

ORDINANCE NO. 02-2017

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF CENTRAL CITY, IOWA, BY ADDING A NEW CHAPTER 57 TO ALLOW AND REGULATE THE POSSESSION OF URBAN CHICKENS WITHIN THE CITY LIMITS OF CENTRAL CITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTRAL CITY, IOWA:

CHAPTER 57

URBAN FOWL

SECTION 1. DEFINITIONS. For use in this Chapter, the following terms are defined:

1. **Chicken** - shall mean a member of the subspecies Gallus Gallus Domesticus, a domesticated fowl.
2. **Chicken Tractor** - shall mean a portable chicken coop lacking a floor that may be moved around the yard.
3. **Permittee** - shall mean an applicant who has been granted a permit to raise, harbor or keep urban fowl pursuant to this Chapter.
4. **Permitting Officer** - shall mean the City Administrator or designee.
5. **Permitted tract of land** - shall mean the tract of land as identified by the application upon which a permit is granted for keeping urban fowl pursuant to this Chapter.
6. **Single Family Dwelling** - shall mean any building that contains only one dwelling unit used, intended, rented, leased, let or hired to be occupied for living purposes.
7. **The City** - The City of Central City.
8. **Tract of land** - shall mean a property or a zoned lot that has one single family dwelling located on that property or zoned lot.
9. **Urban Fowl** - shall mean a chicken kept on a permitted tract of land pursuant to a permit issued under this Chapter.

SECTION 2. PERMIT REQUIRED.

- A. **Permit Required.** No person shall raise, harbor or keep urban fowl within the City of Central City without a valid permit obtained from the Permitting Officer under the provisions of this Chapter.
- B. **Application.** In order to obtain a permit, an applicant must file a completed application with the City Clerk and pay all fees required by this Chapter.
- C. **Requirements.** The requirements to the receipt of a permit include:
 1. All requirements of this Chapter are met;
 2. All fees, as may be provided for from time to time by City Council resolution, for the permit are paid in full;
 3. All judgments in the City's favor and against the applicant have been paid in full;
 4. The tract of land to be permitted shall contain only one Single Family Dwelling occupied and used as such by the permittee.
 5. The applicant has obtained permission by way of a signature from the residents of all immediately adjacent dwellings of the applicant's property.
 6. The applicant has successfully completed an approved class in raising urban fowl in an urban setting. The City shall maintain a current list of such approved classes.
 7. The Permitting Officer has inspected the tract of land and found it to be suitable for urban fowl.
- D. **Issuance of Permit.** If the Permitting Officer concludes as a result of the information contained in the application that the requirements for a permit have been met, then the Permitting Officer shall issue the permit.
- E. **Denial, suspension, revocation, non renewal.** The Permitting Officer may deny, suspend, revoke, or decline to renew any permit issued for any of the following grounds:

1. False statements on any application or other information or report required by this section to be given by the applicant;
2. Failure to pay any application, penalty, re inspection or reinstatement fee required by this section or city council resolution;
3. Failure to correct deficiencies noted in notices of violation in the time specified in the notice;
4. Failure to comply with the provisions of an approved mitigation/remediation plan by the Permitting Officer, or designee.
5. Failure to comply with any provision of this Chapter.

F. Notification. A decision to revoke, suspend, deny or not renew a permit shall be in writing, delivered by ordinary mail or in person to the address indicated on the application. The notification shall specify reasons for the action.

G. Effect of revocation/denial. When an application for a permit is denied, or when a permit is revoked, the applicant may not reapply for a new permit for a period of 1 year from the date of the denial or revocation.

H. Appeals. No permit may be denied, suspended, revoked, or not renewed without notice and an opportunity to be heard is given the applicant or holder of the permit. In any instance where the Permitting Officer has denied, revoked, suspended, or not renewed a permit, the applicant or holder of urban fowl may appeal the decision to the City Council, within seven (7) days of receipt by the applicant or holder of the permit of the notice of the decision. Written notice of appeal must be filed with the City Clerk in the time required. The applicant or holder of the permit will be given an opportunity for a hearing in front of the City Council. The decision of the City Council, or any decision by the Permitting Officer which is not appealed in accordance to this Chapter shall be deemed final action.

SECTION 3. NUMBER AND TYPE OF CHICKENS ALLOWED.

- A. The maximum number of chickens allowed is six (6) per tract of land regardless of how many dwelling units are on the tract.
- B. Only females (hens) are allowed.
- C. Chickens must have wings appropriately clipped to prevent them from flying.

SECTION 4. ZONING DISTRICTS ALLOWED.

- A. Permits will be granted only for tracts of land located in residential districts as identified on the current Official Zoning Map on file with the City of Central City, and which do not have restrictive covenants that prohibit urban fowl.

SECTION 5. NON-COMMERCIAL USE ONLY.

- A. A permit shall not allow the permittee to engage in chicken breeding or fertilizer production for commercial purposes. Eggs may not be offered for sale.

SECTION 6. ENCLOSURES.

- A. Urban fowl must be kept in an enclosure or fenced area at all times. Urban fowl shall be secured within a henhouse or chicken tractor during non-daylight hours.
- B. Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
- C. Henhouses, chicken tractors and pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.
- D. Henhouses and chicken tractors.
 1. Henhouses and chicken tractors shall be designed to provide safe and healthy living conditions for the urban fowl with a minimum of four (4) square feet per bird while minimizing adverse impacts to other residents in the neighborhood.
 - a. A henhouse or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night.

Opening windows and vents must be covered with predator and bird proof wire of less than one (1) inch openings.

- b. The materials used in making a henhouse or chicken tractor 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. Henhouses and chicken tractors shall be well maintained.
 2. Henhouses, chicken tractors and pens shall only be located in the rear yard, unless the setback requirements cannot be met in which case they may be kept in a side yard but within the required setbacks. At no time urban fowl may be kept in a front yard or corner side yard on the street side.
 3. Henhouses, chicken tractors and pens must be located at least twenty-five (25) feet from the property line of any adjacent residential dwelling, church, school or place of business.
 - a. This may be waived by a separate signature from the property owner(s) of the adjacent property(s) within the twenty five (25) foot setback. This signature is separate from the signature required to gain the initial permit.
 - b. Adjacent property owners may at any time revoke their permission with a written notice to the Permittee and the City. The Permittee will then have 60 days to remove the hen house, chicken tractor and/or pen.
- E. Any enclosed pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.

SECTION 7. ODOR AND NOISE IMPACTS.

A. Odors from urban fowl, including but not limited to, chicken manure or other related substances shall not be perceptible beyond the boundaries of the permitted tract of land.

B. Noise from urban fowl shall not be loud enough beyond the boundaries of the permitted tract of land at the property boundaries to disturb persons of reasonable sensitivity.

SECTION 8. PREDATORS, RODENTS, INSECTS AND PARASITES.

A. The Permittee shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Urban fowl found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by an Animal Control Officer or City employee at the cost of the owner.

SECTION 9. FEED AND WATER.

A. Urban fowl shall be provided with access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds and predators.

SECTION 10. WASTE STORAGE AND REMOVAL.

A. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored on the permitted tract of land. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken tractor, pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed and properly disposed of in a timely manner.

SECTION 11. URBAN FOWL AT LARGE.

A. The Permittee shall not allow the Permittee's urban fowl to roam off the permitted tract of land. A dog or cat or other domesticated animal which kills a chicken off the permitted tract of land will, for that reason alone, not be considered a dangerous or aggressive animal.

SECTION 12. UNLAWFUL ACTS.

- A. It shall be unlawful for any person to keep urban fowl in violation of any provision of this Chapter or any other provision of the Central City Municipal Code.
- B. It shall be unlawful for any owner, renter or leaseholder of property to allow urban fowl to be kept on the property in violation of the provisions of this Ordinance.
- C. No person shall keep urban fowl inside a single family dwelling unit, multi family dwelling unit(s) or rental unit.
- D. No person shall slaughter any urban fowl within the City of Central City.
- E. No person shall keep a rooster.
- F. No person shall keep urban fowl on a vacant or uninhabited tract of land.

SECTION 13. NUISANCES.

A. Any violation of the terms of this Chapter that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provisions, pursuant to a municipal infraction.


SECTION 14. REPEALER. All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 15. SEVERABILITY. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 16. EFFECTIVE DATE. This Ordinance shall be in effect after its final passage, approval and publication as required by law.

PASSED AND APPROVED this 13th day of December, 2017.

CITY OF CENTRAL CITY, IOWA



Don Gray, Mayor

ATTEST:



Shelley Annis, City Clerk

