

TITLE 4 CHAPTER 3 BACKYARD CHICKENS

- 4-3-1 Definitions
- 4-3-2 Backyard Chicken Permit Required
- 4-3-3 Rules and Regulations
- 4-3-4 Revocation of Backyard Chicken Permit
- 4-3-5 Effect of Denial or Revocation
- 4-3-6 Appeals
- 4-3-7 Odor and Noise Impacts
- 4-3-8 Predators, Rodents, Insects and Parasites
- 4-3-9 Feed and Water
- 4-3-10 Waste Storage and Removal
- 4-3-11 Chickens at Large
- 4-3-12 Liability
- 4-3-13 Unlawful Acts
- 4-3-14 Nuisances

4-3-1 DEFINITIONS. For use in this chapter, the following terms are defined:

“Applicant” shall mean the owner of a parcel for which a Backyard Chicken Permit is being requested.

“Backyard Chicken Permit” shall mean a permit granted under this chapter to allow for the keeping or harboring of chickens in the city

“Chicken” shall mean a member of the subspecies Gallus Gallus Domesticus.

“Chicken Run” shall mean an enclosed outdoor area for chickens.

“Henhouse” shall mean a small building with nesting boxes.

“Parcel” means a tract of land identified by address legally described with definitive boundaries.

“Permittee” shall mean the applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this chapter.

“Permitting Officer” shall mean the City Administrator, or his/her designee.

“Permitted Parcel” shall mean the parcel identified in the application upon which a Backyard Chicken Permit is granted under this chapter.

“Single family dwelling” shall mean any building that contains only one dwelling unit used or leased to be occupied for living purposes.

For purposes of this code, the term livestock shall not apply to any person who is keeping or harboring chickens under a valid Backyard Chicken Permit issued pursuant to Title 4 Chapter 3 of this Code of Ordinances.

4-3-2 BACKYARD CHICKEN PERMIT REQUIRED.

1. Permit Required. No person shall raise, harbor, or keep Chickens within the city without a valid permit obtained from the Permitting Officer under the provisions of this Chapter.

2. Application. In order to obtain a permit, the Applicant must submit the completed application on forms provided by the city and pay the Backyard Chicken Permit fee, said fees to be set by Resolution of the City Council.

3. Requirements for the issuance of the Backyard Chicken Permit.

a. Prior to the issuance of a Backyard Chicken Permit, the Permitting Officer shall ensure that the following requirements are met by the Applicant:

i. The application has been completed and all fees paid to the City.

ii. The proposed Parcel is in compliance with this Code of Ordinances.

iii. The proposed Parcel is zoned for residential or agricultural uses only.

iv. The proposed Parcel shall contain only one Single Family Dwelling occupied by the Owner at the time of completion of the application.

v. That the applicant certifies that the keeping or harboring of chickens does not violate the Restrictive Covenants that apply to the proposed tract of land.

vi. Proof of completion of an approved class in raising chickens in a Backyard environment.

vii. The applicant owes no outstanding debts or liens to the City.

b. If the Applicant has met the requirements outlined in Section (3)(a) above, the Permitting Officer shall issue the Backyard Chicken Permit. Said Backyard Chicken Permit shall be valid for a year and each permit shall expire on March 31 of the calendar year. All Backyard Chicken Permits must be renewed on an annual basis.

c. In the event that a Backyard Chicken Permit is not renewed by March 31 of the calendar a 30-day grace period will be granted and an administrative fee charged as set by Resolution by the City Council. In the event that a Backyard Chicken Permit is not renewed by April 30 of the calendar year the Permit will be considered null and void and the administrative fee will be considered outstanding debt to the City.

4-3-3 RULES AND REGULATIONS. All Permittees shall be subject to the following rules and regulations:

1. No Permittee shall keep or harbor more than six (6) Chickens on the Permitted Parcel.
2. No person shall keep or harbor any roosters on the Permitted Parcel.
3. The Permittee shall not engage the breeding of Chickens or other commercial activities on the Permitted Parcel.
4. Each Permitted Parcel shall contain an enclosure consisting of a henhouse and chicken run that meets the following minimum requirements:
 - a. Enclosures shall be kept in a dry, odor-free and sanitary condition at all times.
 - b. Henhouses must provide adequate ventilation and must be impermeable to rodents, birds and other animals.
 - c. Henhouses must provide a minimum of four (4) square feet per chicken with one (1) laying box for every two (2) hens and one (1) linear foot of roosting bar per hen.
 - d. Henhouses and Chicken Runs shall be enclosed on all sides and shall have a roof and doors, which access shall be secured at night. All openings must be covered with predator and bird-proof material made of wire with less than one-inch openings.
 - e. Enclosures shall be constructed of uniform materials and the roof shall have a uniform color and style of shingles or other coverings. Scrap metal and scrap lumber are prohibited materials.
 - f. Enclosures shall be maintained and secure.
 - g. No enclosure may be located in a required front or side yard as defined in Title 5 Subchapter 1A of this Code.
 - h. Enclosures may not be located within ten (10) feet from an adjoining property line and shall not be located within ten (10) feet from the dwelling.
 - i. Runs shall be made of sturdy wire fencing which is covered in wire, aviary netting or solid roofing. Runs shall provide a minimum of six (6) square feet per hen.
 - j. Heated water shall be provided when keeping chickens through the winter.
5. Each potential Permitted Parcel shall be inspected to assure it meets minimum requirements. Inspections will be done before a Backyard Chicken Permit is issued initially; previous to the first annual renewal and every other year thereafter.

4-3-4 REVOCATION OF BACKYARD CHICKEN PERMIT. The Permitting Officer may revoke a Backyard Chicken Permit on the following grounds:

1. False statements on any application or other information given to the City by the Applicant.
2. Failure to pay any application, inspection or reinspection fee required by this chapter and City Council resolution.
3. Failure to comply with any of the requirements of this chapter.

4-3-5 EFFECT OF DENIAL OR REVOCATION. When an Applicant is denied a Backyard Chicken Permit for violation of this Chapter, Applicant shall not be eligible for another permit until one (1) year has passed since said denial or revocation. If a Backyard Chicken Permit is revoked, the Permittee shall remove all Chickens and enclosures from the Permitted Tract of land within ten (10) days of said revocation.

4-3-6 APPEALS. No application for a Backyard Chicken Permit shall be denied or Backyard Chicken Permit be revoked unless the Applicant or Permittee, as the case may be, shall have the right to a hearing. The Permitting Officer may deny an application or revoke a permit by sending written notice of the same to the address listed on the application outlining the reasons for said denial or revocation. The Applicant or Permittee, as the case may be, shall have the right to request a hearing on said denial or revocation, by filing written notice of appeal with the City Clerk no later than ten (10) days after the issuance of the written denial or revocation. Failure to request a hearing will cause the decision of the Permitting Officer to be final.

4-3-7 ODOR AND NOISE IMPACTS.

Odors from Chickens, chicken manure and other chicken related substances shall not be perceptible beyond the boundaries of the Permitted Parcel.

4-3-8 PREDATORS, RODENTS, INSECTS AND PARASITES.

The Permittee shall take any and all 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 may result in unhealthy conditions to human habitation and may be removed by the Maquoketa Police Department.

4-3-9 FEED AND WATER.

Chickens shall be provided with access to feed and water at all times. The feed and water shall be made unavailable to rodents, birds, and other predators.

4-3-10 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 a Permitted Parcel. The enclosure and surrounding area shall be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

4-3-11 CHICKENS AT LARGE.

The Permittee shall not allow the Permittee's Chickens to roam off the Permitted Parcel or roam outside of the enclosures on the Permitted Parcel.

4-3-12 LIABILITY.

The City shall not be liable for any injury or death to chickens caused by cats, dogs, or other animals, domestic or wild, whether such animals are licensed or not by the City. Further, the injury or death of a chicken caused by an animal is not, in and of itself, sufficient grounds for declaring that animal vicious pursuant to Chapter 3 of this Code.

4-3-13 UNLAWFUL ACTS

A. It shall be unlawful for any person to keep or harbor Chickens in violation of any provision of this chapter or any other provision of this code.

B. No person shall keep Chickens inside a Single Family Dwelling Unit.

C. No person shall slaughter Chickens within the public view of a public area or adjacent property owner.

4-3-14 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 in addition to any other remedy provided by law, may be abated under Title 3 Chapter 2 of this code.

Section 2. REPEALER: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. SEVERABILITY. If any section, provision or part of this ordinances shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinances as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional. (Ord. 1189, 3-7-22)