

ORDINANCE 60
**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF OAKLAND,
IOWA, BY ADDING AND ENACTING CHAPTER 59 URBAN CHICKENS AND DUCKS**

BE IT ENACTED by the City Council of the City of Oakland, Iowa:

SECTION 1. PURPOSE. The purpose of this ordinance is to add and enact Chapter 59.

SECTION 2: 59.01 DEFINITIONS.

1. "Applicant" shall mean the owner of the tract of land for which a permit is being requested; or, the owner's representative in the case of a nursing, rest or convalescent home
2. "Chicken" shall mean a member of the subspecies Gallus Gallus Domesticus, a domesticated fowl. Chicken includes duck when the Permitting Officer has issued a permit therefore
3. "Duck" shall mean a member of the subspecies Anatidae Anseriformes, a fowl..
4. "Urban chicken" shall mean a chicken kept on a permitted tract of land pursuant to a permit issued under this chapter.
5. "Permitting Officer" shall mean the person so designated by the City Council.
6. "Tract of land" shall mean an expanse of land identified by address legally described with definitive boundaries.
7. "Single family dwelling" shall mean any building that contains only one dwelling unit used, intended, rented, leased, let or hired to be occupied for living purposes.
8. "Nursing, rest or convalescent homes" shall mean any building that contains multiple units intended to be occupied for short or long term care or recovery of individuals.
9. "Permitted tract of land" shall mean the tract of land as identified by the application upon which a permit is granted for keeping chickens pursuant to this chapter.
10. "Permittee" shall mean an applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this chapter.
11. "Landlord" shall mean the owner of property (such as land, houses, or apartments) that is leased or rented to another.

59.02 PERMIT REQUIRED.

1. Permit Required. No person shall raise, harbor or keep chickens or ducks within the City of Oakland without a valid permit obtained from the Permitting Officer under the provisions of this chapter.
2. Application. In order to obtain a permit, an applicant must submit a completed application on forms provided by the Permitting Officer, in paper form, and paying all fees if required by this chapter.

3. Requirements. The requirements to the receipt of a permit include:
 - A. All requirements of this chapter are met.
 - B. All fees, as may be provided for from time to time by City Council resolution, fees for the permit are paid in full.
 - C. Proof of course completion on raising and caring for urban/backyard chickens.
 - D. Proof of authorization from the landlord if the applicant is a renter.
4. All judgments in the City's favor and against the applicant have been paid in full.
5. The tract of land to be permitted shall contain only one single family dwelling occupied by the permittee or operate as a nursing, rest or convalescent home.
6. The applicant has provided notice to the residents of all immediately adjacent dwellings of the applicant's intent to obtain a permit.
7. The above provision (6) shall be waived if the applicant's lot is equal to or greater than 1.5 acres as identified on the website of the Pottawattamie County Assessor. Applicants shall be required to provide proof of lot size when applying for a permit.
8. Issuance of Permit. If the Permitting Officer concludes, as a result of the information contained in the application, that the requirements for a permit have been met, then the Officer shall issue the permit.
9. Denial, Suspension, Revocation, Non- renewal. The Permitting Officer 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 Permitting Officer, or designee.
 - E. Failure to comply with any provision of this chapter.
15. Notification. A decision to revoke, suspend, deny or not renew a permit shall be in writing, delivered by ordinary mail or in person to the address indicated on the application. The notification shall specify reasons for the action.

16. 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.

17. Appeals. No permit may be denied, suspended, revoked, or not renewed unless notice and an opportunity to be heard is given the applicant or holder of the permit. In any instance where the Permitting Officer has denied, revoked, suspended, or not renewed a permit, the applicant or holder of an Urban Chicken permit may appeal the decision to the City Council, or designee other than the Permitting Officer 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 City Council upon hearing the appeal, or any decision by the Permitting Officer which is not appealed in accordance to this chapter shall be deemed final action.

59.03 NUMBER AND TYPE OF CHICKENS ALLOWED.

1. The maximum number of chickens allowed is six (6) per tract of land regardless of how many dwelling units are on the tract.

59.04 ZONING DISTRICTS ALLOWED.

1. Permits will be granted only for tracts of land located in residential or planned development residential districts as identified on the Official Zoning Map on file with the City of Oakland or operate as a nursing, rest or convalescent homes and which do not have restrictive covenants that prohibit chickens or ducks.

2. A building permit shall not be required for henhouses, chicken tractors, or pens. 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. Henhouses and chicken tractors shall be well maintained.

3. Henhouses, chicken tractors and chicken pens shall only be located in the rear or side yard as defined by the definition as written in the City of Oakland Zoning Ordinance. At no time may said structures be located in the corner side yard or the front yard of any property.

4. 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.

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

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

59.05 NON-COMMERCIAL USE ONLY.

1. A permit shall not allow the permittee to engage in chicken breeding or fertilizer production for commercial purposes.

59.06 ENCLOSURES.

1. 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.

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

3. 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.

4. Henhouses and Chicken Tractors.

A. Henhouses and chicken tractors 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.

B. 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.

C. **Only female chickens (hens) are allowed.**

D. Chickens must have wings appropriately clipped to prevent them from flying.

59.07 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 tract of land.

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

59.08 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 an Animal Control Officer.

59.09 FEED AND WATER.

1. 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.

59.10 WASTE STORAGE AND REMOVAL.

1. 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 on the permitted tract of land. 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.

59.11 CHICKENS AT LARGE.

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

59.12 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 unit, multi-family dwelling unit(s), nursing, rest or convalescent homes or rental unit over the age of 10 weeks.
4. No person shall slaughter any chickens within the City of Oakland.
5. No person shall keep a rooster. Roosters that are found to be kept within the city shall be subject to removal by an Animal Control Officer.
6. No person shall keep or allow chickens to on or to roam a vacant lot or uninhabited tract of land.

59.14 DUCKS.

1. The Permitting Officer may also issue permits for ducks subject to the same terms and conditions that apply to chickens under this chapter or so many as the Permitting Officer deems reasonably applicable.

59.15 VOIDING OF OTHER ORDINANCES.

1. Any previous ordinance or parts thereof pertaining to the keeping of chickens or ducks within the city shall be null and void upon passage of this ordinance by the Oakland City Council.

SECTION 3. REPEALER. All ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. 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 in valid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the ____ day of _____, 2022, and approved this ____ day of _____, 2022.

Mayor

ATTEST:

City Clerk

First Reading: _____ Second Reading: _____ Third Reading: _____

I certify that the foregoing was published as Ordinance No. 60 on the ____ day of _____, 2022

Marissa Lockwood, City Administrator/Clerk

Published _____