

ORDINANCE NO. 2017-9

AN ORDINANCE OF THE CITY OF SOCIAL CIRCLE TO ALLOW THE KEEPING OF CHICKENS UNDER LIMITED CIRCUMSTANCES TO BE KNOWN AND DESIGNATED AS “CHICKENS AS DOMESTICATED ANIMALS”, TO PROVIDE THE HOUSING AND SANITARY REQUIREMENTS OF KEEPING SUCH CHICKENS, TO AMEND THE DEFINITION OF LIVESTOCK WITHIN THE ZONING ORDINANCES OF SOCIAL CIRCLE, AND TO AMEND THE DEFINITION OF DOMESTICATED ANIMALS IN SECTION 9-002-1.

WHEREAS, the Mayor and City Council of Social Circle desire to create a new ordinance to provide the specifications and requirements of keeping chickens for non-commercial uses; and

WHEREAS, this ordinance was created in order to protect the citizens and residents of the City of Social Circle, and to provide for the humane treatment of chickens; and

WHEREAS, this ordinance allows one limited exception to an existing prohibition on an agricultural use in a location zoned for residential use. It amends previous definitions found in Article III of the Zoning Code of the City of Social Circle, Georgia and the previous definitions found in the 9-002 Animal Control Supplemental Provisions of the Ordinances of Social Circle to allow for this limited exception; and

WHEREAS, under the current City of Social Circle Code of Ordinances, chickens are currently only allowed in the Agricultural 2 zone. It is the intent of this Ordinance not to create a vested right or to “grandfather” any vested rights of owning, housing or raising chickens in a residential district which up to the point of adoption of this ordinance have been or are presently forbidden or illegal under the Code.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Social Circle, Georgia, and it is hereby ordained by authority of same, as follows:

SECTION 1. Under current City of Social Circle Code of Ordinances, chickens are only allowed in zones Agricultural 2. It is the intent of this ordinance not to create a vested right or grandfather in any ownership or use of chickens that have been or are presently forbidden or illegal under the Code.

SECTION 2. The Code of the City of Social Circle, Section 9-002 Animal Control Supplemental Provisions is hereby amended, by removing the definition of “Domesticated animals” in 9-002-1; Sec. 10-1 Definitions, and replacing it as follows:

Domesticated animals means animals accustomed to living in or about the habitation of humans, including, but not limited to, cats, dogs, pet chickens in quantities defined by lot size as reflected in Section 4 below, domesticated wild animals, and exotic animals.

SECTION 3. The Zoning Code of the city of Social Circle, Georgia is hereby further amended by adding the following to ARTICLE III: DEFINITIONS under Livestock:

This definition of livestock shall not apply to pet chickens owned pursuant to Sec. 9-002 as Domesticated animals.

SECTION 4. The Code of the City of Social Circle, Georgia is hereby amended by adding “Chickens as Domesticated animals”, as follows:

CHICKENS AS DOMESTICATED ANIMALS

(1) “Chickens” are included within the definition of Domesticated animals within Section 9-002 Animal Control Supplemental Provisions. “Chickens” are also included within the definition of Household Pets in the Zoning Code of Social Circle. The keeping of chickens, as a part of the category of household pets, is allowed within the following zoning districts: AG, AG-2, R-25, R-15, and RMD in accordance with the following provisions:

- a. Chickens are only permitted as pets or for egg-laying production; chickens cannot be kept for slaughter.
- b. Chickens, chicken products, and/or by-products shall not be sold on the property.
- c. No person shall fail to prevent his or her animals from straying from the property of the owner, or going upon the property of any other person, or upon any public rights-of-way.
- d. Roosters, any male chickens, and any other crowing chickens are prohibited.
- e. Guinea hens, peacocks, and geese are prohibited.
- f. No chickens shall be kept on a lot of less than eight thousand, seven hundred (8,700) square feet.
- g. Three (3) pet chickens are allowed on a lot sized eight thousand, seven hundred (8,700) square feet or more.
- h. Six (6) pet chickens are allowed on a lot sized fifteen thousand (15,000) square feet or more.
- i. Nine (9) pet chickens are allowed on a lot sized twenty-five thousand (25,000) square feet or more.
- j. Twelve (12) pet chickens are allowed on a lot sized one (1) acre or more.

(2) Housing Requirements

- a. Chickens must be kept securely in an enclosed yard or pen at all times.
- b. Any structure housing chickens must be located in the rear yard.
- c. All such houses, pens, or enclosures, shall have a minimum floor space of four square feet per bird over four months old.

(3) Sanitary Requirements

- a. Chickens must be kept under sanitary conditions and the enclosure they are kept in must not be allowed to become filthy or unsanitary.
- b. All places where chickens are kept shall have adequate drainage sufficient to prevent standing water in yards or pens.
- c. All places where chickens are kept shall remove all manure from such containers before the same shall become malodorous or unsanitary.
- d. All places where chickens are kept shall be kept free from vermin.
- e. Feed must be stores in a fully, enclosed, vermin-proof container.

SECTION 5. Unless otherwise provides herein, the penalties provided for violations of this Ordinance are set out in the general penalties sections of the Code of Ordinances of the City of Social Circle, are under the authority of the Municipal Court as established by the Code and are hereby incorporated herein as if fully set out.

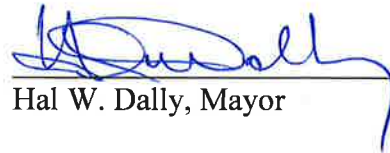
SECTION 6. Except as provided otherwise herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7. Pursuant to the Section 2.25 of the City Charter, authority is hereby delegated to the City Clerk to cause this Ordinance to be numbered and codified in the City Code of Social Circle, Georgia, in such a way as to place this Ordinance in the Code in an organized and orderly sequence to maximize the organization of the Code. The City Clerk is authorized to designate to the City Attorney or to such other Mayor and Council approved contractors to assist in the effort to codify this provision provided the decision of the City Clerk is final as to the placement of this Ordinance within the City Code of Social Circle, Georgia. The goal of this authorization is to codify and number this Ordinance in the Code in such a way as to be clear and orderly.

SECTION 8. This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Social Circle, Georgia.

SECTION 9. It is hereby declared that if any phrase, sentence, or paragraph hereof shall be found or declared unconstitutional or invalid by a court of competent jurisdiction, the remaining phrases, sentences and paragraphs hereof shall remain in full force and effect as if enacted without the phrase, sentence, or paragraph declared unconstitutional or invalid.

SO ORDAINED this 16th day of May, 2017.




Hal W. Dally, Mayor

ATTEST:



Susan M. Roper, City Clerk

APPROVED AS TO FORM:



Anthony O. L. Powell, City Attorney
Webb, Tanner & Powell P.C.

Adopted by the City Council at a regular meeting on May 16, 2017.

 2 Council members voting in favor (Shelton, Jackson)

 1 Mayor voting in favor (Dally)

 2 Council members voting against (Keener, Simpkins)

 0 Council members abstaining