

Brookhaven Keeping of Animals Ordinance – DRAFT

Sec. 5-32 – Keeping of animals.

Domestic fowl and bees may be kept within the city subject to the following regulations:

(a) General provisions.

- (1) All animals kept under this section must be provided with adequate housing.
- (2) Any housing or enclosure used by any domestic animal or livestock shall be well-drained, free from accumulations of animal excrement and objectionable odors, and otherwise clean and sanitary.
- (3) Animal excrement shall be disposed of in a manner approved by the health officer or his designee.
- (4) The houses, hutches, pens, or other enclosures where animals are kept shall have a solid floor made of cement or other suitable washable material.
- (5) All structures and enclosures for the keeping of animals must comply with setback requirements for accessory structures. If requirements between this section and the requirements for accessory structures differ, the more restrictive shall control.
- (6) Any vicious animal shall be deemed a nuisance.
- (7) Every person owning or keeping animals in the city is required to keep such animals confined and not allow such animals to enter other property. This subsection shall not apply to beekeeping.
- (8) Composted animal waste may be used as fertilizer for the purpose of enriching the property owner's soil.
- (9) Animals must be kept in sanitary conditions and shall not be a public nuisance.
- (10) Disposal of dead animals shall be subject to rules, regulations, and requirements of DeKalb County Sanitation.

(b) Domestic Fowl.

- (1) The minimum fenced yard area for domestic fowl shall be twenty-five (25) square feet per hen.
- (2) Each domestic fowl shall be provided with a minimum four (4) square feet floor or ground area in the housing where it is kept. For Bantams, a variety of chickens defined as miniature, each coop shall have one (1) square foot of floor area per fowl over four (4) months old.
- (3) Domestic fowl must be housed at least ten (10) feet from any property line, and 10 feet from any residence other than the owner's.
- (4) Any structure housing domestic fowl must be located in the side or rear yard if a principal building exists.
- (5) The minimum lot size for the keeping of domestic fowl is ten thousand (10,000) square feet.
- (6) The maximum number of domestic fowl over four (4) months old shall be one (1) fowl per two thousand five hundred (2500) square feet of lot size.
- (7) Domestic fowl and associated structures shall comply with all other relevant articles of this code, including those relating to noise and property maintenance.
- (8) No roosters are allowed.

Commented [TB1]: Do we want to make disposal subject to DeKalb rules?

Commented [TB2]: From ATL

Commented [TB3]: Chamblee: Structures housing domestic fowl must be located at least ten (10) feet from any residential structure on an adjacent lot.

ATL: 50 feet from other residence or business; 5 feet from owner's residence

Commented [TB4]: 1 acre = 43560 sq ft, 10000 sq ft = .23 acre

Commented [TB5]: This allows for 17.4 domestic fowl per acre.

Other jurisdictions:

ATL: max of 75, not tied to lot size (applies in areas "except in the areas zoned for agriculture...")

Chamblee: Up to eight (8) domestic fowl may be kept on any lot. On lots greater than 10,000 square feet that include a community garden or an urban farm, one additional fowl is permitted for every 1,000 square feet of lot area over 10,000 square feet in community garden or urban farm use.

Decatur: no stated maximum

DeKalb: The maximum number of hens shall be one (1) hen per two thousand (2,000) square feet of lot size.

Dunwoody: Lots between 10,000 and 15,000 sq ft: up to 6 chickens; 15,001 sq ft to 1 acre: up to 8 chickens; lots over 1 acre: up to 8 chickens per acre of lot

Milton: max of 75, not tied to lot size (applies in areas "except in the areas zoned for agriculture...")

Sandy Springs: max of 75, not tied to lot size (applies in areas "except in the areas zoned for agriculture...")

- (9) Domestic fowl must be kept securely in an enclosed yard or pen at all times.
- (10) Domestic fowl are only permitted as pets or for egg production; domestic fowl shall not be kept for slaughter.

(c) Bees.

- (1) Bees are allowed by right when registered with the State Department of Agriculture.
- (2) No more than two (2) hives are allowed per one-quarter (0.25) acre, and no more than (4) hives are allowed on any lot.
- (3) Hives must be setback from all property lines a minimum of ten (10) feet.
- (4) Hives must be located in the side or rear yard if a principal building exists.
- (5) Hives must be maintained responsibly with adequate space and management techniques to prevent overcrowding and swarming.
- (6) If a colony becomes a nuisance, the beekeeper must re-queen the hive.

Commented [TB6]: Chamblee: No more than four (4) hives, each with only one swarm, are allowed on lots less than 10,000 square feet.

DeKalb: No more than two (2) apiary colonies are allowed per one-quarter acre (.25).

Commented [TB7]: Chamblee: Hive may not be located within twenty-five (25) feet of any lot line.