

## MEMORANDUM

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August 12, 2014

**TO:** Honorable Mayor and City Commission

**VIA:** Kenneth Fields, City Manager

**FROM:** Kathy Bangley, Assistant Director of Planning and Development

**RE:** Ordinance 2014-09 – 1<sup>st</sup> Reading – Amendment to Chapter 6, Animals Urban Chicken Pilot Program

**SYNOPSIS:** In May 2014, City Commission authorized a pilot program for urban chicken ownership in the city. Ordinance 2014-09 allows the program to be an exception under Chapter 6 Animals of the Lake Wales Code of Ordinances.

### RECOMMENDATION

Staff recommends approval of Ordinance 2014-09 after first reading. A public hearing is not required.

### BACKGROUND

The Lake Wales Chicken Council requested that Commission consider a pilot program for urban chicken ownership in the City of Lake Wales.

Ordinance 2014-09 provides for the pilot program to be an exception from *Sec. 6-4 – Fowl and livestock, prohibited; exceptions, penalties* of the Lake Wales Code of Ordinances.

Staff will present a resolution for enact the program at the September 3, 2014 to coincide with the second reading and public hearing for the ordinance.

Staff has included for informational purposes the pilot program description and the application form.

### FISCAL IMPACT

Impact should be minimal.

### OTHER OPTIONS

Commission could decide not to approve the ordinance and or the program.

### ATTACHMENTS

Ordinance 2014-09  
Urban Chicken Pilot Program  
Application form

**ORDINANCE 2014 – 09**

(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 A PILOT PROGRAM FOR URBAN CHICKENS; 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 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 Pilot Program will be monitored by a volunteer organization known as the Lake Wales Chicken Council;

**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 hoofed 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 \_\_\_\_\_ day of \_\_\_\_\_ 2014.

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Mayor/Commissioner

Attest:

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City Clerk



## URBAN CHICKEN PILOT PROGRAM

The program is designed to demonstrate (on a small scale) the benefits of allowing the citizens of Lake Wales to raise a limited number of backyard chickens and demonstrate that the impact on the City and the citizenry will be negligible and manageable with minimum demand on City resources.

The Lake Wales Chicken Council will be created by persons participating in the program in order that the program be effectively monitored. A minimum of three (3) participants must serve on the Chicken Council during the life of the Pilot Program.

The program will include up to eight (8) participants and last for one year, commencing September 5, 2014, and ending August 31, 2015. At the end of one year, the Lake Wales City Commission will revisit the issue and determine if an extension of the pilot program, a permanent amendment to the ordinance or the termination of the program is appropriate. Should the program be terminated, the chickens shall be removed from the City within the time designated by the City Commission.

The limited keeping of chickens may be permitted in a single-family residential backyard subject to the following conditions:

1. Subject properties must contain only one single-family dwelling unit.
2. Property owners must sign the application in the case of a leased property in addition to the applicant.
3. Chickens are limited to domestic hens (females). **ROOSTERS ARE PROHIBITED.**
4. No more than four (4) chickens are allowed per participating household.
5. Adequate shelter, care and control of the chickens are required. This must include arrangements for times when the participant may be out of town for extended periods of time.
6. Chickens must be contained within a covered chicken coop and fenced pen area. These shall be located in the rear half of the residential lot behind the principal structure. Specifically, the coop and fenced pen area shall be set back twenty (20) feet from any residential structure that is not located on the participating premises. A minimum setback of five (5) feet is required from the side and rear property lines of the participating premises.



7. Materials used for coops and pens shall be uniform and kept in good condition to protect the safety of the chickens. Pens shall include a coop (enclosed structure) containing a minimum of 1.5 square feet per hen and an open run area containing a minimum of 8 square feet per hen. Pens may be portable.
8. All pens shall be constructed and maintained so as to be impermeable to rodents, wild birds, and predators, including dogs and cats, and to prevent such animals or other pests from being harbored underneath, inside, or within the walls of the enclosure. All pens must be kept dry, well-ventilated, and in sanitary condition at all times, and must be cleaned on a regular basis to prevent offensive odors. All manure not used for composting or fertilizing shall be removed promptly. Odors from chickens, manure, or other chicken-related substances shall not be detectable at the property boundaries.
9. All feed or other material intended for consumption by the chickens shall be kept in containers impenetrable by rats or other rodents, and such containers shall be equipped with tightly fitting caps or lids. All feeding shall be conducted in a manner so as to prevent unconsumed food from being accessible to other animals or rodents. The presence of rodents in an area for the keeping of chickens may result in the termination of participation in the pilot program.
10. Slaughtering of chickens is prohibited.
11. If the program is discontinued, or a household voluntarily terminates its participation or has its participation revoked, the applicant is responsible for finding new homes for the chickens outside the city limits.
12. A member shall be designated by the Lake Wales Chicken Council to act as a liaison to the City for the purpose of checking compliance and working with participants on correcting any violations of the program requirements. Any complaints received by the City regarding alleged violations of the program requirements will be referred to the liaison. Within 24 hours of notification, the liaison will contact the participant and if necessary make a site visit to determine whether a violation exists. The liaison shall request that the participant take corrective action if a violation exists and shall report back to the City's Code Enforcement Department in writing with a finding and the nature of any action requested or taken. If necessary, a City Code Enforcement Officer will conduct an independent site visit and will take action as appropriate.



**CITY OF LAKE WALES, POLK COUNTY, FLORIDA  
URBAN CHICKEN PILOT PROGRAM APPLICATION**

**DATE:** \_\_\_\_\_

**APPLICANT:** \_\_\_\_\_

**Property Owner (if different from applicant):** \_\_\_\_\_

**PREMISES ADDRESS:** \_\_\_\_\_

**PRIMARY CONTACT NUMBER:** \_\_\_\_\_

**Secondary contact person and phone number:** \_\_\_\_\_

**Number of chickens on premises:** \_\_\_\_\_ (up to 4 chickens allowed)

**Size of pen: length:** \_\_\_\_\_ **width:** \_\_\_\_\_ **height:** \_\_\_\_\_

**Total square footage of coop:** \_\_\_\_\_ **Total square footage of open run:** \_\_\_\_\_

**Distance of pen from adjacent principal structures:** \_\_\_\_\_

**Distance of pen from property lines:** \_\_\_\_\_

**Agreement:**

By signing this statement, the applicant agrees that the premises may be inspected at all reasonable times so as to assure compliance with the conditions outlined in the documents governing the Pilot Program and the *Lake Wales Code of Ordinances, Chapter 6*, as they may be amended from time to time.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner (if different from applicant)

\_\_\_\_\_  
Date

**Official Use Only**

Date Received: \_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Date of site inspection: \_\_\_\_\_

Pass \_\_\_\_\_ Fail \_\_\_\_\_

\_\_\_\_\_  
LW Chicken Council Representative

\_\_\_\_\_  
Authorization by the City of Lake Wales