

**ORDINANCE NO. 2017-03**

April 3, 2017

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF CASEY, IOWA TO ADD CHAPTER 2 TO TITLE IV FOR THE PURPOSE OF ALLOWING RESIDENTIAL CHICKENS; REQUIREMENTS FOR PERMITS; RESTRICTIONS ON NUMBER AND TYPE OF CHICKENS, ENCLOSURES, ODOR, NOISE, FEED & WATER; WASTE STORAGE & REMOVAL; UNLAWFUL ACTS; NUISANCES; VARIANCES; AND ESTABLISHING AN EFFECTIVE DATE**

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

**Section 1.** The Code of Ordinances for Casey, Iowa shall be and the same is hereby AMENDED BY ADDING Chapter 2 Residential Chickens to Title IV Mental and Physical Health to state as follows:

**TITLE IV MENTAL AND PHYSIAL HEALTH  
CHAPTER 2 RESIDENTIAL CHICKENS**

**4-2-1 DEFINITIONS.** For use in this chapter, the following terms are defined as follows:

1. The term “chicken” shall mean a member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.
2. The term “residential chicken” shall mean a chicken kept on a permitted tract of land pursuant to a permit issued under this Chapter.
3. The term “Permitting Officer” shall mean the City Clerk or designee.
4. The term “tract of land” shall mean a property or a zoned lot that has one (1) single family dwelling located on that property or zoned lot.
5. The term “single-family dwelling” shall mean a building designed for or occupied by one (1) family.
6. The term “permitted tract of land” shall mean the tract of land identified by the application upon which a permit is granted for keeping chickens pursuant to this Chapter.
7. The term “permittee” shall mean an applicant who has been granted a permit to raise, harbor, or keep chickens pursuant to this Chapter.

**4-2-2 PERMIT REQUIRED.** No person shall raise, harbor, or keep chickens within areas zoned as residential within the City of Casey without a valid permit obtained from the Permitting Officer under the provisions of this Chapter. The annual residential permit fee shall be \$5.00 per year, due on March 31st. On April 1st and later, an additional \$5.00 permit late fee shall apply.

1. **APPLICATION.** In order to obtain a permit, an applicant must submit a completed application form as provided by the Permitting Officer and shall pay all fees as required by this chapter.
2. **REQUIREMENTS.** The requirements of the receipt of the permit include:
  - a. All requirements of this Chapter are met;
  - b. All fees for the permit are paid in full;
  - c. The tract of land to be permitted shall contain only one (1) single family dwelling occupied and used as such by the permittee.
  - d. The applicant has provided notice to the residents of all immediately adjacent dwellings within fifty (50) feet of the applicant's intent to obtain a permit.
  - e. The applicant shall notify of the landlord or property owner of the applicant's intent to secure an residential chicken permit, and a receipt of the landlord or property owner's approval must be provided to the city.
3. **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 nontransferable permit. Permits will be granted for only tracts of land located in residential districts as identified on the current official zoning map on file with the City of Casey, and permits shall not allow the permittee to engage in chicken breeding or fertilizer production for commercial purposes.
4. **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 as required by this section were given by the applicant;
  - b. Failure to pay an application, penalty, reinspection, or reinstatement fee required by this section or City Council resolution;
  - c. Failure to correct deficiencies noted in notices of violation in the time specified in the notice;

- d. Failure to obtain a building permit for chicken enclosures;
  - e. Failure to comply with any provision of this Chapter.
5. NOTIFICATION. A decision to revoke, suspend, deny or not renew a permit shall be in writing and delivered by ordinary mail or in person to the address indicated on the application. The notification shall specify reasons for the action.
6. EFFECT OF DENIAL OR REVOCATION. When an application for a permit is denied, or when a permit is revoked, the applicant may not reapply for a new permit until all violations have been corrected.
7. APPEALS. No permit may be denied, suspended, revoked, or not renewed without notice and an opportunity to be heard is given to 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 the residential chicken permit may appeal the decision to the City Council at the next City Council meeting immediately following the receipt of the notice. The decision of the City Council at the hearing shall be deemed the final action.

#### **4-2-3 NUMBER AND TYPE OF CHICKENS ALLOWED.**

- 1. The maximum number of chickens allowed is six (6) per tract of land zoned for residential use regardless of how many dwelling units are on the tract.
- 2. Only female chickens (hens) are allowed.

#### **4-2-4 ENCLOSURES.**

- 1. All chicken housing enclosures, such as henhouses, chicken tractors, and chicken pens are required to secure a building permit before being constructed.
- 2. All chicken housing enclosures must meet the following safety and health requirements:
  - a. A minimum of four (4) square feet per bird;
  - b. All housing must be enclosed on all sides and shall have a roof and doors. All 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. Any enclosed chicken pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing;
  - c. The materials used in making housing enclosures are uniform for each element of the structure such as the walls being 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;

- d. Be impermeable to rodents, wild birds, and predators, including dogs and cats;
  - e. Be located at least ten (10) feet from the property line and at least thirty (30) feet from any adjacent residential dwelling, church, school, or place of business, and shall be located in the permittee's backyard unless otherwise allowed by the City Council.
3. Chickens must be kept in an enclosure or fenced area when unsupervised, and may only openly graze under constant supervision. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.
  4. Enclosures must be kept clean, dry, odor-free, neat, and sanitary at all times.

#### **4-2-5 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.

**4-2-6 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 ordered to be removed by the City Council.

**4-2-7 FEED AND WATER.** Chickens shall be provided with access to feed and clean water at all times. The feed and water shall also be unavailable to rodents, wild birds, and predators. Any uneaten feed shall be removed in a timely manner.

**4-2-8 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. All housing enclosures and surrounding areas must be kept free from trash and accumulated droppings.

**4-2-9 CHICKENS AT LARGE.** The permittee shall not allow the permittee's chickens to roam off the permitted tract of land, and all roaming must be supervised. 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.

**4-2-10 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 City of Casey Municipal Code.
2. No person shall keep adult chickens inside a single family dwelling unit, multi-family dwelling unit(s), or rental unit(s).
3. No person shall slaughter any chickens within the City of Casey.
4. No person shall keep a rooster within the City of Casey.
5. No person shall keep chickens on a vacant or uninhabited tract of land.
6. No chicken waste or chicken material shall be disposed of at city dumps or burn piles.

**4-2-11 NUISANCES.** Any violation of the terms of this Chapter that constitutes a health hazard or that interferes with the use of enjoyment of neighborhood property is a nuisance and may be abated under the general nuisance abatement provisions of the City of Casey Municipal Code.

**4-2-12 VARIANCE.** Any resident within the City of Casey may request a variance of any provision of this Chapter by written application to the City Council. The City Council may consider such applications for variance under this Chapter on a case-by-case basis before deciding whether to grant said application for variance.

**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 effective from and after its final passage, approval, and publication as provided by law.

Passed, approved and adopted this 3 day of April, 2017.

By: \_\_\_\_\_  
BARRY CHALFANT, MAYOR

Attest by: \_\_\_\_\_  
MICHELLE KING, CITY CLERK

ATTEST:

I, Michelle King, City Clerk of the City of Casey, hereby certify that the above and foregoing is a true copy of an ordinance passed by the City Council of said City at the meeting held on April 3, 2017 and published as provided by law in \_\_Adair News\_ on \_\_April 13\_\_, 2017.

\_\_\_\_\_, City Clerk