

ORDINANCE NO. 2015-845

**AN ORDINANCE ADDING SECTIONS 5-30 TO 5-41 OF THE KEMMERER CITY
CODES – KEEPING OF CHICKENS**

BE IT ORDAINED that the following sections 5-30 through 5-41 are hereby added to the
Kemmerer City Codes: CHICKEN ORDINANCE PROPOSAL

AMENDING AND ADDING SECTION 5-30 ET SEQ

ARTICLE IV. CHICKENS

SECTION 5-30. PURPOSE.

The keeping of chickens in the city supports a local, sustainable food system by providing an affordable, nutritious source of protein. The keeping of chickens also provides free, quality, nitrogen-rich fertilizer, chemical and chemical-free pest and weed control. The keeping of chickens shall be for household purposes only and shall not be a commercial venture.

SECTION 5-31. DEFINITIONS.

Chicken: A chicken (Gallus gallus domesticus) is A a domestic fowl kept for its eggs or meat.

Chicken Run: A wire enclosure connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

Henhouse/Coop: A structure for the sheltering of female chickens.

SECTION 5-32. NUMBER, TYPE AND LOCATION.

The maximum number of chickens allowed is five (5) six (6) per premises.

Only female chickens are allowed. There is no restriction on species. Roosters are not permitted.
As soon as sex can be determined or 10 days, whichever is shorter, any newly hatched chick
determined to be a rooster shall be removed from the city limits.

Chickens shall only be permitted in the A – Agriculture, R - Residential Zone and RE Residential Estate Zone and Ra Single Family Residential zone on lots one (1) acre and larger 7,000 square feet or greater.

SECTION 5-33. ENCLOSURES.

- (a) Chickens shall be confined within a secure outdoor enclosed area.
 - (1) The enclosed area shall include a covered, ventilated, and predator- resistant chicken coop.
 - (2A) The coop shall have a minimum floor area of a least two (2) square feet per chicken.
- (b) If chickens are not allowed to roam within an enclosed area outside the coop, the coop shall have a minimum floor area of six (6) square feet per chicken.
 - (1) The coop shall be located in a rear yard at least twenty-five (25) feet from any dwelling.
 - (A) The coop and enclosed area shall be maintained as provided below.
 - (1) All coops or buildings where fowl are housed shall be whitewashed or sprayed with some standard disinfectant at least three (3) times yearly.
 - (2) All droppings under roosts shall be cleaned out at least once every (2) two weeks.
 - (3) All coops, runways and surroundings shall be kept in a clean and sanitary condition.
- (c) Chicken feed shall be stored and dispensed in rodent-proof and predator-proof containers.
- (d) Henhouses/Coop
 - (1) A henhouse/coop shall be provided and shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
 - (A) The structures 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.

(B) Heat source shall be provided when the ambient outdoor temperature falls below 32 degrees Fahrenheit.

(e) Chicken Runs.

(1) An enclosed chicken run must be provided consisting of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing. The enclosure shall have a minimum area of ten (10) square feet per chicken not to exceed 100 square feet.

SECTION 5-34. PREDATORS, RODENTS, INSECTS, AND PARASITES.

The property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.

SECTION 5-35. FEED AND WATER.

Chickens must be provided with access to ~~feed and~~ clean water (not frozen) at all times.

SECTION 5-36. WASTE STORAGE AND REMOVAL.

Provisions must be made for the storage and removal of chicken manure. All manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. All other manure not used for composting or fertilizing shall be removed. In addition, the coop, chicken run and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

SECTION 5-37. PERMIT REQUIRED; FEES.

(a) A permit to keep chickens shall be issued by the Community Development Department.

The permit will require a physical inspection of the property to ensure the chicken coop and run conforms to the standards of Section 5 – 33 Enclosures and provides adequate food storage and waste removal.

(b) The chicken keeping permit shall be subject to a fee as determined by the City Council.

(b)(c) A chicken keeping permit shall include a fee determined by the City Council and which may be amended from time to time.

(e) A permit to keep domesticated chickens may be suspended or revoked by the Code Enforcement Officer, Health Inspector or Police Officer where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this article or with the provisions of any other applicable ordinance or law.

(d) Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.

(d)(e) A chicken keeping permit shall be issued to any person in charge or control of any private property whether as owner, tenant, occupant, lessee, contract purchaser or otherwise. The permit shall be issued to the applicant only and the permit shall terminate upon the applicant's vacation of the property.

SECTION 5-38. NOTICES AND APPEALS.

(a) Any person found to be in violation of this article shall be issued a written warning by the Community Development Department staff and given three (3) calendar days to remedy the violation. Any continued or further violation of this article shall be subject to the issuance of a citation and notice to appear by a Police or Code Enforcement Officer

All surrounding property owners shall receive written notice that a chicken keeping permit has been issued. Any person may appealing the issuance or denial, suspension or revocation of a permit by the Community Development Department Code Enforcement Officer, Health Inspector or Animal Control Officer may appeal to the Zoning Board within ten (10) days of the decision being appealed.

Any person denied a permit based on the inability to conform to the performance standards of this article due to topography, irregular lot shape or size may appeal to the Zoning Board. The Zoning board may vary the standards and only with the consent of the adjoining property owner(s). Any decision of the Zoning Board may be appealed to the City Council.

SECTION 5-39. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this article is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance.

SECTION 5-40. PENALTY.

- (a) Violation of the Ordinance can be punished by a fine of up to \$250.00. Each day of violation constitutes an additional offence. Any person who shall violate any of the provisions of this chapter or fails to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under or any certificate or permit issued hereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each seven (7) days that prohibited conditions are maintained shall constitute a separate offense.
- (b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions

SECTION 5-41. REMOVAL OF CHICKENS.

In addition to the penalty, any violation of the provisions of this article or of the permit shall be grounds for an order from the Code Enforcement Officer Court to remove the chickens and the chicken-related structures.

The Health Inspector, Health Officer, or Police Officer may also order the removal of the chickens upon a determination that the chickens pose a health risk. If a chicken dies, it must be disposed of promptly in a sanitary manner. Any fowl removed per this ordinance shall be relocated to a facility with a proven record of adequate and proper care of chickens. Relocation facilities shall contract with the City Council and be located within South Lincoln County.

PASSED ON FIRST READING this 30th day of November, 2015.

PASSED ON SECOND READING this _____ day of _____, 2015.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2015.

CITY OF KEMMERER, WYOMING

BY:

ZEM D. HOPKINS, MAYOR

ATTEST:

GLEND A. YOUNG
ADMINISTRATIVE SERVICES DIRECTOR