



**City of Dallas**

# **Urban Agriculture and Chapter 251 of the Texas Agriculture Code**

**Quality of Life, Arts, and Culture  
Committee  
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# Purpose



- Provide an overview of changes to Chapter 251 of the Texas Agriculture Code and potential actions the city may desire to take.
- Provide a brief overview of the city's urban agriculture plan.
- Seek guidance on how the committee would like us to move forward.





# Chapter 251



# Overview



- Four bills were passed during the last legislative session that amended Chapter 251 of the Texas Agriculture Code and limit cities' ability to regulate agricultural operations.
- Provisions of the city code that are likely now unenforceable under Chapter 251 without further action.
- Steps the city can take to bring enforcement into compliance with Chapter 251.





# Definition of agricultural operation



- The definition of “agricultural operation” was expanded by four bills.
  - HB 1750 and HB 2308 added “producing crops or growing vegetation for . . . livestock forage and forage for wildlife management” and “veterinary services.”
  - HB 2271 added “aquaculture.”
  - HB 2947 added “the commercial sale of animals.”



# Definition of agricultural operation



- This definition is now very broad and includes:
  - Cultivating the soil;
  - Producing crops or growing vegetation for human food, animal feed, livestock forage, forage for wildlife management, planting seed, or fiber;
  - Floriculture (growing and selling flowers and foliage plants);
  - Viticulture (growing grapes/wine production);
  - Horticulture (gardening/growing plants);
  - Silviculture (forest management);
  - Wildlife management;
  - Raising or keeping livestock or poultry, including veterinary services;
  - Planting cover crops;
  - Commercial sale of animals;
  - Aquaculture (fish farming).



- Under previous version of Chapter 251, a city governmental requirement did not apply to areas outside city limits.
- HB 1750 amended Chapter 251 to state a city governmental requirement does not apply to an agricultural operation within city limits unless the city complies with the requirements of Texas Agriculture Code § 251.0055.
- Chapter 251 defines a “governmental requirement” as “any rule, regulation, ordinance, zoning, license or permit requirement, or other requirement or restriction promulgated by a . . . city . . . that has the power to enact or promulgate the requirement or restriction.”

- Texas Agriculture Code § 251.007 required the Texas A&M AgriLife Extension Service to develop a manual identifying generally accepted agricultural practices.



## GENERALLY ACCEPTED AGRICULTURAL PRACTICES IN TEXAS

*A manual prepared under provisions of H.B. 1750, Section  
251.007 88th Texas legislature*



- Texas Agriculture Code § 251.0055 allows a city to continue to enforce a governmental regulation if:
  - There is clear and convincing evidence that the goals of the requirement cannot be addressed through less restrictive means and it is necessary to protect persons in the immediate vicinity of the agricultural operation from imminent danger.
  - City council makes a finding by resolution, based on a report prepared by the city health officer or consultant, that the requirement is necessary to protect public health.
  - The report include an explanation of why the report recommends a manner of regulation that will restrict a generally accepted agricultural practice.
  - The requirement is not otherwise prohibited by the act.

- Imminent dangers that can be taken into consideration under Texas Agriculture Code § 251.0055 include:
  - Explosion;
  - Flooding;
  - An infestation of vermin or insects;
  - The spread of an identified contagious disease;
  - The removal of lateral or subjacent support;
  - Water contamination;
  - Improper storage of toxic materials;
  - Crops or vegetation grown in a manner that will cause traffic hazards; or
  - Discharge of firearms or other weapons.

# Affected code provisions



- Chapter 7 (Animals):
  - Transporting animal in open bed of a vehicle.
  - Sale of animals/pet stores.
  - Keeping roosters.
  - Trapping animals.
  - Nuisance violations related to animals.



# Affected code provisions



- Chapter 18 (Municipal Solid Waste):
  - Weed and grass height.
- Chapter 19 (Health and Sanitation):
  - Animal carcasses.



# Affected code provisions



- Chapter 51A (Development Code):
  - Land use restrictions.
  - Lot size.
  - Setbacks.
  - Tree conservation.
  - Number of horses allowed per acre.
  - Private stable regulations.
  - Animal production/crop production requirements.





# Affected code provisions



- Chapter 52 (Administrative Provisions for the Construction Codes):
  - Certificate of occupancy requirements.
  - Permitting requirements.





# Urban Agriculture Plan



# City's Agriculture Plan



- **2020 CECAP Goal 7: All Dallas communities have access to healthy, local food.**
- 2022 Racial Equity Plan, action targets related to supporting local urban agriculture in priority equity areas and increasing local food production.
- Comprehensive Urban Agriculture Plan, unanimously adopted March 2023.
- The Comprehensive Urban Agriculture Plan focuses on five key recommendations:
  1. Reduce regulatory barriers, notated by the public as the highest priority.
  2. Support land access.
  3. Provide urban agriculture education, resources, and support to Dallas residents.
  4. Facilitate collaboration and partnerships among UA stakeholders.
  5. Build market opportunities.



# Next steps



- Commission a consultant to produce a report:
  - Identifying evidence of health hazards related to agricultural operations;
  - Determining the necessity of regulation and the manner in which agricultural operations should be regulated;
  - Stating whether the manner of regulation will restrict or prohibit a generally accepted agricultural practice listed in the manual produced by the Texas A&M AgriLife Extension; and
  - If applicable, explaining why the report recommends a regulation that will restrict a generally accepted agricultural practice.
- Pass a resolution based on the consultant's report with findings that enforcement of the requirement is necessary to protect public health.
- Make any necessary code amendments needed to comply with Chapter 251 and the city's Urban Agriculture Plan.

