

ORDINANCE 2021-22

AN ORDINANCE TO AMEND TITLE 10 OF THE CLEVELAND MUNICIPAL CODE, ANIMAL CONTROL, TO ADD A NEW CHAPTER CONCERNING FOWL AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THE IMPLEMENTATION OF THIS CHAPTER

WHEREAS, the City Council has discussed amending the Cleveland Municipal Code pertaining to Animal Control; and

WHEREAS, the City Council has considered the input and recommendations of the City Manager, and other City staff; and

WHEREAS, the City Council desires to adopt this ordinance to amend the Cleveland Municipal Code to add a new section pertaining to regulations for Fowl in the City of Cleveland and to provide for an effective date.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE, IN REGULAR SESSION ASSEMBLED, THAT:

Title 10 of the Cleveland Municipal Code be amended by adding a new Chapter 4 and various sections and subsections as follows:

Section 1.

TITLE 10-ANIMAL CONTROL

CHAPTER 4- DOMESTICATED FOWL

SECTION 10-401-PURPOSE

SECTION 10-402-DEFINITION

SECTION 10-403-NUMBER AND TYPE OF FOWL ALLOWED

SECTION 10-404-NONCOMMERCIAL USE ONLY

SECTION 10-405-FENCED ENCLOSURES AND HENHOUSES

SECTION 10-406-FOOD STORAGE AND REMOVAL

SECTION 10-407-WASTE REMOVAL

SECTION 10-408-KEEPING OF FOWL ON PROPERTY ZONED

RESIDENTIAL AGRICULTURAL (RA)

SECTION 10-409-SUPPLEMENTAL NATURE OF THIS CHAPTER

Section 10-401-Purpose

The purpose of this Chapter is to provide standards for the keeping of domesticated fowl. It is intended to enable residents to keep a small number of female fowl on a noncommercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The city recognizes that adverse impacts may result from the keeping of domesticated fowl as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects or parasites, and non-confined animals leaving the owners property.

Section 10-402-Definition

For purposes of this Chapter, "Fowl" is defined as chickens, ducks, geese, guinea, turkeys, or any exotic domestic fowl.

Section 10-403-Number and type of fowl allowed.

a) Number and type of fowl allowed –

- (1) As of January 1, 2022, up to a total of twelve (12) fowl (hens) may be allowed. The provisions of this section apply to all residential lots regardless of how many dwelling units are on the lot. Fowl are not allowed in multifamily residential units.
- (2) As of January 1, 2023, up to a total of six (6) fowl (hens) may be allowed. The provisions of this section apply to all residential lots regardless of how many dwelling units are on the lot. Fowl are not allowed in multifamily residential units.
- (3) Only female fowl (hens) are allowed in the City.
- (4) There are no restrictions on the type of domestic fowl breeds (hens).
- (5) Roosters and Peacocks are specifically prohibited within the city limits.

Section 10-404-Noncommercial Use Only

Hens shall be kept for personal use only; no person shall sell eggs or engage in fowl breeding or fertilizer production for commercial purposes.

The slaughtering of fowl is prohibited.

Section 10-405- Fenced Enclosures and Henhouses.

- (1) Hens must be kept in a fenced enclosure at all times. The fenced enclosure must be either: (i) covered, or (ii) at least forty-two (42) inches high, in which case, all hens must be wing-clipped to prevent escape. Hens shall be secured within the henhouse during non-daylight hours.
- (2) In addition to the fenced enclosure, hens shall be provided with a covered, predator-resistant henhouse.
- (3) A minimum of two (2) square feet per hen, but not greater than twelve (12) square feet, shall be provided for henhouses; and a minimum of six (6) square feet per bird for fenced enclosures, but not greater than thirty-six (36) square feet of fenced enclosure.
- (4) Fenced enclosures and henhouses must be properly ventilated, clean, dry, and odor-free, kept in a neat and sanitary conditions at all times in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor, or other adverse impact.
- (5) The henhouse and fenced enclosure must provide adequate ventilation and adequate sun, shade and must be constructed in a manner to resist access by rodents, wild birds, and predators, including dogs and cats.

- (6) Henhouses shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator- and bird-resistant wire of less than one (1) inch openings.
- (7) The materials used in making the henhouse and fence shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and windows or openings are constructed using the same materials. The henhouse shall be well-maintained.
- (8) The fenced enclosure may not be located within fifteen (15) feet from any abutting property line.
- (9) Henhouses and enclosures shall not be permitted in front yards.

Section 10-406-Food Storage and Removal

All stored food for the hens must be kept either indoors or in a weather-resistant container designed to prevent access by animals. Un-eaten food shall be removed daily.

Section 10-407-Waste Removal

Provisions must be made for the removal of fowl manure. In addition, the henhouse and surrounding area must be kept free from trash and accumulated droppings at all times.

Section 10-408-Keeping of Fowl on property zoned Residential Agricultural (RA)

Fowl are permitted on parcels zoned Residential Agricultural (RA) provided that the parcel is on a city lot of 5 acres or more, and there is not more than 5 fowl per total acres of the lot. No person shall keep any fowl on an RA zoned parcel within 300 feet of any residence, place of business, or public street. This will be measured from henhouse to the nearest portion of the residence building, place of business building, or public street.

Section 10-409-Supplemental Nature of this Chapter


The rules and regulations in this chapter are supplemental in nature. All other rules and regulations of the Cleveland Municipal Code apply to the keeping of fowl. In addition to the requirements of this chapter, any person or entity keeping fowl must also follow all of the other rules provided for in Title 10 of the Cleveland Municipal Code pertaining to animals.

Section 2. Effective Date: This ordinance shall take effect on January 1, 2022, from and after its final passage, the public welfare requiring it.

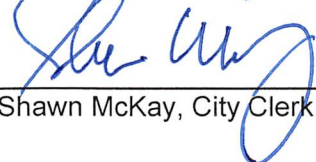
APPROVED AS TO FORM:



John F. Kimball, Attorney



Kevin Brooks, Mayor



Shawn McKay, City Clerk