

ORDINANCE 2156

ORDINANCE AMENDING THE ANKENY MUNICIPAL CODE BY ADDING A NEW CHAPTER 58 THERETO ENTITLED "URBAN CHICKENS" RELATING TO THE KEEPING OF CHICKENS WITHIN THE CITY OF ANKENY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ANKENY, IOWA, as follows:

Section 1. The Ankeny Municipal Code is amended by adding a new Chapter 58 thereto entitled "Urban Chickens" relating to the keeping of chickens within the City of Ankeny as follows:

CHAPTER 58 URBAN CHICKENS

58.01 Definitions.

"Chicken" shall mean a member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.

"Urban Chicken" shall mean a chicken kept on a permitted tract of land pursuant to a permit issued under this Chapter.

"Permitting Officer" shall mean the City Manager or designee.

"Tract of land" shall mean a property or a zoned lot that has one single family dwelling located on that property or zoned lot.

"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.

"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.

"Permittee" shall mean an applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this Chapter.

58.02 Permit Required.

(a) Permit Required. No person shall raise, harbor or keep chickens within the City of Ankeny without a valid permit obtained from the Permitting Officer under the provisions of this Chapter.

(b) Application. In order to obtain a permit, an applicant must submit a completed application on forms provided by the Permitting Officer, either on-line or in paper form, and paying all fees required by this Chapter.

(c) Requirements. The requirements to the receipt of a permit include:

- 1) All requirements of this Chapter are met;
- 2) All fees, as may be provided for from time to time by City Council resolution, for the permit are paid in full;
- 3) All judgments in the City's favor and against the applicant have been paid in full;
- 4) The tract of land to be permitted shall contain only one Single Family Dwelling occupied and used as such by the permittee.
- 5) The applicant has successfully completed an approved class in raising chickens in an urban setting.

(d) 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. The permit shall be effective for one (1) year from the date of issuance. The permittee shall re-apply annually.

(e) 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:

- 1) False statements on any application or other information or report required by this section to be given by the applicant;
- 2) Failure to pay any application, penalty, reinspection or reinstatement fee required by this section or City Council resolution;
- 3) Failure to correct deficiencies noted in notices of violation in the time specified in the notice;
- 4) Failure to comply with the provisions of an approved mitigation/remediation plan by the Permitting Officer, or designee.
- 5) Failure to comply with any provision of this Chapter or other relevant Chapter of the Municipal Code.

(f) 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.

(g) 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 1 year from the date of the denial or revocation.

(h) **Appeals.** In any instance where the Permitting Officer has denied, revoked, suspended, or not renewed a permit, the applicant may appeal the decision to the City Manager, 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 officer hearing the appeal, or any decision by the Permitting Officer which is not appealed in accordance to this Chapter shall be deemed final action.

58.03 Number and type of Chickens allowed.

- (a) The maximum number of chickens allowed is six (6) per tract of land.
- (b) Only female chickens (hens) are allowed.

58.04 Zoning Districts Allowed.

Permits will be granted only for tracts of land of at least one-quarter acre (10,890 sq. ft.) in size, containing only one single family home and located in residential districts as identified on the current Official Zoning Map on file with the City of Ankeny.

58.05 Non-commercial use only.

A permit shall not allow the permittee to engage in chicken breeding or fertilizer production or the sale of eggs or chickens for commercial purposes. The permittee may use the eggs and chickens for non-commercial use only.

58.06 Enclosures.

- (a) 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.
- (b) Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
- (c) 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.
- (d) Henhouses 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.

- i) 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.
- ii) 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.

- 2) Henhouses, chicken tractors and chicken pens shall only be located in the rear yard as defined by Ankeny Municipal Code.
- 3) Henhouses, chicken tractors and chicken pens must be located at least twenty-five (25) feet from any property line.
- 4) Henhouses, chicken tractors and chicken pens must be located at least ten (10) feet from any storm water drainage/storm water detention/overland flowage easement and should not be located within any drainage swale that is not covered by easement.

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

58.07 Odor and noise impacts.

- (a) Odors from chickens, chicken manure or other chicken related substances shall not be perceptible beyond the boundaries of the permitted tract of land.
- (b) 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.

58.08 Predators, rodents and living conditions.

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 kept in conditions in violation of Chapter 55.02 of the Municipal Code may be removed by an Ankeny Animal Control Officer.

58.09 Feed and water.

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.

58.10 Waste storage and removal.

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.

58.11 Chickens at large.

- (a) 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 vicious animal or the city's responsibility to enforce its animal control provisions.
- (b) The Permittee shall place and keep leg bands on all chickens showing the permit number.

58.12 Unlawful acts.

- (a) It shall be unlawful for any person to keep chickens in violation of any provision of this Chapter or any other provision of the Ankeny Municipal Code.
- (b) 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.
- (c) No person shall keep chickens inside a dwelling unit.
- (d) No person shall slaughter any chickens within the City of Ankeny.
- (e) No person shall keep a rooster.
- (f) No person shall keep chickens on a vacant or uninhabited tract of land.

58.13 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 provisions of Ankeny Municipal Code Chapter 50.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be effective upon its passage, approval and publication as provided by law.

PASSED and approved this 16th day of **October**, 2023.

MARK E. HOLM, Mayor

ATTEST:

MICHELLE YUSKA, City Clerk

**PUBLISHED IN
THE DES MOINES REGISTER
ON THE 20th DAY OF **OCTOBER**, 2023**

**1st Con 9/18/23 (P Hrg)
2nd Con 10/02/23
3rd Con 10/16/23**