

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF SPARTANBURG 1988, CHAPTER 4, "ANIMALS AND FOWL" TO ALLOW FOR THE RAISING OR KEEPING OF DOMESTICATED FEMALE CHICKENS.

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WHEREAS, under the currently existing Ordinances of the City of Spartanburg, it is unlawful for any person to keep, harbor or confine any female chickens within the corporate limits of the City of Spartanburg; and

WHEREAS, City Council is of the opinion that allowing the citizens and residents of the City to obtain a permit to keep a limited number of domesticated female chickens pursuant to certain restrictions and limitations calculated to reduce or minimize the potential adverse impact resulting from this practice would be beneficial to the City; and

WHEREAS, City Council is of the opinion that the benefits to be derived from authorizing the keeping of a limited number of domesticated female chickens under carefully limited conditions pursuant to a permit to be issued for this purpose would significantly outweigh any deleterious or otherwise adverse impacts associated with maintaining these female chickens within the corporate limits of the City of Spartanburg.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Members of Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1. To amend the Code of Spartanburg 1988, Chapter 4, "ANIMALS AND FOWL," Section 4-13, "Prohibited animals," subparagraph (c) by deleting the word "chickens" and replacing it with the word "roosters," so that after amendment, subparagraph (c) shall read as follows:

**Sec. 4-13. Prohibited animals**

- (c) **No person shall keep or maintain any domesticated fowl to include but not limited to roosters, ducks, geese, turkeys, guineas, pheasant, emus, ostrich or any other domesticated fowl within the city limits.**

Section 2. To amend the Code of Spartanburg 1988, Chapter 4, "ANIMALS AND FOWL," by inserting a new Sec. 4-14, "Raising or keeping domesticated female chickens generally" which shall read as follows:

**Sec. 4-14. Raising or keeping domesticated female chickens generally.**

(a) **Purpose.** The purpose of this section is to provide standards for the keeping of domesticated female chickens. It is intended to enable residents to keep a small number of domesticated female chickens on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The City recognizes that adverse neighborhood impacts may result from the keeping of domesticated female chickens. This section is intended to create licensing standards that ensure that domesticated female chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

(b) **The keeping of domesticated female chickens shall be in compliance with the following, in addition to any zoning and/or building regulations that may be applicable to the construction of coops and:**

(1) **No more than six (6) domesticated female chickens shall be kept or maintained on a single premise. It shall be unlawful to keep roosters or more than six (6) domesticated female chickens. It shall be unlawful to keep or maintain domesticated female chickens at a duplex or apartment complex.**

(2) **Such domesticated female chickens must be confined in a coop which is fully enclosed with a solid floor and made of suitable, washable material. The coop shall be cleaned regularly with all droppings and excretions placed in a fly-proof container unless otherwise disposed of in accordance with any federal, state or local health regulations.**

**The chicken coop must be located at least 50 feet from the nearest residence other than that of the owner.**

**No coop shall be place in a front or side yard.**

**Failure to confine the domesticated female chickens, maintain the coop or manage the droppings and excretions in compliance with this section shall be unlawful.**

- (3) It shall be unlawful to slaughter any domesticated female chickens on the premises.**
  - (4) It shall be unlawful to raise domesticated female chickens for commercial purposes within the corporate limits of the City.**
  - (5) It shall be unlawful to keep domesticated female chickens on premises within the City without first obtaining an approval of the location of the chicken coop and the issuance of an annual permit. Any annual permit would be subject to ordinance revisions adopted by Council. Should Council amend the Ordinance to prevent domesticated female chickens or any other new conditions, such amendment would apply to current permits within thirty (30) days from the date of adoption of Council's revisions.**
- (c) Annual Permit. The annual permit to keep domesticated female chickens is personal to the permittee and may not be assigned. No permit shall be issued without the written consent of abutting property owners. In addition, the permit authorizes the keeping of domesticated female chickens only upon the property described in the permit. The permittee must occupy the residence on the property where the domesticated female chickens are kept as the permittee's personal, primary residence. An applicant for a permit must either own the property or have permission from the property owner to be eligible for a permit. Only one permit is allowed per permittee. In the event the permittee is absent from the property for longer than thirty (30) days, the permit automatically shall terminate and become void. The issuance of a permit does not create a vested right to renewal of the permit beyond the stated term thereof.**

**A permit that is issued to a person whose property is subject to private restrictions that prohibit the keeping of domesticated female chickens is void. The interpretation and enforcement of the**

the private restriction is the sole responsibility of the private parties involved.

**(d) Fenced chicken coop.**

- (1) Domesticated female chickens must be kept in a fenced enclosure at all times. In addition to the fenced enclosure, domesticated female chickens shall be provided with a covered, predator-resistant chicken coop.**
- (2) A minimum of two (2) square feet per domesticated female chicken shall be provided for the chicken coop.**
- (3) Fenced enclosures and chicken coops must be properly ventilated, clean, dry, and odor-free, kept in a neat and sanitary condition 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.**
- (4) The chicken coop and fenced enclosure must provide adequate ventilation and adequate sun, shade and must be constricted in a manner to resist access by rodents, wild birds and predators including dogs and cats.**
- (5) Chicken coops shall be enclosed on all sides and shall have a roof and doors. Opening windows and vents must be covered with predator- and bird-resistant wire of less than one (1) inch openings.**
- (6) All stored food for the domesticated female chickens must be kept either indoors or in a weather-resistant container designed to prevent access by animals. Uneaten food shall be removed daily.**

**(e) Application for Permit. Every applicant for a permit to keep domesticated female chickens shall:**

- (1) Complete and file an application on a form prescribed by the City.**
- (2) The City shall issue a permit if the applicant has demonstrated compliance with the criteria and standards in this section.**

- (3) A permit to keep domesticated female chickens may be suspended or revoked by the City where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of any other applicable ordinance or law. Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.
- (4) No fee will be imposed for permits having an expiration date of June 30, 2012. For permits issued for the fiscal year 2012-2013 and thereafter, the permit fee will be set by City Council in its adoption of the annual City budget and fee schedule.

Section 3. To change the numbering of old Sec. 4-14, "Mistreatment of animals" thru Sec. 4-34, "Designated Penalties for Animal Control Ordinances" to be in new sequential order beginning with new Sec. 4-15, "Mistreatment of animals" thru new Sec. 4-35, "Designated Penalties for Animal Control Ordinances."

Section 4. This Ordinance to become effective October 24, 2011

DONE AND RATIFIED this 24 day of October, 2011.

James J. White  
MAYOR.

ATTEST:

Connie S. McIntyre  
CITY CLERK

10/10/11 1st Reading

10/24/11 2nd Reading

APPROVED AS TO FORM:

Greg McCabe  
CITY ATTORNEY