



MEMORANDUM

Office of the City Attorney

Legistar No. 000337

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: ~~September 25, 2000~~
October 9, 2000

FROM: City Attorney

~~FIRST READING~~
SECOND READING

SUBJECT: Ordinance No. 0-00-113

An ordinance of the City of Gainesville, Florida, relating to keeping of animals; amending the definition of "fowl" in section 5-1 of the Code of Ordinances to allow keeping of up to two chickens but no roosters as pets in a residential or mixed use zoning district; amending section 5-3 of the Code of Ordinances to clarify that livestock and fowl can not be kept as pets in residential or mixed-use zoning districts within the city; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

The City Commission at its meeting of August 28, 2000, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance relating to the keeping of fowl in a residential or mixed use zoning district.

Prepared by:

Patricia M. Carter,
Sr. Assistant City Attorney

Approved and
Submitted by:

Marion J. Radson,
City Attorney

MJR:PMC:sw

PASSED ON FIRST READING BY A VOTE OF 5-0.

D R A F T

7-6-00

Ordinance No. _____
0-00-113

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4 **An ordinance of the City of Gainesville, Florida, relating to keeping of**
5 **animals; amending the definition of “fowl” in section 5-1 of the Code**
6 **of Ordinances to allow keeping of up to two chickens but no roosters**
7 **as pets in a residential or mixed use zoning district; amending section**
8 **5-3 of the Code of Ordinances to clarify that livestock and fowl can**
9 **not be kept as pets in residential or mixed-use zoning districts within**
10 **the city; providing a severability clause; providing a repealing clause;**
11 **and providing an immediate effective date.**

12
13 **WHEREAS**, at least 10 days notice has been given once by publication in a newspaper of
14 general circulation notifying the public of this proposed ordinance and of a Public
15 Hearing in the Auditorium of City Hall in the City of Gainesville; and

16 **WHEREAS**, a Public Hearing was held pursuant to the published notice described at
17 which hearing the parties in interest and all others had an opportunity to be and were, in
18 fact, heard;

19 **NOW, THEREFORE**, BE IT ORDAINED BY THE CITY COMMISSION OF THE
20 CITY OF GAINESVILLE, FLORIDA:

21 **Section 1.** Section 5-1 of the Code of Ordinances of the City of Gainesville is amended to
22 read as follows:

23 **Sec. 5-1. Definitions.**

24 *Fowl* shall include roosters, other chickens when there are more than two, pea fowl, and
25 like animals (Galliformes); ducks, geese, and like animals (Anseriformes); emus; rheas;
26 and ostriches (Struthio camelus). A chicken that crows shall be considered a rooster.

27 **Section 2.** Section 5-3 of the Code of Ordinances is amended to read as follows:

28 **Sec. 5-3. Animals in residential areas.**

29 (a) No person shall keep or harbor any animal for use other than as a pet within any

1 residential district, as defined in section 30-41(a)(1) of this Code, or mixed-use district, as
2 defined in section 30-41(a)(4) of this Code, in the city, except if such use is allowed by
3 right or special use permit, or if such use existed as a legal non-conforming use on
4 October 23, 1995.

5 (b) Subsection (a) notwithstanding, no ~~No~~ person shall keep or harbor any fowl or
6 livestock within any residential district, as defined in section 30-41(a)(1) of this Code, or
7 mixed-use district, as defined in section 30-41(a)(4) of this Code, in the city, except if
8 such use is allowed by right or special use permit, or if such use existed as a legal non-
9 conforming use on October 23, 1995.

10 **Section 3.** . It is the intention of the City Commission that the provisions of Sections 1
11 and 2 of this ordinance shall become and be made a part of the Code of Ordinances of the
12 City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may
13 be renumbered or relettered in order to accomplish such intentions.

14 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
15 or unconstitutional by any court of competent jurisdiction, then said holding shall in no
16 way affect the validity of the remaining portions of this ordinance.

17 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
18 such conflict hereby repealed.

19 **Section 6.** This ordinance shall become effective immediately upon final adoption.

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21 **PASSED AND ADOPTED** this _____ day of _____, 2000.
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23 _____
24 PAULA M. DeLANEY
25 MAYOR

D R A F T

7-6-00

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ATTEST:

Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

This Ordinance passed on first reading this _____ day of _____, 2000.

This Ordinance passed on second reading this _____ day of _____,
2000.