

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 7, SECTION 7-107 AND CHAPTER 7,  
SECTION 7-145, RELATIVE TO URBAN CHICKENS.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA,  
TENNESSEE:

SECTION 1. That Section 7-107 of the Chattanooga City Code is amended for the  
regulation and keeping of urban chickens by adding a new subsection which shall state as follows:

**Sec. 7-107. Keeping or possessing swine, goats, or fowl.**

- (c) This section shall not apply to urban chickens kept pursuant to the regulations  
contained within Chattanooga City Code Section 7-145.

SECTION 2. That a new Section 7-145 is added to the Chattanooga City Code for the  
regulation and keeping of urban chickens which shall state as follows:

**Sec. 7-145. Urban chickens.**

- (a) *Purpose.* The purpose of this provision is to provide standards for the keeping of  
urban chickens. It is intended to enable city residents to keep a small number of  
female chickens (hereinafter “laying hens”) on a noncommercial basis while  
limiting the potential adverse impacts on the surrounding neighborhood. The city  
recognizes that adverse neighborhood impacts may result from the keeping of urban  
chickens as a result of noise, odor, unsanitary animal living conditions, unsanitary  
waste storage and removal, the attraction of predators, rodents, insects, parasites,  
and non-confined animals leaving the owner’s property. This section is intended  
to create standards and requirements on a trial basis to determine that urban  
chickens do not adversely impact the neighborhood surrounding the property on  
which urban chickens are kept.

(b) *Number and type of chickens allowed in all residential zones.*

- 1) Only female chickens (hereinafter “laying hens”) are allowed. No roosters shall be allowed to be kept in any zone other than an A-1 agricultural zone. There is no restriction on urban chicken breeds of the species *gallus domesticus*. However, it shall be unlawful for any person to keep ducks, geese or other fowl and poultry, other than laying hens which are allowed subject to the limitations of this section;
- 2) Up to eight (8) laying hens are allowed on any single family residential lot or other residential zones with designated rear yards for dwellings. Up to twenty (20) laying hens per acre are allowed within the A-1 Agricultural Zone subject to the provisions of this Ordinance. In the case of multifamily residential zones, without individually owned rear yards, the maximum number of laying hens allowed for all residential units is ten (10) per complex to be maintained on common property;
- 3) Chicken enclosures shall only be kept as an accessory use to a residence and subject to the distance setbacks for other accessory structures from adjoining properties. Enclosures shall not be permitted on vacant lots;
- 4) For the purposes of this section, juvenile chicks shall be counted against the limits of the number of permitted laying hens in subsection (b)(1) hereinabove; and
- 5) Incubation and hatching of chicks shall not be permitted in any zone other than an A-1 agricultural zone.

(c) *Noncommercial use only.* Laying hens shall be kept for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes pursuant to this ordinance. No laying hens shall be used or trained for the purpose of fighting for amusement, sport, or financial gain.

(d) *Fenced enclosures and henhouses.*

- 1) Laying hens must be kept in a fenced enclosure in the rear yard 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. Laying hens shall be secured within the henhouse during non-daylight hours;
- 2) In addition to the fenced enclosure, laying hens shall be provided with a covered, predator-resistant henhouse;
- 3) A minimum of two (2) square feet per hen shall be provided for henhouses and six (6) square feet per bird for fenced enclosures;

- 4) Fenced enclosures and henhouses 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 properties due to noise, odor or other adverse impact;
- 5) The henhouse and fenced enclosure must provide adequate ventilation and adequate sun and 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 henhouse shall be well-maintained and there shall be no outside slaughtering of any laying hens in the City;
- 8) Henhouses shall be located in compliance with the setback restrictions for accessory structures in the City of Chattanooga Zoning Regulations;
- 9) Neither the henhouse nor the fenced enclosure may be located less than five (5) feet from any abutting property line and must be at least fifty (50) feet from any stream or running surface water;
- 10) Any laying hens must be kept in a secure enclosure at all times;
- 11) Henhouses and enclosures shall not be permitted in front or side yards;
- 12) The materials used in making the enclosure shall be uniform for each element of the structure within the city such that the walls are made of the same materials, 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. Enclosures shall be maintained in good, neat, and serviceable condition;
- 13) There shall be no more than one such enclosure per lot and no such enclosure shall exceed eight feet in height measured from the highest point on the roof to ground level; and
- 14) Mobile henhouses and enclosures shall be permitted so long as they meet all other requirements of the ordinance and are only moved within the setback requirements in the rear yard.

- (e) *Food storage and removal.* All stored food for the laying hens must be kept either indoors or in a weather-resistant container designed to prevent access by animals. Uneaten food shall be removed daily.
- (f) *Waste storage and removal.* Provision must be made for the storage and removal of chicken manure. All manure for composting or fertilizing shall be contained in a well-aerated garden compost pile setback from adjoining properties. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse and surrounding area of any enclosure must be kept free from trash and accumulated droppings.
- (g) *All other rules of this code apply.* In addition to the standards set forth in this ordinance, all individuals keeping urban chickens must follow all other applicable rules for the keeping of animals included in this chapter subject to inspection by Land Development officers.
- (h) *Private Property Restrictions.* No property owner or occupant shall be entitled to keep laying hens as otherwise provided for herein in contravention of any established private subdivision restrictive covenants and/or Homeowner Association limitations applicable to the property.
- (i) *Penalty.* In addition to any other enforcement action which the city may take, violation of any provision of this section shall be a civil penalty which may be imposed by an Administrative Hearing Officer. Each day that a violation continues will be treated as a separate offense.
- (j) *Enforcement.* Enforcement of this ordinance shall be administered through the City's contracted Animal Services provider. This ordinance may also be enforced by the Land Development Office as needed. Violations and civil penalties shall be enforced through the Administrative Hearing Officer. This ordinance shall be reviewed on an annual date on or before one (1) year after it takes effect to determine whether this ordinance has not adversely impacted neighborhoods surrounding the property on which urban chickens are kept.
- (k) *Severability.* In the event that any portion of this section shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other portion of this section.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two  
(2) weeks from and after its passage, as provided by law.

Passed on second and final reading: \_\_\_\_\_

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CHAIRPERSON

APPROVED: \_\_\_\_ DISAPPROVED: \_\_\_\_

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MAYOR

PAN/mem-ch-ca/v10