

**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF BROOKHAVEN**

ORDINANCE 2017-06-03

**AN ORDINANCE TO AMEND CHAPTER 5 OF THE CODE OF
ORDINANCES FOR THE CITY OF BROOKHAVEN RELATED TO THE
REGULATION, ENFORCEMENT, AND CONTROL OF DOMESTIC
FOWL AND APIARIES WITHIN THE CITY OF BROOKHAVEN**

WHEREAS, the Mayor and City Council of the City of Brookhaven are charged with the protection of the public health, safety and welfare of the citizens of Brookhaven, and

WHEREAS, pursuant to Section 1.03(b) of the Charter of the City of Brookhaven, inter alia, the City of Brookhaven has the power to define, regulate and prohibit any act, practice, conduct or use of property that is detrimental to health, sanitation, cleanliness, welfare and safety of the inhabitants of the City, and to provide for the enforcement of such standards, and

WHEREAS, the Mayor and City Council of the City of Brookhaven hereby find that by prohibiting and/or defining certain offenses and conduct as set forth below will further the goals set forth in the Charter and protect the health, safety and welfare of the Citizens of Brookhaven,

BE IT ORDAINED by the Mayor and Council of the City of Brookhaven, Georgia, and it is hereby ordained by authority of same, Chapter 5 of the Code of Ordinances is hereby amended as follows:

Section 1.

Sec. 5-32 – Keeping of animals.

Domestic fowl and bees may be kept within the city subject to the following regulations:

(a) General provisions.

(1) All animals kept under this section must be provided with adequate housing.

- (2) Any housing or enclosure used by any domestic animal or livestock shall be well-drained, free from accumulations of animal excrement and objectionable odors, and otherwise clean and sanitary.
- (3) Animal excrement shall be disposed of in a manner approved by the health officer or his designee.
- (4) The houses, hutches, pens, or other enclosures where animals are kept shall have a solid floor made of cement or other suitable washable material.
- (5) All structures and enclosures for the keeping of animals must comply with setback requirements for accessory structures. If requirements between this section and the requirements for accessory structures differ, the more restrictive shall control.
- (6) Any vicious animal shall be deemed a nuisance.
- (7) Every person owning or keeping animals in the city is required to keep such animals confined and not allow such animals to enter other property. This subsection shall not apply to beekeeping.
- (8) Composted animal waste may be used as fertilizer for the purpose of enriching the property owner's soil.
- (9) Animals must be kept in sanitary conditions and shall not be a public nuisance.
- (10) Disposal of dead animals shall be subject to rules, regulations, and requirements of DeKalb County Sanitation.

(b) Domestic Fowl.

- (1) The minimum fenced yard area for domestic fowl shall be twenty-five (25) square feet per fowl.
- (2) Each domestic fowl shall be provided with a minimum four (4) square feet floor or ground area in the coop where it is kept per fowl over four (4) months old. For Bantams, a variety of chickens defined as miniature, each coop shall have one (1) square foot of floor area per fowl over four (4) months old.
- (3) Domestic fowl must be cooped at least seven feet six inches (7.5) feet from any property line.
- (4) Any structure housing domestic fowl must be located in the side or rear yard if a principal building exists.
- (5) The minimum lot size for the keeping of domestic fowl is six thousand (6,000) square feet.
- (6) The maximum number of domestic fowl over four (4) months old shall be 25 birds per lot. Furthermore, no owner shall have more than 1 domestic fowl per one thousand (1,000) square feet of lot area as depicted on the plat of the lot on file in the Superior Court of DeKalb

County (with all fractions rounded down to the nearest whole number).

(7) Domestic fowl and associated structures shall comply with all other relevant articles of this code, including those relating to noise and property maintenance.

(8) No roosters are allowed.

(9) Domestic fowl must be kept securely in an enclosed yard or pen at all times.

~~(9)~~

~~(10)~~ (10) Domestic fowl are only permitted as pets or for egg production; domestic fowl shall not be kept for slaughter.

(c) Bees.

(1) No more than four (4) hives are allowed per one-quarter (0.25) acre (as measured by the plat on file with the Superior Court of DeKalb County with any fractional amount rounded down to the nearest whole number), and no more than eight (8) hives are allowed on any lot.

(2) Hives must be setback from all property lines a minimum of seven feet six inches (7.5) feet.

(3) Hives must be located in the side or rear yard if a principal building exists.

(4) Hives must be maintained responsibly with adequate space and management techniques to prevent overcrowding and swarming.

(5) If a colony becomes a nuisance, the beekeeper must re-queen the hive at their own expense.

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Section 2.

This section shall be effective on August 1, 2017.

Section 3.

If any Court of competent jurisdiction concludes any part of such ordinance is invalid or without authority, all remaining parts and sections shall be valid and in full force and effect.

Section 4.

All parts, provisions, and sections of the Code of Ordinances of the City of Brookhaven which conflict with this Ordinance, except such parts that may

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continue due to the general laws of this State, shall stand repealed and of no force or effect as of the effective date of this Ordinance.

SO ORDAINED, this 29TH day of June, 2017

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John Arthur Ernst, Jr.
Mayor

ATTEST:

APPROVED AS TO FORM

Susan Hiott
City Clerk

Christopher D. Balch
City Attorney