

## **ORDINANCE NO. 20-18**

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CALAMUS, IOWA, BY ADDING A NEW CHAPTER TO TITLE IV REGULATING URBAN CHICKENS**

**BE IT ENACTED** by the City Council of the City of Calamus, Iowa:

**SECTION 1. NEW SECTION.** The Code of Ordinances of the City of Calamus, Iowa, is amended by adding a new Chapter 2 to Title IV, entitled URBAN CHICKENS, which is hereby adopted to read as follows:

#### **TITLE IV**

#### **CHAPTER 2**

### **URBAN CHICKENS**

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|--|---|
| 2.01 Purpose                           | 2.09 Predators, Rodents, Insects, and Parasites           |
| 2.02 Definitions                       | 2.10 Chickens at Large and Injury Caused By Other Animals |
| 2.03 Permit                            | 2.11 Feed and Water                                       |
| 2.04 Terms of Permit                   | 2.12 Storage and Removal of Feces and Waste               |
| 2.05 Denial, Suspension, or Revocation | 2.13 Nuisance   |
| 2.06 General Requirements              | 2.14 Fees   |
| 2.07 Site Requirements                 |   |
| 2.08 Enclosure Requirements            |   |

**2.01 PURPOSE.** The purpose of this ordinance is to allow urban chickens within City limits and promulgate rules and regulations for the keeping of urban chickens within City limits.

#### **2.02 DEFINITIONS.**

1. "Chicken" shall mean a member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.
2. "Coop" or "henhouse" shall mean a cage, enclosure, or structure used for housing and protecting chickens from weather and predators.
3. "Single family dwelling" shall mean any building that contains only one dwelling unit used intended, rented, leased, let or hired to be occupied for residential purposes.
4. "Permittee" shall mean an applicant who has been granted a permit to raise, harbor, or keep chickens pursuant to this chapter. If the applicant does not own the tract of land or property where the chickens are to be kept, the owner of the tract of land or property must be the joint permittee.
5. "Tractor" shall mean a cage, structure, or similar enclosure capable of movement used for housing and protecting chickens from weather and predators.
6. "Urban chicken" shall mean a chicken kept on a tract of land pursuant to a permit issued under the terms of this chapter.

#### **2.03 PERMIT.**

1. Permit Required. No person shall raise, harbor or keep chickens on any land within the City limits, without a valid permit issued by the City Clerk under the provisions of this chapter.

2. Application. In order to obtain a permit, an applicant must submit a completed application on forms provided by the City Clerk and pay all fees required by this chapter. If the applicant is not the owner or record titleholder of the tract of land or property on which the chickens will be kept, the owner or record titleholder must join in completing, signing and filing the application.

3. Requirements. The City Council may request the City Clerk to issue a permit if the following requirements have been met:

A. All requirements of this chapter are met;

B. All fees, as may be provided from time to time by City Council resolution, for the permit are paid in full;

C. All amounts owed to the City, including but not limited to utilities, garbage fees, liens, fines and judgements, must be paid in full.

D. The tract of land or property to be permitted shall contain only one single family dwelling occupied and used as such by the permittee. Owner permission shall be required if the single-family dwelling is occupied by someone other than the owner.

E. There are no nuisance conditions, or unresolved violations of nuisance ordinances on or related to the tract of land or property;

F. The applicant is in compliance with all other conditions and prerequisites set out in the Code of Ordinances.

**2.04 TERMS OF PERMIT.** The permit shall contain, and permittee shall adhere to, the following:

1. The permittee must follow the ordinances of the City and state law regarding animal care.

2. The permittee grants the City the right to inspect the coop and hen house with due and proper notice.

3. The permit is a limited license for the specific activity and person named on the permit and no vested rights arise from the issuance of the permit. The permit is limited to the party to whom it is issued and will not run with the tract of land or property.

**2.05 DENIAL, SUSPENSION, OR REVOCATION OF PERMIT.**

1. The permit may be denied, suspended, revoked or renewal declined for any of the following reasons:

A. False statements on any application or other information or report required by this chapter to be given by the applicant;

B. Failure to pay any application, penalty, reinspection or reinstatement fee required by this chapter or resolution of the City Council;

C. Failure to correct deficiencies noted in notices of violation in the time specified in the notice;

D. Failure to comply with any provision of the Code of Ordinances.

2. 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 in the application. The notification shall specify reasons for the revocation, suspension, denial or decision not to renew a permit.



3. When an application for a permit is denied, or when a permit is revoked, the applicant may not re-apply for a new permit for a period of one year from the date of denial or revocation.

4. No permit may be denied, suspended, revoked, or not renewed without providing the permittee with notice and an opportunity to be heard. Such a hearing, or opportunity to be heard, shall occur before the City Council and any decision of the City Council shall be final and not subject to appeal.

## **2.06 GENERAL REQUIREMENTS.**

1. Permittees may not engage in the breeding of chickens or fertilizer production for commercial purposes.

2. Permits will only be granted for tracts of land or property with one single-family residential unit. Permits will not be granted for any tract of land or property with more than one single-family residential unit located on the tract of land or property.

3. Private restrictions on the use of the tract of land or property remain enforceable and supersede the terms of this chapter or any permit issued. The private restrictions include, but are not limited to, deed restrictions, condominium restrictions, neighborhood association bylaws, covenants and restrictions and rental/lease agreements.

4. The owner of the tract of land or property must concur with any application for urban chickens. Tenant must obtain the written permission from the owner of the tract of land or property to keep chickens or install a coop.

5. Any slaughter of chickens not regulated by federal or state law, or otherwise regulated, shall be performed in a humane manner and shall not be done in open view to any public area or adjacent to property owned by someone other than the permittee or applicant.

6. Other than slaughtered chickens, the owner or permittee shall dispose of dead chickens in a sanitary manner. Composting does not qualify as proper disposal.

7. Only female chickens (hens) are allowed. Male chickens (roosters) are not allowed and shall be removed immediately by owner or permittee.

8. No more than six urban chickens are allowed on any tract of land or property.

## **2.07 SITE REQUIREMENTS.**

1. Chickens must be kept in an enclosure or fenced area at all times. Chickens shall be secured within a coop or chicken tractor during non-daylight hours. Chickens shall not be allowed in the front yard of a tract of land or property at any time. A fenced area for chickens must have netting or fencing over the roof area.

2. Coops, including tractors, must be at least 10 feet from any property lines.

3. Coops must be at least five feet from the principle use residential structure on the permittee's tract of land or property.

4. Coops must be in the rear yard of the tract of land or property.

## **2.08 ENCLOSURE REQUIREMENTS.**

1. Enclosures, coops and tractors must be kept in clean, dry, odor free, neat and sanitary conditions at all times.

2. Coops and tractors shall be well maintained.

3. Coops and tractors must provide adequate ventilation, sun and shade.
4. Coops and tractors shall be constructed, maintained and repaired to prevent entry by rodents, wild birds, predators, dogs and cats.
5. Coops and tractors shall be built of solid materials such as wood, metal or plastic.
6. Coops and tractors shall be at least 18 inches in height.
7. Coops and tractors shall be designed to provide safe and healthy living conditions for the chickens which reside therein, within a minimum of four-square feet per urban chicken while minimizing the impact to other residents in the neighborhood. No coop shall exceed 96 square feet.
8. Coops and tractors shall be enclosed on all sides and shall have a roof and at least one door. Access doors must be able to be shut and locked at night. Opening windows, vents or doors must be covered with predator and bird proof wire of less than one-inch openings.
9. Materials used for coops or tractors must be uniform of each element of the structure that the walls are made of the same material, the roof has the same shingles or 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.
10. Coops and henhouses shall only be located in the rear yard unless the set back requirements cannot be met, in which case chickens may be kept in a side yard but within the set back requirements.
11. Enclosures, coops and tractors must be well drained to prevent accumulations of moisture, accumulations of moisture must be avoided and removed.
12. Fences that serve as enclosures for chickens must consist of sturdy wire fencing of a type customarily designed for and used to enclose chickens and must be constructed in a sturdy manner so as to contain the chickens and prevent entry by predators, dogs and cats.

**2.09 PREDATORS, RODENTS, INSECTS, AND PARASITES.** The permittee must take necessary action to reduce the attraction of predators and rodents, and the potential for infestation by insects and parasites. Chickens found to be infested with insects or parasites that may result in unhealthy conditions to human habitation must be removed by the owner and may be removed by the City at the expense of the permittee.

**2.10 CHICKENS AT LARGE AND INJURY CAUSED BY OTHER ANIMALS.**

1. Permittee must not allow their chickens to roam off the tract of land or property covered by the permit. Any chicken found off the permitted tract of land or property will be considered to be "at-large" and subject to the penalties and provisions of the Code of Ordinances for at-large animals.
2. Injury or death to a chicken that is caused by a dog, cat or other domesticated animal will not be considered sufficient grounds to designate the animal as dangerous or vicious under the provisions of this Code of Ordinances.
3. The City will not be liable for injury or death of chickens caused by dogs, cats, or other animals, domestic or otherwise, regardless of whether or not licensed by the City.

**2.11 FEED AND WATER.** Chickens must be provided with access to feed and clean water at all times. All feed and other items associated with keeping chickens must be protected in a manner to prevent rodents, wild birds, and predators from coming into contact with them.



## 2.12 STORAGE AND REMOVAL OF FECES AND WASTE.

1. Feces and waste must be removed from enclosures, coops and tractors at a minimum of once per week.
2. Feces and waste may be stored on the tract of land or property of permittee. Feces and waste must be stored in a fully enclosed unit with a roof or lid. The storage unit may allow sunlight and movement of air so the materials dry, but must be designed, used and maintained in such a manner as to keep the material fully contained so that it does not blow or otherwise erode onto other properties. When stored, feces and waste must be stored in a manner to not attract flies, rodents or other vermin.
3. Feces and waste may be used as fertilizer on the tract of land or property of permittee subject to being turned in to the soil completely immediately upon application and there is no noxious odor.

**2.13 NUISANCES.** Any violation of this chapter that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property constitutes a nuisance, subject to sanctions and abatement as further set out in this Code of Ordinances.

**2.14 FEES.** The fee for an inspection shall be \$30.00. In the event a re-inspection is required, for any reason, a re-inspection fee of \$30.00 will be imposed. All fee must be paid prior to issuance of a permit.

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE.** 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 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the 3 day of August, 2020, and approved this 3 day of August, 2020.

  
Mayor

ATTEST:

  
City Clerk

First Reading: June 1, 2020

Second Reading: July 6, 2020

Third Reading: August 3, 2020

I certify that the foregoing was published as Ordinance No 2018 on the 12<sup>th</sup> day of August, 2020.

  
City Clerk