

**ORDINANCE NO. 2943**

**AN ORDINANCE TO AMEND CHAPTER 165, ZONING REGULATIONS, ADMINISTRATION AND ENFORCEMENT AND CHAPTER 169 ZONING REGULATIONS, DISTRICT REGULATIONS BY ADDING PROVISIONS AND RESTRICTIONS FOR URBAN CHICKENS**

BE IT ORDAINED by the City Council of the City of Waukee:

**Section 1.** Chapter 165, Waukee Municipal Code, Zoning Regulations, Administration and Enforcement, is hereby amended by inserting the following as Section 165.19 and renumbering the remaining sections within the Chapter 165 as 165.20 and 165.21:

**165.19 URBAN CHICKENS**

1. Definitions.
  - A. “Chicken” means a member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.
  - B. “Chicken Run” means an enclosed, fenced area exclusively devoted to raising chickens.
  - C. “Chicken Tractor” means a lightweight portable chicken coop without a solid floor that allows the chickens to forage for weeds and insects.
  - D. “Henhouse” means a hen house or chicken coop structure where female chickens are kept.
  - E. “Permittee” means 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 property where the chickens are to be kept, the owner of the property must be the joint permittee.
  - F. “Permitting Officer” means the Administrative Official or designee.
  - G. “Tract of land” shall mean a property with a R-1 Single Family Residential District or R-2 One and Two Family Residential District zoned lot that has one single family dwelling located on that property or zoned lot.
  - H. “Urban Chicken” means a chicken kept on a permitted tract of land pursuant to a permit issued under this chapter.
2. Administration – Permit Required.
  - A. Permit Required. No person shall raise, harbor or keep chickens within the City of Waukee without a valid permit obtained from the Permitting Officer under the provisions of this chapter.

- B. Application. In order to obtain a permit, an applicant must submit a completed application on forms provided by the Permitting Officer and pay all fees required as approved from time to time by resolution of the City Council.
- C. Requirements. The requirements to receive a permit shall include:
- (1) All requirements of this chapter being 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 amounts owed to the city, including but not limited to liens, fines and judgements must be 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 permittee. Owner permission shall be required if the single family dwelling is occupied by someone other than the owner.
  - (5) The applicant has successfully completed an approved class in raising chickens in an urban setting. A certificate or other documentation of completion shall be provided to the Permitting Officer. 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.
- 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 denial or revocation.

G. Effect or 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 one (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 City Administrator, 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.

3. Number and Type of Chickens Allowed.

A. Only a maximum of six female chickens (hens) are allowed for each tract of land.

4. Zoning Districts Allowed. Permits will be granted only for tracts of land located in a R-1 or R-2 residential district as identified on the current Official Zoning Map on file with the City of Waukee.

5. Non-Commercial Use Only. A permit shall not allow the permittee to engage in chicken breeding or fertilizer production for commercial purposes.

6. Enclosures.

A. Chickens must be kept in enclosure or fenced area at all times. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.

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

C. Henhouses, chicken tractors and chicken pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and redators, 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.

(2) A henhouse or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors shall be able to be shut and locked at night. Opening windows and vents shall be covered with predator and bird proof wire of one inch or smaller openings.

- (3) 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.
  - (4) Henhouses, chicken tractors and chicken pens shall only be located in the rear yard.
  - (5) 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 principal structure and shall meet all other accessory structure provisions of the zoning ordinance.
- 7. Odor and Noise Impacts.
  - A. Odors from chickens, chicken manure or other chicken related substances shall 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.
- 8. 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 the City Health Officer.
- 9. 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.
- 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.
- 11. Chickens at Large. The Permittee shall not allow the Permittee's chicken's 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.
- 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 Waukee 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 or any other structure than an approved henhouse or chicken tractor.
  - D. No person shall slaughter any chickens within the City of Waukee outside of legally operating poultry production facilities.
  - E. No person shall keep a rooster.
  - F. No person shall keep chickens on a vacant or uninhabited tract of land.
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 the Waukee Municipal Code.

**Section 2.** Chapter 169 Zoning Regulations, District Regulations, is hereby amended by removing and replacing Section 169.05(1)(A) with the following:

A. Agricultural and usual agricultural buildings and structures; but not including commercial livestock feed lots, poultry farms, grain storage, and drying facilities. No farm animals, including and not limited to horses, cattle, sheep, swine, or fowl shall be kept within the city limits of the City of Waukee, except in the A-1 District on tracts of one (1) or more acres and except Urban Chickens as permitted within R-1 and R-2 Districts subject to requirements as specified in Section 165.19.

**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, provisions or part thereof not adjudged invalid or unconstitutional.

**Section 5. Effective Date.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 18<sup>th</sup> day of November, 2019, and approved this 18<sup>th</sup> day of November, 2019.

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William F. Peard, Mayor

Attest:

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Rebecca D. Schuett, City Clerk