

ORDINANCE NO. 11-4955

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE SARASOTA CITY CODE, CHAPTER 8, ANIMALS, TO ALLOW CHICKENS TO BE KEPT IN THE CITY SUBJECT TO RESTRICTIONS MORE FULLY SET FORTH HEREIN; PROVIDING FOR REGULATIONS ASSOCIATED THEREWITH; PROVIDING THAT PRIVATE RESTRICTIONS MAY BE MORE STRINGENT THAN APPLICABLE CITY REGULATIONS; REPEALING ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF IF DECLARED INVALID OR UNENFORCEABLE; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Code currently prohibits the keeping of poultry 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, at the request of the organization known as Citizens Lobbying for Urban Chicken Keeping ("CLUCK") and other interested citizens, the City Commission wishes to amend the City Code so as to permit the keeping of chickens within the city limits, subject to the limitations set forth herein; and,

WHEREAS, the City Commission desires to amend the City Code to set forth regulations which will be applicable to the keeping of chickens within the city limits so as to protect the public health, safety and welfare.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

Section 1. The Code of the City of Sarasota; Chapter 8, "Animals", Section 8-2, "Keeping livestock and certain animals prohibited" is hereby amended:

(Additions to text are indicated by underline; deletions by ~~strikeout~~).

Sec. 8-2. Keeping livestock and certain animals prohibited.

(a) Except for a retail establishment engaging in the lawful sale of animals and Sarasota Jungle Gardens, it shall be unlawful for any person to keep, harbor, raise or maintain the following:

(1) Any livestock;

(2) Any poultry, except chickens being kept, harbored, raised, or maintained as accessory to a residential single family structure, subject to the following restrictions:

a. No more than four (4) chickens may be kept, with roosters prohibited;

b. No person shall slaughter any chickens;

c. The chickens shall be provided with a movable covered enclosure (i.e. "hen house/coop") and must be kept in the covered enclosure or a fenced enclosure at all times. Chickens must be secured within the movable henhouse/coop during non-daylight hours;

d. The space per bird in the henhouse/coop shall not be less than four (4) square feet per bird;

e. 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. Odors from chickens, chicken manure, or other chicken related substances shall not be detectable at the property boundaries;

f. 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;

g. 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;

h. The sale of eggs or any other chicken products generated in the City of Sarasota Sarasota is prohibited;

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

(3) Any rabbits, except those being kept, harbored, raised or maintained:

a. As pets within a completely enclosed dwelling or detached garage capable of housing at least two cars;

b. In an outside enclosure, coop or pen, up to a maximum of two rabbits.

(b) Notwithstanding the provisions of subsection (a) above, the city manager or his designee may, by special permit, authorize the keeping harboring, raising or maintaining of livestock, poultry or rabbits (not within a dwelling) within the city limits. A special permit may only be issued for a specified limited period of time and shall set forth such conditions or requirements as shall be deemed necessary to mitigate the potential adverse effects upon neighboring properties. In determining whether a special permit shall be issued, the city manager or his designee shall consider the nature of the request, the potential benefit to the city or the general public which may result if the special permit is granted, and any adverse effects which neighboring properties may experience if the special permit is granted.

Section 2. Nothing herein shall affect the ability of private property owners and/or neighborhoods to create and/or enforce private restrictions (including but not limited to: deed restrictions, condominium/association restrictions and by-laws, or private covenants), which may provide more stringent regulation of chicken keeping than provided for herein, including the prohibition of chicken keeping.

Section 3. It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be deemed severable, and if any phrase, clause, sentence, paragraph or section of this


Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections hereof.

Section 4. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. City Neighborhood and Development Services Department staff shall make a presentation and report to the City Commission regarding the keeping of chickens in the City pursuant to this ordinance by no later than three (3) years after its effective date. The report shall contain an assessment and evaluation of how this ordinance has worked in practice and may recommend amendments to this ordinance in order to better address any particular circumstances that have occurred as a result of urban chicken keeping. After receipt of the report, the City Commission may determine that no further action is warranted or may set a public hearing to consider either amendment or repeal of this ordinance.


Section 6. This ordinance shall take effect immediately upon second reading. PASSED on first reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this 24th day of January, 2011.

PASSED on second reading and finally adopted this 7th day of February, 2011.



Kelly M. Kirschner, Mayor

ATTEST:



Pamela M. Nadalin
City Auditor and Clerk

Yes Mayor Kirschner
Yes Vice Mayor Atkins
Yes Commissioner Atwell
Yes Commissioner Clapp
Yes Commissioner Turner

Secs. 6-4—6-25. Reserved.

ARTICLE II. LIVESTOCK AND FOWL

Sec. 6-26. Livestock running at large.

It shall be unlawful for the owner of any livestock to permit the livestock to roam at large within the city.

(Code 1975, § 6-4)

State law reference—Livestock running at large, F.S. § 588.12 et seq.

* **Sec. 6-27. Fowl running at large.**

* (a) Any fowl kept within this city shall be securely fenced and confined to the premises.

(b) Fowl running at large within any residential district of the city, as defined by the zoning ordinance, are hereby declared to be a nuisance.

(Code 1975, §§ 6-5, 6-20)

Sec. 6-28. Swine and goats.

(a) It shall be unlawful for any person or entity to keep or maintain any hog or other swine upon land within the city, that is zoned residential, commercial or industrial according to the most recent zoning ordinance of the city. A hog or other swine may be kept or maintained only as provided in this section.

(b) Any person or entity desiring to keep or maintain a hog or other swine on land within the city must apply to and obtain prior permission from the city council. Any such permission by the city council must be based upon a finding that the purpose of keeping or maintaining such hog or other swine is for educational purposes, and, under the direction of a qualified instructor, and that the keeping or maintenance of such hog or other swine at the location in question would not be harmful to the health, safety and welfare of the residents and businesses located within the immediate area surrounding such husbandry activities, based on the following factors:

- (1) The number and size of hogs or swine to be kept or maintained at the subject location at any one time;
- (2) The length of time such hogs or swine will be kept or maintained at such location;
- (3) The dimensions of the pen or fence enclosure containing the hog or swine; and
- (4) The distance from the edge of the pen or fence enclosure to surrounding residences and businesses.

(c) Any swine kept or maintained within the city must be securely fenced and confined to the premises where kept or maintained by means of pens or fence enclosures. Such pens or fence enclosures must comply with the requirements and limitations set out in the Palmetto fence ordinance [chapter 7, article VIII].

(d) It shall be unlawful for any person to keep a goat within the city.
(Code 1975, §§ 6-17, 6-18; Ord. No. 376, § 1, 8-21-89)

Sec. 6-29. Sanitation of lots, stables, sheds.

All lots, stables, sheds, stalls, pens, fence enclosures or other structures or portions thereof in which any livestock, swine or fowl are kept shall be maintained in a sanitary condition and in compliance with the applicable provisions of the state sanitary code.

(Code 1975, § 6-19; Ord. No. 376, § 2, 8-21-89)

Cross reference—Health and sanitation, Ch. 16.

Sec. 6-30. Location restriction—Livestock.

(a) It shall be unlawful for the owner of any livestock to tie, pen or stake such livestock within the city, except at such place therein as shall be at least two hundred (200) feet from any residence.

(b) It shall be unlawful for any person to stake, tie, picket, or in any manner fasten any cow, calf, bull, horse or any other animal so that such animal may range within a distance of thirty (30) feet of any street or sidewalk within the city.

(Code 1975, § 6-21)

* **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.

(Code 1975, § 6-22)