

ORDINANCE NO. 04-2014

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF
GARNAVILLO, IOWA, BY ADDING A CHAPTER PERTAINING TO
URBAN CHICKENS

WHEREAS, the Garnavillo City Council has determined that Ordinance Number 04-2014 shall be placed as a new chapter, Chapter 56 Urban Chickens, within the Code of Ordinances of the City of Garnavillo.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Garnavillo, Iowa as follows:

SECTION 1: Adding Chapter 56 Urban Chickens;

56.01 PURPOSE. The purpose of this chapter is to permit urban chickens in the City of Garnavillo.

56.02 DEFINITIONS. For use in this Chapter the following defined terms shall apply:

1. **Chicken** – shall mean a member of the subspecies Gallus gallus domesticus, a domesticated fowl.
2. **Urban Chicken** – shall mean a chicken kept on a permitted tract of land pursuant to a permit issued under this Chapter.
3. **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.
4. **Permittee** – shall mean an applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this Chapter.

56.03 PERMIT REQUIRED

1. **Permit Required.** No person shall raise, harbor or keep chickens within the City of Garnavillo without a valid permit obtained from the City Council 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 City Clerk and payment of all fees 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, 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. Written approval forms from all residents adjacent of the tract of land included in the application.
- e. If the applicant is a renter, he/she must obtain written permission from landlord/property owner prior to any permit being issued.

56.04 ISSUANCE OF PERMIT

1. **Issuance of Permit** If the City Council concludes as a result of the information contained in the application that the requirements for a permit have been met the City Clerk shall issue the permit.
2. **Renewal of Permit.** A Permittee shall apply to renew his permit every twelve (12) months.
3. **Denial, suspension, revocation non-renewal.** The Council's appointed designee, 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 applicants;
 - 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 abatement notices in the time specified in the notice;
 - d. Failure to comply with the provisions of an approved mitigation/remediation plan by the City County;
 - e. Failure to comply with any provision of this Chapter.
4. **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 reason for action.
5. **Effect of revocation.** 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.
6. **Appeals.** No permit may be denied, suspended, revoked, or not renewed without notice and an opportunity to be heard is given the applicant or holder of the permit. In any instance where the City Council designee has denied, revoked, suspended, or not renewed a permit, the applicant or holder of said permit 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 decisions of the City Council

hearing the appeal, or any decision by the City Council designee which is not appealed in accordance to this Chapter shall be deemed final action.

56.04 NUMBER AND TYPE OF CHICKENS ALLOWED

1. The maximum number of chickens allowed is six (6) per tract of land.
2. Only female chickens (hens) are allowed.
3. In no case shall a permit be granted for greater than six (6) chickens.

56.05 TRACT OF LAND ALLOWED. Permits will be granted only for tracts of land located in residential and agricultural districts as identified in the Code of Ordinances for the City of Garnavillo.

56.06 NON-COMMERCIAL USE ONLY. A Permit shall not allow the Permittee to engage in chicken breeding or fertilizer production for commercial purposes.

56.07 ENCLOSURES

1. Chickens must be kept in an enclosure of *sturdy wire fencing* 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 & 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.
 - a. Henhouse and chicken tractors:
 1. 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. 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.

- d. Henhouses, chicken tractors and chicken pens shall only be located in the rear yard required by Garnavillo Municipal Code unless the setback requirements cannot be met, in which case they may be kept in a side yard but within the required setbacks. No Henhouse, chicken tractor, or chicken pen shall be allowed in any front yard.
- e. Henhouses, chicken tractors and chicken pens must conform to existing city code pertaining to structures in the applicable zoned district.

56.08 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.

56.09 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 a person designated by the Council with the assistance of City Policy, if necessary.

56.10 FEED AND WATER. Chickens shall be provided with access to feed and clean water at all times. The feed and water shall not be available to rodents, wild birds, and predators.

56.11 WASTE STORAGE AND REMOVAL. 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.

56.12 CHICKENS AT LARGE. 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, be considered a dangerous or aggressive animal or the City's responsibility to enforce its animal control provisions.

56.13 UNLAWFUL ACTS

1. It shall be unlawful for any person to keep chicken in violation of any provision of this Chapter or any other provision of the Garnavillo Municipal Code.
2. It shall be unlawful for any owner, renter or lease holder of property to allow chickens to be kept on the property in violation of the provisions of this article.
3. No person shall keep chickens inside a single family dwelling unit, multi-family dwelling unit(s) or rental unit.
4. No person shall slaughter any chickens within the City of Garnavillo.
5. No person shall keep a rooster.
6. No person shall keep chickens on a vacant or uninhabited tract of land.

56.14 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 provision of Garnavillo Municipal Code.

SECTION 1. Each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that affected by such decision.

SECTION 2. The changes as provided in this Ordinance shall be made a part of the replacement pages of the Municipal Code, City of Garnavillo, Iowa, and made a part of said Code as provided by law.

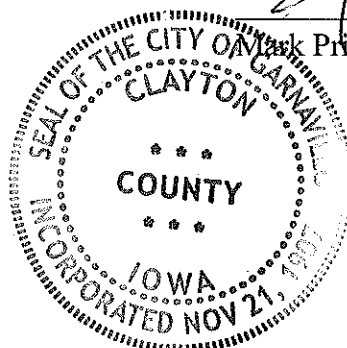
SECTION 3. All Ordinances or parts of Ordinances in conflict with any provision of this Ordinance are hereby repealed.

SECTION 4. This Ordinance shall be in full force and effect from and after its final passage, approval and posting as provided by law.

Passed and approved by the Council this 12th day of July, 2014.

ATTEST:

Denise Schneider



Mark Priebe, Mayor

Denise Schneider, City Admin/Clerk

Ordinance No. 04-2014

First Reading: 7/12/14

Second Reading: 7/12/14

Final Reading & Passage: 7/12/14

I certify that the foregoing was posted as Ordinance No. 04-2014 on the 15th day of July, 2014 until the 25th day of July, 2014.

Denise Schneider

Denise Schneider, City Administrator/Clerk

City of Garnavillo
106 E. Chestnut St
PO Box 14
Garnavillo, IA 52049
563-964-2331 Phone
563-964-9257 Fax
garnavillo@gmail.com

Urban Chicken Permit Application

***Failure to complete all sections of the application and provide supporting documentation may result in a return or denial of your application. ***

1. Applicant Information

Name _____

Property Address _____

Daytime Phone # _____ Evening Phone # _____

Number of chickens to be kept _____

(No roosters are allowed, Maximum number of hens is 6)

2. Application Checklist

Resident's Submittal

Staff Review

- Landlord sign-off (if applicant is a tenant)

- Description of chicken coop and pen including materials used & cubic feet

- Diagram of the property including dimensions, location of coop and pen, and identification of adjacent properties by street address

- Sign-off of all adjacent property owners (please use form attached as Exhibit A)

3. Statement of Understanding (Please initial by each item)

_____ 1) I am aware that owners of all adjacent properties (i.e., all properties that contact each other at any point) must give their written consent for any urban chicken permit application to be approved.

_____ 2) I am aware that I must receive approval from the City prior to obtaining chickens.

_____ 3) I will follow all City ordinances and state laws relating to the care and keeping of animals.

_____ 4) I am aware that I am responsible for keeping chickens within the confines of my property at all times.

_____ 5) I am aware that I may not make any dimensional changes to my chicken coop without first obtaining approval from the City of Washington.

_____ 6) I grant the right for City staff to inspect my property at any time to investigate a complaint related to this permit.

_____ 7) I acknowledge that I live in an owner-occupied single-family home, or if renting, have the written permission of my landlord (landlord must provide a signature below).

_____ 8) I affirm that I have never been found guilty of any animal welfare, neglect or cruelty violations.

_____ 9) I understand that the permit is a limited license for the activity, no vested zoning rights arise from this permit and that the permit does not run with the land.

_____ 10) I understand the private restrictions on the use of the property shall remain enforceable and shall supersede the permit. I affirm that there are no private restrictions including, but not limited to, deed restrictions, condominium restrictions, neighborhood association bylaws, covenants, and restrictions and rental agreements. A permit issued to a property subject to private restrictions that prohibit keeping of chickens is void.

_____ 11) I understand that the City Council's approval is good for one year, by which time the City may have developed different guidelines and I must reapply for my continued keeping of chickens.

I affirm that all statements contained in the application and attachments are true and correct and that I the permit holder will keep the chickens in compliance with all related ordinances and as otherwise directed by the City Council. I understand that failure to comply with regulations may result in revocation of the permit and/or issuance of a municipal infraction.

Signature _____ Date _____

If applicant is a tenant, the landlord must sign below:

As the owner/authorized manager of the property at _____ (address), I give permission for my tenant _____ (applicant), to install a chicken coop and to keep chickens on the property, as may be approved by the City Council.

Landlord Signature _____ Date _____

City of Garnavillo
106 E. Chestnut St
PO Box 14
Garnavillo, IA 52049
563-964-2331 Phone
563-964-9257 Fax
garnavillo@gmail.com

**NEIGHBOR SIGN-OFF FOR URBAN CHICKEN PERMIT
EXHIBIT A TO PERMIT APPLICATION**

Any person wanting to keep chickens must first receive written approval from all property owners adjacent to the property for which the permit is requested. Adjacent means all parcels of property that share a property line with the applicant's property, including those that only meet at a single property corner.

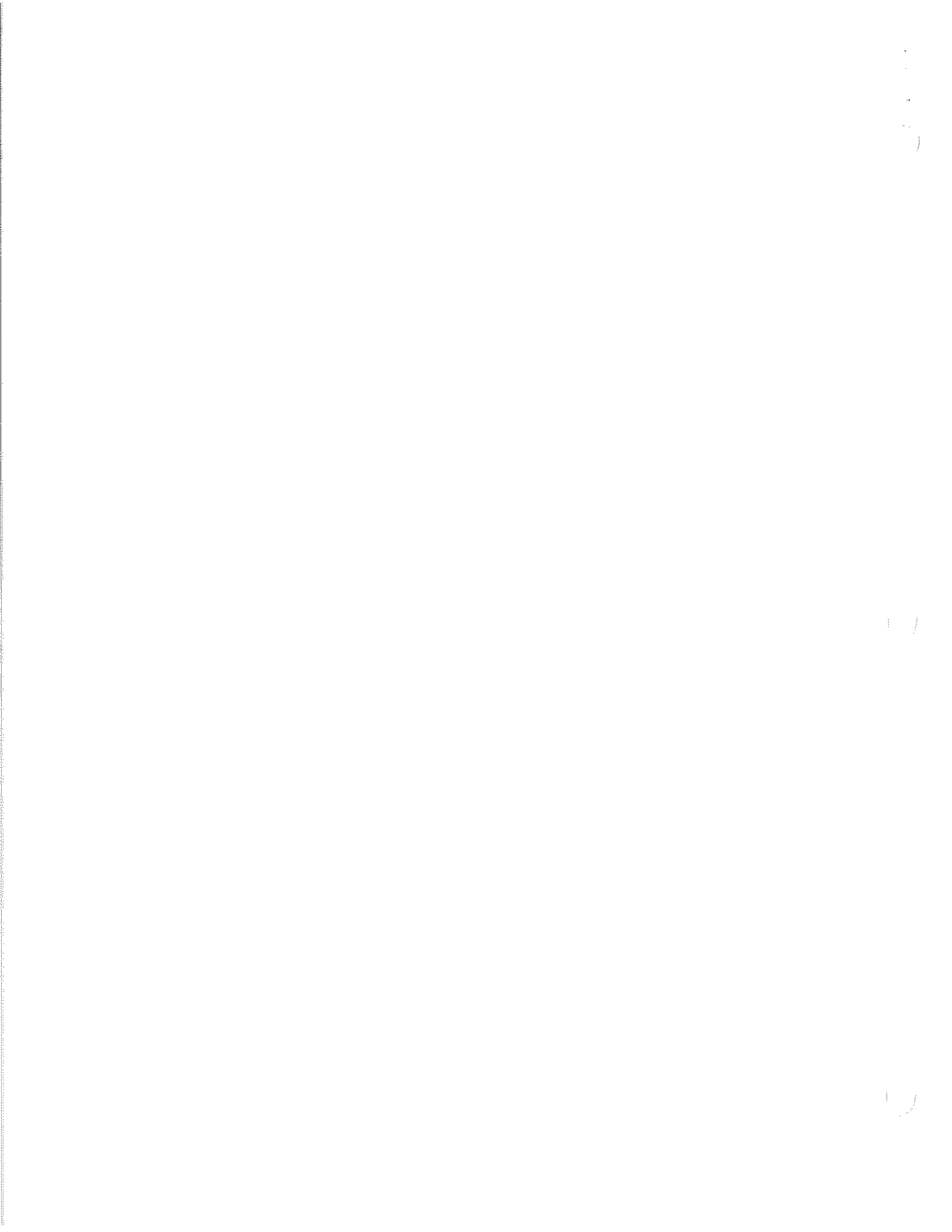
Applicant Name: _____

Site Address: _____

The above applicant wishes to keep chickens in a coop at the property listed. I/We, being the adjacent property owner(s), have been provided a diagram of the planned coop and pen in relation to the applicant's property lines, and do not object to the above-named person keeping chickens as may be approved by the Washington City Council.

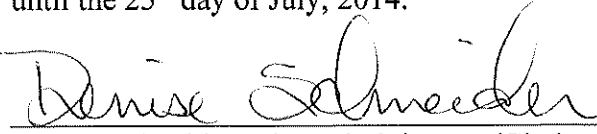
<u>Name(s) & Address</u>	<u>Phone</u>	<u>Signature(s) & Date</u>

(For additional adjacent property owners, please attach additional sheets)



First Reading: 7/12/14
Second Reading: 7/12/14
Final Reading & Passage: 7/12/14

I certify that the foregoing was posted as Ordinance No. 04-2014 on the 15th day of July, 2014 until the 25th day of July, 2014.



Denise Schneider, City Administrator/Clerk

