



AGENDA ITEM #5

Code of Ordinance Amendment-
Backyard Hens

(Continued from the June 6, 2022 meeting to allow for
public comment at the July 11, meeting)

Meeting Date

July 11, 2022

Presenter

Lawson Brown, City Attorney

Public Hearing

Yes No

Summary

This ordinance limits the number of chickens and bans roosters.

Background

The City has no ordinance addressing chickens and roosters other than its nuisance abatement. There have been a number of recent complaints from residents about chickens. Attached is an amended ordinance covering some of items being discussed.

Financial Impact

Code Enforcement will be impacted but estimated to be minimal.

Recommendation

Staff recommends an ordinance limiting the number of chickens per property and banning roosters. Staff recommends the Council advise of any changes needed after public comment.

Suggested Motion

The City has a public duty and statutory police authority to foster and improve by ordinance the health, safety and general welfare of its citizens by limiting the number of backyard hens and prohibiting roosters because of the noise, odors, property value diminution, property damage, and marauding animals. Maintenance of roosters and more than eight backyard hens, is inimical to the health, safety and general welfare of the citizens of the City.

Attachments

1. Originally Proposed Ordinance
2. Amended Ordinance

Section 4-37- Backyard Hens

(a) **Legal Parameters-** It shall be unlawful for the owner or occupant of any lot or parcel of land in the city to keep backyard hens in violation of the terms of this ordinance

(b) **Allowable Backyard Hens** - Backyard hens are allowable, regardless of zoning, on lots that contain single-family dwelling units, excluding apartment complexes, condominiums, townhouses and patio homes.

(c) **Number Allowed-** No more than eight (8) hens are allowed per lot regardless of size and number of dwelling units except in those areas zoned for agricultural uses. It shall be unlawful to keep or maintain any rooster.

(d) **Uses-** All aspects of the keeping of hens, including keeping chicks, eggs, manure, compost and other related attributes and activities, must be only personal and noncommercial.

(e) Coop and Run Standards

- 1) A coop is a roofed-housing structure where hens are kept. The coop has an indoor area where chickens sleep, perch, nest and lay eggs. The coop also provides shelter from weather and predators.
- 2) A run is an enclosed pen located outside of the coop structure.
- 3) An enclosed run is completely bounded on all sides, including overhead, by a fence, cage, or wire.
- 4) An open run is bounded on all sides by a fence, cage, or wire but is open overhead.
- 5) A coop, combination coop and run of sufficient size should be provided for the hens to include a minimum coop area of four (4) square feet per chicken if a run is provided. A minimum of ten (10) square feet coop area is required if no run is provided or chickens are to be contained in the coop.
- 6) Chickens shall be secured in the chicken coop during non-daylight hours. During daylight hours, chickens may be located in the run if provided. The coop and run shall be properly designed and constructed to provide adequate security from rodents, wild birds, and predators and provide sufficient ventilation
- 7) The maximum area for all coop and run structures is 300 square feet.
- 8) The maximum height for a coop and run is seven (7) feet measured from the ground to the top of the structure.
- 9) The minimum height for an open run is four (4) feet.

(f) Location

- 1) All hens, coop structures and runs must be located in the rear yard.
- 2) Coop structures and runs must be located at least 25 feet from any rear or interior side lot line. For corner lots the corner-side yard setbacks shall be the same as the principal building.

(g) **Maintenance**- All areas within the coop and run shall be kept in a neat and sanitary condition, including removal of droppings, uneaten feed, feather and other waste, in order to preclude odors and other nuisance violations.

(h) **Slaughter**

- 1) On– premise slaughter shall be prohibited.
- 2) Dead hens shall be removed according to the provisions of Section 4-35 of the City Code.

(i) **Enforcement**- Enforcement shall be as provided in Section 6-149 et seq. of the Code of Ordinances.

(j) **Existing Coops and Chickens**- This Ordinance shall apply to all backyard hens in the City, whether now existing or those in the future.

(k) Any person, firm, corporation or other legal entity violating the provisions of this article shall be subject to punishment in accordance with section 1-6.

(l) **Effective Date**- This Ordinance shall be effective as of the date of adoption.

Section 4-37- Backyard Hens & Fowl

(a) **Legal Parameters-** It shall be unlawful for the owner or occupant of any lot or parcel of land in the city to keep backyard hens or other fowl in violation of the terms of this ordinance. The term hens is interchangeable with fowl in this Section 4-37 and includes without limitation turkeys, ducks and geese.

(b) **Allowable Backyard Hens** - Backyard hens are allowable, regardless of zoning, on lots that contain single-family dwelling units, excluding apartment complexes, condominiums, townhouses and patio homes.

(c) **Number Allowed-** No more than eight (8) hens are allowed per residence, whether each residence is on one (1) lot or parcel or connected to multiple lots or parcels. If the residence is located on a lot or lots greater than one (1) acre then the residence shall not exceed sixteen (16) hens regardless of size and number of dwelling units. It shall be unlawful to keep or maintain any rooster.

(d) **Uses-** All aspects of the keeping of hens, including keeping chicks, eggs, manure, compost and other related attributes and activities, may be for personal or commercial use.

(e) Coop and Run Standards

- 1) A coop is a roofed-housing structure where hens are kept. The coop has an indoor area where chickens sleep, perch, nest and lay eggs. The coop also provides shelter from weather and predators.
- 2) A run is an enclosed pen located outside of the coop structure.
- 3) An enclosed run is completely bounded on all sides, including overhead, by a fence, cage, or wire.
- 4) An open run is bounded on all sides by a fence, cage, or wire but is open overhead.
- 5) A coop, combination coop and run of sufficient size should be provided for the hens to include a minimum coop area of four (4) square feet per chicken if a run is provided. A minimum of ten (10) square feet coop area is required if no run is provided or chickens are to be contained in the coop.
- 6) Chickens shall be secured in the chicken coop during non-daylight hours. During daylight hours, chickens may be located in the run if provided. The coop and run shall be properly designed and constructed to provide adequate security from rodents, wild birds, and predators and provide sufficient ventilation
- 7) The maximum area for all coop and run structures is 300 square feet.
- 8) The maximum height for a coop and run is seven (7) feet measured from the ground to the top of the structure.
- 9) The minimum height for an open run is four (4) feet.

(f) Location

- 1) All hens, coop structures and runs must be located in the rear yard.
- 2) Coop structures and runs must be located at least twenty five (25) feet from any rear or interior side lot line. For corner lots the corner-side yard setbacks shall be the same as the principal building.

(g) **Maintenance**- All areas within the coop and run shall be kept in a neat and sanitary condition, including removal of droppings, uneaten feed, feather and other waste, in order to preclude odors and other nuisance violations.

(h) **Slaughter**

- 1) On– premise slaughter shall be prohibited.
- 2) Dead hens shall be removed according to the provisions of Section 4-35 of the City Code.

(i) **Enforcement**- Enforcement shall be as provided in Section 6-149 et seq. of the Code of Ordinances.

(j) **Existing Coops and Chickens**- This Ordinance shall apply to all backyard hens in the City, whether now existing or those in the future.

(k) Any person, firm, corporation or other legal entity violating the provisions of this article shall be subject to punishment in accordance with section 1-6.

(l) **Effective Date**- This Ordinance shall be effective sixty (60) calendar days after the date of adoption.