

First Reading:

Second Reading

Bill No:

Ordinance No:

AN ORDINANCE REVISING SECTION 400.570 OF THE CITY CODE ANIMALS

WHEREAS, the city needed to define accessory dwelling units in the city code.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF THE CITY OF WILLARD, AS FOLLOWS:

REVISE SECTION 400.120-ACCESSORY USES AND STRUCTURES

Section 400.570. Animals. [Ord. No. 020227 §1(6.6), 2-27-2002; Ord. No. 111219C §2, 12-19-2011]

- A. *Household Pets.* Animals which are normally and customarily kept as household pets, as defined in Article II, are allowed in any zoning district. Provided, however, that no retail or wholesale business will be conducted in conjunction with the keeping of such household pets in any district higher than the "C-2" Commercial District.
- B. *Farm Animals.* Farm animals may be kept in the "A-1" Agricultural District, "AP" Airport Zone and the "R-1" Residence District in conformance with the following requirements:
 - 1. Farm animals may be kept in fenced pasture on unplatted land in the "AP" and "R-1" Districts, provided that such pasture shall have at least two (2) acres per animal and provided that this pasture area requirement shall not apply to suckling offspring of a cow or mare.
 - 2. Any covered enclosure erected or enlarged to feed or keep farm animals shall be located no less than two hundred (200) feet from the lot lines of any existing residences on adjacent properties or any adjacent platted subdivision.
 - 3. In any "R-1" District, farm animals shall not be permitted on any tract, parcel or lot less than ten (10) acres.

For purposes of determining the total acreage of the parcel, the acreage number will be rounded up to the next whole acre as is stated in the recorded plat of said parcel. **[Ord. No. 130610D §6, 6-10-2013]**

Exemptions: The following use is exempt from this Subsection provided such use is in compliance with other City codes and State and Federal laws:

- a. **Keeping or raising of six (6) or less chicken hens.**
 - (1) The maximum number of chickens allowed is six (6) per tract of land regardless of how many dwelling units are on the tract.**

- (2) Only female chickens shall be allowed. There shall be no restriction on chicken breeds.
- (3) It shall be unlawful to engage in chicken breeding or fertilizer production for commercial purposes.
- (4) Slaughter may occur for personal use provided that it is conducted in a sanitary manner, does not generate noise that creates a nuisance, and is not visible from adjacent properties or any public area or right-of-way.
- (5) Chickens shall be kept in a secured enclosure or fenced area at all times. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.
- (6) Enclosures shall be kept in a clean, dry, odor-free, neat, and sanitary condition at all times.
- (7) Henhouses, chicken tractors and chicken pens shall provide adequate ventilation and adequate sun and shade and shall be impermeable to rodents, wild birds, and predators, including dogs and cats.
- (8) Hen houses 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.
 - (a) A henhouse or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors shall be able to be shut and locked at night. Openings, windows, and vents shall be covered with predator- and bird-proof wire of less than one (1) inch openings.
 - (b) Henhouses, chicken tractors, and chicken pens shall only be located to the defined rear of the property as required by the Zoning Code.
 - (c) Henhouses, chicken tractors, and chicken pens shall meet zoning setback requirements for accessory structures and be located at least twenty-five (25) feet from any adjacent residential dwelling, church, school, or place of business.
- (9) Any enclosed chicken pen shall consist of sturdy wire or wooden fencing. The pen shall be covered with wire, aviary netting or solid roofing.
- (10) Odors from chickens, chicken manure, or other chicken-related substances shall not be detectable at the property boundaries.
- (11) All uses shall operate in accordance with the noise standards contained in Section 400.1530 of the land development regulations.
- (12) 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 an Animal Control Officer.
- (13) The chicken owner shall provide chickens access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds, and predators.
- (14) The chicken owner shall 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 shall be kept free from trash and accumulated droppings.
- (15) No dog or cat which kills a chicken shall, for that reason alone, be considered a dangerous or aggressive animal.

(16) It shall be unlawful for any person to keep chickens in violation of any provision of this Article.

(17) 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 Article.

(18) 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 Chapter 215.

(19) Each day that a violation of this Article continues is a separate offense.

(20) All other applicable City codes shall apply.

4. In determining the number of farm animals permitted on any tract or lot, the area containing a residence, any accessory structures to the residence used by the occupants and any required yard shall not be included in the calculation of pasture area required.
 5. Nothing in this Subsection shall be construed to permit the location of a confined animal feeding facility or feedlot within the City.
- C. *Other Animals.* Any animal or fowl, other than what may be considered a household pet as defined in Article II, shall be regulated to the district in which such use is generally or specifically allowed.
- D. *Offensive Or Noxious Odors From Keeping Of Animals Or Fowl.* No person shall keep or allow or permit to be kept on any premises occupied by him, or under his charge or control, any animal(s) or fowl, whether in a pen or other enclosure or not, under such conditions that an offensive or noxious smell or odor shall arise therefrom to the injury, annoyance or inconvenience of any person residing within five hundred (500) feet of the premise on which the animal(s) or fowl are kept.