

ORDINANCE NO. 99

AN ORDINANCE AMENDING THE CITY CODE OF HARTFORD BY ADDING CHAPTER 59 ENTITLED URBAN CHICKENS

BE IT ORDAINED by the City Council of the City of Hartford, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to add Chapter 59 as set out below.

SECTION 2. Amendment. Chapter 59 of the Hartford City Code is hereby amended by adding the following:

59 (1) URBAN CHICKENS. The keeping of no more than twelve (12) chickens for use on a single-family detached residential property for the benefit of the owners of said property is not considered the keeping of farm animals for purposes of this Ordinances.

59 (2) DEFINITIONS.

- a) "Chicken" shall mean a member of the subspecies Gallus gallus domesticus, a domesticated fowl.
- b) "Coop" shall mean a cage, enclosure, or structure used for housing and protecting chickens from weather and predators.
- c) "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.
- d) "Tractor" shall mean a cage, structure, or similar enclosure capable of movement used for housing and protecting chickens from weather and predators.
- e) "Urban Chicken" shall mean a chicken kept on a tract of land pursuant to a permit issued under the terms of this chapter.

59 (3) PERMIT REQUIRED.

- a) Permit Required. No person shall raise, harbor or keep chickens on any land not zoned "A-1 Agricultural" within the City of Hartford without a valid permit issued by the Mayor or Mayor's designee under the provisions of this chapter.
- b) Requirements. The Mayor or Mayor's designee shall issue a permit if the following requirements have been met:

- 1) The property for which the permit is sought has passed inspection by the Mayor or Mayor's designee.
 - 2) The fee has been paid
 - 3) There are no nuisance conditions, or unresolved violations of nuisance ordinance, on the property.
 - 4) The parcel of land for which the permit is sought contains only one (1) Single-Family dwelling which is occupied and used as such by the applicant/permittee.
 - 5) The applicant has provided written verification of the consent of the owner of the parcel of land for which the permit is sought, if the applicant is not the owner, and is instead tenant, lessee or otherwise authorized to reside at and use the property.
 - 6) The application is in compliance with all other conditions and prerequisites set out in this ordinance.
 - 7) Applicant has paid the permit fee of twenty-five (25) dollars, which shall be renewed annually.
- c) Terms of Permit. The permit shall contain, and permittee agree to adhere, to the following:
- 1) The permittee shall follow the City Code and state law regarding animal care.
 - 2) The permittee grants the City the right to inspect the coop and pen with due notice.
 - 2) The permit is a limited license for the specific activity and person named in the permit, and no vested zoning rights arise from the permit being issued. The permit is limited to the party to whom it is issued, and does not run with the land.
 - 4) The permit will be permanent unless revoked pursuant to Section 4-2-2.d (below).
 - 5) The permittee will properly dispose of all fecal waste in a proper manner as to not cause a nuisance condition for neighboring properties.

d) Suspension or Revocation of Permit. The permit may be suspended or revoked by the Mayor or Mayor's designee upon hearing and finding evidence that the permittee has violated the conditions of the permit or the terms of this chapter; or made a false statement or representation on the application form. All chickens must be removed upon revocation of the permit. The permit fee will not be refunded.

59 (4) GENERAL REQUIREMENTS.

a) Non-Commercial Use Only. Permit holder shall not engage in the breeding of chickens or fertilizer production for commercial purposes.

b) Single Family-Residential. Permits will only be granted for parcels with one single-family residential unit. Permits will not be granted for any parcel with more than one residential unit located upon the parcel.

c) Private Restrictions Take Precedence. Private restrictions on the use of the property shall remain enforceable and shall supersede the terms of this chapter and any permit issued. The private restrictions include, but are not limited to: deed restrictions, condominium restrictions, neighborhood association bylaws, covenants and restrictions, and rental agreements.

d) Rental Property. The owner of the parcel must concur with any application for Urban Chickens. Tenants must obtain the written permission from the landlord/property owner to keep chickens or install a coop.

e) Slaughter of Chickens. Any slaughter of chickens not regulated by federal or state law, or regulated otherwise, 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 another.

f) Dead Chickens. Other than slaughtered chickens, the owner shall dispose of dead chickens in a sanitary manner. Composting does not qualify as proper disposal.

59 (5) CHICKEN REQUIREMENTS.

a) Hens Only. Only female chickens (hens) are allowed. Male chickens (roosters) are not allowed and shall be removed immediately by the owner.

b) No More than twelve (12) Allowed. No more than twelve (12) chickens shall be allowed on any parcel.

59 (6) SITE REQUIREMENTS.

- a) Enclosures Required. 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.
- b) Location and Separation Distances.
 - 1) Coops, including tractors, must be at least ten (10) feet from any property lines
 - 2) Coops must be at least five (5) feet from the principle use residential structure on the applicant's property.
 - 3) Coops must be in the rear yard of the property; as "rear yard" is defined in the Hartford Zoning Ordinance.

59 (7) ENCLOSURE REQUIREMENTS.

- a) Enclosures, coops and tractors must be kept in clean, dry, odor free, neat and sanitary conditions at all times.
- b) Coops and tractors shall be well maintained.
- c) Coops and tractors must provide adequate ventilation, sun and shade.
- d) Coops and tractors shall be constructed, maintained and repaired to prevent entry by rodents, wild birds, predators, dogs and cats.
- e) Coops and tractors shall be built of solid materials such as wood, metal or plastic.
- f) Coops and tractors shall be at least eighteen (18) inches in height.
- g) Coops and tractors shall be designed to provide safe and healthy living conditions for the chickens which reside therein, with a minimum of sixteen (16) square feet. Maximum coop size is ninety-six (96) square feet. Coops must allow a minimum of four (4) square feet per chicken.
- h) 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.

i) Opening windows, vents or doors must be covered with predator and bird proof wire of less than one-inch (1”) openings.

j) Materials used for coops or tractors shall 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.

k) Well Drained. Enclosures, coops and tractors must be well drained to prevent accumulations of moisture; accumulations of moisture shall be avoided and removed.

l) Fences. Fences that serve as enclosures for chickens shall consist of sturdy wire fencing of a type customarily designed for and used to enclose chickens and shall be constructed in a sturdy manner so as to contain the chickens and prevent entry by predators, dogs and cats.

59 (8) PREDATORS, RODENTS, INSECTS AND PARASITES. The permittee shall 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 shall be removed by the owner and may be removed by the Mayor or Mayors designee at the owner’s expense.

59 (9) CHICKENS AT LARGE AND INJURY CAUSED BY OTHER ANIMALS.

a) At Large Prohibited. Permittee shall not allow their chickens to roam off the parcel of land covered by the permit. Any chicken found off the permitted property shall be considered to be “at-large” and subject to the penalties and provisions of Hartford City Code for at-large animals.

b) Dangerous or Vicious Designation. Injury or death to a chicken that is caused by a dog, cat or other domesticated animal shall not be considered sufficient grounds, in and of itself, to designate the animal as dangerous or vicious pursuant to Chapter 4-1, Hartford City Code.

c) City not Liable. The City of Hartford shall not be liable for injury or death of chickens caused by dogs, cats, or other animals domestic or wild, regardless of whether or not licensed by the City.

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

59 (11) STORAGE AND REMOVAL OF FECES AND WASTE.

- a) Feces and Waste to Be Removed. Feces and waste shall be removed from enclosures, coops and tractors at least once per week.
- b) Storage and Disposal of Feces and Waste. Feces and waste may be stored on the permittees property. 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.
- c) Use as Fertilizer. Feces and Waste may be used as fertilizer on the permitted property subject to being turned in to the soil completely immediately upon application and there is no noxious odor.

59 (12) NUISANCES. Any violation of this chapter that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance, subject to sanctions and abatement as set out in Chapter 85, of the Hartford Code of Ordinances.

SECTION 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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 5. 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 ____ day of _____, 2015, and approved this ____ day of _____, 2015.

Michael Rodman, MAYOR

ATTEST:

Bradley Herrold, CITY CLERK

