

City Of Atkins

Ordinances # 186 - URBAN CHICKENS

This is a summary of Ordinance # 186 to amend Chapter 55A of the City Code

1. A permit to raise Chickens within the City Limits of Atkins, Iowa must be obtained from the City Clerk.

2.

55A.02 - PERMIT REQUIRED.

55A.03 - NUMBER AND TYPE OF CHICKENS ALLOWED.

55A.04 - ZONING DISTRICTS ALLOWED.

55A.05 - NON-COMMERCIAL USE ONLY.

55A.06 - ENCLOSURES.

55A.07 - ODOR AND NOISE IMPACTS.

55A.08 - PREDATORS, RODENTS, INSECTS AND PARASITES.

55A.09 - FEED AND WATER.

55A.10 - WASTE STORAGE AND REMOVAL.

55A.11 - CHICKENS AT LARGE.

55A.12 - UNLAWFUL ACTS.

55A.13 - NUISANCES.

55A.01 - DEFINITIONS.

Chicken - shall mean a member of the subspecies *Gallus gallus domesticus*, a domesticated fowl. Urban Chicken - shall mean a chicken kept on a permitted tract of land pursuant to a permit issued under this Chapter.

Permitting Officer - shall mean the City Clerk or designee.

Tract of land - shall mean a property or a zoned lot that has one single family dwelling located on that property or zoned lot 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.

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.

Permit Holder - shall mean an applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this Chapter.

55A.02 - PERMIT REQUIRED.

(a) Permit Required. No person shall raise, harbor or keep chickens within the City of Atkins without a valid permit obtained from the Permitting Officer under the provisions of this Chapter. No more than Four Permits shall be issued in the first twelve months after this ordinance is adopted.

(b) Application. In order to obtain a permit, an applicant must submit a completed application on forms provided by the Permitting Officer, and paying all fees required by this Chapter.

© 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 permit holder.
5. The applicant has provided notice to the residents of all immediately adjacent dwellings of the applicant's intent to obtain a permit
6. The applicant has successfully completed an approved class in raising chickens in an urban setting. The Permitting Officer shall maintain a current list of such approved classes.

(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 Officer shall issue the permit. **Permit shall be valid for one year from date of issuance. Cost of the permit shall be set by resolution.**

(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, etc. 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 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 Chicken may appeal the decision to the Mayor, or designee other than the Permitting Officer 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 decision of the officer hearing the appeal, or any decision by the Permitting Officer, which is not appealed in accordance to this Chapter shall be deemed final action.

55A.03 - 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 female chickens (hens) are allowed.

(55A.04 - ZONING DISTRICTS ALLOWED.

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 Atkins.

55A.05 - NON-COMMERCIAL USE ONLY.

A permit shall not allow the permit holder to engage in chicken breeding or fertilizer production for commercial purposes.

55A.06 - ENCLOSURES.

(a) 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. In addition, a privacy fence, **with a minimum height of six feet, not to exceed a height of seven feet**, must be in place to prohibit viewing of the chickens from any adjoining property.

(b) Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times.

© 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.

(d) Henhouses and chicken tractors.

1. 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.

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 chicken pens shall only be located in the rear yard required by Atkins Municipal Code Chapter 165, unless the setback requirements cannot be met in which case they may be kept in other yard but within the required setbacks.

3. Henhouses, chicken tractors and chicken pens must be located at least ten (10) feet from the property line and at least twenty-five (25) feet from any adjacent residential dwelling, church, school or place of business.

(e) Any enclosed chicken pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.

55A.07 - ODOR AND NOISE IMPACTS.

(a) Odors from chickens, chicken manure or other chicken related substances should not be perceptible beyond the boundaries of the permitted tract of land.

(b) 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.

55A.08 - PREDATORS, RODENTS, INSECTS AND PARASITES.

The Permit holder 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 the City, with all cost associated with the removal, accessed to the owner of the property from which the chickens were removed.

55A.09 - FEED AND WATER.

Chickens 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.

55A.10 - WASTE STORAGE AND REMOVAL.

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, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

55A.11 - CHICKENS AT LARGE.

- a. The Permit holder shall not allow their 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, not be considered a dangerous or aggressive animal or the city's responsibility to enforce its animal control provisions.
- b. The Permit holder shall place and keep leg bands on all of his chickens showing the permit number.

55A.12 - UNLAWFUL ACTS.

- a. It shall be unlawful for any person to keep chickens in violation of any provision of this Chapter or any other provision of the Atkins Municipal Code.
- b. It shall be unlawful for any owner, renter or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this article.
- c. No person shall keep chickens inside a single-family dwelling unit, multi family dwelling unit(s) or rental unit. No person shall slaughter any chickens within the city of Atkins.
- d. No person shall keep a rooster.
- e. No person shall keep chickens on a vacant or uninhabited tract of land.

55A.13 - 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 provisions of Atkins City Code Chapter 50.

Revised 11/07/2011