

Ordinance 710

An ordinance adding Chicken Hens, enclosures and other limitations to Chapter 31- Zoning, Section 31-3-9: Conditional Use Permit- Special Animal Use Permit adding the definition of Hen, to Chapter 5- Animals, Section 5-1-1 and changing Section 5-1-3 Animals At Large

SECTION 31-3-9 CONDITIONAL USE PERMIT – SPECIAL ANIMAL USE PERMIT

Chicken Hens—Enclosure and other limitations:

Chicken hens shall be permitted in R-1 in association with an occupied family residential dwelling/structure, and a minimum property size of 6000 square feet as an accessory use, subject to the following regulations:

- **The maximum number of chicken hens permitted shall be four (4).**
- **No roosters shall be permitted.**
- **Only chicken hens shall be permitted. Chicken hens may be any breed or crossbreed of chicken.**
- **Chicken hens shall be provided with a covered, fully enclosed and predator-resistant coop which is adequately ventilated, designed for easy access for cleaning and shall consist of an enclosed area, including the pen, of at least ten square feet per chicken hen. Chicken hens shall be protected from predators by being enclosed in the coop from dusk to dawn.**
- **During daylight hours, the chicken hens shall have access to the coop/pen at all times. If the chicken hens are permitted outside of the coop/pen, then the area which they have access to must be secured, with a minimum of a six (6) foot high privacy fence and if necessary, wing feathers shall be clipped to prevent the birds from flying and escaping.**
- **The coop/pen shall be cleaned and maintained so as not to cause excessive smells or odors, dust, or attract excessive insects or vermin. The frequency of cleaning shall depend on the number of chicken hens, the type of litter, the area of the coop and the weather, shall apply to enforcement of chicken waste, to include unharvested eggs and the owner's responsibility.**
- **No butchering of chickens is permitted within the Town limits.**
- **Coops and pens shall be constructed a minimum of seven and one-half feet (7.5) feet from the side and rear property lines and are only permitted in the rear yard of a home, and forty (40) feet from any neighboring houses. If an alley is located adjacent to the property, the minimum setback for the coop/pen shall be three (3) feet from the alley, also must be at least forty (40) feet from any neighboring houses.**
- **It is unlawful for chicken hens to be at large, as defined in Chapter 5, Section 5-1-3. Any chicken hen found to be at large may be taken into possession and impounded by the Police Department or Animal Control Officer, and shall be adopted, rehomed or euthanized if not reclaimed within two working days.**
- **Chicken hens shall be provided with access to adequate and fresh water at all times and in a manner to prevent the water from freezing.**
- **No coop shall exceed a footprint of sixty (60) square feet, or exceed a height of seven feet at the highest point of the roof. Coop/Pen area to be completely fenced, and covered, with, at least, wire fencing material, and it must have a source of heat for cold weather.**
- **Chicken feed shall be stored in an airtight, metal container to discourage attracting mice, rats and other vermin.**

- Chicken hens shall be confined in such a fashion as to prevent them from coming into contact with wild ducks or geese or their excrement.
- The requirements of this section are minimum requirements and do not affect any private controls, including any more stringent regulations or prohibitions on the keeping of chicken hens contained in private covenants. Nothing in this chapter shall affect the authority of any owner's association to adopt and enforce more stringent standards for the keeping of chicken hens or to prohibit outright the keeping of chicken hens on any property within the jurisdiction of such association.
- Prior to issuance of a 'Chicken Hen Permit' a site plan will be submitted, and an initial inspection of the Coop/Pen area will take place. An Annual Inspection will be performed by the Animal Control Officer in January of each year thereafter, and as deemed necessary.

SECTION 5-1-1

DEFINITIONS

n. Hen- Means an adult female chicken.

SECTION 5-1-3

~~DOGS AND CATS~~ DOGS, CATS AND CHICKEN HENS NOT ALLOWED TO BE AT LARGE; UNTAGGED ANIMALS AND IMPOUND

- a. The owner of an animal is required to keep his/her animal(s) under control, not permitting his/her animal(s) to run at large except on the owner's property. A violation of this shall be deemed unlawful. Chapter 31, Section 31-3-9, Special Animal Use Permit- Chicken Hens, subsection i.

PASSED ON FIRST READING this 8th day of October, 2018.

PASSED ON SECOND READING this 22nd day of October, 2018.

PASSED ON THIRD READING this 13th day of November, 2018.



W.D. Frank, Mayor

ATTEST:



Tammy Taylor, Clerk

