

## Ordinance 1211

### AN ORDINANCE AMENDING CHAPTER 19 – ANIMALS AND FOWL - Section 19-3 Bothered Animals; Addition of Section 19-12 Chicken on Residential Property

**BE IT ORDAINED** by the City Council of the City of Oelwein, Iowa, as follows:

**Section 1.** That Chapter 19 of the City Code of the City of Oelwein, Iowa, be amended by removing section 19-3 and replacing with the following language:

#### **19-3 BOTHERSOME ANIMALS**

A) It is unlawful for a person to possess within residential areas of the City bothersome animals such as bees, cattle, horses, goats, swine, sheep, fowl, excluding hen chickens if otherwise possessed in accordance with the City Code, and further excluding fowl kept in bird cages as a pet inside the principal Dwelling as defined by Chapter 25 of this Code of Ordinances, with allowable pets to never include chicken, geese, duck, and other common domestic or state protected birds, donkey, alpaca, buffalo, llama, any other domesticated livestock, or feral cats. The possession of bothersome animals within residential areas shall only be allowed for educational purposes on public school property.

1. Gerbils, hamsters, guinea pigs, rabbits, mice, exotic birds, snakes, insects, lizards, and other similar animals that are normally sold at pet stores and maintained as household pets and maintained in an enclosure inside a principal or accessory structure are not considered a bothersome animal, but may be excluded under other provisions of the City Code of Ordinances.

**Section 2.** That Chapter 19 of the City Code of the City of Oelwein, Iowa, be amended by adding the following language:

#### **19-12 CHICKEN ON RESIDENTIAL PROPERTY**

Chicken on residential property shall abide by the following:

1. Be kept in an enclosure which is fully enclosed on all sides and top.
  - i. 4 square feet of space minimum provided per chicken.

- ii. Enclosures must be in rear yard and may occupy a max of 100 square feet of ground space.
  - iii. Enclosures shall be maintained to be aesthetically and structurally sound; and be made of weather-resistant materials.
2. A maximum of ten hens shall be allowed on a property.
3. Be female chickens(hens). Roosters are prohibited.
4. Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times. Odors from chickens, chicken manure or other chicken related substances shall not be perceptible beyond the boundaries of the property.
5. Chickens shall be provided with access to feed and clean water. The feed and water shall be unavailable to rodents, wild birds, and predators.
6. No person shall keep chickens inside a single-family dwelling unit, multi family dwelling unit(s) or rental unit.
7. No chickens are allowed to run at large.
8. Noise from chickens shall not be loud enough beyond the boundaries of the property to disturb persons of reasonable sensitivity.

**Section 3. Severability Clause.** If any section, provision or part of this ordinance shall be adjudged 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.

**Section 4. Effective Date.** Effective March 25, this ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and approved by the Council this 25<sup>th</sup> day of March, 2024.

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Brett DeVore, Mayor

Attest:

\_\_\_\_\_  
Dylan Mulfinger, City Administrator

Recorded March 26, 2024.

Second Reading on March 11, 2024:  
It was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_  
that the Ordinance as read be adopted (or to suspend  
the rules), and upon roll call there were:

	AYES	NAYS	ABSENT	ABSTAIN
Weber				
Garrigus				
Lenz				
Ricchio				
Seeders				
Payne				

First Reading on February 26, 2024:  
It was moved by Seeders and seconded by Weber  
that the Ordinance as read be adopted, and upon roll  
call there were:

	AYES	NAYS	ABSENT	ABSTAIN
Weber	x			
Garrigus	x			
Lenz	x			
Ricchio	x			
Seeders	x			
Payne	x			

Third Reading on March 25, 2024 It was moved by  
\_\_\_\_\_ and seconded by \_\_\_\_\_ that the  
Ordinance as read be adopted (or to suspend the  
rules) and upon roll call there were:

	AYES	NAYS	ABSENT	ABSTAIN
Weber				
Garrigus				
Lenz				
Ricchio				
Seeders				
Payne				