

ORDINANCE _____

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AN ORDINANCE relating to land use and zoning and the keeping and raising of poultry and goats and providing for the licensing and licensing fees therefore, amending the City of Clarkston Zoning Ordinance, Article III, Section 606, by replacing that section in its entirety.

WHEREAS, the City of Clarkston desires to incorporate into its ordinance the values of responsible resource-management, sustainability, conservation of resources, cultural diversity, self-sufficiency, animal husbandry that recognizes the dignity of all living creatures, eliminating hormones, antibiotics, pesticides and genetically modified organisms from our food, reducing our carbon footprint and “buying local,” as well as respect for our local history; and

WHEREAS, the City of Clarkston desires to join other forward-thinking American cities and to lead in an area of emerging national consciousness¹; and

WHEREAS, chickens and goats that are raised utilizing “free range” of a residential yard is an expression of all the above values; and

WHEREAS, chickens will naturally eat insects (e.g., mosquitos) that habitually frequent residential yards; and

WHEREAS, goats are valuable for controlling noxious weeds, including the non-native invasive species kudzu, wisteria and privet; and

WHEREAS, “free range” has no regulated definition, so that consumers desiring to eat free-range eggs or drink free-range milk have no guarantee that the chickens, cows or goats are raised with any fixed amount of “pasturing” or are fed a hormone-free, antibiotic-free or pesticide-free diet; and

WHEREAS, 80% of supermarket broiler chicken are infected with the bacteria campylobacter and 20% with salmonella²; and

WHEREAS, overcrowding and unsanitary conditions of commercially-raised poultry create a more stressful environment and greater disease rates in poultry, necessitating the use of antibiotics³; and

WHEREAS, a free range chicken that has been fed a healthier diet and has regular access to

1 sunlight and space does not need antibiotics⁴; and

2
3 **WHEREAS**, the eggs from free-range chickens are naturally lower in cholesterol and saturated
4 fat and higher in vitamin A, omega-3 fatty acids, Vitamin E and beta carotene⁵; and

5
6 **WHEREAS**, millions of pounds of meat were recalled and fruits and vegetables were linked
7 with several cases of food-borne illnesses in 2008⁶; and

8
9 **WHEREAS**, more people worldwide drink milk from goats than the milk of any other single
10 animal, including cows⁷; and

11
12 **WHEREAS**, 400 square feet is adequate space for penning two goats⁸; and

13
14 **WHEREAS**, goat's milk is a very good source of calcium, the amino acid tryptophan, protein,
15 phosphorus, riboflavin (vitamin B2) and potassium⁹; and

16
17 **WHEREAS**, the cities of Atlanta and Decatur allow the keeping and raising of livestock and
18 chickens; and

19
20
21 **NOW, THEREFORE,**

22
23 **BE IT ORDAINED BY THE CITY OF CLARKSTON AS FOLLOWS:**

24
25 Section 1. Article III, Section 606 of the Zoning Ordinance of the City of Clarkston shall be
26 deleted in its entirety and replaced with the following:

27
28 Section 606. **The keeping of goats and chickens.**

29
30 The keeping and raising of chickens and goats in the City is allowed on
31 property zoned for single family residences, that is NR-1, NR-2 or NR-3,
32 provided, this Section is followed.

33
34 Section 606-1. **Purpose.**

35
36 The purpose of this Section is to provide standards for the keeping of
37 domesticated chickens and goats, and to clarify that no other livestock may be
38 kept within the City. It is intended to enable residents living on property zoned
39 for single family residences to keep a small number of chickens and goats on a
40 non-commercial basis while limiting the potential adverse impacts on the

1 surrounding neighborhood. The City recognizes that adverse impacts may result
2 from the keeping of chickens and goats, as a result of noise, odor, unsanitary
3 animal living conditions, and unsanitary waste storage and removal, and non-
4 confined animals leaving the owner's property.

5
6 **Section 606-2. Permit Required.**

7
8 An annual permit is required for the keeping of any domesticated chickens
9 in excess of 6 per residential lot less than one acre or the keeping of any
10 domesticated goats in excess of two per residential lot less than one acre. A
11 building permit will be required consistent with and as discussed in Section 316
12 of this Article III for structures required under this Section.

13
14 (a) Chicken permits shall be issued independently of goat permits and vice
15 versa. A combination of chickens and goats less than the number required for
16 individual permits will, likewise, not require a permit.

17
18 (b) The annual permit to keep such animals is personal to the permittee and
19 may not be assigned.

20
21 (c) In the first permit year, no more than 20 permits shall be issued. In each
22 subsequent permit year, no more than 20 additional permits shall be issued not
23 including renewed permits.

24
25 **Section 606-3. Zoning and Review Commission empowered to incorporate**
26 **health guidelines.**

27
28 The Zoning and Review Commission is empowered to develop a permit
29 application consistent with this Section for the permitting of chickens and goats.

30
31 **Section 606-4. Application for permit.**

32
33 Every applicant for a permit to keep domesticated chickens or goats shall

34
35 (a) complete and file an application provided by the City Code Enforcement
36 Officer; and

37
38 (b) deposit the prescribed permit fee with the Code Enforcement Officer at
39 the time the application is filed.

1 Section 606-5. **Approval of permit application.**

2
3 The Code Enforcement Officer shall issue a permit if the applicant has
4 demonstrated compliance with the criteria and standards in this Section.

5
6 Section 606-6. **Denial, suspension or revocation of permit.**

7
8 (a) The Code Enforcement Officer shall deny the permit application if the
9 applicant has not demonstrated compliance with all provisions of this Section.

10
11 (b) A permit to keep domesticated chickens or goats may be suspended or
12 revoked by the Code Enforcement Officer where there is a risk to public health or
13 safety or for any violation of or failure to comply with any of the provisions of
14 this Section or with the provisions of any other applicable ordinance or law.

15
16 (c) A permit to keep domesticated chickens or goat may be suspended in
17 writing by the Code Enforcement Officer where a permit has been issued but the
18 permittee has, after four months after the issue date, failed to acquire the
19 permitted animals. The permittee shall have 60 days in which to cure the
20 suspension by acquiring the permitted animals, at which time the City shall either
21 restore or revoke the permit.

22
23 (d) Any denial, suspension or revocation of a permit or permit application
24 shall be in writing and shall include the basis of the denial, suspension or
25 revocation and a notification of the right to and procedure for appeal.

26
27 Section 606-7. **Process for appeal.**

28
29 A person appealing the issuance, denial, suspension or revocation of a
30 permit by the Code Enforcement Officer may appeal to the Clarkston City
31 Council within 30 days of the written decision of the Code Enforcement Officer,
32 except the obligation to remove already permitted animals shall be tolled pending
33 any appeal. A failure to appeal within 30 days is deemed to be acceptance of the
34 decision of the Code Enforcement Officer.

35
36 Section 606-8. **Maximum number of goats and chickens.**

37
38 In no case shall the number of chickens on any residential lot exceed 20 or
39 the number of goats exceed 4.

1 Section 606-9. **Fees.**

2
3 (a) The fee for an annual permit to keep chickens is \$25.00. The fee for an
4 annual permit to keep goats is \$25.00.

5
6 (b) The fee for a building permit for the construction of a henhouse/pen or
7 goathouse/pen is \$25.00. If both henhouse/pen and goathouse/pen will be
8 constructed, the fee will be \$50.00.

9
10 Section 606-10. **Absence of Permittee and Notification to City.**

11
12 (a) In the event the permittee is absent from the property for more than 60
13 consecutive days, permittee shall notify the City Code Enforcement Officer.
14 Such notification shall occur as soon as practicable, but, except in the case of an
15 emergency, in no case less than seven days prior to such absence.

16
17 (b) Permittee shall make alternative arrangements for the care of such
18 permitted animals in the event of any absence, including one less than 60 days.

19
20 (c) In the event the permittee is absent from the property for more than 60
21 consecutive days and does not follow the procedures described in this Section
22 606-10, the permit shall automatically terminate.

23
24 Section 606-11. **Sanitary Requirements.**

25
26 (a) It shall be unlawful for any person owning or having control over any
27 house, hutch, pen, stable, stall or enclosure or other place where domesticated
28 chickens, goats or other animals are kept to become filthy, malodorous,
29 unsanitary, or infested with flies or other insects and shall abide by standard
30 practices developed by the Georgia Department of Agriculture for proper care of
31 chickens and goats.

32
33 (b) All places wherein such goats or chickens are kept shall have adequate
34 drainage sufficient to prevent standing water in yards or pens.

35
36 (c) Any such person may, and is encourage to, use any manure produced by
37 chickens or goats upon his premises for the purpose of enriching his own ground.

38
39 Section 606-12. **Permit Renewal.**

1 Absent a showing by the City that a permit holder has substantially violated
2 this Ordinance or other applicable law, a permit shall be renewed by the City
3 upon payment by the permittee of a \$15.00 permit renewal fee.
4

5 Section 606-13. **Severability.**
6

7 In the event that any subsection or portion of this Section shall be declared
8 by any competent court to be invalid for any reason, such decision shall not be
9 deemed to affect the validity of any other subsection or portion of the Section.
10

11 **Endnotes**
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13 1. Including the cities of Seattle, WA; Austin, TX; Portland, OR; Spokane, WA; Santa Fe, NM;
Chicago, IL; Mountain View, CA; Des Moines, IA; Vallejo, CA; Mobile, AL; Chapel Hill, NC;
St. Louis, MO; and Omaha, NE; *The city chicken*,
www.home.centurytel.net/thecitychicken/chickenlaws.html

2. *Free Range Chicken*, www.bestnaturalfoods.com/free_range_chicken.html

3. *Id.*

4. *Id.*

5. *Mother Earth News*, www.motherearthnews.com/eggs.aspx

6. *Shifting food paradigm creating zoning problems for cities*, July 29, 2008, Monica Davis,
www.indybay.org/newsitems/2008/07/29/18520936.php

7. *Dairy goat commodity sheet*, www.goatworld.com/articles/purpose/dairygoatcommodity.shtml

8. <http://www.goatjusticeleague.org/Site/Introduction.html>

9. *The world's healthiest foods*,
<http://www.whfoods.com/genpage.php?tname=foodspice&dbid=131>