

ORDINANCE 146-2022-23

AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF CLARKSVILLE, TITLE 3 (Animals), CHAPTER 1 (Animal Control), SECTION 3-109. KEEPING OF CATTLE, HORSES, SHEEP, GOATS, SWINE OR POULTRY IN RESIDENTIAL AREAS, RELATIVE TO KEEPING CHICKENS (HENS)

WHEREAS, the City has previously enacted an Ordinance that regulates, inter alia, the keeping of chickens (hens) for egg production and otherwise, (see Ordinance No. 31-2008-09; and Ordinance No. 6-2012-13; codified in Section 3-109 of the Official City Code; and

WHEREAS, many Clarksville residents have engaged in this urban farming activity relating to the keeping of backyard chickens; and

WHEREAS, many residents within the Clarksville city limits wish to preserve the longstanding traditions of Tennessee agriculture; and

WHEREAS, fostering sustainable efforts and green, environmentally friendly living in the City of Clarksville is important to the quality of life of our citizens; and

WHEREAS, domesticated hens may be used for companionship, educational purposes, and non-commercial production of eggs in support of sustainable green living, and

WHEREAS, egg production by domesticated hens is an economical way for City residents to stretch their food dollars, and to provide wholesome, healthy, organic food for themselves, their families and friends;

WHEREAS, providing appropriate and enforceable regulations for the keeping of domesticated hens that requires the maintenance of sanitary conditions on the hen owner's property, and which protects the animals' welfare, and which prevents any impairment to the enjoyment of property by surrounding property owners, promotes the general health and welfare of the City and is in the best interests of the City and its residents; and

WHEREAS, after more than a decade of experience with regulating the keeping of domesticated hens, the City Council now further finds that a limited, small increase in the number of domesticated hens that may be kept by permitted hen owners should be enacted, and that renters of residential property within the City, with the property owner(s) approval or consent, as properly evidenced by some lease provision or other written document from the property owner, should be enacted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

1. That the Official Code of the City of Clarksville, TITLE 3 (Animals), CHAPTER 1 (Animal Control), SECTION 3-109. KEEPING OF CATTLE, HORSES, SHEEP, GOATS, SWINE OR POULTY IN RESIDENTIAL AREAS, subsection (b)(4) is hereby amended by deleting the language therein and substituting the following language therefore:

(b) Exceptions pertaining to poultry.

- (4) All domesticated hens shall be kept outside of a habitable structure in a fenced chicken enclosure (chicken run), and a portion of the chicken enclosure must include a covered chicken coop structure (henhouse). The chicken coop shall provide at least two square feet per chicken and shall not exceed 50 square feet. The chicken enclosure shall provide at least six square feet per bird, and the enclosure shall also include the coop within the enclosure, and the entire enclosure shall not exceed a total of 400 square feet. The maximum height of the coop shall be no more than 10 feet at the highest point as measured from the ground directly beneath the highest point of the coop. The enclosure and coop shall be located in the rear of the property 10 feet away from the rear property line, and 10 feet away from any side property line. The lot area for keeping domesticated hens shall be a minimum of nine thousand (9,000) square feet. The coop shall be covered and enclosed on all sides. The enclosure shall be open to the air above, or the enclosure may be covered by a permeable material approved by the Department of Building and Codes. A maximum of eight (8) domesticated chicken hens may be permitted on any parcel or tract of property.

That the Official Code of the City of Clarksville, TITLE 3 (Animals), CHAPTER 1 (Animal Control), SECTION 3-109. KEEPING OF CATTLE, HORSES, SHEEP, GOATS, SWINE OR POULTY IN RESIDENTIAL AREAS, subsection (b)(7) is hereby amended by deleting the language therein and substituting the following language therefore:

(b) Exceptions pertaining to poultry.

- (7) The permit applicant must either own, or rent (lease), and must occupy the property for which the permit is applied. If the permit applicant is renting (leasing) the property and the property is not owned by the permit applicant, then the permit applicant shall provide a copy of the rental agreement or lease containing a provision that allows, permits, or approves the renter (lessee) to keep domesticated hens, or shall provide some other written documentation that is satisfactory to the Director of the Building and Codes Department, or their designee, that evidences

the property owner's knowledge of, and approval or consent to the renter (lessee) keeping domesticated hens on the property and to the issuance of such a permit. The permit cannot be transferred or assigned to any other person, business or entity. A permit shall expire upon the sale or other transfer of the property to which the permit applies, to include a new lease by the property owner to a different renter (lessee), or if the permit holder ceases to reside at the property for which the permit was granted. No sub-lessee may be granted a permit.

3. This ordinance shall be deemed to be severable, and if any part of it is ruled to be unconstitutional, illegal, or void by any court of competent jurisdiction, such ruling shall not affect the legality of the remainder, which shall be given full and complete effect to the maximum extent permitted by law.

FIRST READING: July 6, 2023
SECOND READING: August 3, 2023
EFFECTIVE DATE: August 3, 2023

Joe Pitts, Mayor

ATTEST:

Lisa Canfield, City Clerk