

ORDINANCE NO. 23-1232

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO REPEAL ORDINANCE 23-1224, IN ORDER TO EFFECTUATE CERTAIN TECHNICAL AND ALPHA-NUMERIC CORRECTIONS IN THE STRUCTURE OF SAID ORDINANCE

WHEREAS, the City Commission finds that the regulatory provisions of and with respect to the keeping, controlling, and monitoring of domesticated animals in general, and with respect to female chickens, in particular, should be revised to reflect the experience of City Administration since 2021 and the perceived general will of the citizens of the City of Red Bank and in order to lessen the “minimal one-half” acre lot size requirement and to permit certain limited numbers of female chickens who lay eggs to be kept in specified residential zones of the City of Red Bank under certain restrictions; and

WHEREAS, the Centers for Disease Control (CDC) has published and made readily available ownership information regarding potential health hazards associated with possessing poultry (also known as domestic fowl such as chickens, turkeys, ducks, and geese); that certain outbreaks of disease are common and advises poultry owners the following diseases are possible: Bird Flu (Avian Influenza), E. coli (Escherichia coli), Histoplasmosis (Histoplasma capsulatum) and Salmonellosis (Salmonella spp.).
<https://www.cdc.gov/healthypets/pets/farm-animals/backyard-poultry.html>

WHEREAS City did enact Ordinance No. 23-1224 in order to address more particularly the issues referenced therein; and in the time intervening the enactment of Ordinance No. 23-1224 on second and final reading on March 7, 2023, it has come to the attention of City Administration and City staff that certain alpha-numeric and organizational designations and references therein are in need of reconfiguration to more clearly set out the intentions and legislative and regulatory purposes originally attendant to the adoption of Ordinance #12-1224;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee as follows:

SECTION 1. Ordinance No. 23-1224, adopted on the second and final reading on March 7, 2023, is repealed.

SECTION 2. Title 10, Article VIII, Section 10-77(b)(2)(c) of the Red Bank City Code shall be deleted in its entirety and there shall be substituted in lieu thereof substituted as follows:

(c) All owner-occupied residential properties in zoning districts R-1 and R-1A that meet all of the other requirements of this article and this Code are eligible to have chickens, except that properties abutting Stringers Branch shall not be eligible to keep/house/shelter chickens under this Ordinance.

SECTION 3. Title 10, Article VIII, section 10-77(b)(2)(g) of the Red Bank City Code shall be revised to add:

“(excluding Stringer’s Branch; keeping chickens is not allowed on any lot abutting or bordering Stringer’s Branch): immediately following the words fifty (50’) feet from any stream and ten (10’) feet from the main structure)” in the fifth (5th) line of said subsection (g).

SECTION 4. Title 10, Article VIII, section 10-77(a)(2)(l) of the Red Bank City Code shall be revised by deleting subsection (l) in its entirety and by substituting the following in its place and stead:

(l) Disposal of chicken litter, manure, and waste; Chicken litter, manure, and waste must be disposed of in a manner consistent with current best practices as prescribed by the Center for Disease Control and shall include at least the following:

(A) Composting-stored waste may not be stored within 25 feet of any side yard or rear yard of an adjoining property and shall not be stored within fifty feet of any stream.

(B) The City of Red Bank will accept the disposal of a small amount of waste in the resident's city garbage receptacle. In order for the city to accept the waste the following requirements are applicable:

(i) All waste must be DOUBLE BAGGED in durable and sturdy trash bags at least three (3) mils in thickness and designed to hold household trash. Grocery Store type carry-out plastic bags are not allowed for this use.

(ii) A ten-pound limit per week or at any other single disposal time (for those not using a weekly disposal method). Accumulating waste for monthly, or less frequent, disposal may not exceed ten pounds.

(C) Failure to follow these disposal restrictions will result in permit holders having their permit revoked in accordance with Section 4, (a)(2)(o) above.

SECTION 5. Title 10, Article VIII, Section 10-77(b)(2)(n) of the Red Bank City Code shall be amended by adding a new subsection (n) thereof as follows:

(n) Permit holders are required to renew their chicken permits annually coincident with the anniversary date of the issuance of their then-current permit.

Permit applicants will follow the same procedures as new applicants by logging into the city website, accessing the citizen portal, and completing the online application process.

Permit applicants will be required to schedule a re-inspection of each chicken coop, compliance with set-back requirements, and disposal procedures prior to permit issuance or renewal.

Fees for permit renewals will be the same as for new applications and based on the city's then-applicable fee schedule for chicken permits.

SECTION 6. Title 10, Article VIII, Section 10-77(b)(2)(n) of the Red Bank City Code shall be assigned the subsection designation (o).

Title 10, Article VIII, Section 10-77(b)(2)(o) of the Red Bank City Code shall be assigned the subsection designation (p).

SECTION 7. Every section, clause, and phrase of this Ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not affect or impair any other section, sentence, clause, or phrase hereof.

SECTION 8. This Ordinance shall take effect from and after the date of its final passage the health, safety, and welfare of the Citizens of the City of Red Bank requiring it.

Hollie Berry 4/20/23
Mayor Hollie Berry (date)

Tracey L Perry 4/20/23
City Recorder Tracey Perry (date)

April 4, 2023
Passed on First Reading

April 18, 2023
Passed on Second and
Final Reading

Approved as to form:

Arnold Stulce 4/20/23
City Attorney Arnold Stulce, Jr (date)