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Resolution No. 23-203

Resolution adopting an urban chicken policy and rescinding Resolution No. 12-533.

Whereas, Section 8-4-12F of the Iowa City Code allows persons to have urban chickens pursuant to a permit and provides details of the permit are to be adopted resolution; and

Whereas, in Resolution No. 12-533 Council adopted an urban chicken policy setting forth the requirements of an urban chicken permit; and

Whereas, the urban chicken policy should be revised to allow for more hens, to allow chickens in multi-family residences, and to eliminate the need for neighbor consent; and

Whereas, the attached "Urban Chicken Policy" should be adopted.

Now, therefore, be it resolved by the City Council of the City of Iowa City, Iowa that:

1. The attached "Urban Chicken Policy" is approved and adopted.
2. Resolution No. 12-533 is rescinded.

Passed and approved this 11th day of July, 2023.

Bruce Teague
Mayor

Attest: Kerlie K. Fuchling
City Clerk

Approved By [Signature]
City Attorney's Office
(Sue Dulek - 07/11/23)

It was moved by Taylor and seconded by Dunn the Resolution be adopted, and upon roll call there were:

Ayes:	Nays:	Absent:
<u>X</u>	<u> </u>	<u>X</u> Alter
<u>X</u>	<u> </u>	<u> </u> Bergus
<u>X</u>	<u> </u>	<u> </u> Dunn
<u>X</u>	<u> </u>	<u> </u> Harmsen
<u>X</u>	<u> </u>	<u> </u> Taylor
<u>X</u>	<u> </u>	<u> </u> Teague
<u>X</u>	<u> </u>	<u> </u> Thomas

URBAN CHICKEN POLICY

(Adopted in Resolution No. 23-203)

Definitions

1. Chicken: A member of the subspecies of gallus gallus domesticus, a domesticated chicken.
2. Coop: A cage, enclosure or building used for housing and protecting chickens from weather and predators.
3. Feeder: A device or apparatus for supplying food.
4. Nesting Box: A three-sided box with floor where chickens rest and lay eggs.
5. Pen: An enclosure for chickens which allows freedom of movement but also prevents escape.
6. Roost: A support on which chickens rest.
7. Rooster: A male chicken.

Permit Granted/Denied

The Police Chief, or designee, shall issue an urban chicken permit if:

1. The property has passed inspection.
2. The application fee has been paid.
3. There are no outstanding violations of local, state or federal law on the property.
4. The location, coop, and pen meet all the requirements of this policy.
5. The application is complete.
6. If it is a renewal, all outstanding reinspection fees have been paid.

Neighbor Notification

1. Applicants are encouraged to notify owners and/or occupants of adjacent properties they are applying for an urban chicken permit. The City shall make available a flyer about this policy applicants may distribute to their neighbors and shall also provide information about this policy on the City website.
2. Adjacent property means all parcels of property that share a property line with the applicant's property including properties that contact each other only at one point.

Terms of Permit

The permit shall contain, at a minimum, the following conditions:

1. The permittee shall follow the City Code and state law regarding animal care.

2. The permittee grants the City the right to inspect the coop and pen one year after the permit is issued and at any other time to investigate a complaint.
3. The permit is a limited license for the activity and no vested zoning rights arise from the permit being issued. The permit does not run with the land.
4. 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 association 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.

Owner's Permission

1. Tenants must obtain the landlord's written permission to install a coop. By way of illustration, a tenant who rents a single-family residence must obtain the landlord's permission as does a tenant who rents an apartment within a 12-unit building.
2. Housing cooperatives are owned by the cooperative, and a tenant (legally known as a "member" of the cooperative) must obtain the permission of the cooperative to install a coop.
3. With condominiums (legally known as horizontal property regimes), the owner of the condominium unit must obtain written permission of the condominium homeowners association to install a coop. An applicant who leases a condominium unit must obtain written permission both of the owner of the condominium unit and the condominium homeowners association.

Site Requirements

1. Coops cannot be within 25 feet from any neighboring habitable structure.
2. Coops cannot be located within 5 feet of the habitable structure on the applicant property.
3. Coops cannot be located within 5 feet of the property line.
4. Coops and pens shall be located only in the back yard. Back yard means "rear yard" as defined in the City Zoning Code. Staff shall have the discretion to allow a coop in a side yard if the property lacks a back yard.
5. If the property contains four or more units, the Police Chief, or designee, may allow more than one coop to be installed on the property if the Police Chief, or designee, reasonably finds there is sufficient green space.

Chicken Requirements

1. No more than six hens are allowed
2. Roosters are prohibited.
3. Chickens must be housed in the coop from dusk until dawn.
4. Slaughtering of a chicken is prohibited.
5. Selling of eggs and chickens is prohibited.

6. Eggs shall be removed within two days of being laid.
7. All feed and other items associated with the keeping of chickens shall be protected in a manner to prevent rodents from gaining access to or coming into contact with them.
8. Adequate food, water, and shelter shall be provided at all times.
9. A chicken that is outside the pen is "at large" in violation of the City Code.

Coop Requirements

1. Coops may be mobile, known as "tractors."
2. Coops shall be constructed, repaired, and maintained in a manner to prevent rodents from being harbored underneath or within the walls of the enclosures.
3. Coops shall be built of solid materials such as wood, metal or plastic.
4. Coop floors shall be made of wood or cement set a minimum of 1 foot above ground level with a slight slope toward the door or other opening to prevent puddling.
5. Coops shall have at least one solid door and window that can be opened for ventilation.
6. If there are four or less chickens, a minimum of 4 square feet of space shall be provided per chicken inside a coop. If there are five or six chickens, a minimum of 16 square feet of space in total must be provided inside a coop.
7. Bedding shall consist of wood pellets, pine shavings, or similar material shall be provided to reduce odor. Straw may not be used for bedding.
8. Feces shall be removed and disposed of in a sealed, enclosed container at a minimum of once weekly to avoid odor.
9. Coops shall:
 - a. Be maintained to ensure proper sanitation for maintaining the health of the chickens and the keepers.
 - b. Be easy to clean and with good drainage.
 - c. Protect the flock from extreme temperatures and wind.
 - d. Keep out rodents, raptors and other predatory animals.
 - e. Be well ventilated.
 - f. Be free of drafts and maintains a uniform temperature.
 - g. Have a roosting area sufficient in number and size for the chickens present.
 - h. Have one nesting box per chicken.
 - i. Have nests that entice hens to lay indoors.
 - j. Offer plenty of light, both natural and artificial.
 - k. Provide heat in colder temperatures.
 - l. Include sanitary feed and water stations.
 - m. Be constructed in such a manner that allows easy access for adequate cleaning.
 - n. Be built in a well-drained area to prevent standing water.

- o. Be large enough to house chickens adequately.

Pen Requirements

1. There shall be a minimum of 4 square feet of space per chicken.
2. The pen may be the entire back yard.
3. If the pen is the entire backyard, the fence for the backyard must be solid and at least 4 feet in height. If the pen is not the entire backyard, the fence must be at least 4 feet in height and constructed of wood, chicken wire or heavy gauge mesh wire.
4. There must be a well-drained area that allows the chickens to have access to dry ground at all times.
5. Feces shall be removed and disposed of in a sealed, enclosed container at a minimum of once weekly to avoid odor.
6. Fecal matter may be used as fertilizer if turned completely into the soil at least once weekly and there is no noxious odor.

Permit Revocation

1. The Police Chief, or designee, is authorized to revoke a permit whenever:
 - a. The permittee has failed to comply with this policy;
 - b. The permittee has violated the City Code;
 - c. The permittee has misstated any material fact in the application;
 - d. There is a substantial and material variance between the information in the application and the actual facts or those facts which appear reasonably to have occurred; or
 - e. The permittee is operating in violation of the terms and conditions of the permit.
2. A permittee may appeal the revocation in the same manner as appealing the denial of a permit.

Fee

1. The fee for the initial permit is \$100.
2. The fee to renew the permit is \$75.
3. If the City issues the permittee a Notice of Violation and if the permittee has not cured the violation when the property is reinspected, the permittee shall be assessed a reinspection fee of \$35, which is due in 30 days. If the violation has been cured, no reinspection fee shall be assessed.