

**ORDINANCE NO. 201**  
**URBAN CHICKENS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, IOWA:

**SECTION 1. DEFINITIONS.**

1. "Applicant" shall mean the owner or tenant of the Property for which a permit is being requested.
2. "Chicken" shall mean a member of the subspecies Gallus Gallus Domesticus, a domesticated fowl.
3. "Urban chicken" shall mean a chicken kept on a Permitted Property pursuant to a permit issued pursuant to this Ordinance.
4. "Permitting Officer" shall mean the person so designated by the City Council.
5. "Property" shall have the same meaning set forth by Ordinance 79.
6. "Single family dwelling" shall have the same meaning set forth by Ordinance 79.
7. "Permitted Property" shall mean the Property identified by the application upon which a permit is granted for keeping chickens.
8. "Permittee" shall mean an applicant who has been granted a permit to raise, harbor or keep chickens.

**SECTION 2. PERMIT REQUIRED.**

1. Permit Required. No person shall raise, harbor or keep chickens within the City limits without a valid permit obtained from the City or its designee.
2. Application. In order to obtain a permit, an applicant must submit a completed application on forms provided by the City, either on- line or in paper form, and pay all fees required by this Ordinance.
3. Requirements. The requirements to the receipt of a permit include:
  - A. All requirements of this Ordinance 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 judgments in the City's favor and against the applicant have been paid in full.
  - D. The Property to be permitted shall contain only one single family dwelling occupied by the permittee.
  - E. The applicant has provided notice, in the form of a copy of the application, to the residents of all immediately adjacent properties and, as applicable, obtained approval from landlord.
  - F. The applicant has successfully completed an approved class in raising chickens in an urban setting and has submitted a Certificate with the permit application.
4. Issuance of Permit. If the City concludes, as a result of the information contained in the application, that the requirements for a permit have been met, then the City shall issue the permit.
5. Denial, Suspension, Revocation, Non- renewal. The City may deny, suspend, revoke, or decline to renew any permit issued 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, penalty, re- inspection or reinstatement fee required by this section 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 City.
  - E. Failure to comply with any provision of this chapter.
6. Notification. A decision to revoke, suspend, deny or not renew a permit shall be in writing, delivered by ordinary mail to the address indicated on the application. The notification shall specify reasons for the action.

7. Effect of 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.

8. Appeals. No permit may be denied, suspended, revoked, or not renewed unless notice and an opportunity to be heard is given to the applicant or holder of the permit. In any instance where the City has denied, revoked, suspended, or not renewed a permit, the applicant or holder of an Urban Chicken may appeal the decision to the City Council 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 Council shall be deemed final action.

### **SECTION 3. NUMBER AND TYPE OF CHICKENS ALLOWED.**

1. The maximum number of chickens allowed is four (4) ~~six (6)~~ per Property.
2. Only female chickens (hens) are allowed.
3. Chickens must have wings appropriately clipped to prevent them from flying.

**SECTION 4. ZONING DISTRICTS ALLOWED.** Permits will be granted only for Properties designated as R-1 Single Family Residential and which do not have a restrictive covenant that prohibit chickens.

**SECTION 5. NON-COMMERCIAL USE ONLY.** A permit shall not allow the permittee to engage in chicken breeding or fertilizer production for commercial purposes.

### **SECTION 6. ENCLOSURES.**

1. Chickens must be kept in an enclosure or fenced area at all times (e.g., henhouses, chicken tractors, chicken pen) (collectively, "Enclosures"). Chickens shall be secured within an Enclosure during non-daylight hours.

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

3. Enclosures must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.

4. Enclosure Specifications.

A. Enclosures 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.

1) An Enclosure 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.

2) The materials used in making an Enclosure 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. Enclosures shall be well maintained.

3) Any Enclosure shall consist of sturdy wire fencing. The Enclosure must be covered with wire, aviary netting, or solid roofing.

B. Enclosures shall only be located in the rear yard as defined by Ordinance 79. At no time may said structures be located in the side yard or the front yard of any property.

C. Enclosures must be located at least fifteen (15) feet from the property line of an adjacent property

6. Upon ceasing to maintain chickens on the property, all enclosures related to them shall be removed from the premises within thirty (30) calendar days.

### **SECTION 7. ODOR AND NOISE IMPACTS.**

1. Odors from chickens, chicken manure or other chicken related substances shall not be perceptible beyond the boundaries of the Permitted Property.

2. Noise from chickens shall not be loud enough beyond the boundaries of the Permitted Property at the property boundaries to disturb persons of reasonable sensitivity.

**SECTION 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 or its designee.

**SECTION 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.

**SECTION 10. WASTE STORAGE AND REMOVAL.**

Any Enclosure area shall be kept clean, sanitary and free from accumulation of chicken excrement and objectionable odors. All droppings and body excretions shall be either placed in flyproof containers and double bagged in plastic bags or, in the alternative, used as fertilizer on the same property or, with the owner's permission, on other property within the City, so long as the droppings and body excretions are spread and incorporated into the soil within twenty-four (24) hours.

**SECTION 11. CHICKENS AT LARGE.**

1. The Permittee shall not allow the Permittee's chickens to roam off the Permitted Property. No dog or cat or other domesticated animal which kills a chicken off the Permitted Property will, for that reason alone, be considered a dangerous or aggressive animal or the City's responsibility to enforce its animal control provisions.

**SECTION 12. 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 the Code of Ordinances.
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 single-family dwelling.
4. No person shall slaughter any chickens within the City of University Heights.
5. No person shall keep a rooster.
6. No person shall keep chickens on a vacant or uninhabited tract of land.

**SECTION 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 Ordinances 71.

**SECTION 14. CONFLICTS.** All ordinances or parts of ordinances in conflict herewith are repealed.

**SECTION 15. EFFECTIVE DATE & DURATION.** This ordinance shall be in full force and effect for two years from and after its passage and posting as provided by law and shall terminate upon Council failing to reinstate this ordinance.

Adopted by the University Heights City Council this 23rd day of May, 2017, and approved this 23rd day of May, 2017.

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Louise From, Mayor

ATTEST:

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Christine Anderson, City Clerk



<b>CITY OF UNIVERSITY HEIGHTS</b> <b>URBAN CHICKEN PERMIT APPLICATION</b> Copy of Ordinance 201 is available on the City's website		
<b>APPLICANT INFORMATION (PLEASE PRINT)</b> <b>TO OBTAIN PERMIT ALL INFORMATION BELOW MUST BE COMPLETED</b>		
Applicant's Name:		
Property Address:		
Email Address:		
Own or Rent (Please circle)      24 hour Emergency Phone Contact Number:		
<b>INITIAL EACH BOX</b>		
<input type="checkbox"/>	I have read University Heights' Ordinance 201 Urban Chickens and understand the requirements for keeping chickens.	
<input type="checkbox"/>	I have provided a copy of this application to abutting property neighbors.	
<input type="checkbox"/>	I am aware that I am responsible for keeping chickens within the boundaries of my property at all times.	
<input type="checkbox"/>	I acknowledge that I live in a home designated for R-1 use.	
<input type="checkbox"/>	I understand no chickens shall be kept inside the dwelling unit.	
<input type="checkbox"/>	I understand chickens shall be kept in an enclosure from dusk to dawn.	
<input type="checkbox"/>	I understand the enclosure shall not be less than 18 inches above the ground, shall be located in the rear yard and placed a minimum of 15 feet from property lines.	
<input type="checkbox"/>	I understand that City ordinance requires certain construction materials and limits the size and height of the enclosure.	
<input type="checkbox"/>	I understand an enclosure shall be located in the rear yard and placed at a minimum of 15 foot from property lines (15-foot set backs).	
<input type="checkbox"/>	I understand only hens are allowed and not more than four (4) chickens are permitted per property.	
<input type="checkbox"/>	I understand all chickens shall have their wings clipped to eliminate the possibility of flight from the permittee's property.	
<input type="checkbox"/>	I understand this permit is only valid for a period of one calendar year.	
<input type="checkbox"/>	I understand that any private restrictions on the use of the property shall remain enforceable and shall supersede the permit.	
<input type="checkbox"/>	I have successfully completed the required urban chicken training and attached a copy of the certificate.	
<input type="checkbox"/>	I grant City the right to inspect my property prior to approval of this permit and at any time to investigate a complaint.	
<input type="checkbox"/>	I affirm that all statements contained in the application are true and correct and that I the permit holder will keep any chickens in compliance with all ordinances. I understand that failure to comply with regulations may result in revocation of the permit and/or issuance of municipal infractions.	
<input type="checkbox"/>	Signature	Date
<b>FOR CITY STAFF USE ONLY</b>		
Application Meets Requirements	Yes _____ No _____	Corrections Needed:
Permit Issued By:		
Issued Date:		
Permit Number:		
Permit Expiration Date: December 31, 2017		