

ORDINANCE NO. 17-020

AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA ADOPTING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; **AMENDING CHAPTER 4 – ANIMALS; AMENDING SEC. 4-2 – PROHIBITED ANIMALS BY ALLOWING FOR THE ISSUANCE OF SPECIAL EXEMPTION PERMITS FOR BACKYARD CHICKENS**; AND CREATING SEC. 4-33 – BACKYARD CHICKENS TO ESTABLISH REGULATIONS FOR THE KEEPING OF BACKYARD CHICKENS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Commission recognizes that there is an increased interest in sustainable backyard and local food sources; and

WHEREAS, many communities in Florida and throughout the United States have enacted regulations to compatibly integrate the keeping of backyard chickens into urban residential settings; and

WHEREAS, the benefits of maintaining backyard chickens including the nutritional benefits of fresh eggs and garden benefits of pest control and fertilizer are in the best interest of the public health, safety and welfare of the residents; and

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida:

SECTION 1. Section 4-2 is hereby amended and Section 4-33 is hereby added to the Code of Ordinances of the City of Fort Pierce, Florida, so that the same shall read thereafter as follows:

CHAPTER 4. - ANIMALS

ARTICLE I. - GENERAL

Sec. 4-2. - Prohibited animals.

(a) Except as permitted by applicable City zoning regulations, it shall be unlawful for any person to keep or harbor livestock; fowl, not including domesticated caged or perched birds kept indoors as pets, such as parrots, cockatoos, macaws, parakeets, cockatiels, and finches; animals that require a special permit by the Florida Fish and Wildlife Conservation Commission or bees in any incorporated area of the city.

(b) A special ~~exception~~ exemption permit which may be granted by the animal control division if said animals do not create a nuisance, health hazard or danger, and if said animals are not being raised for public consumption. Special exemption permits for backyard chicken may be granted as long as all the requirements outlined in Sec. 4-33 of this Chapter are met. A denial of a special exception permit may be appealed to the city manager.

(c) The fee for the special exemption permit will be set by Resolution of the City Commission.

Sec. 4- 33. – Backyard Chickens.

(a) Special Exemption Permit Required. A special exemption permit is required for keeping of chickens in incorporated areas of the City. The permit is personal to

the permittee and may not be assigned. If the person applying for the permit is not the registered property owner if the property where the chickens are to be kept, the registered owner must provide written authorization and consent to the application. The registered owner's written authorization must be submitted at the time the application for the permit is tendered. Failure to attach the registered owner's authorization will result in denial of the permit.

- (b) Chickens are permitted to be kept at an occupied single family residence. Permits for maintaining chickens at duplexes, triplexes and other multi-family residential units will be considered on a case-by-case basis; determined by building configuration, lot size and the applicant's ability to comply with all regulations of this section. Chickens are not permitted to be maintained on unimproved and/or vacant properties, condominiums, apartment complexes and within manufactured/mobile home parks.
- (c) A maximum of six (6) female chickens (hens) may be kept per permit. Roosters are not permitted.
- (d) The keeping of ducks, geese, turkeys, peafowl, and pigeons or any other poultry or fowl by any person within a penned enclosure is prohibited under this section. However, nothing in this section is intended to prohibit or restrict the existence of these species as free range birds.
- (e) The chickens shall be provided with a covered enclosure (henhouse / coop) and must be kept in a covered enclosure or fenced pen / run at all times. Free roaming chickens are prohibited.
- (f) All chicken enclosures must meet the following requirements:

 - (1) The enclosure must be kept in the backyard of the residence.
 - (2) May not be located closer than ten (10) feet from any property line of an adjacent property, nor within twenty-five (25) feet of any adjacent residential structure.
 - (3) Must provide a minimum of four (4) square feet per chicken and may not exceed eighty (80) square feet.
 - (4) May not exceed six (6) feet in height.
 - (5) The henhouse, coop, pen and / or run area must be cleaned regularly and no manure is permitted to accumulate on the floor or ground.
 - (6) Shall be constructed and maintained so as to prevent the harborage of rodents and other pests.
- (g) Odors from chickens, chicken manure or other items associated with the keeping of chickens must not be perceptible at the property boundaries.
- (h) All feed and other items associated with the keeping of chickens that are likely to attract rodents or to become infested with pests shall be kept in secure containers.
- (i) Chickens are for personal use only. Selling chickens, eggs, feathers, chicken manure or the breeding of chickens is prohibited.
- (j) The slaughter of chickens is prohibited in areas that are viewable from any adjacent property or public area.

(k) Violations of this section are a Class A violation. Three violations of any part of this section within a twelve month period may result in the revocation of the special exemption permit.

SECTION 2. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 4. This Ordinance is and the same shall become effective immediately upon final passage hereof.

APPROVED AS TO FORM
AND CORRECTNESS:

James M. Messer, Esquire
City Attorney

STATE OF FLORIDA)

ST. LUCIE COUNTY)^{SS}

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 17-020 was duly advertised by title only in the St. Lucie News Tribune on June 23, 2017; copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on July 3, 2017; and was duly introduced, read by title only, and passed on second and final reading on July 17, 2017, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the 17th day of July, 2017.

Linda Hudson,
Mayor Commissioner

Linda W. Cox,
City Clerk

(CITY SEAL)