

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**
2 **OF ORLANDO, FLORIDA, RELATING TO BACKYARD**
3 **CHICKENS; ESTABLISHING REGULATIONS FOR THE**
4 **ISSUANCE OF BACKYARD CHICKEN PERMITS AND**
5 **THE KEEPING OF BACKYARD CHICKENS; PROVIDING**
6 **FOR CIVIL PENALTIES; PROVIDING FOR CONFLICTS,**
7 **AND FOR SEVERABILITY, CODIFICATION,**
8 **CORRECTION OF SCRIVENER'S ERRORS, AND AN**
9 **EFFECTIVE DATE.**

10
11 **WHEREAS**, there is increased interest in backyard and community food
12 production to provide local food sources; and

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14 **WHEREAS**, many communities in Florida and throughout the United States have
15 been enacting regulations to compatibly integrate the keeping of backyard chickens into
16 urban residential settings; and

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18 **WHEREAS**, chickens can make good pets, and findings indicate that four are
19 sufficient to meet the needs of the average family's egg consumption; and

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21 **WHEREAS**, the City Council of the City of Orlando, Florida (the "Orlando City
22 Council"), recognizes the desire of all residents to live in a clean environment free of
23 excessive odor, noise, vermin and disease; and

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25 **WHEREAS**, the City enacted a two-year pilot program to allow staff to assess the
26 backyard chicken program and desires to make the program permanent; and

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28 **WHEREAS**, the Orlando City Council hereby finds and declares that this
29 ordinance is in the best interest of the public health, safety, and welfare; and

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31 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
32 **OF ORLANDO, FLORIDA, AS FOLLOWS:**

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34 **SECTION 1. Recitals.** The above recitals are incorporated herein by reference
35 and form an integral part of this Ordinance.

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37 **SECTION 2. CHAPTER 6, AMENDED.** Chapter 6, Code of the City of Orlando,
38 Florida, is hereby amended to read as follows:

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40 **ARTICLE III.-Backyard Chickens**

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42 **Sec. 6.19. – General Conditions for the keeping of backyard chickens.**

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44 Any person keeping chickens as an accessory to an occupied dwelling shall be
45 subject to the following restrictions:

- 46
47 (1) Permit Required. A Backyard Chicken permit (hereinafter "permit"), is
48 required for the keeping of chickens. The permit is personal to the permittee
49 and may not be assigned. If the person applying for the permit is not the fee
50 simple owner of the subject property, the fee simple owner must provide

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- 51 owner authorization and consent to the application. The fee for the permit will
52 be set by Resolution of the Orlando City Council.
- 53 (2) Up to four chickens may be kept at an occupied single family residence upon
54 receiving a permit from the City.
- 55 (3) Ducks, geese, turkeys, peafowl, male chickens/roosters, pigeons, or any
56 other poultry or fowl are not allowed.
- 57 (4) Chickens are not allowed on duplex, triplex, townhomes, multifamily
58 properties, community gardens, or any other uses.
- 59 (5) Chickens must be secured within a covered chicken coop, chicken tractor, or
60 fenced pen/run area at all times and are not allowed to run at large upon any
61 public properties or off the premises of the owner. The coop and pen/run area
62 must be completely secured from predators with hardware cloth or similar
63 material. Chicken wire shall not be used.
- 64 (6) The coop and pen/run area must be cleaned regularly and kept free of
65 insects and rodents. Odors from chickens, chicken manure, or other items
66 associated with the keeping of chickens must not be perceptible at the
67 property boundaries. Chickens must not be permitted to create a nuisance
68 consisting of noise or pests, or contribute to any other nuisance condition.
- 69 (7) No manure may be allowed to accumulate on the floor of the coop or ground.
70 All feed and other items associated with the keeping of chickens that are
71 likely to attract or to become infested with rodents or other pests shall be kept
72 in a rodent and pest-proof container.
- 73 (8) Composting of chicken manure is allowed in an enclosed bin. The
74 composting bin shall be kept at least 20 feet away from all property lines.
- 75 (9) Chickens must be kept for personal use only. Selling chickens, eggs,
76 feathers, or chicken manure, or the breeding of chickens is prohibited.
- 77 (10) Chickens may not be slaughtered on premises.
- 78 (11) Any person who violates any provision of the article will, upon conviction, be
79 punished as provided in Section 1.08 of this Code. Additionally, the planning
80 official has the sole discretion to revoke the permit and require that the
81 chickens be removed within 10 days if he or she determines that the
82 permittee is in violation of the requirements of the Code.

83 **SECTION 3. SEC. 58.901, AMENDED.** Section 58.901, Code of the City of
84 Orlando, Florida, is hereby amended as follows:

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86 (j) Backyard Chicken Coop Accessory Structures.

- 87 1. Chicken coops must be located in the rear yard (behind the home). No coop
88 will be allowed in any front or side yard.

- 89 2. The coop, pen, or chicken tractor must be a minimum of 20 feet from any
 90 neighboring residential homes, at least 5 feet from the principal structure on
 91 the subject property, and at least 5 feet from any property line. The coop,
 92 pen, or chicken tractor may be placed 0 feet from the property line if placed
 93 adjacent to a masonry wall on property in a non-residential zoning district. A
 94 0 foot setback is allowed between a coop and another accessory structure on
 95 the subject property.
- 96 3. Chicken coops must be less than 50 square feet and may have an attached
 97 run. The coop must also be tied down for wind resistance.
- 98 4. An applicant for a permit must demonstrate compliance with the criteria in
 99 the Code in order to obtain a permit. The application for a permit must be
 100 submitted to the planning official. Applicants must submit photos of the
 101 proposed site of the coop/run areas, a survey/site plan of the subject
 102 property showing the location, and proof of successful completion of a
 103 University of Florida Agricultural Extension Service class or an equivalent
 104 class approved by the planning official.
- 105 5. A planning official determination is required for a permit. The planning
 106 official is authorized to implement reasonable rules and regulations
 107 regarding backyard chickens. The planning official must not approve
 108 locations with outstanding code violations.
- 109 6. No more than 100 permits will be issued citywide. Permits will be issued on
 110 a first-come, first-served basis. If a participant chooses to leave the
 111 program, he/she must provide notice to the City. The City is then authorized
 112 to re-issue the permit to another qualified applicant. If a participant is
 113 removed from the program due to violations of the terms of this ordinance,
 114 his/her permit may also be re-issued to another qualified applicant.

115 **SECTION 4. SEC. 5.19, AMENDED.** Section 5.19, Code of the City of Orlando,
 116 Florida, is hereby amended as follows:

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 118 **Sec. 5.19. - Classes of Violations and Reduced Civil Penalties.**

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 120 (1) Violations of city codes and ordinances, and the applicable reduced civil
 121 penalties, shall be as follows:
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Violation Classifications	Reduced Civil Penalty		
	First Offense	Second Offense	Third and Subsequent Offense
Class I	\$ 50.00	\$100.00	Court Hearing Mandatory
Class II	100.00	200.00	"
Class III	150.00	300.00	"
Class IV	200.00	400.00	"

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Class V	500.00	500.00	"
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(2) Violations of City codes and ordinances which constitute civil infractions for which citations may be issued are as follows:

Code/Ordinance Chapter or Section	Description	Class
CH. 6, CONTROL AND REGULATION OF ANIMALS		
Sec. 6.01	Removal of excreta by any animal on public property	II
<u>Sec. 6.19</u>	<u>Compliance with backyard chicken restrictions</u>	<u>II</u>
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SECTION 5. CONFLICTS. The provisions of this Ordinance shall prevail in the event of conflict with the provisions of any existing ordinance.

SECTION 6. CODIFICATION. The city clerk and the city attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 7. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 8. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 9. EFFECTIVE DATE. This ordinance is effective upon adoption.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, the _____ day of _____, 2016.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, the _____ day of _____, 2016.

DONE, THE SECOND READING, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City

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157 Council of the City of Orlando, Florida, at a regular meeting, the _____ day of
158 _____, 2016.

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160 BY THE MAYOR OF THE CITY OF
161 ORLANDO, FLORIDA:

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164 _____
165 Mayor

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168 ATTEST, BY THE CLERK OF THE
169 CITY COUNCIL OF THE CITY OF
170 ORLANDO, FLORIDA:

171
172 _____
173 City Clerk

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175 _____
176 Print Name

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179 THIS ORDINANCE DRAFTED BY AND
180 APPROVED AS TO FORM AND LEGALITY
181 FOR THE USE AND RELIANCE OF THE
182 CITY OF ORLANDO, FLORIDA:

183
184 _____
185 City Attorney

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187 _____
188 Print Name
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