

**BILL NUMBER: 2023-06**

**ORDINANCE NUMBER: 3092**

**AN ORDINANCE OF THE CITY OF ODESSA, MISSOURI, AMENDING CHAPTER (8) EIGHT ANIMALS, ADDING AN ARTICLE IV, SECTION 8-167 - 176 CHICKENS OF THE CODE OF ORDINANCES RELATING TO ANIMAL CONTROL AND AMENDING CHAPTER (8) EIGHT ANIMALS, SECTION 8-1. - DEFINITIONS. OF THE CITY OF ODESSA, MISSOURI, AS FOLLOWS, TO WIT:**

**WHEREAS**, the City had been approached by several residents interested in the keeping of chickens on their properties, and;

**WHEREAS**, on Monday, February 13, 2023 the Board of Alderman requested that staff create a chicken ordinance establishing certain regulations and performance standards for the keeping of chickens in the City of Odessa, and;

**WHEREAS**, The Governing Body finds that in order to provide for the allowance of chickens upon single parcel, residential properties in the City, there is a need to regulate and set minimum standards for the keeping of such chickens in order to mitigate any detrimental impact to neighboring properties and to protect the public health, safety, and welfare of the residents of the City, and:

**WHEREAS**, the City of Odessa has recognized the need to amend language within Chapter 8 Section 2.700.17 Definitions, Livestock, and;

**WHEREAS**, the City of Odessa specifically request to add an Article IV "Chickens" to Chapter 8 "Animals" Section 8-167 – 176 to the Code of Ordinances.

**AMEND CHAPTER 8, SECTION 8-1.- DEFINITIONS.**

**Livestock** – Animals that may be harbored or raised to provide various types of labor, food, or fiber (e.g., feathers, fur, hides, wool) for the benefit of humans or other animals. Livestock species include, but are not limited to, horses, mares, mules, jacks, jennies, colts, cows, calves, yearlings, bulls, oxen, sheep, goats, lambs, kids, hogs, shoats, pigs, and poultry. **Provided, however, that chickens regulated under Sections 8.167-176 of the City Code, as amended, are not considered livestock.**

**ADD CHAPTER 8, ARTICLE IV, SECTION 8.167-176 CHICKENS**

**Section 8.167 DEFINITIONS.**

For the purpose of this Chapter, these words and phrases shall have the following meaning:

- A. **Chicken:** Gallus gallus domesticus of the female sex.
- B. **Coop:** an enclosed and roofed structure for housing chickens that provides shelter from the elements.
- C. **Run:** an enclosed outside yard or area for keeping chickens.
- D. **Tractor:** a movable coop which lacks a floor.
- E. **Leg Bands:** plastic rings that are placed on the legs of chickens for identification purposes.
- F. **Humane standards of care:** included, but not limited to, accessibility of the chickens to food and water, proper medical attention, proper shelter from the elements, and cleanliness in animal waste areas with regular waste removal.
- G. **Nuisance:** any act which is unreasonably annoying or vexatious to another or substantially interferes with the rights of other and shall include, but not be limited to, obnoxious odors, excessive noise, and creation of an environment attractive to other animals or insects. More

than three (3) substantiated violations of this title within a twelve- month period will automatically constitute a nuisance.

- H. ***Animal Control Officer “ACO”***: any staff assigned by the city administrator or chief of police to the duties of animal control.

#### **Section 8.168 GENERAL REQUIREMENTS.**

1. The maximum number of chickens allowed is six (6) per parcel of land under common ownership and usage regardless of how many lots are contained on the parcel or how many dwelling units are on the parcel.
2. Only female (non-crowing) chickens are allowed. There is no restriction on the chicken species. Roosters, other fowl and poultry prohibited under this Section
3. Non-Commercial Use Only. It shall be unlawful to engage in chicken breeding or fertilizer production for commercial purposes.
4. Any slaughter of chickens not regulated by state law or otherwise forbidden or regulated shall be done only in a humane and sanitary manner and shall not be done open to the view of any public area or adjacent property owned by another.
5. Dead chickens must be disposed of according to the [Missouri Department of Agriculture Law & Regulations for Animals](#) which require chicken carcasses to be disposed of within 24 hours. Legal forms of chicken carcass disposal include off site burial, offsite incineration or rendering, or offsite composting.

#### **Section 8.169 PERMIT REQUIRED.**

- a. General Requirement. In order for a person to keep or otherwise maintain chickens upon any single residential parcel within the City, a “Chicken Permit” shall be obtained from the City Clerk’s office. The Chicken Permit shall be obtained prior to the keeping of chickens on the property. The City Clerk shall establish an application process to be followed by all individuals seeking a Chicken Permit. The City Clerk shall issue a permit within ten (10) business days of approving any application to possess chickens.
- b. Issued Permit. Permits shall be issued for a one (1) year period of time from January 1 through December 31. Yearly renewal permit requires full re-submittal. Permit must be kept with the owner and presented upon demand by any city official. Permits are non-transferable. If requirements are not fully complied with, the city may revoke any permit granted under this section and/or initiate prosecution for civil infraction violation.
  - a. The permit does not run with the land. Private restrictions on the use of the property shall remain enforceable and shall supersede the permit. The private restrictions include, but are not limited to, deed restrictions, condominium restrictions, neighborhood associations bylaws, covenants and restrictions, and rental agreements. A permit issued to a person whose property is subject to private restrictions that prohibit keeping of chickens is void.
- c. Renewal of Permit. The permittee shall apply for and renew the permit under this chapter by January 1 of each year. Failure to renew a permit within the time provided shall result in a delinquent fee [Appendix A. – City Fee Schedule](#), in addition to the regular permit fee, as set

by the Board of Alderman. All applicants shall be furnished with permit rules and regulations at the time the application is made.

- d. Permit Fee. The Chicken Permit fee shall be per the cities schedule of fees, and renewed each year thereafter. All fees shall be non-refundable and non-transferable. Failure to pay the fee shall constitute a violation of this Chapter. Chickens are not allowed to be placed on the property until the Chicken Permit is approved and the permit fee is paid.
- e. Permit Denial. The City Clerk shall deny any application where the applicant fails to show proof of the aforementioned requirements or an examination of the documentation submitted or any investigation by the Animal Control Division, or both, reveals that in the opinion of the Animal Control Division that the applicant has failed to meet the requirement of this Chapter.
  - a. 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 unless the denial or revocation is due to administrative reasons only, as determined by the City Clerk.
  - b. Any chickens shall be removed immediately.
  - c. Any coop, fowl house, fencing or other structures shall be removed within ten (10) days of the date of the permit being denied or revoked.
- f. Application. Applications for a Chicken Permit shall be filed on forms prescribed by the City and include a non-refundable fee.
  - A. If the applicant is not the property owner, then written permission of the property owner shall be submitted with the application along with the property owner and tenant's name and contact information.
- g. Permit Banding. All chickens covered by a permit shall be banded in accordance with procedures and requirements established by the City.
  - a. Chicken Bands will be granted for one (1) year, valid from January 1 through December 31. Bands will be provided to the permittee by the City. The permittee shall keep leg bands on all chickens and maintain the visibility of the band number.

#### **Section 8.170 ENCLOSURES.**

- 1. Coops, tractors, and runs shall be placed in rear yards only.
- 2. Chickens must be kept in a coop or fenced area at all times. During daylight hours, chickens may be allowed outside of the coop in a securely fenced rear yard, if under supervision. Chickens shall be secured within a coop or tractor during non-daylight hours.
- 3. Coops and tractors must provide adequate ventilation, sun, and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.
  - a. Coops and tractors shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.

- (1) Coops and tractors shall be well maintained and enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Windows and vents must be covered with predator and bird-proof wire of less than one-inch openings.
  - (2) The materials used in making a coop or 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. Materials used shall be impervious to moisture so that the surface does not permit the absorption of fluids.
- b. Coops and tractors must be located at least ten (10) feet from the property line and at least forty (40) feet from any adjacent residential dwelling.
  - c. Any permanent electric constructed within coop will require a building permit from the City.
  - d. Enclosure Size.
    - (1) The minimum size of any coop or tractor shall be two (2) square feet per chicken.
    - (2) The maximum size of any coop or tractor shall be four (4) square feet per chicken.
    - (3) The exterior height of any coop or tractor, including any risers or pedestals, shall not exceed eight (8) feet.
    - (4) Coops and tractors shall have sturdy wire fencing and must be covered with wire, aviary netting, or solid roofing.

#### **Section 8.171 STORAGE OF FOOD, FEED AND MANURE.**

- a. All food and feed within the City for feeding chickens shall be stored in vermin-free, water-tight, vermin-proof receptacle, compartments, or rooms unless stored in a vermin-proof building.
- b. The chicken owner must 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. No manure shall be allowed to accumulate except in such receptacle. All other manure not used for composting or fertilizing shall be removed. The coop, tractor, and surrounding areas must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

#### **Section 8.172 CHICKEN AT LARGE.**

1. Chickens shall not be allowed to run at large. It shall be unlawful to picket or tier any such animal in any of the streets of the City for the purposes of grazing or feeding.
2. Animal Control may at any reasonable time inspect any structure or premises and issue any order as may be necessary to carry out the provisions of this Section.

3. No dog, cat or other domesticated animal which kills a chicken running at large will, for that reason alone, be considered a dangerous or prohibited animal.
4. The City shall not be liable for injury or death of chickens caused by dogs, cats, or other animals, domestic or wild, whether such animals are licensed by the City or not.

#### **Section 8.173 ODOR AND NOISE IMPACTS.**

1. Odors from chickens, chicken manure or other chicken-related substances shall not be perceptible at the property boundaries.
2. Perceptible noise from the chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

#### **Section 8.174 PREDATORS, RODENTS, INSECTS, AND PARASITES.**

- a. The chicken owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects or parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation must be removed by the owner and keeper of the chickens.

#### **Section 8.175 UNLAWFUL ACTS.**

- a. It shall be unlawful for any person to keep chickens in violation of any provision of this Article.
- 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.

#### **Section 8.176 VIOLATION.**

Any person found guilty of violating the provisions of this chapter shall be punished as provided in [section 1-12](#).

1. Exceeding of the maximum number of chickens allowed on residence.
2. Coop not up to code regulations – Thirty (30) days to modify coop to fit regulation.
3. Odor or noise complaints – 72 hours (three (3) business days) to rectify the issue.
4. Captured chickens – If a chicken is captured by the ACO and is properly tagged, the owner must pick up the chicken within the same day of recovery. If the chicken is not picked up, the ACO has the authority to find reasonable housing or possible euthanasia of the chicken.
5. Animal Abuse – absolutely forbidden and will be addressed accordingly on a case-by-case basis.
6. All concerns will be issued through a complaint. ACO will not actively be inspecting coops or properties.
7. Any person who fails to adhere to or otherwise violates this article is guilty of a municipal ordinance violation. Each day that such person shall continue violation of the provision of this article shall constitute a separate offense.

**Section 2** This ordinance shall be in full force and effect from and after its passage and approval.

READ TWICE and passed by the Board of Aldermen of the City of Odessa, Missouri, and approved by the Mayor of Odessa this 13<sup>th</sup> day of March, 2023.

(SEAL)

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Stephen L Wright, Mayor

ATTEST:

Approved

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Karen Findora, City Clerk

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Stephen L Wright, Mayor