

ORDINANCE NUMBER 25-37

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, CREATING CHAPTER 14, ENTITLED “ANIMALS AND FOWL,” AND ADDING ARTICLE II, ENTITLED “RESIDENTIAL BACKYARD CHICKENS PROGRAM,” AND CREATING SECTION 115-11.8 OF THE LAND DEVELOPMENT REGULATIONS, ENTITLED “BACKYARD CHICKENS PROGRAM STANDARDS”; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; ESTABLISHING DEFINITIONS; PROVIDING FOR PERMIT REQUIREMENTS; PROVIDING FOR STANDARDS OF CARE; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR PROGRAM REVIEW AND AUTOMATIC CONTINUATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, Article VIII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes, grant municipalities broad home rule powers to enact ordinances for municipal purposes not inconsistent with state law; and

WHEREAS, Chapter 162, Florida Statutes, authorizes municipalities to enforce ordinances through code enforcement boards and special magistrates; Chapter 823 regulates nuisances; Chapter 823.14, Florida Statutes, the Florida Right to Farm Act, preempts the regulation of bona fide agricultural operations but expressly does not preempt the regulation of chickens as an accessory residential use; Chapter 828 prohibits cruelty to animals and establishes humane standards of care; and Chapter 767 regulates dangerous dogs; and

WHEREAS, the City Commission recognizes that some residents desire to keep a limited number of hens as part of sustainable household practices, for educational purposes, and for personal food production; and

WHEREAS, the City Commission further finds that, when properly regulated, such activity is consistent with the City of Eustis Comprehensive Plan, including Policy FLU 1.1.2 (Strategy for Sustainability), Policy FLU 3.1.1 (Neighborhood Compatibility), Goal CON 3 (Efficient Design for the Built Environment), and Policy CON 3.1.2 (Efficient Site Design); and

WHEREAS, the City Commission declares that participation in the Backyard Chickens Program is a privilege, not an entitlement, and may be revoked for cause; and

WHEREAS, the City Commission desires to establish a two-year pilot program that will automatically continue as permanent unless repealed or amended by further action of the Commission.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Eustis, Florida:

SECTION 1. Legislative Findings and Intent.

- (a) The keeping of hens under this program is a privilege subject to compliance, not a right.
- (b) This Ordinance balances private property rights with the rights of neighbors to enjoy their property free from nuisances.
- (c) The program is intended to be enforceable and administratively practical, with accountability provided through permitting, training, inspections, and penalties.
- (d) Continuation beyond the pilot period is contingent upon demonstrated success, measured by compliance, absence of nuisance, cost-effectiveness of enforcement, and community benefit.

SECTION 2. Creation of Chapter 14 – Animals and Fowl.

The Code of Ordinances of the City of Eustis, Florida, is hereby amended to create Chapter 14, entitled “Animals and Fowl,” and which shall provide as follows:

Article I. Reserved.

Article II. “Residential Backyard Chickens Program” and which shall read as follows:

Sec. 14-100. Purpose.

The purpose of this Article is to allow, under carefully controlled conditions, the keeping of a limited number of hens as an accessory use to single-family residences, in a manner that supports sustainability and education while protecting neighborhood character and public health.

Sec. 14-101. Definitions.

For the purposes of this Article, the following terms shall have the meanings given to them below. No attempt is made to define any words which was used in accordance with their established dictionary meaning, except when necessary to avoid misunderstanding.

- (a) **Hen** means a female chicken (*Gallus gallus domesticus*).
- (b) **Rooster** means a male chicken, which is prohibited.
- (c) **Permit** means a Backyard Chickens Program Permit issued by the City.

(d) **Prohibited Poultry and Fowl** means roosters, ducks, geese, turkeys, guineafowl, pigeons, peafowl, pheasants, quail, or any other poultry or fowl not expressly authorized.

(e) **Substantial Violation** means conduct that strikes at the core of the program and undermines public health, safety, or neighborhood compatibility, including but not limited to:

1. Keeping more than the maximum number of hens.
2. Keeping roosters or prohibited fowl.
3. Slaughtering hens or disposing of slaughter waste on site.
4. Keeping hens without a valid permit or after permit expiration.
5. Refusing inspection as provided in this Article.
6. Abandoning hens.
7. Causing a nuisance condition (odor, pests, or noise) verified and not corrected after notice and cure.

(f) **Verified Complaint** means a complaint corroborated by on-site inspection or other observable evidence documented by the City.

Sec. 14-102. Permit Requirements.

(a) **Permit required.** No person may keep hens without a valid Permit issued by the City.

(b) **Permit cap.** No more than fifteen (15) permits may be issued citywide. Revoked or surrendered permits may be reissued to the next qualified applicant on the waiting list.

(c) **Fees.** The application fee shall be seventy-five dollars (\$75.00). The annual renewal fee shall be twenty-five dollars (\$25.00). Re-inspection fees may be imposed when additional inspections are required. All fees may be adjusted by resolution, consistent with Chapter 162, Florida Statutes.

(d) **Term.** Permits shall expire annually on September 30 and must be renewed to remain valid.

(e) **Training.** Applicants must complete a University of Florida/IFAS chicken-keeping course and submit proof of completion.

(f) **Application.** Applications must be notarized and shall include:

1. Owner consent affidavit if the applicant is not the fee simple owner, or a joint application.
2. Scaled site plan showing lot boundaries, coop/run location, and setbacks.
3. Affidavit authorizing City inspection upon complaint.
4. Indemnification and hold harmless agreement releasing the City.

5. Acknowledgment that HOA covenants, deed restrictions, or lease terms supersede City approval.
6. Affidavit affirming compliance and accuracy of submitted information.
7. Courtesy neighbor notice election, whereby the applicant elects to request or waive a City-mailed notice to immediately adjacent property owners sharing a boundary.

(g) **Inspections.** An initial inspection may be required. Complaint-based inspections are authorized.

(h) **Eligible properties.** Permits shall be issued only for occupied detached single-family residences on individual lots in residential land use categories. Permits shall not be issued for duplexes, triplexes, townhomes, apartments, condominiums, mobile home parks, or manufactured housing communities.

(i) **Administrative discretion.** The Development Services Department may deny a permit if lot size, structure placement, or setbacks relative to neighboring homes are likely to create a nuisance. Such denial may be appealed to the City Manager and then to the City Commission, whose decision shall be final.

(j) **Administrative approval.** All applications must be approved by the Development Services Director or designee approved by the City Manager. The permittee must maintain primary residence at the property and must produce the Permit and UF/IFAS certificate upon request.

(k) **Inspection authority.** By accepting a Permit, the permittee authorizes City staff to enter the rear yard for the limited purpose of inspecting coops, runs, or hen facilities upon receipt of a verified complaint, without additional notice. For renewal inspections or re-inspections following a violation, the City shall provide reasonable notice. Refusal to allow any authorized inspection constitutes a substantial violation and shall result in immediate suspension of the Permit, subject to revocation.

Sec. 14-103. Enforcement; Revocation.

(a) **Graduated penalties.** First violation: written warning and cure period. Second violation: \$100 fine. Third violation within twelve (12) months: \$250 fine and automatic revocation. Fines may be adjusted by resolution, within the limits of Chapter 162, Florida Statutes.

(b) **Suspension.** The City may suspend a permit pending cure for verified nuisance, sanitation failure, or refusal of inspection. Suspension shall be lifted upon documented cure.

(c) **Revocation.** Permits may be revoked immediately upon written notice for substantial violations.

- (d) **Due process.** Except in cases of immediate substantial violation, permittees shall receive written notice and a reasonable opportunity to cure before revocation. Cure periods shall generally not exceed ten (10) days.
- (e) **Appeal.** Revocation may be appealed to the City Commission.
- (f) **Enforcement guidelines.** The City Commission may adopt supplemental enforcement guidelines by resolution, including cure periods, complaint verification, re-inspection fees, and related procedures.
- (g) **Removal of hens.** Upon revocation or expiration, hens must be removed within ten (10) days. Each day hens remain thereafter constitutes a separate violation enforceable under Chapter 162, Florida Statutes, including fines and liens.
- (h) **Irreparable violations.** Violations deemed irreparable or irreversible under Chapter 162, including slaughter, keeping prohibited fowl, or refusing inspection, may result in immediate penalties and revocation.
- (i) **Re-application bar.** Any permittee whose permit is revoked shall be barred from reapplying for twenty-four (24) months,
- (j) **Animal control clarification.** The killing of a hen by a domestic dog or cat shall not, by itself, constitute evidence that such animal is dangerous under Chapter 767, Florida Statutes.

Sec. 14-104. Program Term; Review; Administrative Timelines.

- (a) **Term.** This program shall operate as a two-year pilot.
- (b) **Report.** Staff shall submit a program report at least ninety (90) days prior to expiration, including number of permits, complaints, verified complaints per permit, enforcement actions, staff hours, enforcement costs, and recommendations on sustainability, education, and neighborhood compatibility.
- (c) **Continuation.** If the City Commission takes no action, the program shall automatically continue as permanent.
- (d) **Administrative timelines.** Renewal grace periods, application windows, and report dates may be adjusted by resolution.
- (e) **Complaint threshold.** Five (5) verified complaints within twelve (12) months shall trigger Commission review.
- (f) **Public health emergency.** The City Manager may suspend permits if FDACS, USDA, or FDOH issues an order, advisory, or alert relating to poultry health. Notice of suspension shall be provided to permittees by certified mail and website posting. Once

lifted, reinstatement notice shall be provided in the same manner, with the effective date specified.

SECTION 3. Creation of Section 115-11.8, Chapter 115 LDRs – Backyard Chickens Program Standards.

Chapter 115 – General Building and Site Design Standards, Land Development Regulations, is amended to add Section 115-11.8 as follows:

Sec. 115-11.8. Backyard Chickens Program Standards.

- (a) **Cross-reference.** Eligibility and permitting criteria are set forth in Chapter 14, Article II of the City Code.
- (b) **Applicability.** These standards apply only to properties with an approved permit.
- (c) **Number and type.** No more than three (3) hens are allowed. Prohibited fowl are barred. Incubation and hatching are permitted for educational purposes, provided that roosters must be removed immediately upon identification.
- (d) **Location.** Coops and runs must be located in the rear yard, at least 5 feet from all property lines and 20 feet from any residential dwelling on an adjacent lot, and must be screened from street view.
- (e) **Hybrid setback.** The Development Services Director may require setbacks up to 15 feet from property lines and 50 feet from wells, stormwater facilities, or water bodies where warranted.
- (f) **Coop and run standards.** Coops and runs shall not exceed 100 square feet in area or 6 feet in height, measured from natural grade. Each hen must have at least 4 square feet of space in the coop and 5 square feet of space in the run. Structures must be covered, ventilated, and predator-resistant, constructed of welded hardware cloth or equivalent; chicken wire is prohibited.
- (g) **Sanitation.** Coops and runs must be maintained in a clean condition, free from objectionable odor detectable at the property line by a reasonable person for more than 15 consecutive minutes within one hour. Feed must be stored in rodent-proof containers. Manure must not accumulate. Composting is permitted only in enclosed bins at least 20 feet from property lines. Burial of deceased hens is prohibited. Disposal must comply with FDACS, USDA, and FDOH regulations. Slaughter and slaughter waste are prohibited. All hens must be maintained humanely in compliance with Chapter 828, Florida Statutes.
- (h) **Nuisance prevention.** Hens must not cause odor, pest, or noise nuisances. Odor violations shall constitute verified complaints. Hens must remain confined or directly supervised. Trespass is prohibited.

- (i) **Health compliance.** Owners must comply with FDACS, USDA, and FDOH regulations.
- (j) **Humane disposition.** Unwanted hens must be humanely rehomed by adoption, transfer to another lawful permittee, or surrender to a facility that accepts poultry. Hens may not be abandoned, released, or surrendered to a government agency that does not accept poultry.
- (k) **Siting restrictions.** Coops and runs may not be located within any platted utility or drainage easement, FEMA floodway, or required landscape buffer. Electrical or plumbing service requires separate permits.
- (l) **Storm securing.** During declared wind events or hurricane warnings, permittees must secure coops and runs or relocate hens to prevent hazard or escape, as determined by the City Manager or designee.

SECTION 4. Severability.

If any part of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

SECTION 5. Conflict.

All ordinances in conflict are repealed to the extent of conflict.

SECTION 6. Codification.

This Ordinance shall be codified as Chapter 14 – Animals and Fowl, Article II – Residential Backyard Chickens Program in the City Code of Ordinances, and as Section 115-11.8, Chapter 115, in the Land Development Regulations. The City Clerk may renumber or re-letter as necessary.

SECTION 7. Effective Date.

This Ordinance shall become effective immediately upon adoption on second reading. Following the adoption of this Ordinance, the City may take all steps necessary to carry out the implementation of this Ordinance as provided herein.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 6th day of November, 2025.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

WILLIE L. HAWKINS
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, on this 6th day of November, 2025 by Willie L. Hawkins, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public – State of Florida
My Commission Expires: _____
Notary Serial No. _____

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for use and reliance by the City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 25-37 is hereby approved, and I hereby certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk