

ORDINANCE NO.

AN ORDINANCE AMENDING SECTION 91.12 KEEPING CERTAIN ANIMALS WITHIN  
THE CITY LIMITS

**Section 91.12**

It shall be unlawful for any person to permit to be kept within the City limits any horses, cows, calves, pigs, sheep, goats, or domestic fowl, other than urban hens as stipulated in Section 91.12A.

**Section 91.12A Urban Hens**

**A. License Required**

1. No person shall own, raise, harbor, or keep any hens within the City without having first obtained a valid urban hen license from the City Clerk's Office pursuant to the provisions of this section and shall be subject to the terms and conditions herein.
2. License Application: Any person desiring to own, raise, harbor, or keep hens within the City shall submit a written license application on a form provided by the City. Such application shall include the applicant's name, address, telephone number, email address, the number of hens to be kept on the premises address, and the applicant's signature certifying the validity of the information provided therein and agreement to keep the hens in compliance with the provisions of this section.
3. Licensing Requirements: The requirements for issuance of a license include the following.
  - a. Fee: The fee to obtain a license is **twenty-five dollars (\$25.00)**. The license shall expire April 30<sup>th</sup> of each year and shall be renewed before **May 1<sup>st</sup>** of each year.
  - b. The property owner of the premises, and in the event the applicant is a tenant or leaseholder of the premises, must not owe any money to the City.
  - c. The premises to be licensed shall be zoned as and contain **only a one-family detached dwelling, occupied and used as such by the licensee**.
  - d. Only one urban hens license will be issued per tax parcel with a single-family residence.
4. Licensing Regulations: The following licensing regulations shall be additional requirements of the licensee.
  - a. Renewal: The annual renewal fee for a license is **twenty-five dollars (\$25.00)**. If the license is not renewed before **May 1<sup>st</sup>** of the expiration year, the owner or occupant of the premises for which the license was issued shall remove the hens from the City within **seven (7) days** of the license expiration.

- b. Non-commercial use only: Issuance of a license shall not allow the licensee to engage in hen breeding, egg production, fertilizer production, sales, display, or other related activity for commercial purposes.
  - c. Non-transferable: No license issued pursuant to this section shall be transferable from one person to another or from one premises to another.
  - d. The licensee shall keep the license on the licensed premises and provide proof of same upon request by any officer of the City.
5. Denial, suspension, revocation, non-renewal: The City Clerk's Office may deny, suspend, revoke, or decline to renew any issued license for any of the following reasons.
- a. False statements on any application or in response to requests for information by the City.
  - b. Failure to pay any application, penalty, re-inspection or renewal fee required by this section.
  - c. Failure to comply with any notice of violation issued by the City pursuant to this section within the time specified therein.
  - d. Failure to comply with any provisions of this section.
  - e. If a license is found to be in violation of these provisions three or more times, the license will be revoked immediately and permanently.

Notice of denial, suspension, revocation, or non-renewal of a license shall be in writing, be delivered by certified mail, return receipt requested, or by personal service on the license holder or other resident at the address provided on the application, and state the reason or reasons for said action.

6. Effect of Denial or Revocation
- a. If a license is either denied or revoked, the applicant may not re-apply for a new license for a period of one (1) year from the date of the denial or revocation.
  - b. If the license is revoked, the owner or occupant of the premises for which the license was issued shall remove the hens from the City within **seven (7) days** of the license revocation.
7. Appeals: The license shall stand denied or revoked unless within five (5) working days after denial or receipt of the notice of revocation the license applicant or holder files a written request for a public hearing to be conducted before the city administrator on whether a license should be denied, reinstated, or revoked, as the case may be. The city administrator may order the license issued or reinstated either conditionally or unconditionally or revoke the license. Ten (10) days notice of the time and place of the public hearing shall be given to the license holder, who shall have an opportunity to appear before the city administrator and present any evidence or arguments the license holder may have as to why the action taken should not be approved by the city administrator.

**B. Number and Type of Hens Allowed:** No more than **six (6) hens** shall be allowed on any licensed premises. Roosters (male chickens) are prohibited.

**C. Zoning; One-Family Detached Dwellings**

1. The keeping of hens shall be restricted to properties zoned as **one-family detached dwellings (single family residences)** defined as a dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit; this dwelling unit type consists of a fully detached single-family residence which is located on an individual lot or within a group development; this dwelling unit cannot be split into two or more residences.

**D. Enclosures; confinement:** Chicken coop enclosures and chicken pens shall be designed, constructed, and well maintained to provide safe and healthy living conditions for the hens while minimizing adverse impacts to other residents in the neighborhood.

1. Hens must be kept in a chicken coop enclosure, chicken pen, or fenced area at all times. Hens shall be secured within a chicken coop enclosure during non-daylight hours.
2. Chicken coop enclosures and chicken pens shall be located in the rear yard of a premises only. They are prohibited in side and front yards.
3. The **minimum setback** for placement shall be **ten (10) feet** from the premises property lines and **thirty-five (35) feet** from any residential dwelling, church, school, or place of business.
4. Chicken coop enclosures shall meet the following standards:
  - a. A minimum of four (4) square feet per hen, but the coop cannot exceed a total of one hundred twenty (120) square feet for all six (6) hens. No building permit is required.
  - b. Be constructed of wood or other similar materials and enclosed on all sides with a roof, door(s), and secure latching mechanisms for any doors or windows;
  - c. Include predator/bird proof wire mesh or screens of less than one (1) inch openings for any doors or windows;
  - d. Provide adequate ventilation and protection from the elements;
  - e. Contain an independent electric/heat source without the use of extension cords;
  - f. Be resistant to rodents and predators, including dogs and cats.
  - g. Access doors to the coop enclosure must be sized and placed for ease of cleaning.
5. Chicken pens shall meet the following guidelines:

- a. Pen fences must be least six (6) feet high with a minimum of eight (8) square feet of ground area per hen, and hens must be supervised when allowed to exercise and hens must be kept inside the coop and pen at all times.
  - b. Pens must be fully enclosed, surround the coop, and be covered with predator/bird proof wire or aviary netting;
  - c. Pens must be resistant to rodents and predators, including dogs and cats.
6. The materials used in making chicken coop enclosures and chicken pens shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials is prohibited.

#### **E. Odor and Noise Impacts**

1. Odors from hens, hen manure or other hen related substances shall not be perceptible beyond the boundaries of the licensed premises. Chicken coop enclosures and chicken pens shall be kept in a clean, neat, and sanitary condition. Any accumulation of waste, uneaten or discarded feed, and fallen feathers shall be collected and discarded in a sanitary manner and with such frequency as is necessary to ensure that related odors are not detectable from adjacent properties and that any such accumulation does not constitute a nuisance.
2. Noise from hens shall not be loud enough beyond the property lines of the licensed premises on which hens are kept so as to disturb the public peace and quiet.

**F. Feed and Water:** Hens shall be provided with access to feed and clean water at all times. Feed must be stored in secure, fully enclosed, rodent proof containers and in a secure location until it is placed for consumption by the hens. Feed must be stored in a manner so that it is not available to rodents, wild birds, predators, or other pests.

#### **G. Waste Storage and Removal**

1. Any manure that is kept on the licensed premises for compost and fertilizer use must be stored in a secure enclosed container or area to ensure that it is not visible from adjacent properties, that related odors are not detectable from adjacent properties, and that any such accumulation does not constitute a nuisance. All manure not used for composting or fertilizing shall be removed at a minimum of once per week.
2. No more than three (3) cubic feet of manure shall be stored on the licensed premises.

**H. Hens At Large:** The licensee shall not allow the licensee's hens to roam off the licensed premises.

## **I. Unlawful Acts**

1. It shall be unlawful for any person to own, raise, harbor, or keep hens in violation of any provision of this section of the City Code.
2. No person shall keep hens inside a one-family detached dwelling unit, multi-family dwelling unit(s) or rental unit.
3. No person shall keep hens on a vacant or uninhabited property within the City.
4. No person shall keep a rooster within the City.
5. No person shall slaughter any hen or rooster within the City.
6. Should a dog or cat or other domesticated animal kill a hen on or off the licensed premise, said animal shall not be considered a dangerous or aggressive animal for that reason alone, and said action will not be cause for the City to enforce its animal control provisions.

## **J. Nuisance Violation**

1. Any violation of the terms of this chapter that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property shall constitute a nuisance and may be abated under the general nuisance abatement provisions of the City Code.
2. Should the City order abatement of the hens from the licensed premises as a result of a nuisance violation, the City shall not be responsible for removal, temporary keeping or relocating of the hens.