

CITY OF PALMETTO
ORDINANCE NO. 2018-11

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 6, ARTICLE I, SECTION 6-1 OF THE PALMETTO CODE OF ORDINANCES, BIRD SANCTUARY, TO PROHIBIT THE HARBORING OR KEEPING OF CHICKENS EXCEPT IN CONFORMANCE WITH CITY REGULATIONS, AMENDING CHAPTER 6, ARTICLE II, SECTION 6-31 OF THE PALMETTO CITY CODE OF ORDINANCES, TO REGULATE CHICKEN-KEEPING WITHIN CITY LIMITS; PROVIDING DEFINITIONS; PROHIBITING ROOSTERS, FOWL, OR POULTRY OTHER THAN CHICKENS; PROVIDING GENERAL REQUIREMENTS FOR ENCLOSURES, LOCATION, AND MAINTENANCE; PROVIDING FOR EXCEPTIONS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 6-1 of the Palmetto City Code was adopted in 1975, designates the entire City as a bird sanctuary, and provides for a starling nuisance abatement plan; and

WHEREAS, Section 6-31 was similarly adopted in 1975 and provides minimal restriction on the keeping of poultry and fowl within the City limits; and

WHEREAS, LOCAL JURISDICTIONS THROUGHOUT THE United States have enacted ordinances to permit backyard chickens to promote natural egg production provide educational opportunities, as well as reduce energy and transportation costs associated with modern farming; and

WHEREAS, it is the intention of the City Commission to amend and replace outdated City Code language with updated regulations re-establishing the bird sanctuary status of the City and allowing limited urban chicken-keeping within the City limits subject to requirements for the protection of the public health, safety, and welfare; and; and

WHEREAS, the proposed amendments are necessary to protect the peace, quiet and aesthetic integrity of residential neighborhoods while providing options for an individual's use of their property and protecting the health and safety of the residents of the City of Palmetto; and

WHEREAS, the City Commission of the City of Palmetto has certain regulatory authority granted to it by the Florida Constitution, the Florida Statutes and the City Charter to regulate the use of land within its corporate boundaries; and

WHEREAS, the Planning and Zoning Board held a legally appropriate, properly notice public hearing on May 17, 2018, and received public comment and testimony at said hearing; and

WHEREAS, the City Commission of the City of Palmetto held a legally appropriate, properly noticed public hearings on May 21, 2018 and June 4, 2018, and received public comment and testimony at said hearings; and

WHEREAS, the City Commission of the City of Palmetto finds that approval of this Ordinance will serve the best interests of its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AS FOLLOWS:

SECTION 1. Article VI, Section 6-1 of the City of Palmetto Code of Ordinances is hereby amended as follows:

Sec. 6-1. Bird Sanctuary.

(a) The entire area embraced within the corporate limits of the City is hereby designated as a bird sanctuary. It shall be unlawful to hunt, shoot, trap, injure or molest any wild bird or wild fowl. It shall be unlawful to harbor, feed, water, and/or shelter wild or domestic roosters, peafowl, poultry, or fowl within the City limits except in compliance with City Ordinance.

~~(b) It shall be unlawful for any person to trap, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob their nests; provided, however, if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the proper health authorities of the City, then in such event the health authorities shall meet the representatives of the Audubon Society, garden club or humane society after having giving at least three (3) days' notice of the time and place of the meeting to the representative of the club. If, as a result of the meeting, no satisfactory alternative is found to abate such nuisance, then said birds may be destroyed in such numbers and in such manner as is deemed advisable by the health authorities under the supervision of the Chief of Police.~~

SECTION 2. Article VI, Section 6-31 of the City of Palmetto Code of Ordinances is hereby amended as follows:

Sec. 6-31. Same---Fowl.

~~It shall be unlawful for any person to keep or maintain fowl in any area within fifty (50) feet of any residence without the consent of the owner or occupant of the residence.~~

Sec. 6-31. Chickens on Residential Property.

(a) Definitions.

1) As used in this Ordinance, the following words and terms shall have the following meanings, unless otherwise specifically provided:

a) *Chicken* means a female member of *Gallus domesticus* or a hen. Chicken shall not include the following:

i) Any male chicken or rooster; or

ii) Any duck, goose, turkey, guinea hens, peafowl, or other poultry or fowl.

b) *Enclosure* means a structure with a covered roof and sides, also known as a chicken coop or

poultry house. No permit shall be required for construction, erection, alteration, modification, repair or demolition of any enclosure, provided that such enclosure does not exceed the size limitations for permits under the Florida Building Code.

- c) *Nuisance* means any condition consisting of odor or noise.
 - d) *Occupied* means residential occupancy by the owner of the real property or by a tenant or lessee.
 - e) *Residential Property* means any property a parcel of real property that contains an occupied single family detached dwelling located in a zoning district designated as ER, RS or PD under the City of Palmetto Code of Ordinances, Appendix B.
 - f) *Yard, Front Yard, Side Yard, and Rear Yard* have the same meaning as set forth in the City of Palmetto Code of Ordinances, Appendix B.
- 2) **Applicability.** The requirements established in this Ordinance shall apply to the keeping of chickens at a single family residence on property zoned RS or PD within the City limits. The keeping of any other poultry or fowl is otherwise prohibited.
- 3) **General Requirements.**
- a) No more than six (6) hens shall be allowed for each single-family dwelling. No chickens shall be allowed in multi-family, duplex, or mobile home developments;
 - b) No roosters shall be allowed;
 - c) There shall be no slaughtering or breeding of chickens;
 - d) All chickens must be kept at all times in a completely secured area in the rear yard only. No enclosure or fenced area shall be located in the front or side yard area. Enclosures must be situated at least ten (10) feet from the nearest property line.
 - e) Chickens must have an area available which is protected from the elements, and must be kept properly fed and watered;
 - f) Feed must be stored and secured in rodent-proof containers;
 - g) Dead chickens shall be immediately removed from the property and disposed of according to

Florida law; and

- h) Roosters, poultry or fowl currently existing in the City in violation of this Ordinance shall not be “grandfathered” or permitted to remain after the effective date of the Ordinance; however, owners of roosters, poultry, or fowl not in compliance with this Ordinance shall have ninety (90) days from the effective date of this Ordinance to come into compliance.

4) **Exceptions.**

- a) The requirements of this Ordinance shall not apply to the following:
 - i) Real property containing four (4) or more acres and located in an ER, Estate Residential, zoning district; or
 - ii) Any activity of a bona fide farm operation as provided in Section 823.14, Florida Statutes, as amended.
- b) This Ordinance shall not prohibit any property owner or association from establishing or enforcing private restrictions, including but not limited to, deed restrictions, restrictive covenants, or declarations of covenants and restrictions, on private property within subdivisions, cooperatives, planned developments, etc.

SECTION 3. Repeal of Ordinances in Conflict. This Ordinance hereby repeals and replaces any Ordinances in conflict.

SECTION 4. Severability. If any section, sub-section, paragraph, sentence, clause or phrase in this Ordinance shall be held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions hereof.

SECTION 5. Effective Date. This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor, or, if the Mayor vetoes the Ordinance, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

PASSED AND DULY ADOPTED, by the City Commission, in open session, with a quorum present and voting, this 4 day of June, 2018.

First Reading: April 16, 2018

Publication: May 4, 2018

Second Reading and

Public Hearings: May 21, 2018 and June 4, 2018

CITY OF PALMETTO, FLORIDA, BY AND
THROUGH THE CITY COMMISSION OF
THE CITY OF PALMETTO

By: Shirley Groover Bryant
SHIRLEY GROOVER BRYANT, MAYOR

ATTEST: James R. Freeman, City Clerk

By: James R. Freeman
City Clerk/Deputy Clerk

BRADENTON HERALD

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P.O. Box 921
Bradenton, FL 34206-0921
1111 3rd Ave. W.
Bradenton, FL 34205-8894
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Bradenton Herald
Published Daily
Bradenton, Manatee County, Florida

STATE OF FLORIDA COUNTY OF MANATEE

Before the undersigned authority personally appeared Donna Stults, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **Notice of Hearing**, was published in said newspaper in the issue(s) of **05/04/2018**.

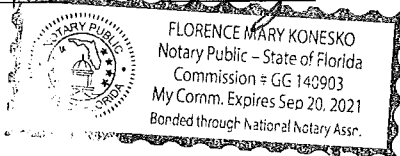
Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



(Signature of Affiant)

Sworn to and subscribed before me this

Day of May, 2018



SEAL & Notary Public

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

NOTICE OF HEARING CITY OF PALMETTO

HEARINGS MAY BE
CONTINUED FROM
TIME TO TIME

The City of Palmetto Planning and Zoning Board will hold a Public Hearing on Thursday, May 17, 2018 at 5:30 PM, and the City Commission will hold Public Hearings on Monday, May 21, 2018 at 7:00 PM and Monday, June 4, 2018 at 7:00 PM. All meetings will be held in the Palmetto City Hall Chambers, located at 516 8th Ave W, Palmetto, FL, to consider the following Ordinance:

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The Public Hearing may be continued until final action is taken. All interested persons are invited to appear and be heard. Written comments filed at City Hall will be heard and considered.

If any person desires to appeal any decision of the City Commission or any other Board of the City, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

The City of Palmetto does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status or handicapped status in employment or in the provision of services. Handicapped individuals may receive special accommodation in services on 48 hours' notice (Fla. Stat. 286.26). Anyone requiring reasonable accommodation for this meeting, as provided for in the American with Disabilities Act, should contact the City Clerk at 941-723-4570, FAX 941-723-4576 or email jfreeman@palmettofl.org or ALaRowe@palmettofl.org. For more information regarding the Ordinance Amendment, contact Karla Owens at 941-723-4580, or kowens@palmettofl.org, or access the meeting agenda and accompanying documents on the City of Palmetto website at palmettofl.org.
5/4/2018