ORDINANCE NO. 1121

AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, CREATING A NEW SECTION 14-3, SATELLITE BEACH CITY CODE, ALLOWING BACKYARD CHICKENS (*GALLUS GALLUS DOMESTICUS*); ESTABLISHING TERMS OF PILOT PROJECT; AMENDING SECTIONS 14-1 AND 14-2, SATELLITE BEACH CITY CODE, RESULTING FROM SECTION 14-3; ESTABLISHING REGULATIONS FOR POSSESSION OF BACKYARD CHICKENS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, City staff has been approached by residents to allow possession of backyard chickens within the City; and

WHEREAS, after researching the matter, City staff has recommended to City Council that backyard chickens be allowed subject to regulation.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Satellite Beach, Florida, as follows:

SECTION 1. A new Section 14-3, Satellite Beach City Code, is created to read as follows:

Sec. 14-3 Backyard Chickens.

(a) For purposes of this section, backyard chicken shall mean birds having the taxonomic name of *gallus gallus domesticus*.

(b) Up to four backyard chickens may be kept on any single-family lot in the City, subject to the following:

(1) Only hens may be kept; all roosters are prohibited.

(2) Backyard chickens are allowed for personal use only. The sale or bartering of backyard chickens, eggs, or manure is prohibited.

(3) Breeding of backyard chickens for any reason is prohibited.

(4) Except as provided in Section 14-3(d), slaughter of backyard chickens for any reason is prohibited.

(5) Dead backyard chickens shall be immediately removed from the property and disposed of at the Brevard County landfill.

(6) All backyard chickens shall be maintained and contained in a coop located in the enclosed back yard of the lot. For purposes of this section, coop shall mean the henhouse where backyard chickens sleep or nest and any adjacent outdoor run. The coop shall be completely enclosed at all times; shall satisfy setback and all other accessory-structure requirements for enclosed buildings in Section 30-510, Satellite Beach City Code; and shall be constructed and secured to prevent access into the coop by other animals, including from digging under any enclosure material. If the henhouse is larger than 80-square-feet, a building permit shall be required prior to construction. The henhouse shall have a maximum height of 5.5 feet and provide at least four-square-feet per chicken.

(7) All coops shall be constructed, maintained, and cleaned to avoid attracting rodents, reptiles, vermin, insects, predators, birds of prey, foraging animals, and other pests. Regular removal of waste is required, and any manure not used for composting or fertilizer shall be promptly removed.

(8) All feed and other items associated with backyard chickens shall be kept in secure metal containers or otherwise protected to prevent rodents, reptiles, vermin, insects, predators, birds of prey, foraging animals, and other pests from gaining access to the feed or other items. Under no circumstances shall plastic containers of any kind be allowed.

(9) Backyard chickens shall not be set free or allowed to wander outside a coop at any time, except that they may wander within the enclosed back yard between the hours of 8 a.m. and 8 p.m.

(10) All coops shall be screened from the view of any adjoining property by an opaque fence at least six feet high. A perimeter or boundary fence or wall, chain link fence, chain link fence with slats, or similar fence shall not meet the requirement for an opaque fence.

(11) No property located within the ocean bluff buffer zone or the 100' buffer zone around conservation areas, as shown in Exhibit A, shall be allowed to have chickens.

(12) Anyone desiring to possess and maintain backyard chickens on their property, including persons possessing and maintaining such chickens when this ordinance is adopted, must obtain a permit for such activity from the City. No permit shall be issued until a properly-completed application is approved by the Building and Zoning Department. As a condition of permit approval, each applicant shall acknowledge on the application that the City has permission to enter upon the subject property to perform an

initial inspection 30 days after permit approval, as well as subsequent random inspections anytime thereafter to ensure compliance with the requirements of this section.

(c) No animal that kills or wounds a chicken shall, for that reason alone, be considered a dangerous or aggressive animal.

(d) If a regulatory agency issues any advisory or alert that chickens must be exterminated in the interest of public health, all chickens located in the City shall be immediately exterminated. No backyard chickens shall be allowed within the City thereafter until such advisory or alert is lifted and the agency reauthorizes backyard chickens within the City. If such agency imposes conditions to allowing backyard chickens, any person intending to keep backyard chickens shall provide proof of compliance to the agency and/or the City.

SECTION 2. Section 14-1, Satellite Beach City Code, is amended to read as follows:

Sec. 14-1. County animal control ordinance adopted.
The City hereby adopts by reference the county animal control ordinance, Brevard County Ordinance 95-57, to be in effect within the City, except to the extent of any conflict with Section 14-3, Satellite Beach City Code.

SECTION 3. Section 14-2, Satellite Beach City Code, is amended to read as follows:

Sec. 14-2. Livestock prohibited in city.
Except as allowed by Sec. 14-3, Satellite Beach City Code, the presence of livestock in the City is prohibited.

SECTION 4. The provisions of Section 14-3, Satellite Beach City Code, shall be deemed a pilot project for up to one year after adoption of this ordinance, at which time the City Council shall evaluate the project and make any changes deemed necessary or, in its discretion, repeal this ordinance.

SECTION 5. SEVERABILITY CLAUSE. In the event a court of competent jurisdiction holds that any part of this ordinance is invalid or unconstitutional, the remainder of the ordinance shall not be affected; and it shall be presumed that the City Council for the City of Satellite Beach did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the City Council would have enacted the remainder of this ordinance without said invalid and unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 6. REPEAL OF INCONSISTENT PROVISIONS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption.

SECTION 8. This Ordinance was duly passed on first reading at a regular meeting of the City Council on the 6th day of July, 2016, and adopted on the second and final reading at a regular meeting of the City Council on the 20th day of July, 2016.

FRANK CATINO, MAYOR

CITY OF SATELLITE BEACH FLORIDA SEAL

ATTEST:

LEONOR OLEXA, CMC, CITY CLERK

Ordinance No. 1121
Exhibit A

Hightower Beach Park

Samsons Island

Lansing Island

Gemini Beach Park

Pelican Beach Park

Sports Park

Satellite Beach

Banana River

Atlantic Ocean

N

0 500 1,000 2,000 3,000 Feet

Legend

- Conservation Areas
- 100' Buffer Zone
- Ocean Bluff Buffer Zone
- Satellite Beach City Limits

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Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community