

ORDINANCE #ORD2021-03

AN ORDINANCE REPEALING PROVISIONS OF AND AMENDING CHAPTER 14 - ANIMALS; PROVIDING ANIMAL CONTROL SERVICES THROUGH ADOPTION OF PROVISIONS OF MARION COUNTY ANIMAL CONTROL ORDINANCE AND ENFORCEMENT THROUGH INTERLOCAL AGREEMENT WITH MARION COUNTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Dunnellon has found that it is in the best interest of the public welfare to amend the City of Dunnellon Code of Ordinances regarding animal control and enforcement as set forth herein-below; and

WHEREAS, the City Council finds that it is in the best interest of the public welfare to have animal control services for the City provided by Marion County Animal Control Services; and

WHEREAS, Marion County Animal Control Services has advised that to adequately provide animal control services within the City, the City must adopt the Marion County Animal Control Ordinance so that Section and Subsection references for notices and enforcement are identical; and

WHEREAS, the City Council finds it in the best interest of the public welfare to adopt the provisions of Marion County Code of Ordinances Chapter 4, in its entirety, pertaining to Animal Control and Enforcement to protect the health and safety and of its citizens and the public;

WHEREAS, the City Council desires to preserve certain regulations within Chapter 14, Article II regarding chicken-keeping, which provisions will be enforced by the City.

LEGISLATIVE UNDERSCORING: Underlined words constitute additions to the City of Dunnellon Code of Ordinances, ~~strike through~~ constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF DUNNELLON, FLORIDA AS FOLLOWS:

SECTION 1. The “whereas” clauses cited herein are the legislative findings of the City Council

37 **SECTION 3.** Chapter 14, Animals - Article I. “Animal Control and Enforcement” of the
38 City Code is hereby created as follows:

39 **Chapter 14 – Animals.**

40 **Article I. Animal Control and Enforcement**

41 **Sec. 14-1. Adoption of Marion County Animal Control Ordinance**

42 **The City of Dunnellon hereby adopts the Marion County Code of Ordinances Chapter 4, Animal**
43 **Control and Enforcement in its entirety.**

44 **Sec. 14-2. Services and Enforcement through Interlocal Agreement.**

45 **Animal control services and enforcement shall be provided for the City of Dunnellon through**
46 **interlocal agreement with Marion County Florida.**

47 **SECTION 4.** Chapter 14, Animals - Article II. Animal Control, Sections 14-31 through 14-36
48 and Sections 14-38 through 14-106 are hereby deleted. The deleted provisions are attached hereto
49 as Exhibit “B.”

50 **SECTION 5.** Chapter 14, Animals - Article II of the City Code is hereby renamed ‘Chicken
51 Keeping’ and the sole remaining section is hereby renumbered as follows:

52 **Chapter 14 – Animals.**

53 **Article II. ~~Animal Control~~ Chicken Keeping**

54 **Sec. 14-37. Sec. 14 – 20.** Chicken-keeping as an accessory use.

55

56 (a) Chicken-keeping means the keeping of hens (*Gallus domesticus*). Chickens shall not include
57 any male chicken or rooster, any duck, goose, turkey, peafowl, guinea fowl or other poultry
58 or fowl. Chicken-keeping is a permitted accessory use within single-family residential zoning
59 designations of R-1 (one-family dwelling), R-1A (single-family residential), and R-3A
60 (residential medium density) where the lot or parcel is occupied by a single-family detached
61 residence. Chickens shall not be permitted at residential property with a townhome, duplex,
62 condominium, apartment, or other multi-family residential unit. Chicken-keeping in all other
63 zoning districts is also prohibited, except that poultry is permitted on farms in the agricultural
64 zoning district (A-1).

- 65 (b) Chicken-keeping within the city limits shall be subject to the following standards and
66 conditions:
- 67 (1) Chickens shall be kept in a chicken coop and fenced pen area. The chicken coop and
68 fenced pen area shall meet the following requirements:
- 69 a. The maximum size of the coop and pen area shall be 100 square feet.
- 70 b. The maximum height of a coop and the pen fence around the coop shall be eight feet,
71 as measured from the existing grade to the highest part of the coop or fence.
- 72 c. The coop and pen area shall be located in the rear yard of the single-family detached
73 residence and a minimum of 25 feet from any side street. The coop and fenced pen
74 area shall comply with all other zoning district setback requirements, so long as the
75 coop and pen area shall be at least 20 feet from any residential structure on an
76 adjoining lot.
- 77 d. Chicken coops shall be covered and ventilated, and a fenced pen enclosure/run is
78 required. The coop and pen must be constructed in a way that establishes a clean,
79 safe and pleasant environment free of odor, vermin, noise, and disease.
- 80 1. Enclosures shall be kept in neat condition, including provision of clean, dry
81 bedding materials and regular removal of waste materials, so as to not create an
82 odor.
- 83 e. The space per bird in the coop shall not be less than three square feet.
- 84 f. All chicken feed shall be kept in a secured and covered metal or plastic container, or
85 otherwise protected so as to prevent rodents and other pests from gaining access to
86 it.
- 87 g. Chicken coops and pens shall not be visible from adjacent roadways and parcels.
- 88 (2) A maximum of six chickens may be kept on a lot or parcel with a detached single-family
89 residence.
- 90 (3) Chickens shall be housed at all times within a covered coop or fenced pen area, except
91 that they may be removed from the coop or fenced pen area by a resident or visitor of the
92 home, provided the resident keeps them under his or her continuous custody and control
93 while they are outside the coop or fenced pen area.
- 94 (4) Chickens must be secured within the chicken coop or fenced pen area during non-daylight
95 hours (from dusk to dawn).
- 96 (5) Chickens shall not be permitted to trespass on neighboring properties, run at large, be
97 released or set free at any time.
- 98 (6) Chickens are allowed to be kept in single-family residential areas for noncommercial
99 purposes. Hens, eggs or manure produced by the chickens shall not be sold or utilized for
100 commercial purposes.
- 101 (7) Chickens shall not be bred or slaughtered on the premises.
- 102 (8) All deceased chickens shall be properly disposed of, off-site, within 24 hours of expiring.

106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149

under such covenants and restrictions prohibit such use

SECTION 6. CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 7. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

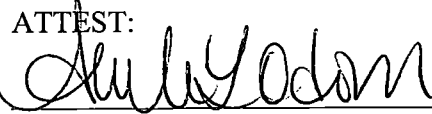
SECTION 8. CODIFICATION. The provisions of this Ordinance shall be codified as and become and be made a part of the City of Dunnellon Code of Ordinances. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

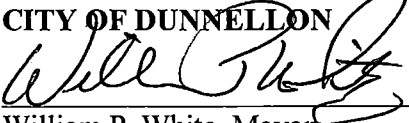
SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption at the second reading/public hearing.

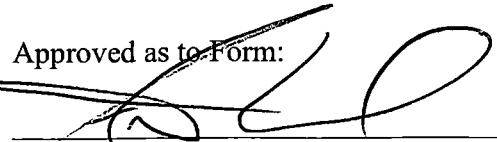
Upon motion duly made and carried, the foregoing Ordinance was approved upon the first reading on the 13th day of December, 2021.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second and final reading and public hearing on the 10th day of January, 2022

Ordinance Posted on the City's website on December 2, 2021. Public hearing advertised on the City's website on 1/4/2022 and advertised in the Riverland News on 12/31, 2021.

ATTEST:

Amanda L. Odom, CMC
City Clerk

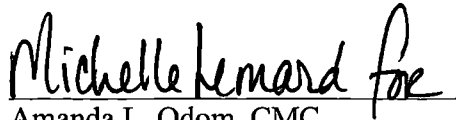
CITY OF DUNNELLON

William P. White, Mayor

Approved as to Form:

Andrew J. Hand, City Attorney

150
151
152
153
154
155
156
157
158
159
160

CERTIFICATE OF POSTING

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this 2nd day of December 2021.



Amanda L. Odom, CMC
City Clerk