

BEFORE THE CITY COMMISSION

CITY OF STUART, FLORIDA

ORDINANCE No. 2309-2015

AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING SECTION 8-2(b) IN THE STUART CODE OF ORDINANCES TO PROVIDE FOR THE ALLOWANCE OF CHICKENS IN BACKYARDS; AMENDING SECTION 2.06.00 OF THE STUART LAND DEVELOPMENT CODE, SUPPLEMENTAL USE STANDARDS FOR URBAN AGRICULTURE, TO PROVIDE FOR THE ALLOWANCE OF CHICKENS IN COMMUNITY GARDENS AND URBAN FARMS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Code of Ordinances currently prohibits the keeping of fowl within the city limits; and

WHEREAS, the City Commission recognizes there has been a nationwide movement towards sustainable, local food production which aims to foster a greater sense of community, to educate children about food origins and production, and to reduce energy and transportation costs and environmental concerns associated with modern farming; and

WHEREAS, the Stuart Local Planning Agency duly scheduled, advertised and held a public hearing on May 21, 2015 to consider an ordinance to allow the keeping and raising of chickens under certain conditions; and

WHEREAS, the City Commission desires to amend the City's Codes to set forth regulations applicable to keeping chickens within the city limits which protect the Public's health, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: AMENDMENTS TO SECTION 8-2(b) OF THE STUART CODE OF ORDINANCES

Sec. 8-2. - Livestock prohibited.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

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Livestock means any horse, mule, pony, fowl, jackass, cow, bull, steer, goat, sheep, pig, hog, or other domestic animal not customarily kept as a household pet.

- (b) It shall be unlawful for any person to keep livestock in the city or to allow livestock to run at large within the city with the exception of domestic chickens (*Gallus domesticus*) being kept, harbored, raised, or maintained as accessory to a residential single-family detached structure, subject to the following restrictions:
- (1) No more than four (4) chickens may be kept, with roosters prohibited;
 - (2) No person shall slaughter any chickens;
 - (3) The chickens shall be provided with a covered enclosure (i.e. "henhouse/coop") and must be kept in the covered enclosure or a fenced enclosure at all times. Chickens must be secured within the henhouse/coop during non-daylight hours;
 - (4) The space per bird in the henhouse/coop shall not be less than four (4) square feet per bird, and the henhouse/coop shall be no taller than six (6) feet in height, measured from the natural grade;
 - (5) No covered enclosure or fenced enclosure shall be located in the front yard, nor shall the henhouse/coop be closer than ten (10) feet to any property line of an adjacent property, nor within twenty-five (25) feet of any adjacent residential structure.
 - (6) Odors from chickens, chicken manure, or other chicken related substances shall not be detectable at the property boundaries;
 - (7) All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure. The henhouse/coop must be impermeable to rodents, wild birds, and predators, including dogs and cats. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials. All manure not used for composting or fertilizing shall be removed promptly;
 - (8) All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rodents or other pests shall be kept in secure containers or otherwise protected so as to prevent rodents and other pests from gaining access to or coming into contact with them;
 - (9) The sale of eggs or any other chicken products generated in the City of Stuart is prohibited;
 - (10) Chickens shall not be kept at residential property with a townhome, duplex, condominium, apartment, multi-family residential unit, or within manufactured/mobile home parks. This ordinance does not authorize persons to violate applicable restrictive covenants and homeowners' association rules and regulations; and

(11) No dog or cat that kills a chicken will, for that reason alone, be considered a dangerous or aggressive animal.

Sec. 2.06.09 Urban agriculture

C. Development standards

12. Pursuant to Chapter 8, Article I of the Code of Ordinances, livestock shall be prohibited, with the exception of domestic chickens (*Gallus domesticus*) being kept, harbored, raised, or maintained as accessory to a community garden or urban farm, subject to the restrictions in Section 8-2(b) of the Code of Ordinances, with the following exceptions:

- a. No more than four (4) chickens may be kept with a community garden and no more than ten (10) per acre may be kept with an urban farm, with roosters prohibited;
- b. Covered enclosures must meet the standards of permitted structures included in Section 2.06.09.C.4, and shall not be placed within twenty-five (25) feet of any adjacent residential structure; and
- c. Sales of eggs shall be conducted in accordance with Section 2.06.09.C.11.

SECTION 2: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 3: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 4: The provisions of Section 1. of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect upon adoption.

PASSED on First Reading this 8th day of June, 2015.

Commissioner _____ offered the foregoing ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT
KELLI GLASS-LEIGHTON, MAYOR			
JEFFREY KRAUSKOPF, VICE MAYOR			
THOMAS CAMPENNI, COMMISSIONER			
TROY MCDONALD, COMMISSIONER			
EULA CLARKE, COMMISSIONER			

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ADOPTED on Second Reading this 22nd day of June, 2015.

ATTEST:

CHERYL WHITE
CITY CLERK

KELLI GLASS-LEIGHTON
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY