

## CHAPTER 58

# URBAN HENS

### 58.01 DEFINITIONS

1. Chicken: A member of the subspecies Gallus Gallus Domesticus, a domesticated fowl.
2. Chicken Tractor: A lightweight portable chicken coop without a floor that allows the chickens to forage for weeds and insects.
3. Henhouse: A henhouse or chicken coop is a structure where female chickens are kept.
4. Permitted Tract of Land. The tract of land as identified on the application upon which a permit is granted for keeping chickens pursuant to this chapter.
5. Permittee: An applicant who has been granted a permit to raise, harbor, or keep chickens pursuant to this chapter. Permittees must be at least eighteen (18) years of age.
6. Permitting Officer: The Princeton Building Inspector and Zoning Administrator or designee.
7. Single-Family Dwelling. Any building that contains only one dwelling unit that is used, intended, rented, leased, let or hired to be occupied for living purposes,
8. Tract of Land: A lot that has one single-family dwelling located on that property or zoned lot.
9. Urban Chicken: A chicken kept on a permitted tract of land pursuant to a permit issued under this chapter.

### 58.02 PERMIT REQUIRED

1. Annual Permit Required. No person shall raise, harbor or keep chickens with the City of Princeton without a valid permit obtained from the permitting officer under the provisions of this chapter. The permit shall expire December 31 of each year and, provided the permit is in good standing, shall be renewed before January 1 1 of the following year.

2. Application. In order to obtain a permit, and applicant shall submit a completed application on forms provided by the permitting officer, either on-line or in paper form, and pay all fees required by this chapter. Applicants must be at least eighteen (18) years of age.

3. Requirements. If the permitting officer concludes that the following requirement have been met, then the officer shall issue the permit:

A. All requirements of this chapter are met.

B. All fees, as may be provided for from time to time by City Council resolution, for the permit are paid in full.

C. All amounts owed to the city, including but not limited to liens, fines and judgments, must be paid in full.

D. 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 a renter.

E. The applicant has provided notice to the residents of all immediately adjacent dwellings, including those across the street and/or alley, of the applicant's intent to obtain a permit.

F. The applicant has successfully completed an approved class in raising hens in an urban setting. A certificate, or other documentation of completion shall be provided to the permitting officer. A list of approved classes shall be maintained by the permitting officer. The city may utilize outside resources and volunteers in efforts to educate and train potential permit holders on the proper keeping of urban chickens in the city.

G. Hen houses, chicken tractors, and 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.

H. The applicant submits a site plan showing the location the hen house and chicken tractor on the tract of land to be permitted and provides a description of the building materials to be used in the construction of the hen house and chicken tractor.

I. The completed henhouse and chicken tractor pass inspection by the permitting officer.

I. The permitting officer may inspect the permitted tract of land throughout the permitted year.

**58.03**

**DENIAL, SUSPENSION, REVOCATION, NON-RENEWAL**

The permitting officer may deny, suspend, revoke, or decline to renew any permit for any of the following grounds:

- A. False statements on any application or other information or report required by this section to be given by the applicant.
- B. Failure to pay any application, reinspection or reinstatement fee, or any fine, judgment, or penalty, required by this chapter or City Council resolution.
- C. Failure to correct deficiencies noted in notices of violation in the time specified in the notice.
- D. Failure to comply with the provisions of an approved mitigation/remediation plan by the permitting officer or designee.
- E. 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 the reasons for the action.
- G. Effect of denial or revocation. 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 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. The applicant or the holder of the permit may appeal the decision to the Planning and Zoning Commission 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 may appeal the decision of the permitting officer to the Planning and Zoning Commission within five (5) business days of receipt of the decision, and the Commission shall hear the appeal at its next regularly scheduled meeting. The Commission's written decision shall thereafter be filed with the Clerk within three (3) days after the hearing or any continued session thereof. Thereafter, the applicant or holder of the permit may appeal the decision of the Planning and Zoning Commission to the City Council, which shall either hear the appeal at a regularly scheduled Council meeting or at a special Council meeting set for purpose of the appeal.

**58.04 NUMBER AND TYPE OF CHICKENS ALLOWED**

1. The maximum number of chickens allowed shall be eight (8) hens.
2. Only female chickens (hens) are allowed.

**58.05 ZONING DISTRICTS ALLOWED**

Permits will be granted only for tracts of land located in the following residential districts: R-1, R-2, and R-3..

**58.06 PERMIT RESTRICTIONS**

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

Urban chickens shall not be raised for meat or sold for meat.

**58.07 ENCLOSURES**

1. Secure Enclosure: Chickens shall be kept in a ten feet by twelve feet (10' x 12')t enclosure area at all times. The enclosure shall be constructed of wire fencing, and the top of the enclosure shall be covered with wire fencing which attaces to the sides. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours, and the henhouse or chicken tractor shall also be available for protection from the elements.
2. Sanitation. Enclosures shall be kept in a clean, dry, odor free, neat and sanitary condition at all times.
3. Ventilation;Penetration. Henhouses shall provide adequate ventilation and adequate sun and shade and shall be impermeable to rodents, wild birds and predators, including dogs and cats.
4. Henhouses and Chicken Tractors.
  - A. Henhouses 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.
  - B. A henhouse 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 (1") or smaller openings.
  - C. The materials used in making a henhouse 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. Construction of henhouses and chicken tractors shall be done in a good workmanlike matter. The use of scrap, waste board, sheet metal, or similar materials is prohibited. Henhouses and chicken tractors shall be well maintained.

#### **58.08 ODOR AND NOISE IMPACTS**

1. Odors from chickens, chicken manure or other chicken related substances shall not be perceptible to persons of reasonable sensitivity 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 to disturb persons of reasonable sensitivity.

#### **58.09 PREDATORS, RODENTS, WILD BIRDS, INSECTS AND PARASITES**

The permittee shall take necessary action to reduce the attraction of predators, rodents and wild birds 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 permitting official or designee.

#### **58.10 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.

#### **58.11 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 shall be kept free from trash, fallen feathers, and accumulated droppings. Uneaten feed shall be removed in a timely manner.

#### **58.12 CHICKENS AT LARGE**

The permittee shall not allow the permittee's 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, be considered either a dangerous or aggressive animal or the City's responsibility to enforce its animal control provisions.

**58.13 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 this Code.
2. 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 chapter.
3. No person shall keep chickens inside a dwelling unit or any other structure other than an approved henhouse or chicken tractor.
4. No person shall slaughter any chickens within the City of Princeton.
5. No person shall keep a rooster.
6. No person shall keep chickens on a vacant or uninhabited tract of land.
7. It shall be unlawful to dispose of any chicken carcass other than in accordance with Chapter 105.
8. Urban hens shall not be abused or neglected.

**58.14 NUISANCES**

Any violation of the terms of this chapter that constitutes a health hazard or that interferes with use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provisions of this Code.

**58.15 VIOLATION AND PENALTIES.**

1. Any person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a fine of one-hundred dollars (\$100.00).
2. Any person guilty of violating this ordinance two (2) times in a twelve (12) month period shall be guilty of a misdemeanor and subject to a fine of two-hundred dollars (\$200.00).
3. Any person guilty of violating this ordinance three (3) times in a twelve (12) month period shall be guilty of a misdemeanor and shall be subject to a fine of three hundred dollars (\$300.00).

Passed, Approved and Adopted by the Council of the City of Princeton, Iowa this 13<sup>th</sup> day August, 2020.

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Kevin Kernan, Mayor

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Attest: Patty Morgan, Deputy City Clerk

Passed First Reading: August 13<sup>th</sup>, 2020

Passed Second Reading August 13<sup>th</sup>, 2020

Approved and Adopted this 13<sup>th</sup> Day of August, 2020