

ORDINANCE 2015 – 11

(Amendment to allow exception to prohibition of chickens in the city – Chapter 6 Animals)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES, CHAPTER 6 ANIMALS TO ALLOW FOR AN EXCEPTION FOR AN URBAN CHICKEN PROGRAM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission voted at its meeting on May 20, 2014, to authorize a pilot program (“Pilot Program”) for urban chicken ownership; and

WHEREAS, the pilot program expired on August 31, 2015 with no incidents of complaint or non-compliance; and

WHEREAS, the Lake Wales Code of Ordinances prohibits a person from maintaining fowl and livestock within the city limits; and

WHEREAS, chickens are defined as fowl; and

WHEREAS, the Department of Planning and Development will continue to administer the program;

NOW THEREFORE BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida:

SECTION 1. **Exception to prohibition of fowl**
Sec 6-4 is amended to read as follows:

Sec. 6-4. – Fowl and livestock prohibited; exceptions; penalties.

As used in this section, the term fowl means any of various domestic birds used as food including, but not limited to chickens, ducks, emus, geese, rheas, turkeys and ostriches.

As used in this section, the term livestock means grazing animals, such as cattle, goats, horses, sheep, swine and other hooved animals.

It shall be unlawful for a person to maintain fowl and livestock within the city except as follows:

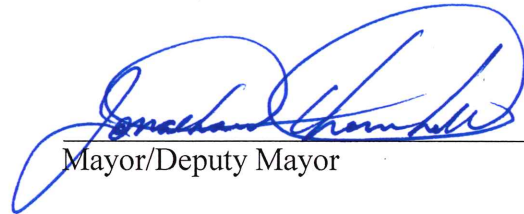
- (a) At animal service and veterinarian establishments;
- (b) At schools engaged in the instruction of agricultural courses or classes;
- (c) On lands designated for agricultural use.
- (d.) Chickens at residences approved as part of an Urban Chicken ~~Pilot~~-Program and in compliance with the conditions of the program as authorized by a Resolution of the City Commission.

A code or law enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person committed a civil infraction in violation of this section. Failure to comply with the requirements governing the Pilot Program may be considered to be a violation of this section. The person shall pay within thirty (30) days from the date of the citation was issued a civil penalty of fifty dollars (\$50) to the police department in full satisfaction of the violation. If the person chooses to contest the citation, he or she must contact the clerk of the county court within the thirty (30) days and request a court hearing.

SECTION 2. If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

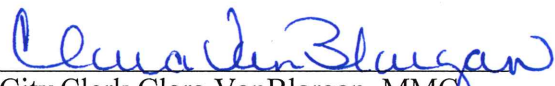
SECTION 3. This ordinance shall become effective upon passage by the City Commission.

CERTIFIED AS TO PASSAGE this 20th day of October 2015.



Mayor/Deputy Mayor

Attest:



City Clerk Clara VanBlargan, MMC