

SENATE BILL 1761

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 5;  
Title 6; Title 7; Title 13 and Title 43, relative to the  
regulation of food production.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) Notwithstanding a law and except as provided by subsections (b) or (c), a county shall not adopt or enforce a regulation that prohibits any of the following activities on a single-family residential lot:

- (1) The growing of fruits and vegetables; or
- (2) The raising or keeping of:
  - (A) Six (6) or fewer chickens; or
  - (B) Six (6) or fewer adult rabbits.

(b) A county may impose reasonable regulations on the growing of fruits and vegetables on a single-family residential lot that do not have the effect of prohibiting the growing of the fruits or vegetables in the front, side, or rear yard of a residence, including:

- (1) A requirement that the growing area be maintained in good condition if visible from the street faced by the lot or from an adjoining lot; and
- (2) A requirement for the trimming or removal of a tree as necessary for the maintenance of a utility easement.

(c) A county may impose reasonable regulations on the raising or keeping of chickens or rabbits on a single-family residential lot to control odor, noise, safety, or

sanitary conditions that do not have the effect of prohibiting the raising or keeping of the chicken or rabbits, including:

- (1) A limit on the number of chickens or rabbits that is more than the minimum number allowed by subdivision (a)(2);
  - (2) A prohibition on raising or keeping of a rooster;
  - (3) The minimum distance between an animal shelter and a residential structure other than the animal owner's own residence;
  - (4) A requirement for fencing or shelter sufficient to contain the chickens or rabbits on the owner's property;
  - (5) Minimum requirements for combined housing and outdoor space of at least:
    - (A) Twenty square feet (20' sq.) per chicken; and
    - (B) Nine square feet (9' sq.) per rabbit;
  - (6) A requirement to address sanitary conditions in a manner that prevents accumulation of animal waste in a quantity sufficient to create an offensive odor or the attraction of pests; or
  - (7) A requirement that the chickens or rabbits may only be kept in the side or rear yard of a residence.
- (d) This section does not apply to a condominium unit.
- (e) A resolution adopted by a county that violates this section is void.

SECTION 2. Tennessee Code Annotated, Title 13, Chapter 7, Part 2, is amended by adding the following as a new section:

(a) Notwithstanding a law and except as provided by subsections (b) or (c), a municipality shall not adopt or enforce an ordinance that prohibits any of the following activities on a single-family residential lot:

(1) The growing of fruits and vegetables; or

(2) The raising or keeping of:

(A) Six (6) or fewer chickens; or

(B) Six (6) or fewer adult rabbits.

(b) A municipality may impose reasonable regulations on the growing of fruits and vegetables on a single-family residential lot that do not have the effect of prohibiting the growing of the fruits or vegetables in the front, side, or rear yard of a residence, including:

(1) A requirement that the growing area be maintained in good condition if visible from the street faced by the lot or from an adjoining lot; and

(2) A requirement for the trimming or removal of a tree as necessary for the maintenance of a utility easement.

(c) A municipality may impose reasonable regulations on the raising or keeping of chickens or rabbits on a single-family residential lot to control odor, noise, safety, or sanitary conditions that do not have the effect of prohibiting the raising or keeping of the chicken or rabbits, including:

(1) A limit on the number of chickens or rabbits that is more than the minimum number allowed by subdivision (a)(2);

(2) A prohibition on raising or keeping of a rooster;

(3) The minimum distance between an animal shelter and a residential structure other than the animal owner's own residence;

(4) A requirement for fencing or shelter sufficient to contain the chickens or rabbits on the owner's property;

(5) Minimum requirements for combined housing and outdoor space of at least:

(A) Twenty square feet (20' sq.) per chicken; and

(B) Nine square feet (9' sq.) per rabbit;

(6) A requirement to address sanitary conditions in a manner that prevents accumulation of animal waste in a quantity sufficient to create an offensive odor or the attraction of pests; or

(7) A requirement that the chickens or rabbits may only be kept in the side or rear yard of a residence.

(d) This section does not apply to a condominium unit.

(e) An ordinance adopted by a municipality that violates this section is void.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.