

ORDINANCE NO \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF COLE CAMP, MISSOURI, AMENDING CHAPTER 205 OF THE CITY CODE BY ENACTING NEW PROVISIONS RELATED TO THE KEEPING OF CHICKENS.**

**WHEREAS**, the City had been approached by several residents interested in the keeping of chickens on their properties, and;

**WHEREAS**, on Thursday, January 18, 2024 the Board of Alderman directed City staff create a chicken ordinance establishing certain regulations and performance standards for the keeping of chickens in the City of Cole Camp, and;

**WHEREAS**, the Governing Body finds that in order to provide for the allowance of chickens upon single parcel, residential properties in the City, there is a need to regulate and set minimum standards for the keeping of such chickens in order to mitigate any detrimental impact to neighboring properties and to protect the public health, safety, and welfare of the residents of the City, and:

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF COLE CAMP, MISSOURI, AS FOLLOWS:**

**SECTION 1.** That Chapter 205 of the Municipal Code of the City of Cole Camp, Missouri is hereby amended by creating a new Section 205.140 as follows:

Section 205.140 The Keeping of Chickens

1. **Number and type of chickens allowed.**
  - a. The maximum number of chickens allowed is six (6) per tract of land regardless of how many dwelling units are on the tract.
  - b. Only female chickens are allowed. There is no restriction on chicken variety.
  - c. For the purpose of this Section, chicken shall mean a fowl belonging to the species *Gallus gallus*.
  
2. **Permitting required.**
  - a. *General requirement.* In order for a person or persons to keep or otherwise possess chickens under this Section, a “chicken permit” must be obtained from the City Clerk’s office. The chicken permit shall be obtained prior to the keeping of any chickens on a property. The City Clerk shall establish an application process to be followed by all individuals seeking a chicken permit. All applications must follow this process and shall be filed on forms prescribed by the City. The City Clerk shall issue a permit within ten business days of approving an application to possess chickens.

- b. *Denial of a permit.* Upon a showing of competent evidence, the City Clerk shall have a duty to deny any permits in accordance with this Section.
- (1) Chicken permit applications may only be denied for the following reasons:
    - i. An applicant requests to keep any fowl not belonging to the species *Gallus gallus*.
    - ii. An applicant has previously been found in violation of this Section.
    - iii. An applicant has failed to meet the minimum standards established in this Section for the safe keeping and maintenance of chickens.
    - iv. Failure to pay the required permit fees, including any delinquency fees.
  - (2) An applicant denied a permit shall not reapply for a period of one year from the denied application.
  - (3) Any chickens currently kept by the denied applicant must be immediately removed along with any enclosure for keeping said chickens.
  - (4) The City Clerk shall issue a written denial stating which of the reasons above was the basis for the denial.
- c. *Other fowl.* Notwithstanding Subsection (b)(1) above, if an applicant makes a showing that the keeping of another species of fowl will not infringe on the quiet enjoyment of neighboring property owners, nor endanger the health, safety, and welfare of City residents, the City Clerk has the discretion to approve the keeping of another species of fowl so long as the applicant substantially shows that the keeping of this species otherwise follows the requirements of this Section in its entirety, and that the species of fowl desired to be kept is similar in size and manner to a chicken.
- d. *Issued Permit.* Permits shall be issued for a one- year period of time from March 1 of the current year to March 1 of the following year. Yearly renewal of said permit shall require applicants to fully reapply.
- (1) Permits shall be kept by the applicant and presented upon demand by any City official. Permits may be revoked or prosecution may be undertaken against any individual who fails to comply with this Section.
  - (2) Permits are non-transferable and shall not run with the land. Private restrictions on the use of property remain enforceable and shall supersede a chicken permit.
- e. *Permit Renewal.* All persons who obtain a chicken permit shall reapply and renew said permit under this Section prior to March 1 of the expiration year. Failure to renew a permit prior to its expiration shall result in a \$1.00 delinquency fee per month a permittee fails to renew in addition to the required permit fee. Permittees who fail to renew may also be subject to prosecution for violations of this Section.
- f. *Permit Fee.* The fee for a chicken permit shall be \$10.00 and renewed each year thereafter for the same fee. All fees shall be non-refundable and non-transferable. Failure to pay the required permit fee shall be deemed a violation of this Section. Chickens shall not be kept on any property until a permit has been issued and all permit fees, including any delinquency fees, are paid by the applicant.

**3. Non-commercial use only.**

It shall be unlawful to engage in chicken breeding or fertilizer production for commercial purposes.

**4. Enclosures.**

**Bill No. 2024-03**

- a. Chickens must be kept in an 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 predators, 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 while minimizing adverse impacts to other residents in the neighborhood.

i. A henhouse or chicken tractor shall be enclosed on all sides and shall have a roof and doors. 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.

ii. 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.

Henhouse and chicken tractors shall be well maintained.

(2) 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 dwelling, church, school or place of business.

- e. Any enclosed chicken pen shall consist of sturdy wire or wooden fencing. The pen must be covered with wire, aviary netting, or solid roofing.

**5. Odor and noise impacts.**

- a. Odors from chickens, chicken manure or other chicken related substances shall not be perceptible at the property boundaries.
- b. Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

**6. Predators, rodents, insects and parasites.**

The chicken owner 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 a city official.

**7. 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.

**8. Waste storage and removal.**

The chicken owner must provide for the storage and removal of chicken manure. 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. 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.

**9. Chickens at large.**

- a. No chickens shall be allowed to run at large, outside of the parcel of land which they are homed, within the limits of the City.
- b. Any chicken found running at large shall be impounded by the City in the same manner as animals impounded under Section 205.120.
- c. No dog or cat which kills a chicken will, for that reason alone, be considered a dangerous or aggressive animal.

**10. Unlawful acts.**

- a. It shall be unlawful for any person to keep chickens in violation of any provision of this article.
- 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 Section.

**11. Nuisances.**

Any violation of this Section 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.

**12. Continuing violations.**

Each day that a violation of this Section continues is a separate offense. Any owner in violation of this Section 210.140 shall pay to the City Collector a prescribed fee as follows:

- a. Fifty dollars (\$50.00) for the first (1st) offense.
- b. One hundred dollars (\$100.00) for the second (2nd) offenses.
- c. One hundred fifty dollars (\$150.00) for the third (3rd) offense.
- d. Two hundred dollars (\$200.00) for the fourth (4th) and subsequent offenses.

**SECTION 2.** That all Ordinances or parts of Ordinances in conflict herewith are hereby amended to conform with this Ordinance.

**SECTION 3.** That this Ordinance shall be in full force and effect upon its passage and approval.

**Bill No. 2024-03**

READ THE FIRST TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_.

READ AND PASSES THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_.

AYES \_\_\_\_\_ NAYS \_\_\_\_\_ ABSENT/NOT VOTING \_\_\_\_\_

\_\_\_\_\_  
President, Board of Aldermen

ATTEST:

\_\_\_\_\_  
Dawn Paul, City Clerk

This ordinance is approved and passed this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
Mayor