

AN ORDINANCE TO AMEND SIGNAL MOUNTAIN TOWN CODE, TITLE 10, TO REVISE SECTION 10-102, TO PROVIDE RULES AND REGULATIONS FOR THE KEEPING OF CHICKENS AND OTHER FOWL WITHIN THE TOWN.

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WHEREAS, the Signal Mountain Town Council and staff have been requested to consider amending the provisions of the Signal Mountain Town Code to allow a person to keep a small number of chickens on residential lots within the Town which originally had a sunset provision located at Section 10-102(k); and

WHEREAS, the Signal Mountain Town Council and staff have considered the requests for keeping chickens and other fowl within the Town since this Ordinance was adopted and have approved the decision to allow persons under certain conditions and keep the provisions of Section 10-102 subject to certain minor amendments which also delete the sunset provisions contained in Section 10-102(k);

NOW, THEREFORE

SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that Title 10, Section 10-102 is hereby amended to delete said section in its entirety and substitute in lieu thereof the following language:

**10-102. Keeping Chickens and other Fowl within the Town.**

1. It shall be unlawful for any person to keep ducks, geese, or other fowl in the Town. It shall be unlawful for any person to keep chickens in the Town, except by special permit issued by the Town Manager as provided in this section.
2. The purpose of this section is to provide standards for the keeping of domesticated chickens within the Town only where an appropriate permit has been obtained from the Town Manager. This section is intended to enable Town residents to keep a small number of female chickens on a non-commercial basis and to limit potential adverse impacts on surrounding property owners and

neighborhood. It is understood that potential adverse impacts may result to adjoining property owners and the neighborhood from the keeping of domesticated chickens due to noise, odor, unsanitary animal living conditions, unsanitary waste storage and/or removal, attraction of predators, rodents, insects, or parasites, and unconfined animals leaving the owner's property. This section is intended to create licensing standards and requirements within the Town on a trial basis to protect property values of adjoining properties and the neighborhood surrounding the property on which any chickens are kept within the Town.

3. No permit shall be issued for any person to keep chickens within the Town unless all of the following required standards are met and complied with by the permittee during any period that a permit is issued by the Town Manager:
  - a. No more than eight (8) hens shall be allowed for each single family dwelling. No birds shall be allowed in any commercial, office, or multi-family residential district, including duplexes.
  - b. No roosters shall be allowed within the Town.
  - c. There shall be no outside slaughtering of birds in the Town.
  - d. Any chickens must be kept in a secure enclosure at all times (not visible from the street) which has been approved by the Town Manager or designee. The size of any outside enclosure shall be a minimum of 10 square feet and the outside enclosure shall be set back at least 25 feet from any adjoining property line and at least 50 feet from any stream. Variances for proper property line set backs may be obtained upon approval from the Planning Commission. The Planning Commission shall accept any variance for a property line set back less than 25 feet as long as the adjoining property owner submits a letter of support. Upon change of ownership of the adjoining property, the variance will become null and the applicant will have thirty days to bring a letter of support from the new property owner to the Planning Commission with a request for a new variance. The enclosure must provide adequate ventilation and adequate sun and shade and must both be impermeable to rodents, wild birds, and predators, including dogs and cats. The enclosure shall provide a minimum of 2 square feet space inside for each bird.
  - e. The enclosure shall be approved by the Town Manager or designee before any use occurs and shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood. The enclosure shall be enclosed with wire or screen on all sides and shall have a roof and doors. Access doors shall be shut and locked at night.

- i. Opening windows and vents shall be covered with predator and bird-proof wire of less than one (1) inch openings.
  - ii. The materials used in making the enclosure shall be uniform for each element of the structure within the Town such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials to construct the enclosure is prohibited. The enclosure shall be well-maintained.
  - iii. The enclosure shall be placed in the rear yard in a location where it is uniform and in harmony with other structures on the lot and is not visible from the street.
  - iv. Enclosures shall only be located in rear yards. For a corner lot or other property where no rear yard exists, a side yard may be used as long as the setbacks generally applicable in the zoning district are met and sight obscuring fencing is constructed. No enclosure may be placed in front yards in the Town.
- g. Enclosures must be kept in a neat and sanitary condition at all times and must be cleaned and/or moved to a different approved location on the lot on a regular basis to prevent offensive odors.
  - h. Chicken feed must be kept in a rodent-proof container which is approved by the Town Manager and all chickens shall be humanely treated.
  - i. Prior to purchasing any chickens pursuant to this ordinance within the Town, any person must obtain a permit from the Town Manager and an inspection shall be conducted of any proposed facilities for housing chickens in accordance with this section. There shall be a permit fee of \$35.00 for any person desiring to keep chickens within the Town and there shall be an annual renewal fee of \$15.00 for follow up inspections and monitoring of complaints.
  - j. The Town Manager or designee shall deny a permit to keep domesticated chickens within the Town if the applicant has not complied with all provisions of this section. A permit to keep domesticated chickens may be suspended or revoked by the Town Manager at any time when there is a risk from existing conditions to public health or safety and if there is any violation or failure to comply with the provisions of this section after a permit has been properly issued. Any denial, revocation or suspension of a permit to keep domesticated chickens shall be in writing and shall include notification of the right to appeal to the Signal Mountain Town Council within 10 days of the denial, revocation or suspension by the permit holder.

- k. Any landowner who has requested any permit for keeping chickens as allowed by this ordinance since February 28, 2009 shall be considered a legal use within the Town in compliance with this ordinance.

SECTION 2. That this Ordinance shall become effective immediately from and after its passage as provided by law.

Passed First Reading 4/12, 2010.

Passed Second Reading 4/30, 2010.

  
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Mayor

  
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Town Recorder