

PROPOSED DRAFT ORDINANCE REVISIONS

§ 92.32 CHICKEN PERMITS.

Any person wanting to keep chickens within the city shall first apply for and obtain a permit from the City Clerk or their designee, before that person may legally keep chickens within the city. Regulations pertaining to permits shall be as follows:

(A) Any person applying for a permit to keep chickens within the city shall submit a permit application on a form promulgated by the City Clerk or their designee, and shall pay an application fee established by resolution of the City Council. Application components shall include applicant/owner's name, address, phone number, email, zoning review of application, confirmation of receipt of the U.S. Department of Health and Human Services Center for Disease Control (CDC) and Prevention's "Healthy Families and Flocks" publication (# CS274178A), and other relevant information.

(B) If the applicant is not the owner of the real property on which he or she wants to keep chickens, the applicant must provide the written consent of the owner of the real property and a copy of the signed lease. The lease term must be a minimum of one year. Without such written consent, the permit application may not be granted.

(C) Once a completed application form, application fee, and written consent of the owner of the real property have been submitted to the City Clerk or their designee, the city shall within ten business days send by certified mail written notice of the application for a permit to keep chickens to the following:

(1) The physical property address of all adjacent real properties. For purposes of this division, "adjacent real properties" shall include all properties sharing a common lot line with the real property on which chickens are proposed to be kept, but shall not include properties sharing only a common corner point, without footage on a common lot line.

(2) The address of record for the owner of all adjacent real properties, if that address of record is different from the physical property address.

(D) If the City Clerk or their designee receives any comments regarding the issuance of a permit from any person required to be notified of the permit application within 21 days from mailing the written notice of the permit application, then those comments will be added to the permit application file.

(E) The City Clerk or their designee shall review the permit application in light of the following factors:

(1) The size of the lot on which chickens are proposed to be kept;

(2) The adequacy of the applicant's plans for housing and confining the chickens; and

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(3) Other factors relevant to the applicant's particular circumstances regarding compliance with current zoning requirements and this ordinance; however

(4) No permit shall be denied based on the objection of an adjacent real property owner.

(F) If the City Clerk or their designee grants the request for the permit, he or she shall do so in writing, which writing shall state the property address at which chickens may be kept, as well as the number of chickens allowed to be kept, and any other conditions of the permit to keep chickens.

(G) If the City Clerk or their designee denies the request for the permit, he or she shall do so in writing, and shall state the reasons for such denial. Notice of denial shall be sent to the applicant by certified mail.

(H) If the City Clerk or their designee denies the request for the permit, the applicant shall be permitted to appeal the denial to the City Council within thirty (30) days of receipt of the denial notice.

(I) An initial permit shall be valid for a period of one year. If, in the judgment of the City Clerk or their designee, the permittee has abided by all subchapter provisions and permit conditions, and has not created a nuisance to the owners or occupants of adjacent properties or the neighborhood, the permit may be renewed for multiple one-year periods. Each renewal may include an on-site inspection and neighbor notification. No permit issued pursuant to this subchapter shall remain valid past the date on which this subchapter either expires or is repealed, whichever is earlier. Annual renewal of permits does not require reapplication in the same manner as an initial permit.

(J) Any permit may be suspended or revoked by the City Clerk or their designee, by written notice to the permit holder, upon a finding that the permittee has violated applicable city ordinance provisions or permit conditions.

(K) A permit as described above is personal to the applicant. Such a permit may not be transferred to another individual. If ownership of the underlying real property on which the chickens are kept is transferred, the permit does not run with the land, and a person desiring to keep chickens on the property must apply for a new permit