

ORDINANCE NO. 938

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PERRY, IOWA, BY ADDING A CHAPTER PERTAINING TO URBAN CHICKENS

WHEREAS, the Perry City Council has determined that Ordinance Number 938 shall be placed as a new chapter, Chapter 56 Urban Chickens, within the Code of Ordinances of the City of Perry, Iowa.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Perry, Iowa as follows:

SECTION 1: Adding Chapter 56 Urban Chickens;

56.01 PURPOSE. The purpose of this chapter is to permit urban chickens in the City of Perry.

56.02 DEFINITIONS. For use in this Chapter the following defined terms shall apply:

1. **Chicken** – shall mean a member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.
2. **Urban Chicken** – shall mean a chicken kept on a permitted tract of land pursuant to a permit issued under this Chapter.
3. **Permitting Officer** – shall mean the Building Official or designee.
4. **Permitted Tract of Land** – shall mean the tract of land as identified by the application upon which a permit is granted for keeping chickens pursuant to this Chapter.
5. **Permittee** – shall mean an applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this Chapter.

56.03 PERMIT REQUIRED

1. **Permit Required.** No person shall raise, harbor or keep chickens within the City of Perry without a valid permit obtained from the Permitting Officer 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 payment of all fees required by this Chapter.
3. **Requirements.** The requirements to the receipt of a permit include:
 - a. All requirements of this Chapter are met;
 - b. All fees, as may be provided for from time to time by City Council resolution, for the permit are paid in full;

- c. All judgments in the City's favor and against the applicant have been paid in full;
- d. No permit shall be issued without the written notification of the owners of adjacent properties. Adjacent properties means all properties that share a property line with the applicant's property, including properties that contact each other at only one point; If the applicant is a renter, he/she must obtain written permission from landlord/property owner prior to any permit being issued.

56.04 ISSUANCE OF PERMIT

- 1. 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 the City Clerk shall issue the permit.
- 2. Renewal of Permit.** A Permittee shall apply to renew his permit every twelve (12) months.
- 3. 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:
 - a. False statements on any application or other information or report required by this section to be given by the applicants;
 - b. Failure to pay any application, penalty, re-inspection or reinstatement fee required by this section or city council resolution;
 - c. Failure to correct deficiencies noted in abatement notices in the time specified in the notice;
 - d. Failure to comply with the provisions of an approved mitigation/remediation plan by the Permitting Officer;
 - e. Failure to comply with any provision of this Chapter.
- 4. 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 reason for action.
- 5. Effect of revocation.** 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 (1) year from the date of the denial or revocation.
- 6. 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 said permit may appeal the decision to the City Council within ten (10) business days of receipt by the applicant or holder of the permit of

the notice of the decision. The applicant or holder of the permit will be given an opportunity for a hearing. The decisions of the City Council hearing the appeal, or any decision by the City Council designee which is not appealed in accordance to this Chapter shall be deemed final action.

56.05 NUMBER AND TYPE OF CHICKENS ALLOWED

1. The maximum number of chickens allowed is six (6) per tract of land.
2. Only female chickens (hens) are allowed.

56.06 ZONING DISTRICTS ALLOWED. Permits will be granted only for tracts of land located in residential and agricultural districts as identified on the current Official Zoning Map on file with the City of Perry.

56.07 NON-COMMERCIAL USE ONLY. A Permit shall not allow the Permittee to engage in chicken breeding or fertilizer production for commercial purposes.

56.08 ENCLOSURES

1. Chickens must be kept in an enclosure or fenced area at all times. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.
2. Enclosures must be kept in a clean, dry, odor-free, neat & sanitary condition at all times.
3. Henhouses, chicken tractors and chicken pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.
4. Henhouse and chicken tractors:
 - a. Henhouses and chicken tractors shall be designed to provide safe and healthy living conditions for the chickens with a minimum of four (4) square feet per bird while minimizing adverse impacts to other residents in the neighborhood.
 - 1) 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.
 - 2) 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.

- 3) Any enclosed chicken pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.
- b. Henhouses, chicken tractors and chicken pens shall only be located in the rear yard required by Perry Municipal Code unless the setback requirements cannot be met, in which case they may be kept in a side yard but within the required setbacks. No Henhouse, chicken tractor, or chicken pen shall be allowed in any front yard.
- c. Henhouses, chicken tractors and chicken pens must be located on the permittee's property and at least twenty-five (25) feet from any adjacent residential dwelling, church, school or place of business.
- d. Henhouses, chicken tractors and chicken pens must conform to existing city code pertaining to structures in the applicable zoned district.

56.09 ODOR AND NOISE IMPACTS

1. Odors from chickens, chicken manure or other chicken related substances shall not be perceptible beyond the boundaries of the permitted tract of land.
2. Noise from chickens shall not be loud enough beyond the boundaries of the permitted tract of land at the property boundaries to disturb persons of reasonable sensitivity.

56.10 PREDATORS, RODENTS, INSECTS AND PARASITES. The Permittee shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by a person designated by the Permitting Officer with the assistance of the Perry Police Department, if necessary.

56.11 FEED AND WATER. Chickens shall be provided with access to feed and clean water at all times. The feed and water shall not be available to rodents, wild birds, and predators.

56.12 WASTE STORAGE AND REMOVAL. The henhouse, chicken tractor, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

56.13 CHICKENS AT LARGE

1. The Permittee shall not allow the Permittee's chickens to roam off the permitted tract of land. No dog or cat or other domesticated animal which kills a chicken off the permitted tract of land will, for that reason alone, be considered a dangerous, aggressive or vicious animal or the City's responsibility to enforce its animal control provisions.
2. The City shall have the authority to seize, impound and dispose of any chicken found at large within the City limits. Such seizure, impoundment and disposal shall not require notice to any owner or keeper, nor any attempt to locate the owner thereof.

56.14 UNLAWFUL ACTS

1. It shall be unlawful for any person to keep chickens in violation of any provision of this Chapter or any other provision of the Perry Municipal Code.
2. It shall be unlawful for any owner, renter or lease holder of property to allow chickens to be kept on the property in violation of the provisions of this article.
3. No person shall keep chickens inside a single family dwelling unit, multi-family dwelling unit(s) or rental unit.
4. No person shall slaughter any chickens within the City of Perry.
5. No person shall keep a rooster. The City shall have the authority to seize, impound and dispose of any rooster found within the City limits. Such seizure, impoundment and disposal shall not require notice to any owner or keeper, nor any attempt to locate the owner thereof.
6. No person shall keep chickens on a vacant or uninhabited tract of land.

56.15 NUISANCES. 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 provision of Perry Municipal Code.

SECTION 2. Each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that affected by such decision.

SECTION 3. The changes as provided in this Ordinance shall be made a part of the replacement pages of the Municipal Code, City of Perry, Iowa, and made a part of said Code as provided by law.

SECTION 4. All Ordinances or parts of Ordinances in conflict with any provision of this Ordinance are hereby repealed.

SECTION 5. This Ordinance shall be in full force and effect from and after its final passage, approval and posting as provided by law.

Passed and approved by the Council this 30th day of June, 2017.



Jay P. Pattee, Mayor

ATTEST:



Paula Rychnovsky, City Clerk

CLERK'S CERTIFICATION

I certify that the foregoing was published as ordinance No. _____ on the _____ day of _____, 2017.

Paula Rychnovsky, City Clerk