

ORDINANCE NO. 748

AMENDING THE ANIMAL PROTECTION AND CONTROL – CHAPTER 55  
CODE OF THE CITY OF WEST BRANCH.

WHEREAS, the Animal Control Commission of the City of West Branch, Iowa, has heretofore recommended it necessary to make certain amendments to the City Code of allow chickens within the corporate limits of the City of West Branch; and

WHEREAS, said Commission has recommended approval of the following ordinance.

NOW, THEREFORE, BE IT ORDAINED:

1. Amendment. Section 55.09 of the Code of Ordinances is hereby amended to add the following phrase at the end of said section, except as allowed under Section 55.09A.
2. Amendment. The Code of Ordinances is hereby amended to add Section 55.09A, which reads as follows:

*“55.09A. URBAN CHICKENS. The keeping of domestic chickens shall be permitted in an R-1 Single Family District or an R-2 Two Family District, so long as said Urban Chickens are kept in strict compliance with this Section 55.09A.*

*1. Permit Required. No person shall raise, harbor or keep chickens within the City without a valid permit in accordance with this section.*

*2. Application for Permit. In order to obtain a permit, the applicant shall complete the following:*

- a. Submit an application form to the City;*
- b. Pay all permit fees as set by Resolution of the City Council.*
- c. Submit proof of completion by the applicant of an approved class that discussed raising chickens in an urban setting.*
- d. The applicant shall provide proof to the City that the applicant has submitted an application for the raising of Urban Chickens to all adjacent landowners and occupants.*

- e. *Submit a sketch drawing to the City showing the location and placement of the chicken coops, fowl house and/or pens, and provide the City with a narrative description of how the applicant will comply with the rules and regulations of this Section.*
  - f. *List the number of chickens that are proposed to be kept on the premises.*
3. *Review and Issuance of Permit. After receipt of the completed permit application and the passage of thirty (30) days following the notification to the adjacent property owners described in subparagraph (2)(d) above, the City shall review the application, and if the City determines that the application is complete and complies with the rule of this Section, shall issue the Permit. No chickens shall be brought to the premises until such time as the City has reviewed the premises to ensure compliance with subparagraph (2)(e) above. The permit is hereby revoked once a permittee no longer resides at the permitted residence.*
4. *Issuance of Bands. The City shall issue each permitted chicken a band that the permittee shall attach to each chicken's leg to ensure compliance with this Section.*
5. *Right of Entry. By issuing the permit, the applicant expressly agrees that a representative of the City may enter upon the premises to inspect the premises and investigate any complaints against the applicant.*
6. *Validity of Permit. Any permit issued under this Section shall be valid through December 31<sup>st</sup> of the year the permit is issued. Prior to the end of each calendar year, the applicant shall submit an application for renewal of its permit for another calendar year.*
7. *Denial or Revocation of Permit/Appeal. The City may, upon written notice to the applicant or permittee, deny the application for a permit or revoke an already issued permit. Said denial or revocation shall be made in writing and specify the grounds for denial or revocation. The applicant or permittee can appeal the denial or revocation of a permit to the Animal Control Commission by filing notice of appeal with the City Clerk within five (5) days from the date of denial or revocation. Upon hearing the*

*appeal, the decision of the Animal Control Commission shall be final. Any further appeal must be taken to the Iowa District Court.*

*8. Effect of Revocation. The permittee shall remove all chickens and equipment associated with raising the chickens from the premises within ten (10) days after the permit has been revoked. An appeal as outlined in paragraph (6) stays the revocation until a final decision has been made. A person who has their permit revoked may not apply for another permit for at least one year from the date of revocation of the permit.*

*9. Minimum rules and regulations. No person shall be permitted to keep, harbor or raise Urban Chickens unless the following minimum rules and regulations are met.*

- a. No person shall keep, harbor or raise more than five chickens on any contiguous parcels of land.*
- b. No roosters are permitted under this Section.*
- c. All chickens must be kept within an enclosed or fenced area at all times.*
- d. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.*
- e. The coop, fowl house or the fenced pen area shall comply with the following guidelines:*
  - (i) Shall be located in a rear yard of the premises;*
  - (ii) Shall be of a design to be reasonably expected to prevent entry by dogs, cats or other animals;*
  - (iii) Except for the fenced pen area, shall be totally enclosed;*
  - (iv) Shall be located at least twelve (12) feet from any property line;*
  - (v) Shall not exceed eight (8) feet in height;*
  - (vi) The materials used to construct the coop or fowl house 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 and any windows/openings are constructed using the same materials;*
  - (vii) Fencing materials must meet the requirements of the Zoning Code;*
  - (viii) The coop, fowl house or the fenced pen area shall contain at least four (4) square feet of area for each chicken, but not*

*contain more than twelve (12) square feet of area for each chicken.*

*(ix) All coops, fowl houses or the fenced pen areas shall be kept in a clean, dry, odor-free, and sanitary condition at all times. All droppings shall either be used as fertilizer or placed in a fly-proof container for proper disposal.*

*f. All chicken feed shall be stored in rodent-proof containers.*

*10. Violation shall be deemed a nuisance. Any person who keeps, harbors or raises chickens within the City who is doing so in strict compliance with this Section shall be deemed keeping a nuisance on the premises. This section is not intended to limit the City's remedies under this Section to a nuisance, but the City may take any and all lawful actions to enforce the terms of this Section.*

*11. No Liability. The City shall not be liable for injury or death to any chickens caused by dogs, cats or other animals, domestic or wild, whether such animals are licensed by the City or not. In addition, for purposes of this chapter, the death of any chicken located in the City shall not, by itself, be sufficient grounds to determine that said animal is vicious.*

*12. Disposal. All feces and any dead chickens shall be disposed by the permittee in accordance with applicable law.*

*13. Prohibited Acts. It shall be unlawful for any person to commit the following acts within the City:*

- a. Keep, harbor or raise chickens in in violation of this Section;*
- b. Keep or harbor chickens inside any dwelling unit.*
- c. Slaughter chickens; or*
- d. Keep, harbor or raise chickens on a vacant or uninhabited tract of land."*

**3. Conflicts.** All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.

**4. Adjudication.** If any section, provision or part of this ordinance shall be adjudged to be 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.

5. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

First reading: November 20, 2017  
Second reading: December 4, 2017 - FAILED  
Third Reading:

\_\_\_\_\_  
Roger Laughlin, Mayor

ATTEST:

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Redmond Jones II, City Administrator/Clerk

FAILED