

ORDINANCE NO. 21-2017

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 5 "ANIMALS", ARTICLE V "LIVESTOCK AND FOWL", BY AMENDING SECTION 5-86 "CERTAIN ANIMALS RESTRICTED; PERMITS FOR CERTAIN ANIMALS REQUIRED" BY PERMITTING BACKYARD CHICKENS SUBJECT TO REGULATIONS; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AN EFFECTIVE DATE AND INCORPORATION INTO THE CODE.

WHEREAS, on April 25, 2017, the Titusville City Council approved advisability to amend Chapter 5, Article V of the City of Titusville Code of Ordinances related to Livestock and Fowl, and;

WHEREAS, the Titusville City Council recognizes the increasingly supportive attitude of its residents towards the keeping of backyard chickens as pets and as a source of eggs for personal consumption, and;

WHEREAS, the Titusville City Council desires to allow for no more than four (4) backyard chickens on a lot or parcel occupied by a single family detached residence in a single family zoning district, subject to the sections of this ordinance, and;

WHEREAS, the Titusville City Council recognizes the desire of its residents to live in a clean, safe and pleasant environment free of excessive odor, noise, pests and disease;

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF TITUSVILLE, FLORIDA as follows:

SECTION 1. That Chapter 5, Article V "Livestock and Fowl", Division 1, Section 5-86 "Certain animals restricted; permits for certain animals required" of the Code of Ordinances, City of Titusville is hereby amended to read as follows:

Sec. 5-86. – Certain animals restricted; permits for certain animals required.

(a) It shall be unlawful for any person to keep or permit to be kept within the city any horses, hogs, sheep, goats, cattle, chickens or other farm animals, and any domestic animal from the wild, except:

- (1) The aforementioned animals shall be allowed in any GU-zoned district, provided the regulations as provided in section 65.11 et seq., Land Development Regulations, Volume II, are complied with.
- (2) Animals as aforescribed shall be permitted in other districts, provided they are an incidental or necessary part of a licensed business, i.e., veterinarian, pet shop, etc.

- (3) Horses or ponies may be allowed in any district in the city provided a permit as provided for in section 5-101 has been secured.
- (4) Seamless banded homing pigeons for sporting and/or exhibition purposes shall be permitted as accessory uses in any residential use district.
- (5) Backyard chickens shall be permitted on single family properties subject to all regulations described below:
 - a. For the purposes of this section, the terms “backyard chicken” or “chicken” refers to hens, or female chickens, only. It shall be unlawful to keep ducks, geese, turkeys, peafowl, roosters or male chickens, or any other fowl.
 - b. No more than four (4) chickens shall be permitted on any lot or parcel.
 - c. Chickens may only be kept for personal use. Selling chickens, eggs, feathers or chicken manure, or the breeding of chickens for commercial purposes shall be prohibited.
 - d. Chickens shall not be slaughtered on site.
 - e. All stored feed must be kept in a pest-proof container or be kept inside a secured structure.
 - f. Chicken coops and enclosures must be maintained in a clean and sanitary condition at all time including dry bedding material. Activities permitted by this section must be conducted in a manner that does not create a public nuisance such as odor, noise, or the attraction of pests.
 - g. Chickens must be kept within a coop or enclosure and may not be released or set free to roam unless such roaming is confined to the fenced rear yard of the subject property.
 - h. Chicken coops and enclosures must be screened from neighboring properties with either an opaque fence and/or landscaping.
 - i. Chicken coops and enclosures shall be located in the rear yard only. No chicken coop or enclosure shall be closer than ten (10) feet from any rear or side property line. Side corner setbacks shall meet the principal structure setbacks.
 - j. A permit is required. Applications shall be filed with the City Clerk's Office together with a filing fee to be set by resolution of Council. The application must include a site sketch that demonstrates compliance with the regulations in the subsections above. The applicant must also provide proof of successful completion of a University of Florida/IFAS

Backyard Chicken Training class or an equivalent class approved by the City Manager or designee. The City Manager or designee is authorized to revoke an issued permit if the property is no longer in compliance or is creating a public nuisance.

SECTION 2. SEVERABILITY. If any provisions of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances, and all resolutions and parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective upon adoption by the City Council in accordance with the Charter of the City of Titusville, Florida.

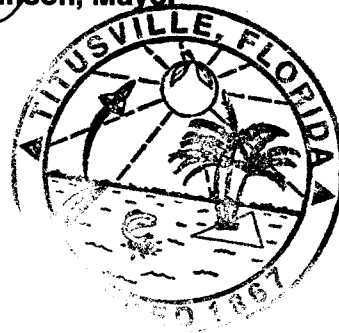
SECTION 5. INCORPORATION INTO CODE. This Ordinance shall be incorporated into the City of Titusville Code of Ordinances and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the Code may be made.

PASSED AND ADOPTED this 8th day of August 2017

ATTEST:

Wanda F. Wells
Wanda F. Wells, City Clerk

Walt Johnson
Walt Johnson, Mayor



ce: planning
CA