

Introduced by: Council Member Christine Hoffman

1st Reading: January 21, 2020

2nd Reading: February 3, 2020

ORDINANCE NO. 2020-8132

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING CHAPTER 5. ANIMALS AND FOWL, ADDING ARTICLE IV. BACKYARD HENS, PROVIDING PURPOSE AND INTENT; PROVIDING DEFINITIONS; PROVIDING FOR GENERAL REQUIREMENTS; REQUIRING PERMITS; PROVIDING FOR PERMITTED ZONING LOCATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and

WHEREAS, pursuant to the referenced provision of the Florida Constitution, the City of Jacksonville Beach may exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, the importance of sustainability and local food sourcing has inspired an interest in backyard and community food production within the City limits; and

WHEREAS, many communities in Florida and throughout the United States have been exploring and implementing programs to integrate the keeping of backyard hens into urban and suburban residential settings; and

WHEREAS, chickens are social animals and can make good pets but should be limited for proper integration and reduction of potential nuisance to surrounding residential homes; and

WHEREAS, data indicates that five (5) hens are sufficient to meet the needs of the average family's egg consumption; and

WHEREAS, residents of the City residing in residential zones have indicated a desire to provide for the raising and keeping of backyard hens and seeking proper regulation thereof; and

WHEREAS, the City Council of the City of Jacksonville Beach finds the proposed ordinance will serve to protect the health and safety of residents, adjacent residential uses, and the general neighborhood.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. Recitals. The above recitals are ratified and confirmed as being true and correct and are made a part of this Ordinance and adopted as legislative findings.

SECTION 2. Amendment of City Code. That Chapter 5, Article IV is hereby created to read as follows: ¹

Section 5-80. Purpose and intent.

- (a) The purpose of this Article is to authorize and regulate the keeping of backyard hens in specified residential zones under specified criteria within the City of Jacksonville Beach. To establish the criteria and limitations so as to avoid adverse impacts on neighboring properties and residents and to provide for the safety and health of hens. Nothing herein shall supersede any effective, recorded deed restriction prohibiting backyard hens on property located within the City.

Section 5-81. Definitions.

- (a) Coop shall mean a structure with nesting boxes where hens can lay eggs and perches where hens can sleep, with a roof.
- (b) Enclosed pen shall mean a fenced or wire enclosure used to contain female hens.
- (c) Hen shall mean a female chicken of the species gallus domesticus.

Section 5-82. General requirements, improvements, and prohibitions.

- (a) The maximum number of hens permitted on any property shall be five (5).
- (b) All food for hens shall be stored in rodent and predator proof containers.
- (c) Hens shall not be permitted to trespass on neighboring properties, be released or set free and shall be kept within an enclosed pen according to the requirements of this Article at all times.
- (d) Hens shall not be kept on any property without a properly issued permit authorizing such use.

¹ (~~strikethrough~~ text indicates deletions, underline text indicates additions).

- (e) Coops and enclosed pens shall be kept clean and sanitary at all times so that they do not become a nuisance due to odor, noise, pests or other nuisance condition.
- (f) Hens shall be kept for personal use only. The selling of hens, eggs or manure, as well as breeding of chickens for commercial purposes is prohibited.
- (g) Hens shall not be slaughtered within the City.
- (h) Hens that are no longer wanted by their owners shall not be abandoned, released into the wild, or taken to the City's Animal Control.
- (i) If a public health emergency is declared by the Duval County Health Department related to hens, the permit holder shall comply with any requirements including, but not limited to, the removal of hens from the property.
- (j) Under no circumstances shall ducks, geese, turkeys, peafowl, pheasants, quail, peacocks, male chickens or any other poultry or fowl other than hens, be kept on any property.
- (k) The following improvements are required at the time of application and permit issuance and throughout the duration of an active permit to keep hens on a property:
 - (1) An enclosed pen that is:
 - a. At least ten (10) square feet per hen; and
 - b. Well drained so that there is no moisture accumulation.
 - (2) A coop that is:
 - a. At least three (3) square feet per hen;
 - b. Covered and ventilated to allow for a wholesome exchange of air; and
 - c. Attached to or within an enclosed pen that allows for free movement between the coop and enclosed pen.
 - (3) Coops and enclosed pens shall:
 - a. Not exceed six (6) feet in height;
 - b. Not exceed one hundred (100) square feet in total area;

- c. Be fully enclosed and secured from predators; and
 - d. Be anchored in a manner acceptable to the City to prevent them from becoming airborne during a wind event.
- (4) Opaque fencing or comparable landscaping that screens coops and enclosed pens from view by adjoining neighbors shall be installed.

Section 5-83. Permit required.

- (a) Any person seeking to keep a hen on their property must first obtain a permit from the City authorizing such use.
- (b) Prior to issuance of a permit authorizing hens on a property, an applicant shall submit to the City the following:
 - (1) A permit application containing the following information:
 - a. The name of the applicant;
 - b. The address of the property where hens are to be kept;
 - c. The maximum number of hens to be kept on the property at any given time;
 - d. The property owner's authorization if the applicant is not the property owner of record; and
 - e. An oath that no deed restrictions apply to the subject property or proof that deed restrictions, if any, do not prohibit the keeping of hens on the property.
 - (2) A Certificate of Completion demonstrating that the applicant has completed the Backyard Poultry Seminar offered by the Duval County Agricultural Extension Office; and
 - (3) Application fee of twenty-five (\$25.00) dollars
- (c) Permits shall only be valid for the address provided.
- (d) Permits shall only be valid for the maximum number of hens approved.
- (e) As a condition of the issuance of the permit, the applicant and property owner (if different) shall consent to the inspection of the subject property by the City

upon receiving a complaint related to hens to ensure compliance with the requirements of this Article.

Section 5-84. Permitted zoning locations.

- (a) Hen(s) shall only be permitted on parcels developed with a single family dwelling located within the following zoning districts which have a minimum lot size of five thousand (5,000) square feet:
 - (1) RS-1, Residential, single-family
 - (2) RS-2, Residential, single-family
 - (3) RS-3, Residential, single-family
- (b) Under no circumstances shall hens be kept on property developed with multiple-family, two-family (duplex), or townhouse dwellings as defined in the City of Jacksonville Beach Land Development Code. Nor may any hens be kept on any non-residential property or development.
- (c) Coops and enclosed pens shall be located within the rear yard of a property only and shall be at least five (5) feet from side and rear property lines. No coop or enclosed pen shall be located in front or side yards.

Section 5-85. Effects on other parts of this Chapter.

- (a) Under no circumstances shall any dog, cat, or other authorized animal pursuant to this Chapter that maims or kills a hen, for that reason alone, be considered a dangerous animal.

Section 5-86. Enforcement.

- (a) Violations of this article shall be referred to the Special Magistrate of the City of Jacksonville Beach for disposition in accordance with F.S. § 162 and City Code Chapter 2, Article VI.
- (b) A finding by the Special Magistrate of illegal slaughter or neglect of hen(s) will result in revocation of the permit issued pursuant to this article.
- (c) Additionally, the City may take any other action or remedy authorized by law or in equity, including but not limited to, instituting an action in court to enjoin violations, in which case the violator and property owner shall be jointly and severally liable to the City for reimbursement of the City's attorneys' fees and accosts incurred in such action through any appellate action, if taken.

SECTION 3. SEVERABILITY. It is hereby declared to be the intention of the City Council for the City of Jacksonville Beach that the sections, paragraphs, sentences, clauses, and phrases of this Code are severable. If any phrase, clause, sentence, paragraph or section of this Code shall be declared to be unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code.

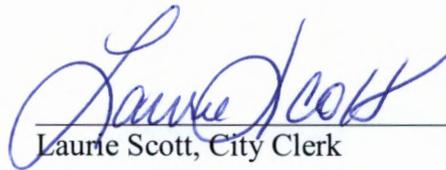
SECTION 4. CONFLICTING ORDINANCES. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent of conflict or inconsistency herewith.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect upon its adoption by the City Council.

AUTHENTICATED THIS 3rd DAY OF February, A.D., 2020



William C. Latham, Mayor



Laurie Scott, City Clerk