, or decree, shall not affect any of the remaining sections, paragraphs, sentences, clauses or words in this ordinance, for the same would have been enacted by the Board of Commissioners of the City of Belle Meade without incorporating in this ordinance any such unconstitutional section or sections, paragraph or paragraphs, sentence or sentences, clause or clauses, word or words, or calling for the exercise of any such excess powers.

  
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MAYOR

  
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VICE MAYOR

  
\_\_\_\_\_  
COMMISSIONER

  
\_\_\_\_\_  
RECORDER

Passed on First Reading  
June 24, 1957.

Passed on Second Reading  
July 5, 1957.

Passed on Third Reading and Adopted  
July 19, 1957.