



# COMMUNITY DEVELOPMENT DEPARTMENT

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Planning • Zoning • Building Safety • Construction Inspection Services • Environmental Health Services • Housing Inspections • Code Enforcement

**To:** Mayor & City Council  
**From:** Andrew Fangman, Assistant Community Development Director  
**Date:** July 9, 2020  
**Re:** Planning and Zoning Commission Review of Regulations Regarding the Keeping of Chickens in Residentially Zoned Areas

On May 7, 2020, the City Council requested that the Planning and Zoning Commission review the current regulations regarding the keeping of chickens in residential zoning districts and make a recommendation on a change in these regulations allowing for more Muscatine residents to keep chickens at their residences.

The keeping of chickens in residential areas is regulated by Chapter 29 of Title 10 of City Code. This chapter contains regulations for the keeping of animals in residentially zoned districts. Title 10, in its entirety is the Zoning Ordinance for the City of Muscatine. Section 10-31-6 of City Code, states that Title 10 can only be amended by City Council after receiving a recommendation from the Planning and Zoning Commission on a proposed change. As such, the process for making any change to the regulations on the keeping chickens in residential zoning districts starts with a recommendation from the Planning and Zoning Commission.

Chapter 29 of Title 10, classifies chickens and other fowl as “small farm animals”. It also establishes restrictions, based on the size of the parcel, on the number of small farm animals, including chickens that can be kept on a residential zoned parcel. They are as follows:

- Parcels less than 2 acres: No small farm animals allowed.
- Parcels between 2 and 20 acres: 4 small farm animals per acre.
- Parcels over 20 acres: no limit on the number of small farm animals

Chapter 29 also requires that all structures related to the keeping of chickens or any other type of farm animals are required to be set back at least 60’ from the nearest parcel line. Roosters, peacocks, turkey gobblers, or Guinea fowl are prohibited unless the parcel they are being kept on is more than 20 acres in size. All pens, stalls, quarters, or any other structure related to the keeping of farm animals as well as any grazing areas are required to be maintained in a sanitary manner which is free from noxious odor, and be maintained so that conditions limit noise and the attraction of insects and rodents. Furthermore, Chapter 29 requires that farm animals not be kept in a manner that is injurious or unhealthy to the animals being kept on the property.

Restrictions on the keeping of chickens and other fowl in residentially zoned areas were first adopted in 1973 when the following language was included in a comprehensive rewrite of the Zoning Ordinance.

*“Raising and keeping of small animals and fowl, not a commercial basis, not to exceed 24 in number, with no grain fed species to exceed 25 pounds in weight, on a site of not less than 2 acres”*

These regulations remained unchanged until 2017 when the current regulations were adopted as part of a comprehensive overhaul of the zoning ordinance. The changes adopted in 2017 only impacted parcels that are between 2 and 20 acres in size. It was decided to leave, the ban on keeping chickens and other fowl on residentially zoned parcels under 2 acres, in place.

Later in 2017, a group of citizens proposed a pilot program to allow for the keeping of chickens on residential parcels of less than 2 acres for City Council consideration. Notable feature of this pilot program included, a limit to 4 hens, a required 15' setback from all property lines for all areas used for the keeping of chickens, and a requirement for obtaining a permit which required the completion of a "chicken rearing" class offered by the Iowa State Extension. Ultimately, the City Council decided not to implement this pilot program.

To assist the Planning and Zoning Commission with developing a recommendation on this issue, staff collected and reviewed the rules relating to the keeping of chickens in residential areas from 16 other Iowa communities. Of these 16 cities, 4 of them, Bettendorf, Coralville, Cedar Falls, and Marshalltown completely prohibit the keeping of chickens in residentially zoned parcels. In the 12 cities reviewed which do allow for chickens in residential areas, there is great diversity in the extent to which they allow it, in manner in which they allow it, and the process by which they allow it.

A comparison matrix, comparing how the regulations of the City of Muscatine and these 16 cities regulate fowl and other chickens in residential areas was prepared, and can be found attached to this memo. Also attached to this memo are the regulations of the City of Muscatine, the proposed 2017 Pilot Program and these 16 communities, relating to the keeping of chickens and other fowl in residentially zoned areas.

The required setback for structures and areas used for the keeping chickens is one of the most critical elements of regulations governing chickens in residential areas. To help visualize what the implementation of required setbacks from property lines and nearby homes, there is a set of diagrams attached to this memo. These diagrams apply some of the most commonly required setbacks to a variety of different residential parcels in Muscatine. The properties depicted in these diagrams were chosen to represent the various size and configuration of residential parcels found in Muscatine.

At its May 26, 2020 meeting, the minutes of which are attached to this memo, the Planning and Zoning Commission discussed this issue, a motion was offered to recommend that the current regulations regarding the keeping of fowl in residential zoned areas not be changed. This motion failed. Members of the Commission expressed a desire to examine, discuss in greater detail, and potentially make recommendations to the parameters and operational standards that as whole create a regulatory framework for the keeping of fowl in residentially zoned areas. At this meeting five members of the public offered comments favoring changing the current regulations, and one person offered comments in opposition.

The Planning and Zoning Commission continued its discussion on the keeping of chickens in residentially zoned areas at its June 9, 2020 meeting, draft minutes of which are attached to this memo. To facilitate this a number of questions relating to the parameters and operational standards that as whole create a regulatory framework for the keeping of fowl in residentially zoned areas were prepared, see attached agenda from this meeting.

The Commission began this meeting by taking comments from members of the public on this issue. Five members of the public offered comments on this issue, all five people that spoke at this meeting were opposed to changing the current regulations regarding the keeping of chickens in residentially zoned areas. The Commission then engaged in discussion on this matter. A motion was offered to recommend that the current regulations regarding the keeping of fowl in residential zoned areas not be changed. This motion passed by a vote of 4 to 2. Because it was making a recommendation that the current regulations not be changed the Commission declined to make recommendations on any specific changes to regulations on the keeping of fowl in residentially zoned areas, or the operational standards for doing so.

City Code Section 10-31-6(B), requires any amendment to the Zoning Ordinance which the Planning and Zoning Commission votes to recommend disapproval of said amendment, shall not be passed by City Council except by the favorable vote of three-fourths of all members of the Council which is a total six affirmative votes.

If council would like further action in this issue, please provide direction to Staff.

### **Attachments**

- Agenda of the June 9, 2020 Planning and Zoning Commission
- Minutes of the June 9, 2020 Planning and Zoning Commission
- Minutes of May 26, 2020 Planning Zoning Commission Meeting
- Chicken Regulation Comparison Matrix
- Full Text of Muscatine's and Other Communities Chicken Regulations
- Example of Chicken Setback Diagrams

**AGENDA**  
**Planning & Zoning Commission**  
**Tuesday, June 9, 2020 – 5:30 p.m.**

Because of the COVID-19 situation. This hearing will be held electronically. To participate in this meeting go to the following link:

<https://global.gotomeeting.com/join/761758165>

or

**dial into (872) 240-3122 and then use access code 761-758-165.**

**Roll Call**

**Mission Statement**

**Minutes: 5/12/20 & 5/26/20**

**Zoning Ordinance**

***Review of Regulations Regarding the Keeping of Chickens in Residentially Zoned Areas, Chapter 29 of Title 10 of City Code***

At its May 7, 2020 meeting, the City Council requested the Planning and Zoning Commission review current regulations regarding the keeping of chickens in residential zoning districts and make a recommendation on changing current regulations to allow for more Muscatine residents to keep chickens at their residences.

At the May 26, 2020, at which the Planning and Zoning Commission discussed this issue, a motion was offered to recommend that the current regulations regarding the keeping of fowl in residentially zoned areas not be changed. This initial motion failed. Members of the Commission expressed a desire to examine, discuss in greater detail, and potentially make recommendations to the parameters and operational standards that as whole create a regulatory framework for the keeping of fowl in residentially zoned areas.

To facilitate this a number of questions relating to the parameters and operational standards that as whole create a regulatory framework for the keeping of fowl in residentially zoned areas have been prepared.

The Commission is being asked to discuss the following question and make a recommendation each. The recommendation on each of these questions does not represent an overall recommendation that the current regulations on the keeping of fowl be changed. Once the commission has worked its way through all of these questions, it will then decide on its overall recommendation on if the current regulations should be changed, and if so how it should be changed.

Regulations regarding the keeping of chickens and other fowl in residential areas are comprised of parameters regarding required setbacks, number of fowl allowed, parcel size and type upon which fowl are allowed, type of fowl allowed, and permitting requirements if any, Following are series of categorized questions relating to these parameter upon which the Planning and Zoning Commission is be asked to make a recommendation on.

## **Setbacks**

- A.1.** What should the setback from property lines for areas used for the keeping of fowl be?
- A.2.** What should the setback from occupied structures on other parcels for areas used for the keeping of fowl be?
- A.3.** Should the keeping of fowl be permitted in front yards?

## **Number of Fowl Allowed**

- B.1.** What should the maximum number of fowl that is allowed on a residentially zoned parcel be?
- B.2.** Should the maximum number of allowable fowl be the same for all parcels, or should larger parcels, or parcels capable of maintain large set backs be allowed more fowl? How should parcel over 2 acres be handled? How should parcels over 20 acres be handled?

## **Parcel Size and Type**

- C.1.** Should the keeping of fowl be restricted to parcels containing only one dwelling unit?
- C.2.** Should the keeping of fowl be restricted to owner occupied parcels?
- C.3.** Should there be an absolute minimum parcel size, or should keeping of fowl be allowed on all residentially zoned parcels on which the required setback can be met?

## **Types of Fowl Allowed**

- D.1.** Should the keeping of fowl be restricted to just hens, or should to current standard of allowing for all type of fowl, except for roosters, turkey gobblers, or Guinea fowl be maintained?

## **Permitting**

- E.1.** Should the keeping of fowl on residentially zoned parcels be allowed right or should a permit be required?
- E.2.** If a permit is required, should one of the requirements for obtaining a permit be completing a class on fowl rearing?
- E.3.** If a permit is required, should an inspection be part of the permitting process?
- E.4.** If a permit is required, should it be annual, such a pet license is, or a one- time thing, such as building permit is?

## **Operational Standards**

Regulations relating to keeping of fowl in residential areas typically contain operational standards relating to health, sanitation, and public welfare. Following are operational standards from other Iowa communities, broken down by category.

It is the opinion of staff that these operational standards are easy to understand, easy to enforce, and effective in protecting health, sanitation, and public welfare. As such It is this the recommendation of staff that if regulations relating to the keeping of fowl in residential areas are changes, that they be included.

The Planning and Zoning Commission is being asked to review each of these operational standards and make recommendation that said operational standards be: included as presented, include with modification (specifying the recommended modification), or not be included in any change to the regulations relating to keeping of fowl in residentially zoned areas.

### ***Fowl at Large***

- F.1.** Fowl must be kept in an enclosure that keeps them from leaving the portion of subject parcel upon which the keeping of fowl is allowed under these regulations.
- F.2.** Fowl outside of an enclosure or coop meeting the requirement of these regulations shall be considered at large and subject to all applicable provision regarding at large animals contained with Chapter 6 of Title 8 or any other applicable portion of City Code.

### ***Enclosures and Coops***

- F.3.** Enclosures and coops must be kept in sanitary conditions at all times, causing no safety or health hazards to the those keeping the fowl, the general public, other animals, or wildlife.
- F.4.** Fowl shall be secured within a coop during non-daylight hours
- F.5.** Coops may be mobile, but they shall at all times remain in a location on the subject parcel in which the construction a non-mobile coop would be allowed under these regulations.
- F.6.** Fences that serve as enclosures for fowl shall be constructed in a sturdy manner so as to contain the fowl and prevent entry by predators, dogs and cats.
- F.7.** Coops shall be enclosed on all sides and shall have a roof and at least one door. Access doors must be able to be shut and locked at night. Opening windows, vents or doors must be covered with predator and bird proof wire of less than one-inch openings.

### ***Manure and Odors***

- F.8.** Odors from fowl, fowl manure or other fowl related substances shall not be perceptible beyond the boundaries of the parcel that said fowl are being kept on.
- F.9.** Fowl manure and waste shall be removed from enclosures and coops at least once per week.

**F.10.** Manure and waste may be stored on the permittee's property. Feces and waste must be stored in a fully enclosed unit with a roof or lid. The storage unit may allow sunlight and movement of air so the materials dry, but must be designed, used and maintained in such a manner as to keep the material fully contained so that it does not blow or otherwise erode onto other properties. When stored, manure and waste must be stored in a manner to not attract flies, rodents or other vermin.

**F.11.** Manure and waste may be used as fertilizer on the permitted property subject to being turned in to the soil completely immediately upon application and there is no odor perceptible beyond the boundaries of the subject parcel.

### ***Noise***

**F.12.** Noise from fowl shall not cause serious annoyance or disturbance to any person or persons by frequent and habitual crowing, cackling and gobbling, or otherwise.

### ***Health and Welfare***

**F.13.** No owner shall fail to provide their fowl with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

**F.14.** All feed and other items associated with keeping chickens shall be protected in a manner to prevent rodents, wild birds, and predators from coming into contact with them.

**F.16.** Fowl found to be infested with insects or parasites, that may result in safety or health hazards to the those keeping the fowl, the general public, other animals, or wildlife, shall be removed by the owner and may be removed by the city at the owner's expense.

**F.17.** Fowl found to be diseased and as a result may result in safety or health hazards to the those keeping the fowl, the general public, other animals, or wildlife, shall be removed by the owner and may be removed by the city at the owner's expense.

### ***Injury to Fowl by Dog, Cat, or Other Domestic Animal***

**F.18.** Injury or death to fowl that is caused by a dog, cat or other domesticated animal shall not be considered sufficient grounds, in and of itself, to designate the animal as dangerous or vicious pursuant to City Code.

### ***Slaughter and Disposal of Dead Fowl***

**F.19.** Any slaughter of fowl shall be performed in a humane manner and shall not be done in open view to any public area or adjacent to property owned by another.

**F.20.** Dead fowl shall be disposed of in a sanitary manner. Dead fowl shall not be composted.

### ***Non-Commercial Use Only***

**F.21.** Selling of eggs, fowl, or fertilizer produced from fowl manure that are produced on residentially zoned parcels is prohibited.

## ***Vacant Parcels***

**F.22.** No person shall keep fowl on a vacant parcel unless they reside on a directly adjoining parcel.

## ***Conclusion and Overall Recommendation***

Discussion on and potential action on an overall recommendation to City Council that:

- Recommends that the current regulations on keeping of fowl in residentially zoned areas not be changes;

***or***

- Recommends that the current regulations on keeping of fowl in residentially zoned be changed in a manner that incorporates all or some (specifying which) of the Planning and Zoning Commission previous recommendations on the parameters and operational standards that as whole create a regulatory framework for the keeping of fowl in residentially zoned areas.

***or***

- Any other motion related to an overall recommendation to City Council that Planning and Zoning Commission wishes to entertain.

**Adjourn.**

**MINUTES**  
**June 9, 2020 – 5:30 p.m.**  
**Planning and Zoning Commission**  
**Online GoToMeeting**

**Present:** Andrew Anderson, Kayla Bendorf, Jodi Hansen, Wendi Ingram, Steve Nienhaus and Robert McFadden

**Excused:** Rochelle Conway

**Staff:** Andrew Fangman, Assistant Community Development Director, Community Development  
Christa Bailey, Office Coordinator, Community Development

Chairperson Jodi Hansen opened the meeting at 5:30 p.m. and read the mission statement.

Minutes:

Steve Nienhaus motioned to approved the May 12, 2020 and May 26, 2020 minutes; Andrew Anderson seconded the motion. All ayes, motion carried.

**Zoning Ordinance:**

**Review of Regulations Regarding the Keeping of Chickens in Residentially Zoned Areas, Chapter 29 of Title 10 of City Code.**

Jodi Hansen explained this agenda item was continuing a discussion from the May 26, 2020 Planning and Zoning Commission Special Meeting about potentially changing the regulations to allow chickens to be kept on residentially zoned properties of less than two acres and then she opened the discussion for comments from citizens.

Phil Fitzgerald, 3306 Mulberry Ave, stated that he does not support changing the regulations to allow chickens on smaller parcels and he believes that the Commission is hearing mostly from citizens in favor of the change but they are in the minority, the majority of citizens are opposed to the change but are not as outspoken. Mr. Fitzgerald referenced that this issue has been brought before council previously but did not result in any changes to the regulations. Mr. Fitzgerald stated that keeping chickens is not a cost-effective way of producing eggs and meat for most people and with the added possible negative impacts of chickens including offensive smells, predator attractant and City staff time to enforce the regulations it greatly outweighs any advantages of allowing chickens.

Dennis Taylor, 3204 Mulberry Ave, shared that at the previous meeting he raised several questions and concerns about allowing chickens on smaller parcels but none of the people at that meeting who supported the keeping of chickens addressed or offered solutions for his concerns. Mr. Taylor expressed if the regulations were to be changed it would inject more conflict between citizens into an already socially unrest environment. Mr. Taylor reiterated his concern from the previous meeting about the cost of enforcing new regulations and its impact on the taxpayers. Mr. Taylor also stated that he believes the value of homes would be negatively impacted by allowing chickens and he wants to live in a clean, safe and quiet community but chickens are in direct conflict of this.

Barbara Noble, 3212 Mulberry Ave, echoed Mr. Taylor's comments stating she is not in favor as she does not want to live next to farm animals and she is also concerned about neighbor relationships deteriorating, especially for smaller lots. Ms. Noble recommended that no changes be made to the regulations, noting her concerns about decreasing property values, health issues and disposing of chicken waste or carcasses.

Dyann Roby, 2208 Oak Valley Dr, stated she is opposed to changing the regulations as well as she is worried about liability issues, mistreating of chickens, disposing of chicken carcasses, predators, excessive noise and offensive smells. Ms. Roby believes changing the regulations would have a negative impact on the entire Muscatine community.

Bill Phelan, 2806 Termini Dr, expressed that he is opposed as well for all the same concerns the previous speakers described.

Robert McFadden shared an idea with the Commission about potentially leasing out small lots on the land around the dog park for people to keep chickens on. Jodi Hansen asked Andrew Fangman if this idea has been explored already to which Mr. Fangman replied it has not been and while he has not seen any other cities that have implemented such an idea, if there is enough interest it may be worth examining further. Andrew Anderson relayed a message from Peggy Gordon that the land around the dog park is part of the Pollinator Park and cannot be used for Mr. McFadden's idea.

Mr. McFadden stated that he received several calls from citizens who all voiced an opposition to changing the regulations.

Steve Nienhaus questioned if Mr. Fangman had come across any studies during his research that showed property values decreasing due to chickens. Mr. Fangman reported that type of study would be difficult to establish and as such he had found no specific studies relating to that. Wendi Ingram alleged that as a real estate agent she feels like property values would go down since typically the only instance in which the property value is not affected by an additional shed is when the shed exterior matches the exterior of the home. Mr. Nienhaus asked if poorly maintained dog houses affect property values as well and Ms. Ingram said that there are actually not many dog houses in Muscatine.

Ms. Hansen asked Mr. Fangman for an update on the potential of a chicken rearing class and Mr. Fangman explained that a class is offered through the Eastern Iowa Community College at the Davenport campus location because Davenport and Moline currently require their citizens to attend the class to have chickens but if Muscatine decides to pursue this route they would most likely offer the class at the Muscatine campus as well.

Mr. Anderson shared that he received several calls and comments from community members who were all opposed to changing the regulations as well. Ms. Ingram added that she received several comments as well and they were all opposed also. Mr. Anderson commented that it feels like the regulations should not be changed at this time.

Wendi Ingram motioned to not make any changes to the regulations regarding the keeping of chickens; seconded by Robert McFadden.

Four ayes: Wendi Ingram, Andrew Anderson, Robert McFadden, Kayla Bendorf

Two nays: Steve Nienhaus, Jodi Hansen

Motion carried.

Meeting adjourned at 6:01pm.

ATTEST:

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Jodi Hansen, Chairperson  
Planning & Zoning Commission

Respectfully Submitted,

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Andrew Fangman, Secretary  
Assistant Community Development Director

**MINUTES**  
**May 26, 2020 – 5:30 p.m.**  
**Planning and Zoning Commission**  
**Special Meeting**  
**Online GoToMeeting**

**Present:** Andrew Anderson, Kayla Bendorf, Rochelle Conway, Jodi Hansen, Wendi Ingram, Robert McFadden and Steve Nienhaus

**Excused:**

**Staff:** Andrew Fangman, Assistant Community Development Director, Community Development  
Christa Bailey, Office Coordinator, Community Development

Chairperson Jodi Hansen opened the meeting at 5:30 p.m. and read the mission statement.

**Zoning Ordinance:**

**Discuss the issue of keeping chickens in residential zoned areas.**

Andrew Fangman explained that at the May 7, 2020 City Council meeting the Council members made a request to have the Planning and Zoning Commission review the City Ordinances pertaining to the keeping of chickens in residential zoned area and make a recommendation of any changes to the Ordinances, if any. Mr. Fangman reviewed the current regulations for the Commission members which establishes chickens are classified as a “small farm animal” and as such residentially zoned parcels that are less than 2 acres in size are not allowed to keep chickens. Mr. Fangman explained that a pilot program for keeping chickens on smaller parcels was done previously but at the time it was decided not to alter any of the regulations. Mr. Fangman requested if the Commission does recommend a change to the current regulations that they provide recommendations on the following questions:

Minimum parcel size, if any, upon which the keeping of chickens is permitted?

Maximum number, if any, of chickens allowed?

Required setbacks for structures, coops, enclosures, etc. related to the keeping of chickens?

Are roosters to be allowed?

Are other types of poultry allowed?

Is a permit required to keep chickens, or is keeping chickens allowed by right?

If a permit is required, should the taking of chicken rearing class be required to get said permit?

Should staff’s recommended language detailed in the memo related to health, sanitation, and public welfare be included?

Lupe Estrada, 3413 Mulberry Ave, stated she is in favor of allowing chickens to be kept on parcels less than 2 acres in size. She currently lives on 0.63 acres but it is completely fenced off so if she were to keep chickens, she does not believe it would cause issues with her neighbors. Ms. Estrada stated that roosters should not be allowed though because they are loud.

Megan Koehler, 1512 Bidwell Rd, also voiced her support for allowing chickens stating it is a way to create a self-sufficient food supply for residents but she thinks the number of people getting chickens would remain fairly low based on a previous number of people interested in changing the regulations. Ms. Koehler shared that keeping the chicken enclosures sanitary is extremely important and should be regulated but she could go either way on whether roosters should be allowed. Ms. Koehler stated that the regulation requiring at least 2 acres is discriminating against people who cannot afford the acreage so she doesn’t believe there should be a limit on the acreage required to have chickens. Ms. Koehler recommended for the setback requirements to consider the distance between the residence location versus the property line. Jodi Hansen asked Mr. Fangman if setback requirements between the residences would be feasible instead of the property line to which Mr. Fangman replied that it is possible, other cities have that type of setback requirement and that he provided examples in the memo showing how this type of setback would work for properties in Muscatine.

Angel Nguyen, 3206 Mulberry Ave, declared she is in support of allowing chickens as it is a healthy option for eggs and would provide an opportunity to teach children responsibility but she does not favor allowing roosters. Ms. Nguyen stated that other cities are being more progressive with allowing chickens and she would like to see Muscatine follow their example.

Jennifer DeVos, manager of the Muscatine Farmer's Market, shared her support for allowing chickens because as the Farmer's Market manager it is her job to promote local food and there is nothing more local than your own backyard.

Dennis Taylor, 3204 Mulberry Ave, stated that he is opposed to allowing chickens on smaller parcels because he grew up on a farm so he knows chickens and all the potential issues they could cause including diseases, offensive smells, attractant for coyotes, foxes, rats and mice, excessive noise, and visual blight of poorly constructed chicken coops. Mr. Taylor shared that he believes if a person wants chickens, they should move outside City limits and that there is plenty of meat and eggs in the stores so the reasoning of keeping chickens for food is not necessary. Mr. Taylor also expressed concern about the enforcement burden that could potentially be placed on the City and specifically of health concerns for the City employees who have to enforce any unsanitary conditions.

Casey Koehler, 1512 Bidwell Rd, declared that as a long-term resident of Muscatine and active member of the Navy his paramount concern is being able to provide for his family and chickens would allow him to better accomplish that. It would also present an opportunity for lessons on responsibility. Mr. Koehler stated that the concerns raised by Mr. Taylor could be caused by a number of things, any animal can be a nuisance, besides just chickens. Mr. Koehler suggested that the acreage limit be changed to half an acre as many people cannot afford 2 acres and that certain standards for keeping chickens should be put in place but not to over regulate it.

Robert McFadden commented that neighbors do not want chickens or roosters and if the City allows those then the next thing residents will want is goats. Andrew Anderson asked if Mr. Fangman could provide insight as to why the pilot program did not succeed and Mr. Fangman responded he did not specifics as he was not the staff person involved in the pilot program but he would find out the answer. Jodi Hansen questioned what type of setbacks the pilot program used and Mr. Fangman answered that it was 15 feet from the property lines and was not a dual setback to include distances between residences. Steve Nienhaus commented that he is torn on the issue as he does not want to see every house in Muscatine have chickens but it does teach children responsibility. Mr. Nienhaus suggested changing the parcel size limit to either a third or half of an acre, enforcing the rules with a 3-strike system and that there should not be a fee required to have chickens. Wendi Ingram questioned how long the chicken rearing class is and added that if the class is not a good enough quality then people will not respect it. Mr. Fangman stated that he could not recall how long the class is but he would look into finding an answer. Mr. Fangman supplied that while he understands that residents do not want to be regulated to death the City does need to clearly define rules and regulations otherwise it is open to interpretation which could cause issues. Ms. Ingram stated she respects the comments from the people who spoke but she is concerned about the citizens who did not call in. Mr. McFadden echoed Ms. Ingram adding that he does not believe this to be an urgent issue right now, that staff time can be better used elsewhere and the regulations should be left as is for now. Ms. Hansen commented that she does not see an urgency either and would like more information and questions answered before making a final recommendation. Mr. Anderson reiterated Ms. Hansen and added that the Commission should avoid making changes too fast and need look into the issue further as other communities have seen success with their chicken regulations. Mr. McFadden stated that a lot of people do not know how to take care of chickens and that during bad weather people will not want to take care of the chickens. Mr. McFadden stated that many people will not even mow their grass so he does not believe that they will take proper care of chickens.

Robert McFadden motioned to keep the regulations as is; Rochelle Conway seconded. Robert McFadden, Rochelle Conway and Wendi Ingram voted aye. Jodi Hansen, Kayla Bendorf, Andrew Anderson and Steve Nienhaus voted nay. Motion denied.

The Commission members who voted against the motion to keep the regulations as is declared they want to keep the conversation open and want to get more information on the previous pilot program, the chicken rearing class, dual setbacks and enforcement of any regulation changes before making a final decision.

Robert McFadden motioned to table the discussion to the next meeting when the requested information could be presented; Rochelle Conway seconded. All ayes, motion carried.

Ms. Koehler asked Mr. Fangman for a copy of the recorded meeting because she thought Robert McFadden's remarks were defamatory. Mr. Fangman asked her to contact him directly by email or phone and he would get her the recording.

Mr. Nienhaus questioned if there is a staff recommendation for this issue and Mr. Fangman explained that staff does not have a specific recommendation on whether the regulations should change but staff does recommend that if the regulations do change that health and sanitary regulations be included. Mr. Anderson asked Mr. Fangman to layout the process if the Commission does decide to recommend regulation changes. Mr. Fangman explained that the Commission would establish a recommendation of what the regulations should be changed to, which would be presented to City

Council by a staff member and City Council would make the final decision on accepting or denying the Commission's recommendation.

Meeting adjourned at 6:35pm.

ATTEST:

Respectfully Submitted,

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Jodi Hansen, Chairperson  
Planning & Zoning Commission

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Andrew Fangman, Secretary  
Assistant Community Development Director

DRAFT

	City of Muscatine	2017 Proposed Pilot Program	Des Moines
Minimum Parcel Size	2 acres	None	No, but not on parcels with multiple dwellings
Roosters Allowed	No	No	Yes
Maximum number of birds	4 per acre	4	30 for parcels less than one acre, 50 per acre for parcels larger than an acre
Required setbacks for areas used for the keeping chickens	60' from property line	15' from property line	25' from nearest neighboring residence
By right or permit	Right	Permit	Right
Other types of poultry, besides chicken allowed?	Yes	No	Yes
Training/Class required in order to be allowed to keep chickens	No	Yes	No

	Cedar Rapids	Ottumwa	Clinton
Minimum Parcel Size	No, but not on parcels with multiple dwellings	None	None
Roosters Allowed	No	No	No
Maximum number of birds	6	6	6
Required setbacks for areas used for the keeping chickens	10' from property line, 25' from neighboring buildings	10' from property line, 50' from neighboring buildings	10' from property line
By right or permit	Permit	Permit	Permit
Other types of poultry, besides chicken allowed?	NO	No	no
Training/Class required in order to be allowed to keep chickens	Yes	No	Yes

	Burlington	Mason City	Ames
Minimum Parcel Size	None	None	None
Roosters Allowed	Yes	Yes	Yes
Maximum number of birds	No Limit	25 for parcels small than 2 acres	No limit
Required setbacks for areas used for the keeping chickens	75' from any neighboring building	10' from property line, 35' from neighboring buildings	Accessory building setbacks
By right or permit	Permit	Right	Right
Other types of poultry, besides chicken allowed?	Yes	Yes	Yes
Training/Class required in order to be allowed to keep chickens	No	No	No

	Council Bluffs	Waterloo	Iowa City
Minimum Parcel Size	No	10,000 Sq. Ft	No
Roosters Allowed	Yes	Yes	No
Maximum number of birds	No Limit	2 for first 10,000 sq. ft, 1 per each additional 2,500. Maximum of 8	4
Required setbacks for areas used for the keeping chickens	150' from neighboring buildings, 10' if written consent from neighbor is obtained	Accessory building setbacks	5' from property line, 25' from neighboring buildings
By right or permit	Permit	Permit	Permit
Other types of poultry, besides chicken allowed?	Yes	Yes	No
Training/Class required in order to be allowed to keep chickens	No	No	No

	Dubuque	Davenport	Bettendorf
Minimum Parcel Size	No	No	Chickens not allowed in residentially zoned areas.
Roosters Allowed	No	No	
Maximum number of birds	No limit	6	
Required setbacks for areas used for the keeping chickens	Accessory building setbacks	10' from property line, 25' from neighboring buildings	
By right or permit	Right	Permit	
Other types of poultry, besides chicken allowed?	No	No	
Training/Class required in order to be allowed to keep chickens	No	Yes	

	Coralville	Cedar Falls	Marshalltown
Minimum Parcel Size	Chickens not allowed in residentially zoned areas.	Chickens not allowed in residentially zoned areas.	Chickens not allowed in residentially zoned areas.
Roosters Allowed			
Maximum number of birds			
Required setbacks for areas used for the keeping chickens			
By right or permit			
Other types of poultry, besides chicken allowed?			
Training/Class required in order to be allowed to keep chickens			

# Current City of Muscatine Regulations

## Title 10 – Zoning

### Chapter 29 – Keeping of Animals in Residential Districts

#### Sections

10-29-1 Applicability

10-29-2 Definitions

10-29-3 Regulations Applying to Parcels Under 2 Acres in Size

10-29-4 Regulations Applying to Parcels More than 2 Acres but Less than 20 Acres in Size

10-29-5 Regulations Applying to Parcels More 20 Acres in Size

10-29-6 Keeping of Hives or Colonies of Bees

#### 10-29-1 Applicability

- A. The raising and keeping of any animals within a residential zoned district shall comply with the regulations contained within this chapter.
- B. Nothing in this section shall be construed as permitting a type or species of animal that is prohibited elsewhere in the City Code.

#### 10-29-2 Definitions

- A. **Domestic Companion Animal:** A domestic animal customarily kept, and cared for, by the occupants of a dwelling for personal pleasure, and which are not raised for food or fur, or monetary gain. Typically, this includes dogs, cats, birds and other small mammals and reptiles, but not fowl, herd animals, goats, horses, other farm type animals, or types of animals prohibited elsewhere in City Code.
- B. **Small Farm Type Animal:** Small sized animals or fowl normally raised on a farm, or as part of commercial agricultural or animal husbandry operation, or normally used for purposes related to agricultural production, including but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, mink, and other animals or fowl of similar size and type, whose mature weight is less than 30 pounds. Young or miniature large animals are not included in this definition and are considered large animals. The category does not include domestic companion animals.
- C. **Medium Farm Type Animal:** Medium sized animals or fowl normally raised on a farm, or as part of commercial agricultural or animal husbandry operation, or normally used for purposes related to agricultural production, including but not limited to, sheep, goats, or similar medium sized animals whose mature weight is between 30 and 500 pounds. The category does not include domestic companion animals.

# Current City of Muscatine Regulations

- D. **Large Farm Type Animal:** Includes, but not limited to, horses, donkeys, burros, llamas, bovines, bison, camels, ostriches, emu, and other animals or livestock of similar size and type, whose mature weight exceeds 500 pounds.

## 10-29-3 Regulations Applying to Parcels Under 2 Acres in Size

- A. Keeping of domestic companion animals of a type and in a manner that is in compliance with all relevant sections of City Code is permitted.
- B. All pens, cages or any other structure related to the keeping of domestic companion animals shall be maintained in a sanitary manner free from noxious odor, and conditions shall limit noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties. Furthermore, domestic companion animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.
- C. Keeping of small farm type animals, medium farm type animals, or large farm type animals is prohibited.
- D. Kennels or any other forms of boarding animals for compensation are prohibited.

## 10-29-4 Regulations Applying to Parcels More than 2 Acres but Less than 20 Acres in Size

- A. Keeping of domestic companion animals of a type and in a manner that is in compliance with all relevant sections of City Code is permitted.
- B. **Maximum number of farm type of animals permitted:**
  - 1. **Small farm type animals:** Maximum of 4 small farm type animals per acre.
  - 2. **Medium farm type animals:** Maximum of 2 medium farm type animals per acre.
  - 3. **Large farm type animals:** Maximum of 1 large farm type animal per acre.
- E. Keeping of roosters, peacocks, turkey gobblers or guinea fowl is not permitted.
- F. Any accessory structure related to the keeping of farm type animals shall comply with all of the following:
  - 1. Any accessory structure associated with the keeping of small, medium, or large type farm animals, other than swine, shall be set back 60 feet from the nearest parcel line.
  - 2. Not more than one animal shelter building for the housing of livestock or small animals or fowl shall be permitted on one parcel.
- G. All pens, stalls, quarters, or any other structure related to the keeping of animals as well as any grazing areas shall be maintained in a sanitary manner free from noxious odor, and conditions shall limit noise and the attraction of insects and rodents so as not to

# Current City of Muscatine Regulations

cause a nuisance to occupants of nearby buildings or properties. Furthermore, farm animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.

- H. Kennels or any other forms of boarding animals for compensation are prohibited.
- I. Services offered in exchange for compensation that are related to or make use of farm type animals are prohibited.
- J. Keeping of swine prohibited.

## **10-29-5 Regulations Applying to Parcels More than 20 acres in Size**

- A. Keeping of domestic companion animals of a type and in a manner that is in compliance with all relevant sections of City Code is permitted.
- B. All farm type animals are permitted.
- C. Feed lots, livestock confinement areas, or confined animal feeding operations are prohibited.
- D. Any accessory structure related to the keeping of farm type animals shall comply with all of the following:
  - 1. Any accessory structure associated with the keeping of less than 60 small, 20 medium, or less than 10 large type farm animals, other than swine, shall be set back 60 feet from the nearest parcel line.
  - 2. Any accessory structure associated with the keeping of 60 or more small type farm animals, 20 or more medium type farm animals, or 10 or large type farm animals, or any number of swine shall maintain a 200 feet setback from the nearest parcel line.
- E. All pens, stalls, quarters, or any other structure related to the keeping of animals as well as any grazing areas shall be maintained in a sanitary manner free from noxious odor, and conditions shall limit noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties. Furthermore, farm animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.
- F. Kennels or any other forms of boarding animals for compensation are prohibited.
- G. Services offered in exchange for compensation that are related to or make use of farm type animals are prohibited

# Proposed 2017 Current City of Muscatine Pilot Program

## City of Muscatine Urban Chicken Pilot Program

**Limits:** The pilot program can continue through December 31, 2017 at which time the City Council will discuss a plan going forward. City staff will provide quarterly updates to council on the progress of the pilot program. City Council retains the ability to cancel the pilot program at any time and for any reason.

**Purpose:** This a pilot program to trial urban chicken keeping for the purpose of egg production on property parcels smaller than 2 acres. Residents entering into this program do so with the understanding that the City may at its discretion terminate the pilot program and all expenses are the participants. This program is intended to for domestic production and consumption of eggs. Meat chicken rearing is not allowed under the program. No eggs or chickens from this program shall be sold on a commercial basis.

**Enrollment:** An initial 25 permits are available to participants on a first come first serve basis after completion of the mandatory 'Chicken Rearing' education class instructed by Iowa State Extension or other class as designated.

**Program Rules:** The following rules pertain to the pilot program and will govern the keeping of chickens and are designed to prevent nuisances and prevent conditions that are unsanitary or unsafe. No person shall keep chickens unless the following rules are followed:

**a. Number:** No more than four (4) hens shall be allowed for each single-family dwelling.

**b. Setbacks:** Coops, cages, and fenced enclosures housing chickens shall be kept at least fifteen (15) feet from property lines. Coops, cages and fenced enclosures shall not be located in the front yard.

**c. Enclosures:** Coops are structures with solid walls and roof suitable for year round housing of chickens. The coop must be lockable to keep chickens in and predators out. Chicken coops must be stationary.

- 1) Cages are open-air wire enclosures for housing chickens. Chicken cages as sole housing for chickens are not allowed.
- 2) Fenced enclosures also known as chicken runs are outdoor enclosures to restrain the chickens when outside of their coop. Fenced enclosures and chicken runs must comply with all city fencing ordinances.
- 3) Coops, cages, and fenced enclosures shall be secured to prevent accidental release by outside parties.
- 4) Hens shall be provided with a covered, predator-proof coop or cage that is well ventilated and designed to be easily accessed for cleaning. The coop shall allow at least two square feet and two vertical feet per hen. The coop shall be constructed of durable materials with appealing aesthetics. Coop construction and location shall be consistent with accessory building requirements.
- 5) Hens shall have access to clean water at all times.
- 6) Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds. Hens shall not be allowed out of these enclosures unless a responsible individual, over 18 years of age, is directly monitoring the hens and able to immediately return the hens to the cage or coop if necessary. Enclosures shall be provided with overhead netting/wire to retain the hens while discouraging predators or hens shall be clipped to prevent flight.

# Proposed 2017 Current City of Muscatine Pilot Program

**d. Sanitation.** The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste. Waste odor should not pass across property lines. No carcass burial is allowed. Accumulation of waste is a violation of the pilot program. Waste must be disposed of in a safe and appropriate manor.

**e. Health:** If any chicken in the flock is sick or appears to be sick then the entire flock needs to be evaluated and treated by a veterinarian within 24 hours. Precautions should always be taken to wash hands before and after the handling of chickens as well as to properly wash clothing..

**e. Slaughtering:** There shall be no outdoor slaughtering of chickens.

**f. Roosters:** It is unlawful for any person to keep roosters.

**g. Other fowl:** No other fowl, such as ducks and turkeys, are permitted under this program.

**Pilot Program Eligibility:** Candidates for participation in this program shall meet the following guidelines:

- a) Single Family Residence.
- b) No history of nuisance issues.
- c) No history of animal violations.
- d) Completed the educational class on chicken rearing.
- e) No multi-family or rental properties are eligible for this initial pilot.

**Pilot Program Permit:** A permit is required to participate in the pilot program. A permit is not automatically approved. The application must be filled out to meet all program requirements to the approval of the Community Development Department. An application for a permit must contain the following items and the applicant agrees to the program requirements:

- a) Provide name, phone number and address of the applicant.
- b) Size and location of subject property.
- c) A description of any coops, cages or outdoor enclosures providing precise dimensions and the precise location of these enclosures in relation to property lines and adjacent properties.
- d) Provide a site plan of the property including location and dimensions of property lines, dwelling, accessory buildings, chicken coop and fencing
- e) Participation in data gathering by City during the pilot program.
- f) Agree to pay an initial registration charge of \$25 with an annual renewal of \$10.
- g) With the permit, the participant will receive four (4) leg bands. All hens must be banded. Band will help City track hens and return any escapees to rightful owners. If new bands are needed, they can be purchased from the Muscatine Community Development Department for \$5 each
- h) Sign the application that they agree to all program conditions, that the application contains information, and if any information is found to be inaccurate, that their application may be disapproved or their permit may be revoked.

**Permit Renewal:** Permits will be granted on an annual basis. The city may revoke the permit at any time and for any reason. If the city receives complaints regarding the permit holder's keeping of chickens or the city finds that the permit holder has not maintained the chickens, coops, or outdoor enclosures in a clean and sanitary condition, the permit could be immediately revoked.

# Proposed 2017 Current City of Muscatine Pilot Program

**Enforcement:** Participation in this program is a privilege granted by the City of Muscatine. City will respond to complaints of animal welfare and nuisance conditions. Participants acknowledge the following:

1. City has the right to enter outside yard areas to investigate complaints or curb nuisance conditions.
2. City may utilize various means of enforcing program requirements such as warnings and ultimately the removal of the participant from pilot program with requirements that participant removes any chickens from its property and abate nuisance conditions.

# Des Moines Regulations

## Sec. 18-4. - Agricultural nondomestic animals and exotic animals.

- (a) No horse, cow, calf, swine, sheep, goat, llama, camel, ostrich, peacock, chicken, goose, duck or other agricultural animal or any nondomestic animal shall be kept within the city's corporate limits on any lot or parcel of land unless such parcel of land shall be an acreage, except as provided under subsections (f), (g) and (h) of this section and article IV of this chapter. The area where any such animal is kept on the acreage shall be 75 feet from any neighboring residential dwelling and not located in a front yard area. The keeping of bees in hives is exempted from this section.
- (b) No such animal shall be kept on the same lot or premises with any multiple dwelling.
- (c) Not more than two such animals may be kept on an acreage, except that one additional animal may be added for each additional acre over one acre. An exception is made for fowl, which may be 25 in number per acre and 50 for each additional acre.
- (d) Any animal kept on an acreage shall be kept for personal use only and not for commercial use except as provided in subsections (f) and (g) of this section.
- (e) No person having the care of any cow or cattle of any kind, horse, swine, goat or other animal, domestic or nondomestic, shall permit the animal to run at large as defined in subsection 18-55(a) of this chapter within the corporate limits.
- (f) Subsections (a), (b), and (d) of this section shall not be deemed to prohibit the keeping or maintaining of any animal which was legally kept upon any land on June 25, 2009, provided no additional animals to those legally kept upon such date shall be placed upon any land on or after June 26, 2009, and any animal which dies, is removed or ceases to be kept or maintained under this section may not be replaced as long as the total number of animals kept exceeds the number allowable under this Code. In order to establish a right to keep animals under this subsection, a person having control over land must make application to the community development department on or before June 30, 2010, upon forms to be provided by the department. To establish that animals were legally kept on land on June 25, 2009, the community development director or the director's designee may make reasonable requests, including a request to inspect land, to verify any claim of exemption.
- (g) Subsection (f) of this section notwithstanding, the keeping of animals for commercial or agricultural purposes which was lawful on June 25, 2009, may continue so long as the commercial or agricultural use is not discontinued. In order to establish a right to keep animals for agricultural or commercial purposes under this subsection, a person having control of the land must make application to the community development department on or before June 30, 2010, upon forms to be provided by the department. To establish that animals were legally kept for agricultural or commercial purposes on June 25, 2009, the community development director or the director's designee may make reasonable requests, including a request to inspect land, to verify the claim of exemption.
- (h) **Small caged animals and fowl such as falcons, pigeons, pheasants, quail, chickens, ducks, geese, rabbits, ferrets and other small animals and fowl which are of such type and nature that state and national associations exist establishing norms for breeding, confining and rearing shall be allowed, provided that:**
  - (1) **Cages, hutches, coops, cotes, lofts or other confinement shall be at least 25 feet away from any neighboring residence; such enclosures shall be of sufficient size to house the number of animals or fowl permitted by state or national standards.**
  - (2) **The area is maintained free of odors, insects and rodents, and disturbing noises such as crowing, cackling and gobbling, causing no safety or health hazards to the general public or interfering with the enjoyment of life and property by any neighboring resident.**
  - (3) **Animals and fowl included in this subsection shall be fed in the confines of their enclosures; all grains and food shall be stored in rodentproof containers.**
  - (4) **On any parcel of land less than an acre, such animals shall be limited to two species and 30 in total number, unless by state and national standards more are permitted.**

# Des Moines Regulations

**(5) On any parcel of land of one acre or more, such animals shall be limited to six species and 50 in total number for the first acre and 50 for each additional acre, unless by state and national standards more are permitted.**

**(6) No animal or fowl under this subsection may be maintained, enclosed or fenced in the front yard of a dwelling or within a dwelling.**

**(7) The young produced by any animals or fowl of this nature may be maintained with the parent animals for a period of approximately eight weeks but in no case more than ten weeks, unless by state and national standards a longer period is required.**

- (i) Nothing in subsection (f), (g) or (h) of this section shall be construed as abrogating any requirement in this Code which requires the licensing or permitting of any animal or the keeping thereof.
- (j) Except as provided in subsection (f), (g) or (h) of this section, this article shall apply to all persons harboring, any animal in a manner not consistent with this article.
- (k) Animals inclusive of fowl maintained for educational purposes by schools, day care centers, vocational agricultural programs and for other public education programs; animals inclusive of fowl maintained for display at Blank Park Zoo, state and county fairs, science center, circuses; primates maintained for research or educational programs by the Iowa Primate Learning Sanctuary; and the bringing in of such animals and fowl on a temporary basis for exhibits or shows are exempt from this section, provided all other requirements under this Code are met.
- (l) Any person presently owning or maintaining animals that are not in compliance with this chapter may make application to the city manager or the manager's designee for a variance, provided such application meets the following conditions:
  - (1) The keeping of such animals has been of long-standing duration, that is, in excess of three years, or is presently under commercial contract.
  - (2) The area where such animals are maintained is so located as to cause no safety or health hazards to the general public or interferes with the enjoyment of life and property by any neighboring resident.

Any such variance is conditioned upon all circumstances for the granting of the variance remaining constant. The city manager or the manager's designee may revoke the variance at any time after notice and opportunity for comment by the applicant, if it is determined that due to changed circumstances, the presence of the animals is causing a safety or health hazard to the general public or interferes with the enjoyment of life and property by any neighboring resident.

(C42, § 114-3; C54, C62, § 5-3; C75, § 7-5; O.9211; C79, C85, § 7-5; O.11,292, 11,558; C91, § 7-5; O.11,730, 13,011, 14,866, 14,904)

# Cedar Rapids Regulations

## CHAPTER 23A - URBAN CHICKENS

### 23A.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.

### 23A.02 - PERMIT REQUIRED.

- (a) **Permit Required.** No person shall raise, harbor or keep chickens within the City of Cedar Rapids 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 provided notice to the residents of all immediately adjacent dwellings of the applicant's intent to obtain a permit.
  6. The applicant has successfully completed an approved class in raising chickens in an urban setting. The Permitting Officer shall maintain a current list of such approved classes.
- (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.
- (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, re inspection 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;

# Cedar Rapids Regulations

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.
- (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.** 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 Permitting Officer has denied, revoked, suspended, or not renewed a permit, the applicant or holder of Urban Chicken 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.

## 23A.03 - NUMBER AND TYPE OF CHICKENS ALLOWED.

- (a) The maximum number of chickens allowed is six (6) per tract of land regardless of how many dwelling units are on the tract.
- (b) Only female chickens (hens) are allowed.

## 23A.04 - ZONING DISTRICTS ALLOWED.

Permits will be granted only for tracts of land located in residential districts as identified on the current Official Zoning Map on file with the City of Cedar Rapids.

## 23A.05 - NON-COMMERCIAL USE ONLY.

A permit shall not allow the permittee to engage in chicken breeding or fertilizer production for commercial purposes.

## 23A.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.
    - a. 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.
    - b. 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

# Cedar Rapids Regulations

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 required by Cedar Rapids Municipal Code Chapter 32, unless the setback requirements cannot be met in which case they may be kept in other yard but within the required setbacks.
  3. Henhouses, chicken tractors and chicken pens must be located at least ten (10) feet from the property line and at least twenty-five (25) feet from any adjacent residential dwelling, church, school or place of business.
- (e) Any enclosed chicken pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.

## 23A.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.

## 23A.08 - 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 Cedar Rapids Animal Control Officer.

## 23A.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.

## 23A.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.

## 23A.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, not be considered a dangerous or aggressive animal or the city's responsibility to enforce its animal control provisions.
- b. The Permittee shall place and keep leg bands on all of his chickens showing the permit number.

## 23A.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 Cedar Rapids 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 single family dwelling unit, multi family dwelling unit(s) or rental unit.

# Cedar Rapids Regulations

- d. No person shall slaughter any chickens within the city of Cedar Rapids.
- e. No person shall keep a rooster.
- f. No person shall keep chickens on a vacant or uninhabited tract of land.

## 23A.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 Cedar Rapids Municipal Code Chapter 22.

(030-10)

(Note: Chapter 23A adopted by Ordinance 030-10, passed July 27, 2010 and published August 2, 2010)

# Ottumwa Regulations

## URBAN CHICKEN AND RABBIT POLICY

(Adopted in Resolution No. 153-2015)

### Definitions:

1. Chicken: A member of the subspecies of gallus gallus domesticus, a domesticated chicken.
2. Rabbit: A member of the subspecies of lagomorpha leporidae, a domesticated rabbit.
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 or rabbits 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 and/or rabbit 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.
7. All outstanding fines and invoices due the city have been paid prior to approval.

### 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 or rabbits is void.

### Site Requirements:

1. The property must be a single-family residence.
2. A tenant must obtain the landlord's written permission to install a coop or pen.

# Ottumwa Regulations

3. Coops or pens cannot be within ten (10) feet from the applicant property or within fifty (50) feet of any adjacent residential dwelling, building, church, school or place of business and must be located at least ten (10) feet from 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.
5. Coops and pens shall be well-built and well maintained.

## **Chicken Requirements:**

1. No more than six (6) adult hens are allowed.
2. Roosters are prohibited.
3. Chickens must be housed in the coop from dusk until dawn.
4. Slaughtering of a chicken in the city limits is prohibited.
5. Selling of eggs and chickens by the permittee or designee is prohibited.
6. Eggs shall be removed within two (2) 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 weatherproof materials such as wood, metal or plastic. Wood should be treated wood and not particle board that will not withstand outdoor weather conditions.
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. A minimum of 4 square feet of space shall be provided per bird inside a coop.
7. Bedding shall consist of wood pellets, pine shavings, or similar material 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.

# Ottumwa Regulations

- e. Be well ventilated that is free of drafts and maintains a uniform temperature.
- f. Having a roosting area sufficient in number and size for the chickens present.
- g. Have one nesting box per chicken that entices hens to lay indoors.
- h. Offer plenty of light, both natural and artificial.
- i. Provide heat in colder temperatures.
- j. Includes sanitary feed and water stations.
- k. Be constructed in such a manner that allows easy access for adequate cleaning.
- l. Be built in a well-drained area to prevent standing water.

## **Pen Requirements:**

- 1. There shall be a minimum of four (4) square feet of space per chicken.
- 2. There must be a well-drained area that allows the chickens to have access to dry ground at all times.
- 3. Feces shall be removed and disposed of in a sealed, enclosed container at a minimum of once weekly to avoid odor.

## **Rabbit Requirements:**

- 1. No more than six (6) rabbits are allowed.
- 2. Slaughtering of a rabbit in the city limits is prohibited.
- 3. Selling of rabbits by the permittee or designee is prohibited.
- 4. All feed and other items associated with the keeping of rabbits shall be protected in a manner to prevent rodents from gaining access to or coming into contact with them.
- 5. Adequate food, water, and shelter shall be provided at all times.
- 6. A rabbit that is outside the pen is not within the owner's residence is "at large" in violation of the City Code.

## **Pen Requirements:**

- 1. There shall be a minimum of four (4) square feet of space per rabbit.
- 2. There must be a well-drained area that allows the rabbits to have access to dry ground at all times.
- 3. Be maintained to ensure proper sanitation for maintaining the health of the rabbits and the keepers.
- 4. Feces shall be removed and disposed of in a sealed, enclosed container at a minimum of once weekly to avoid odor.
- 5. Protect the rabbits from extreme temperatures and wind.
- 6. Keep out rodents, raptors and other predatory animals.
- 7. Include sanitary feed and water stations.

## **Permit Revocation:**

- 1. The Police Chief or designee is authorized to revoke a permit whenever:

# Ottumwa Regulations

- 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 to the City Administrator.

## **Fees:**

1. The fee for the initial permit is \$60 for a three-year period.
2. 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 \$50, which is due in 30 days. If the violation has been cured, no reinspection fee shall be assessed.
4. The City may also issue a municipal infraction and civil penalty for violations of these policies.

# Clinton Regulations

## § 159.046 SUPPLEMENTAL REGULATIONS.

(R) Urban chickens. The keeping of no more than six chickens for use on a single-family detached residential property for the benefit of the owners of said property is an allowed use in an R-1 One-Family Residential District and R-2 Two-Family Residential District.

(1) Definitions. For the purpose of this section, the following definitions shall apply.

CHICKEN. A member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.

COOP. A cage, enclosure, or structure used for housing and protecting chickens from weather and predators.

SINGLE FAMILY DWELLING. Any building that contains only one dwelling unit used, intended, rented, leased, let or hired to be occupied for residential purposes.

TRACTOR. A cage, structure, or similar enclosure capable of movement used for housing and protecting chickens from weather and predators.

URBAN CHICKEN. A chicken kept on a tract of land pursuant to a permit issued under the terms of this chapter.

(2) Permit for urban chicken(s) required.

(a) Permit required. No person shall raise, harbor or keep chickens on any land not zoned R-1 One Family District or R-2 Two-Family District within the city without a valid permit issued by the Building and Neighborhood Services Department. No permit is required for property zoned A-1 Agricultural Reserve.

(b) Requirements. The Building and Neighborhood Services Department shall issue a permit if the following requirements have been met:

1. The property for which the permit is sought has passed inspection by Building and Neighborhood Services;
2. All inspection fees have been paid;
3. There are no nuisance conditions, or unresolved violations of nuisance ordinance, on the property;
4. The parcel of land for which the permit is sought contains only one single-family dwelling which is occupied and used as such by the applicant/permittee;
5. The applicant has provided written verification of the consent of the owner of the parcel of land for which the permit is sought, if the applicant is not the owner, and is instead tenant, lessee or otherwise authorized to reside at and use the property;
6. The applicant has provided verification they successfully completed an approved class in raising chickens in an urban, or suburban, setting. The City Clerk/Administrator shall maintain a current list of approved classes.
7. The application is in compliance with all other conditions and prerequisites set out in this ordinance;

(c) Terms of permit. The permit shall contain, and permittee agree to adhere, to the following:

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 with due notice;

# Clinton Regulations

- (a) Enclosures, coops and tractors must be kept in clean, dry, odor free, neat and sanitary conditions at all times.
  - (b) Coops and tractors shall be well maintained.
  - (c) Coops and tractors must provide adequate ventilation, sun and shade.
  - (d) Coops and tractors shall be constructed, maintained and repaired to prevent entry by rodents, wild birds, predators, dogs and cats.
  - (e) Coops and tractors shall be built of solid materials such as wood, metal or plastic.
  - (f) Coops and tractors shall be at least 18 inches in height.
  - (g) Coops and tractors shall be designed to provide safe and healthy living conditions for the chickens which reside therein, with a minimum of 16 square feet. Maximum coop size is 96 square feet. Coops must allow a minimum of four square feet per chicken.
  - (h) Coops and tractors shall be enclosed on all sides and shall have a roof and at least one door. Access doors must be able to be shut and locked at night. Opening windows, vents or doors must be covered with predator and bird proof wire of less than one-inch openings.
  - (i) Materials used for coops or tractors shall be uniform of each element of the structure that the walls are made of the same material, the roof has the same shingles or 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.
  - (j) Well drained. Enclosures, coops and tractors must be well drained to prevent accumulations of moisture; accumulations of moisture shall be avoided and removed.
  - (k) Fences. Fences that serve as enclosures for chickens shall consist of sturdy wire fencing of a type customarily designed for and used to enclose chickens and shall be constructed in a sturdy manner so as to contain the chickens and prevent entry by predators, dogs and cats.
- (6) Predators, rodents, insects and parasites. The permittee shall take necessary action to reduce the attraction of predators and rodents, and the potential for infestation by insects and parasites. Chickens found to be infested with insects or parasites that may result in unhealthy conditions to human habitation shall be removed by the owner and may be removed by the city at the owner's expense.
- (7) Chickens at large and injury caused by other animals.
- (a) At large prohibited. Permittee shall not allow their chickens to roam off the parcel of land covered by the permit. Any chicken found off the permitted property shall be considered to be "at-large" and subject to the penalties and provisions of the city code for at-large animals.
  - (b) Dangerous or vicious designation. Injury or death to a chicken that is caused by a dog, cat or other domesticated animal shall not be considered sufficient grounds, in and of itself, to designate the animal as dangerous or vicious pursuant to Chapter 91.
  - (c) City not liable. The city shall not be liable for injury or death of chickens caused by dogs, cats, or other animals domestic or wild, regardless of whether or not licensed by the city.
- (8) Feed and water. Chickens shall be provided with access to feed and clean water at all times. All feed and other items associated with keeping chickens shall be protected in a manner to prevent rodents, wild birds, and predators from coming into contact with them.

# Clinton Regulations

(9) Storage and removal of feces and waste.

(a) Feces and waste to be removed. Feces and waste shall be removed from enclosures, coops and tractors at least once per week.

(b) Storage and disposal of feces and waste. Feces and waste may be stored on the permittee's property. Feces and waste must be stored in a fully enclosed unit with a roof or lid. The storage unit may allow sunlight and movement of air so the materials dry, but must be designed, used and maintained in such a manner as to keep the material fully contained so that it does not blow or otherwise erode onto other properties. When stored, feces and waste must be stored in a manner to not attract flies, rodents or other vermin.

(c) Use as fertilizer. Feces and waste may be used as fertilizer on the permitted property subject to being turned in to the soil completely immediately upon application and there is no noxious odor.

(10) Nuisances. Any violation of this section that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance, subject to sanctions and abatement as set out in the Code of Ordinances.

(11) Fees. The fee for an inspection shall be \$30. Should a re-inspection be required, there will be no charge for the first re-inspection. Any additional re-inspections will result in an additional \$30 fee. All fees must be paid prior to a permit being issued.

(1999 Code, § 165.22) (Ord. 2119, passed 8-8-2000; Ord. 2247, passed 10-9-2001; Ord. 2256, passed 6-25-2002; Ord. 2296, passed 6-28-2005; Ord. 2326, passed 6-13-2006; Ord. 2352, passed 7-24-2007; Ord. 2368, passed 5-27-2008; Ord. 2391, passed 10-28-2008; Ord. 2403, passed 4-14-2009; Ord. 2411, passed 4-27-2010; Ord. 2425, passed 9-14-2010; Ord. 2508, passed 6-24-2014; Ord. 2544, passed 10-25-2016; Ord. 2562, passed 1-9-2018; Ord. 2581, passed 5-8-2018 ; Ord. 2609, passed 4-23-2019) Penalty, see § 159.999

# Clinton Regulations

- (a) Enclosures, coops and tractors must be kept in clean, dry, odor free, neat and sanitary conditions at all times.
  - (b) Coops and tractors shall be well maintained.
  - (c) Coops and tractors must provide adequate ventilation, sun and shade.
  - (d) Coops and tractors shall be constructed, maintained and repaired to prevent entry by rodents, wild birds, predators, dogs and cats.
  - (e) Coops and tractors shall be built of solid materials such as wood, metal or plastic.
  - (f) Coops and tractors shall be at least 18 inches in height.
  - (g) Coops and tractors shall be designed to provide safe and healthy living conditions for the chickens which reside therein, with a minimum of 16 square feet. Maximum coop size is 96 square feet. Coops must allow a minimum of four square feet per chicken.
  - (h) Coops and tractors shall be enclosed on all sides and shall have a roof and at least one door. Access doors must be able to be shut and locked at night. Opening windows, vents or doors must be covered with predator and bird proof wire of less than one-inch openings.
  - (i) Materials used for coops or tractors shall be uniform of each element of the structure that the walls are made of the same material, the roof has the same shingles or 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.
  - (j) Well drained. Enclosures, coops and tractors must be well drained to prevent accumulations of moisture; accumulations of moisture shall be avoided and removed.
  - (k) Fences. Fences that serve as enclosures for chickens shall consist of sturdy wire fencing of a type customarily designed for and used to enclose chickens and shall be constructed in a sturdy manner so as to contain the chickens and prevent entry by predators, dogs and cats.
- (6) Predators, rodents, insects and parasites. The permittee shall take necessary action to reduce the attraction of predators and rodents, and the potential for infestation by insects and parasites. Chickens found to be infested with insects or parasites that may result in unhealthy conditions to human habitation shall be removed by the owner and may be removed by the city at the owner's expense.
- (7) Chickens at large and injury caused by other animals.
- (a) At large prohibited. Permittee shall not allow their chickens to roam off the parcel of land covered by the permit. Any chicken found off the permitted property shall be considered to be "at-large" and subject to the penalties and provisions of the city code for at-large animals.
  - (b) Dangerous or vicious designation. Injury or death to a chicken that is caused by a dog, cat or other domesticated animal shall not be considered sufficient grounds, in and of itself, to designate the animal as dangerous or vicious pursuant to Chapter 91.
  - (c) City not liable. The city shall not be liable for injury or death of chickens caused by dogs, cats, or other animals domestic or wild, regardless of whether or not licensed by the city.
- (8) Feed and water. Chickens shall be provided with access to feed and clean water at all times. All feed and other items associated with keeping chickens shall be protected in a manner to prevent rodents, wild birds, and predators from coming into contact with them.

# Burlington Regulations

5/22/2020

Burlington, IA Code of Ordinances

## 65.02 - DEFINITIONS.

The following definitions apply in the interpretation and enforcement of this chapter.

1. "Abandon" means ceasing to provide control over shelter, food and water for an animal without having made responsible arrangements for such care, custody, and physical control to be provided by another person.
2. "Animal" means any non-human vertebrate.
3. "Animal Control Center" means the Animal Control Center constructed by the City of Burlington, Iowa, which shall be called the "Animal Control Center" including the tract of land which is located at 2000 North Roosevelt.
4. "Animal at large" means any animal off the premises of its owner and on other premises against the wishes of the person in possession of such other premises or upon the public streets, alleys, public grounds, school grounds or parks within the City. An animal is not deemed to be at large if:
  - A. The animal is on the owner's property; or
  - B. The animal is confined in a cage or motor vehicle; or
  - C. The animal is restrained by a leash of sufficient strength to control its action; or
  - D. A dog is actively engaged in training in dog obedience, for hunting or for other service under continual control of its owner or trainer provided that the owner or trainer is conducting the training in an open public area and is not endangering other users or animals in the area; or
  - E. The animal is a draft animal engaged in drawing vehicles or conveyances.
5. "Board of Health" means the Des Moines County Board of Health, or its representatives.
6. "Dangerous" means able and likely to inflict injury to a person or person's property or an animal.
7. "Enforcement officer" means an animal control officer, certified peace officer or Board of Health Representative certified by the State of Iowa.
8. "Kennel, boarding" means any place, area, building or structure where animals (including those under one year of age) are boarded, housed, cared for, fed or trained by a person other than the owner.
9. "Kennel, breeding" means any place, area, building or structure where more than one (1) animal is kept for the purposes of breeding or raising for consideration and may be subject to any licensing requirements of the State of Iowa.
10. "Livestock" means any animal usually harbored on agricultural property, including but not limited to, cattle, horses, jacks, goats, sheep, donkey's, guinea fowl, ostriches, poultry (domestic chickens, turkeys, geese, and ducks) or similar domestic animal raised for home use or profit.
11. "Owner" means any person who owns, keeps or harbors an animal.
12. "Protective custody" means removing an animal from the owner if an enforcement officer finds that there is a violation of Section 65.14, Standard of Care, or the premises on which the animal is located is found by such officer to be in such condition as to be a detriment to the health of the animal.
13. "Vicious animal" means but is not limited to:
  - A. Any animal with propensity, tendency or disposition to attack, to cause physical injury, or to otherwise threaten the safety of human beings or domestic animals; or
  - B. Any animal which has attacked or bitten a human being or domestic animal; or
  - C. Any dog owned or harbored primarily, or in part, for the purpose of dog fighting, or any dog trained for dog fighting.

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# Burlington Regulations

5/22/2020

Burlington, IA Code of Ordinances

## 65.31 - LIVESTOCK WITHIN CITY LIMITS.

1. Purpose. The purpose of this section is to allow for the transition of land from agricultural to residential while maintaining the suburban quality of life within the City limits.
2. Livestock Prohibited. It is unlawful to maintain or harbor livestock within the City limits without obtaining a livestock permit from the enforcement officer for these animals.
3. Livestock Permit. Permits shall be given to the livestock owner and will have to be renewed should the owner transfer, sell, or otherwise convey the property to another resident. Livestock permits may be granted by the enforcement officer provided the applicant can show or has met the following conditions in addition to those set elsewhere in the City, State or Federal Codes.
  - A. Housing structures for these animals shall be constructed as to minimize noise, smell or other similar nuisance.
  - B. The owner must provide a system of disposal for animal waste.
  - C. All fences shall be built to meet City Code and shall be maintained to prevent the animal from being at large.
  - D. No fence, pen, cage or other housing structure shall be maintained within seventy-five (75) feet of another residential dwelling, commercial establishment, school or church.

Livestock permits may be reviewed at any time throughout the life of the permit. The permit will be automatically reviewed upon receipt of a nuisance complaint to ensure compliance with this chapter. Three (3) or more valid nuisance complaints, as determined by the enforcement officer, may require the revocation of the livestock permit.

4. Containment Required. Containment of all livestock shall be suitable for the species applied for and shall meet all building and fencing requirements set forth by this Code of Ordinances.

# Mason City Regulations

## 8-4-4: KEEPING OF RABBITS OR POULTRY:

- A. It shall be unlawful for any person to keep or raise more than a combined total of twenty five (25) rabbits, chickens or other poultry in any Z2 Sub-Urban District or Z3 General Urban District, except where the occupant shall be in possession of at least two (2) acres of ground for the carrying on of farming or poultry raising operations.
  
- B. Where permitted, rabbits or poultry shall be kept within enclosures set back at least ten feet (10') from any lot line and at least thirty five feet (35') from any residence on adjoining property or City right-of-way. (Ord. 14-11, 9-16-2014)

# Ames Regulations



[Government](#) » [Departments/Divisions I - Z](#) » [Legal](#) »

## Is it legal to raise chickens in one's backyard within the City limits?

The City of Ames does not prohibit the keeping of these animals, but we do have regulations providing that any animals be kept in housing that is safe, sanitary, and size appropriate for the type of animal, that they be fed, watered, given appropriate veterinary care and kept reasonably quiet and secure. Please refer to Ames Municipal Code [Chapter 3 Section 3.111--Standards of Care](#) where you will find a complete list of standards of care.

### Sec. 3.111. STANDARD OF CARE

All owners and keepers of any animal shall comply with the following standards of care. Failure to comply with any standards shall be a violation of this section.

(1) It shall be the duty of each person keeping an animal to provide adequate food, shelter and water for that animal. No person keeping an animal shall abandon any such animal. Abandon shall mean ceasing to provide control over, shelter, food and water for an animal without having made responsible arrangements for such care, custody, and physical control to be provided by another person.

(2) It shall be the duty of each person keeping an animal, and no person keeping an animal shall fail in that duty, to provide adequate food which shall mean providing at intervals appropriate for the species a quantity of wholesome food stuff, suitable for the physical condition and age of the animal, served in a clean receptacle or container, sufficient to maintain an adequate level of nutrition for such animal.

(3) It shall be the duty of each person keeping an animal, and no person keeping an animal shall fail in that duty, to provide adequate outdoor shelter for such animal when it is kept outdoors, tanglefree, which shall mean a structurally sound, weather-proof, properly ventilated shelter, which provides access to shade from direct sunlight and regress from exposure to weather conditions. The shelter should be appropriate for the particular species and breed.

(4) It shall be the duty of each person keeping an animal, and no person keeping an animal shall fail in that duty, to provide adequate indoor shelter for such animal when it is kept indoors, which shall mean a property ventilated and illuminated facility, sufficiently regulated by heating or cooling to protect the animal from extremes of temperature, and to provide for its health and comfort. It should be appropriate for the particular species and breed.

(5) It shall be the duty of each person keeping an animal, and no person keeping an animal shall fail in the duty, to provide adequate sanitation which shall mean periodic cleaning or sanitizing housing facilities, and any area where the animal is confined or restrained to remove excreta and other waste materials and dirt, so as to minimize vermin infestation, odors and disease hazards.

(6) It shall be the duty of each person keeping an animal, and no person keeping an animal shall fail in that duty, to provide adequate space which shall mean primary enclosures and housing facilities shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement to maintain physical condition. The space shall be appropriate for the particular species.

(7) It shall be the duty of each person keeping an animal, and no person keeping an animal shall fail in that duty, to provide adequate veterinary care which shall mean that a sick, diseased, or injured animal shall be provided with a proper program of care by a veterinarian, or humanely euthanized. All animals shall be provided with proper immunizations and preventive health care including parasite control.

(8) It shall be the duty of each person keeping an animal, and no person keeping an animal shall fail in that duty, to provide adequate water which shall mean reasonable access to a supply of clean, fresh, potable water, provided in a sanitary manner. If potable water is not accessible to the animal at all times, it shall be provided daily, for such duration and of sufficient quantity as appropriate for the species.

(9) It shall be the duty of each person keeping an animal, and no person keeping an animal shall fail in that duty, to keep the animal cleaned and to provide proper grooming as appropriate for the species.

*(Ord. No. 3030, Sec. 1, 12-20-88)*

# Council Bluffs Regulations

## **4.20.360 Distance From Dwellings**

- A. No person within the city of Council Bluffs, Iowa, shall keep any farm animals within one hundred fifty (150) feet of any dwelling, other than the dwelling of the owner of such animals.
- B. If the owner of the farm animals is able to obtain the written consent of the owner and occupant of a dwelling, the one hundred fifty (150) foot requirement may be waived as to that dwelling, so long as the owner and occupant of said dwelling continues to consent to said waiver.
- C.
  - 1. Under no circumstances will farm animals from the following orders be permitted to be kept within twenty-five (25) feet of any dwelling:
    - a. Artiodactyla, which includes all members of the families Suidae (swine) and Bovidae (cattle, sheep and goats);
    - b. Perissodactyla, which includes all members of the family Equidae (horses, ponies, asses and mules).
  - 2. Under no circumstances will farm animals from the following orders be permitted to be kept within ten (10) feet of any dwelling:
    - a. Anseriforms, which includes ducks and geese;
    - b. Carnivoras, which includes mink and skunks, but excluding domestic dogs and cats;
    - c. Columiformes, which includes doves and pigeons;
    - d. Falconiformes, which includes hawks and falcons;
    - e. Galliformes, which includes chicks, turkeys and fowl-like birds;
    - f. Lagomorpha, which includes hares and rabbits;
    - g. Rodentia, which includes squirrels, rats and guinea pigs.
- D. Exception. In areas zoned A-1 or A-2, no person shall keep any farm animal within seventy-five (75) feet of any dwelling other than the dwelling of the owner of such animal.

(Ord. No. 6304, § 1, 9-25-2017; Ord. No. 6357, § 1, 10-22-2018)

# Waterloo Regulations

## 17. Violation and Permit Revocation

- a. All wind energy facilities shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all noise requirements and other permit conditions. Should a wind energy facility become inoperable, or should any part of the wind energy facility be damaged, or should a wind energy facility violate a permit condition, the owner/operator shall remedy the situation within three (3) months after written notice from the City of Waterloo. Upon request of the owner or assigns, and for good cause, the City Planner or designee may grant a reasonable extension of time.
- b. Notwithstanding any other abatement provision, if the wind energy facility is not repaired or made operational or brought into compliance after said notice, the City Council may, after a public meeting at which the operator or owner shall be given opportunity to be heard and present evidence, including a plan to come into compliance, (1) order either remedial action within a specified timeframe, or (2) order revocation of the permit and require the removal of the wind energy facility within three (3) months. For large wind energy facilities not removed within the specified time period, the City of Waterloo shall have the right to use the irrevocable letter of credit, bond, or cash escrow to cover the costs associated with removal of the large wind energy facility.
- c. Any wind energy facility that does not meet the requirements of this

Ordinance, including, but not limited to those dealing with noise, height, setback, or visual appearance, or does not meet any conditions attached to approval of the wind energy facility, shall be deemed an unlawful structure and shall provide grounds for the revocation of the permit.

## U. Urban Animal Hobby Farm (UAHF).

*[Ordinance 5417, 8/28/17]*

1. The UAHF regulations of this Section shall in all cases govern specialized animal farms and the keeping of farm animals and livestock, except when on a farm of at least 35 acres or in an "A-1" Agricultural District. Notwithstanding anything in Section 10-5-1(B) to the contrary, any existing uses that include farm animals, livestock or specialized animal farms that do not conform to the UAHF regulations shall conform no later than January 1, 2018.
2. A UAHF shall be allowed within Waterloo City limits on lots or parcels of land as an accessory use to a principal dwelling when the following requirements are met:
  - a. Minimum fenced (confined) area of 40,000 square feet or more for large and intermediate sized animals such as cows, calves, sheep, goats, llamas, emus, ostrich, peacock and similar animals, excluding swine (including pot belly pigs), camels and exotic animals as determined in the reasonable discretion of the City Planner or designee.
  - b. Minimum fence (confined) area of 10,000 square feet or more for small sized animals such as rabbits, mink, ferrets, chinchilla, chicken, goose, pigeon, pheasant,

# Waterloo Regulations

- quail, duck and similar animals, excluding rooster, guinea, falcon, and exotic animals as determined in the reasonable discretion of the City Planner or designee.
- c. The UAHF owner resides on the property.
  - d. Containing shelters for animals. Lean-tos, tarps, car-ports and similar structures are prohibited. Fowl must be kept in an enclosure or fenced area at all times and secured within a henhouse or "fowl-tractor" type enclosure during non-daylight hours.
  - e. Shelters must be roofed, predator-resistant, ventilated, and easy to access, clean and properly maintained, with water and food accessible at all times.
  - f. Multiple-unit lots or parcels of land in common ownership must have approval for UAHF from all occupants.
  - g. Density of a UAHF for large or intermediate sized animals, as defined in subparagraph 2.a. above, is set at 2 animals for the first 40,000 square feet and 1 additional animal for each additional 20,000 square feet. A combination of large or intermediate sized animals and small animals is allowed, as long as it does not exceed the total density allowed.
  - h. Density of a UAHF for small sized animals, as defined in subparagraph 2.b. above, is set at 2 animals for the first 10,000 square feet and 1 additional animal for each additional 2,500 square feet up to a maximum of 8. A combination of large or intermediate sized animals and small animals is allowed, as long as it does not exceed the total density allowed.
  - i. The density of a UAHF is based on the square footage within the animals' confined (fenced) area minus the square footage of any structures within that same area that are not devoted to the animals.
  - j. The confined area must be fenced with approved material for a residential fence per the residential fence regulations and in such a way as to prohibit escape and be properly maintained.
  - k. There shall be a 10-foot setback of the fenced (confined) area from neighboring property lines for a UAHF containing any large or intermediate sized animals, and said fenced (confined) area for all UAHF's shall not be located in a front yard as defined herein.
3. All enclosures and fenced (confined) areas must be kept in a clean, dry, odor-free, neat and sanitary conditions at all times, free of insects and rodents, and all animal excrement shall be properly disposed of and not allowed to accumulate. All animals shall have clean bedding. Odors from animals, animal manure or other animal related substances shall not be perceptible beyond the boundaries of the UAHF property. All stored manure shall be covered by a fully enclosed structure with a roof or lid, and no more than four (4) cubic feet of manure shall be stored on the UAHF property. All other manure not used for composting or fertilizing shall be removed.
  4. Animals born in a UAHF are allowed to remain until 12 weeks old at which

# Waterloo Regulations

- time they must be removed unless density limits allow them to remain.
5. No UAHF shall be operated so that crowing, cackling, gobbling, bleating or other animal or fowl noises, etc., occur at a level that creates a nuisance for adjacent properties.
  6. The Board of Adjustment shall have the authority to grant exceptions to the requirements of this Subsection U. Such request will require submittal of a variance application, but the Board is not required to apply all standards for issuance of a variance when considering a variance request for a UAHF, except for requests involving regulation under Chapter 22, Floodway and Flood Plain Districts.
  7. Beekeeping shall be allowed within the Waterloo City limits on lots or parcels of land as an accessory use to a principal dwelling when the following requirements are met:
    - a. Minimum lot size of 20,000 square feet.
    - b. The beekeeper resides on the property.
    - c. Density shall be set at two hives (with only one swarm per hive) for every 20,000 square feet of total lot size. No more than 6 hives shall be permitted on a lot, unless the lot is more than 35 acres and primarily used for agricultural purposes.
    - d. Hives shall not be located within 25 feet of any lot line, shall not exceed 20 cubic feet in volume, and a constant supply of water shall be provided for all hives to prevent bees from congregating at other sources of water on nearby properties. The water shall be maintained so as not to become stagnant.
  - e. Queens: In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation, or exhibits an unusual disposition towards swarming outside the hive, it shall be the duty of the beekeeper to re-queen the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.
  8. All UAHF's, excluding beekeeping, shall be required to be approved by Special Permit by the Board of Adjustment after recommendation of the Commission, except when the UAHF owner submits to the Planning Department a consent petition which indicates approval of the UAHF signed by 100 percent of the abutting property owners to the UAHF property, and signed by 60 percent of the property owners within 250 radial feet of the UAHF property. Planning Staff shall have the authority to determine if a petition meets these requirements.
  9. Butchering: No butchering of any UAHF animals shall be allowed except within a fully enclosed building.

## CHAPTER 28 BOARD OF ADJUSTMENT

### 10-28-1 APPOINTMENT – MEMBERSHIP.

A Board of Adjustment is hereby established which shall consist of five (5) members each appointed to a term of five (5) years. Members shall be removable for cause by the appointing authority by written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. [Ordinance 4074, 2/20/95] [Ordinance 4080, 3/13/95]

# Iowa City Regulations

## **URBAN CHICKEN POLICY** (Adopted in Resolution No. 12-533)

### **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 Consent**

1. No permit shall be issued without the written consent of the owners of adjacent properties. A consent form will be included in the application.
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.

# Iowa City Regulations

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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.
3. 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.

## Site Requirements

1. The property must be a single-family residence.
2. A tenant must obtain the landlord's written permission to install a coop.
3. Coops cannot be within 25 feet from any neighboring habitable structure.
4. Coops cannot be located within 5 feet of the habitable structure on the applicant property.
5. Coops cannot be located within 5 feet of the property line.
6. Coops and pens shall be located only in the back yard. Back yard means "rear yard" as defined in the City Zoning Code.

## Chicken Requirements

1. No more than four 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.

# Iowa City Regulations

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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. A minimum of 4 square feet of space shall be provided per bird 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.

# Iowa City Regulations

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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.

## Fees

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.

# Dubuque Regulations

## helpful RESOURCES

\*The City of Dubuque allows hens of the chicken or duck variety for EGG PRODUCTION ONLY.

For information on setbacks for coops, contact the City of Dubuque Planning Services Department  
50 West 13th Street  
Dubuque, IA 52001  
563.589.4210 | [planning@cityofdubuque.org](mailto:planning@cityofdubuque.org)

For animal welfare questions or concerns, contact the City of Dubuque Health Services Department  
1300 Main Street  
Dubuque, IA 52001  
563.589.4181 | [health@cityofdubuque.org](mailto:health@cityofdubuque.org)

[www.backyardchickens.com](http://www.backyardchickens.com)  
Information on purchasing and caring for your chickens, coop designs, and more.

[www.extension.umn.edu/food/small-farms/livestock/poultry/backyard-chicken-basics/](http://www.extension.umn.edu/food/small-farms/livestock/poultry/backyard-chicken-basics/)  
University of Minnesota Extension guide to backyard chickens.

Please remember to consult City of Dubuque Planning Department staff before siting your coop!

## A GUIDE TO RAISING **Urban HENS**



### REGULATIONS, GUIDELINES, AND RESOURCES FROM THE CITY OF DUBUQUE

THE CITY OF **DUBUQUE**  
*Masterpiece on the Mississippi*

**SUSTAINABLE DUBUQUE**  
*viable • livable • equitable*

[www.cityofdubuque.org/hens](http://www.cityofdubuque.org/hens)



## Legal Requirements for Keeping Hens in Dubuque

Dubuque residents can keep/raise chickens and/or ducks (hens only) on their residential property but must comply with the city ordinance that was developed to respect the rights of all residents and prevent unsanitary conditions and safety concerns.

### Requirements:

As with any pet, please care for your hens properly

- Hens only. Male chickens or ducks are not permitted.
- Hens are allowed for egg production only.
- The property must be residentially zoned (not commercial).
- Coops should be located in your back yard.
- Hens should be provided with adequate shelter to protect them from the elements.
- Hens must be kept in an enclosure that keeps them from leaving the owner's property and protects them from predators.
- Coops should be located in the backyard of the property and the location must meet setback requirements from the owner's property. For details on requirements, please contact the City's Planning Services Department at 563-589-4210 or [planning@cityofdubuque.org](mailto:planning@cityofdubuque.org).
- Coops that have a "footprint" of 200 square feet (length x width) or larger require a permit from the City's Building Services Department before construction. Permits are available at [www.cityofdubuque.org/building](http://www.cityofdubuque.org/building) or by contacting the department at 563-589-4150 or [building@cityofdubuque.org](mailto:building@cityofdubuque.org).



**Please respect your neighbor's rights. As with any type of pet, please care for your hens properly. The City of Dubuque has nuisance and sanitary regulations in place to address instances of improper care or code violations.**

# Davenport Regulations

5/22/2020

City of Davenport, IA Ecode360

*City of Davenport, IA  
Wednesday, December 4, 2019*

## Title 6. Animals

### Chapter 6.06. URBAN CHICKENS

#### 6.06.010. Definitions.

[Ord. 2017-451 § 1 (part); Ord. 2017-46 § 1 (part)]

##### **CHICKEN**

A member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.

##### **CHICKEN RUN**

An enclosed, fenced area exclusively devoted to raising chickens.

[Ord. 2017-451 § 1 (part)]

##### **CHICKEN TRACTOR**

A lightweight portable chicken coop without a solid floor that allows the chickens to forage for weeds and insects.

##### **HENHOUSE**

A hen house or chicken coop is a structure where female chickens are kept.

##### **PERMITTEE**

An applicant who has been granted a permit to raise, harbor, or keep chickens pursuant to this chapter. If the applicant does not own the property where the chickens are to be kept, the owner of the property must be the joint permittee.

##### **PERMITTING OFFICER**

The City Administrator or designee.

##### **URBAN CHICKEN**

A chicken kept on a permitted tract of land pursuant to a permit issued under this chapter.

#### 6.06.020. Administration.

#### 6.06.021. Permit required.

[Ord. 2017-451 § 1 (part); Ord. 2017-46 § 1 (part)]

No person shall raise, harbor or keep chickens within the City of Davenport without a valid permit obtained from the permitting officer under the provisions of this chapter.

#### 6.06.022. Application.

[Ord. 2017-451 § 1 (part); Ord. 2017-46 § 1 (part)]

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In order to obtain a permit, an applicant shall submit a completed application on forms provided by the permitting officer, either on-line or in paper form, and pay all fees required by this chapter.

## 6.06.023. Requirements.

[Ord. 2017-451 § 1 (part); Ord. 2017-46 § 1 (part)]

The requirements to receive 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 amounts owed to the City, including but not limited to liens, fines and judgments must be paid in full.
- D. The tract of land to be permitted shall contain only one single family dwelling occupied and used as such by the permittee. Owner permission shall be required if the single family dwelling is occupied by someone other than the owner.
- E. The applicant has successfully completed an approved class in raising chickens in an urban setting. A certificate, or other documentation, of completion shall be provided to the permitting officer. The permitting officer shall maintain a current list of such approved classes.

## 6.06.024. Issuance of permit.

[Ord. 2017-451 § 1 (part); Ord. 2017-46 § 1 (part)]

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.

## 6.06.025. Denial, suspension, revocation, non-renewal.

[Ord. 2017-451 § 1 (part); Ord. 2017-46 § 1 (part)]

The permitting officer 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 applicant;
- B. Failure to pay any application, penalty, reinspection or reinstatement fee required by this section or City Council resolution;
- C. Failure to correct deficiencies noted in notices of violation in the time specified in the notice;
- D. Failure to comply with the provisions of an approved mitigation/remediation plan by the permitting officer, or designee.
- E. Failure to comply with any provision of this chapter.
- 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 Denial or 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 year from the date of

# Davenport Regulations

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the denial or revocation.

- H. 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. Said hearings shall be conducted in accordance with Chapter 2.86 of the Davenport Municipal Code. In any instance where the permitting officer has denied, revoked, suspended, or not renewed a permit, the applicant or holder of urban chicken may appeal the decision to the permitting officer within 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 permitting officer which is not appealed in accordance to this chapter shall be deemed final action.

## 6.06.030. Number and type of chickens allowed.

[Ord. 2017-451 § 1 (part); Ord. 2017-46 § 1 (part)]

Only a maximum of six female chickens (hens) are allowed for each tract of land.

## 6.06.040. Zoning districts allowed:

[12-4-2019 by Ord. No. 2019-530; Ord. 2017-451 § 1 (part); Ord. 2017-46 § 1 (part)]

Permits may be granted for tracts of land with a single-family dwelling, as defined by Title 17 of the Davenport Municipal Code, being the principal use.

## 6.06.050. Noncommercial use only.

[Ord. No. 2017-451 § 1 (part); Ord. 2017-46 § 1 (part)]

Chicken breeding or fertilizer production for commercial purposes is prohibited.

## 6.06.060. Enclosures.

[Ord. 2017-451 § 1 (part); Ord. 2017-46 § 1 (part)]

- A. Chickens shall 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. Chickens shall not be allowed in the front yard at any time.
- B. Enclosures shall be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
- C. Henhouses shall provide adequate ventilation and adequate sun and shade and shall be impermeable to rodents, wild birds and predators, including dogs and cats.
- D. Henhouses and chicken tractors.
  1. Henhouses shall be designed to provide safe and healthy living conditions for the chickens with a minimum area of four square feet per bird while minimizing adverse impacts to other residents in the neighborhood.
  2. A henhouse shall be enclosed on all sides and shall have a roof and doors. Access doors shall be able to be shut and locked at night. Opening windows and vents shall be covered with predator and bird proof wire of one inch or smaller openings.
  3. The materials used in making a henhouse 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.

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Construction of henhouses and chicken tractors shall be done in a good workmanlike manner. The use of scrap, waste board, sheet metal, or similar materials is prohibited. Henhouses and chicken tractors shall be well maintained.

4. Henhouses shall only be located in the rear yard unless the setback requirements cannot be met in which case they may be kept in a side yard but within the required setbacks.
5. Henhouses, chicken runs and chicken tractors shall be located at least 10 feet from the property line and at least 25 feet from any principal structure, and shall meet all other accessory structure provisions of the Zoning Ordinance.

## 6.06.070. Odor and noise impacts:

[Ord. 2017-451 § 1 (part); Ord. 2017-46 § 1 (part)]

Odors and/or noise from chickens, chicken manure or other chicken related substances shall not be perceptible to persons of reasonable sensitivity beyond the boundaries of the permitted tract of land.

## 6.06.080. Predators, rodents, insects, and parasites.

[Ord. 2017-451 § 1 (part); Ord. 2017-46 § 1 (part)]

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 an authorized authority.

## 6.06.090. Feed and water.

[Ord. 2017-451 § 1 (part); Ord. 2017-46 § 1 (part)]

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.

## 6.06.100. Waste storage and removal.

[Ord. 2017-451 § 1 (part); Ord. 2017-46 § 1 (part)]

All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three 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, and surrounding area shall be kept free from trash and accumulated droppings.

Uneaten feed shall be removed in a timely manner.

## 6.06.110. Chickens at large.

[Ord. 2017-451 § 1 (part); Ord. 2017-46 § 1 (part)]

The permittee shall not allow his or her 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.

## 6.06.120. Unlawful acts.

# Davenport Regulations

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[Ord. 2017-451 § 1 (part); Ord. 2017-46 § 1 (part)]

- 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 City 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 chapter.
- C. No person shall keep chickens inside a dwelling unit or any other structure than an approved henhouse or chicken tractor.
- D. No person shall slaughter any chickens within the City of Davenport outside of legally operating poultry production facilities.
- E. No person shall keep a rooster.
- F. No person shall keep chickens on a vacant or uninhabited tract of land.
- G. It shall be unlawful to dispose of any chicken carcass other than in accordance of Chapter 8.08.090 of the Davenport Municipal Code.

## 6.06.130. Use of outside resources.

[Ord. 2017-451 § 1 (part); Ord. 2017-46 § 1 (part)]

The City may utilize outside resources and volunteers in efforts to educate and train potential permit holders on the proper keeping of urban chickens in the City of Davenport.

## 6.06.140. Nuisances.

[Ord. 2017-451 § 1 (part); Ord. 2017-46 § 1 (part)]

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 Chapter 8.12 of the Davenport Municipal Code (Nuisances).

# Bettendorf Regulations

## 5-8-5: LIVESTOCK AND POULTRY RESTRICTED:

### A. Animals Kept On Agricultural Zoned Property; Exception:

1. It shall be unlawful to maintain, keep or harbor any cattle, horses, jacks, goats, guinea fowl, ostriches, poultry (domestic chickens, turkeys, geese, and ducks), or similar domestic animals raised for home use or for profit within the city limits unless the property upon which such animals are maintained, kept or harbored is zoned as agricultural property.
2. This section shall not apply to a bona fide zoological garden, pet shop, educational institute, circus, carnival, or veterinary hospital treating such animals.

### B. Riding Animals On Streets, Public Rights Of Way: It shall be unlawful for any person to ride any animal upon the public or private sidewalks within the city, nor shall any person ride any animal upon a public street or right of way during the hours of sunset to sunrise, except for public parades for which a permit has been issued by the city.

### C. Continuation Of Unlawful Keeping Of Livestock:

1. The lawful keeping of livestock, which is otherwise unlawful by reason of the enactment of this chapter, may be continued until such time as the person no longer keeps livestock upon property within the city upon which he or she maintained livestock prior to the effective date hereof, or when such person transfers, sells or otherwise conveys the property upon which such livestock were maintained prior to the effective date hereof.
2. The burden of proving the maintenance of livestock upon a parcel of land within the city prior to the effective date hereof shall lie with the person claiming such prior existence.
3. Nothing herein shall be deemed to exempt an owner of livestock within the city limits from the enforcement of nuisance or other laws regarding the keeping of such livestock. (2008 Code § 5-6)

# Bettendorf Regulations

## 5-8-5: LIVESTOCK AND POULTRY RESTRICTED:

### A. Animals Kept On Agricultural Zoned Property; Exception:

1. It shall be unlawful to maintain, keep or harbor any cattle, horses, jacks, goats, guinea fowl, ostriches, poultry (domestic chickens, turkeys, geese, and ducks), or similar domestic animals raised for home use or for profit within the city limits unless the property upon which such animals are maintained, kept or harbored is zoned as agricultural property.
2. This section shall not apply to a bona fide zoological garden, pet shop, educational institute, circus, carnival, or veterinary hospital treating such animals.

### B. Riding Animals On Streets, Public Rights Of Way: It shall be unlawful for any person to ride any animal upon the public or private sidewalks within the city, nor shall any person ride any animal upon a public street or right of way during the hours of sunset to sunrise, except for public parades for which a permit has been issued by the city.

### C. Continuation Of Unlawful Keeping Of Livestock:

1. The lawful keeping of livestock, which is otherwise unlawful by reason of the enactment of this chapter, may be continued until such time as the person no longer keeps livestock upon property within the city upon which he or she maintained livestock prior to the effective date hereof, or when such person transfers, sells or otherwise conveys the property upon which such livestock were maintained prior to the effective date hereof.
2. The burden of proving the maintenance of livestock upon a parcel of land within the city prior to the effective date hereof shall lie with the person claiming such prior existence.
3. Nothing herein shall be deemed to exempt an owner of livestock within the city limits from the enforcement of nuisance or other laws regarding the keeping of such livestock. (2008 Code § 5-6)

# Coralville Regulations

## **55.01 DEFINITIONS.**

The following terms are defined for use in this chapter.

## **55.12 KEEPING LIVESTOCK.**

1. **General Prohibition.** Except in agriculture zoned districts, no person shall be permitted to raise, keep or harbor livestock within the corporate limits of the City. The purpose of this section is to prohibit the pasturing, feeding and keeping of livestock either in the open or confined to buildings within the nonagricultural areas as so zoned by the City unless the same is in conjunction with an agricultural nonconforming use.
2. **Exception; Authorization Required.** Any person desiring to keep split-hoofed grazing livestock on nonagricultural zoned property within the corporate limits of the City for the specific purpose and reason that such split-hoofed livestock will graze on and consume grass, weeds and shrubbery, thus helping to keep the area in a cleaner and better-appearing condition when other procedures are impractical, shall first make application therefor in writing to the Council stating the reason therefor and the length of time that authorization to do so is requested. The Council shall examine each application and the necessity therefor on an individual basis.
3. **Granting Authorization.** The Council shall examine the application to determine that the person making the application will comply with any and all requirements set out regarding safety and public welfare; and the Council, if so satisfied that the applicant will observe such conditions, shall then grant written authorization through the Clerk's office.
4. **Authorization Period.** Authorization for the keeping of split-hoofed grazing livestock shall be valid for the period of time set out in such authorization and shall be subject to review and revocation by the Council at any time the prescribed conditions and requirements are not complied with, or at any time revocation is deemed necessary in the furtherance of public safety or public welfare.

# Cedar Falls Regulations

5/22/2020

Cedar Falls, IA Code of Ordinances

## Sec. 6-158. - Keeping of agricultural animals.

No horse, mule, cow, calf, swine, sheep, goat, llama, camel, ostrich, peacock, chicken, goose, duck, turkey or other agricultural animal or specialized breed of such agricultural animal shall be kept on any property that is not located in the A-1 Agricultural District under chapter 26, zoning, with the exception that horses may be kept on properties that are zoned R-1 Residential District, on the terms provided in section 26-164.

(Code 2017, § 6-113; Ord. No. 2607, § 1, 11-13-2006)

## Sec. 6-159. - Keeping of chickens as nonconforming use.

- (a) *Existing nonconforming use.* The keeping of chickens that are located on any property that is not zoned A-1 Agricultural District, under chapter 26, zoning, as of November 1, 2006, is hereby declared to be a nonconforming use. Any person who owns or possesses chickens that are located on any property in any zoning district other than the A-1 Agricultural District under chapter 26, zoning, as of November 1, 2006, may continue to keep not more than three chickens, but not to include roosters, on such property, as long as such chickens are kept in a totally enclosed structure which is located outside of a residential dwelling, and which is located at least 25 feet from any other residential dwelling.
- (b) *Termination of nonconforming use by discontinuation.* In addition, if such person discontinues the keeping of chickens on such property for a period of one year, such nonconforming use shall terminate, and the use of the property shall thereafter conform to the requirements of section 6-158. The keeping of such chickens shall be specific to the property on which the chickens were located on November 1, 2006, and shall be specific to the person keeping such chickens on such property as of such date, and may not be transferred to any other person or to any other property.
- (c) *Termination of nonconforming use for health reasons.* Further, in the event of issuance of an advisory by any department of public health, federal, state or local, that all chickens must be exterminated in the interests of public health, the keeping of all chickens that then constitute a valid nonconforming use under this section shall immediately terminate, and shall not thereafter be re-established on such properties, and the use of all such properties shall thereafter conform to the requirements of section 6-158.

(Code 2017, § 6-114; Ord. No. 2607, § 1, 11-13-2006)

# Marshalltown Regulations

5/22/2020

CHAPTER 90: ANIMALS xx

- 90.050 Definitions
- 90.051 Unprovoked dog biting
- 90.052 Protocol for dogs subject to vicious animal procedures
- 90.053 License and insurance required
- 90.054 Confinement of fierce, dangerous or vicious animals
- 90.055 Restraint
- 90.056 Seizure, impoundment and disposition; failure to comply
- Dangerous Animals***
- 90.070 Definition
- 90.071 Keeping dangerous animals prohibited
  
- 90.999 Penalty

## GENERAL PROVISIONS

### § 90.001 KEEPING LIVESTOCK.

(A) The keeping, stabling or housing and pasturing or roaming of ruminants, cattle, sheep, goats, horses, mules, asses or swine, except within a lot containing over two acres and not closer than 200 feet from a dwelling is prohibited.

(B) Horses within the city before the publication date of this chapter may be grandfathered; however, the property owner has the burden of proof of continuous land occupation of horses.

(2013 Code, § 6-1) (Ord. 9477, passed 2-24-1958; Ord. 11690, passed 6-23-1970; Ord. 14169, passed 11-14-1983; Ord. 14707, passed 3-10-2003)

### § 90.002 POULTRY OR DOMESTIC FOWL.

(A) For purposes of this chapter, the phrase **POULTRY OR DOMESTIC FOWL** shall mean any live chicken or rooster, or any live domesticated, turkey, duck or goose, regardless of the purpose for which any of these birds is owned or possessed.

(2013 Code, § 6-1.1)

(B) (1) The keeping or maintaining of poultry or domestic fowl in an area of the city, which is zoned residential is prohibited.

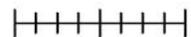
(2) The keeping or maintaining of rabbit enclosures within ten feet from any side lot line or rear lot line or within 50 feet from any street line or residence is prohibited.

(3) In an area of the city, which is not zoned residential, the keeping or maintaining of poultry or domestic fowl enclosures within ten feet of any side lot line or rear lot line or within 50 feet from any street line is prohibited.

# Example of the Application of Required Setbacks for Areas Used for the Keeping of Chickens

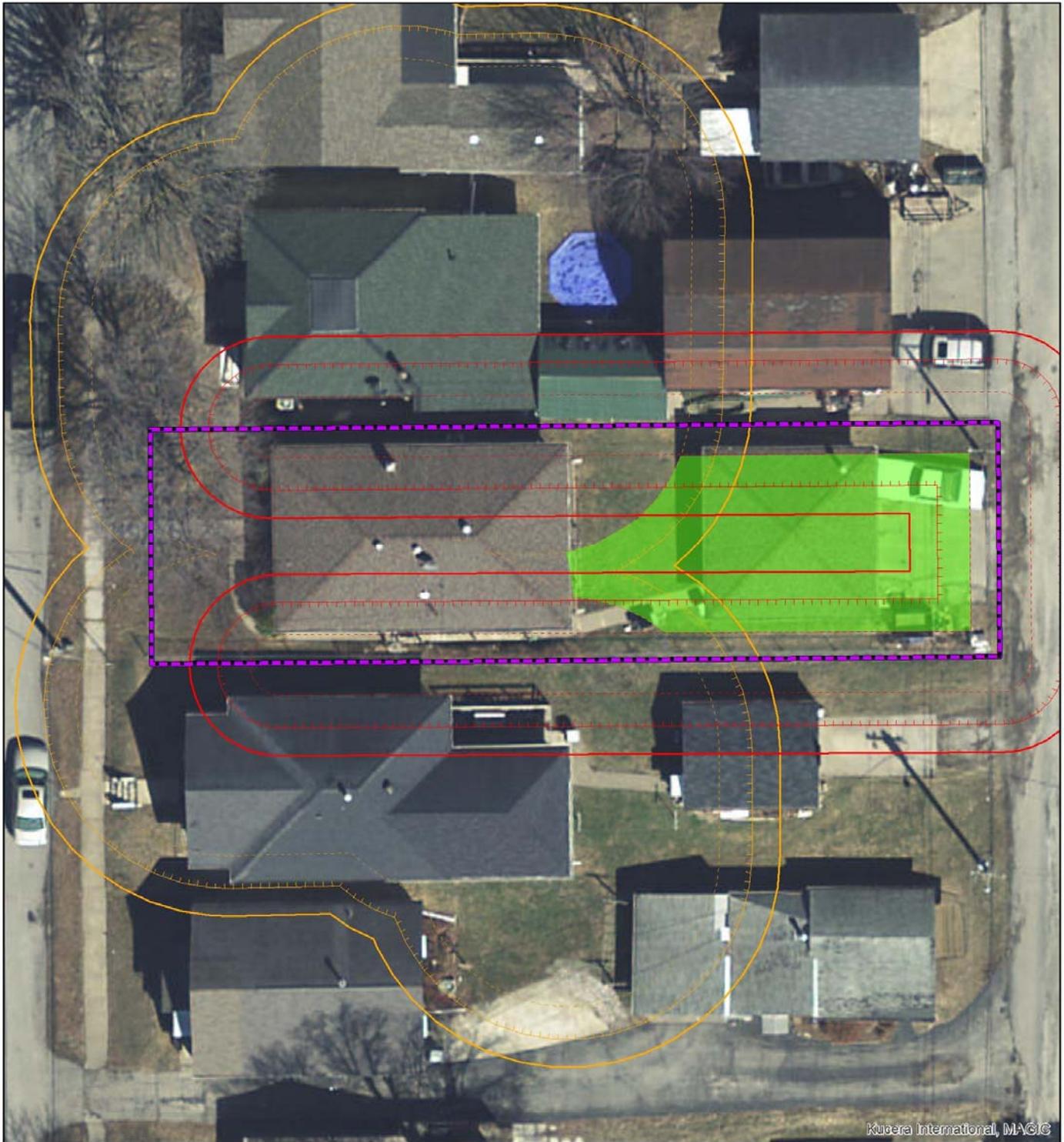


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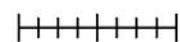
- |                                    |                                    |  |
|------------------------------------|------------------------------------|--|
| Subject Parcel (140' by 30')       | 10' Setback from Property Line     | 35' Setback from Neighboring Homes   |
| 5' Setback from Property Line      | 30' Setback from Neighboring Homes | Area in Which Chickens May be Kept<br>(5' Property Line,<br>25' Neighboring Structure Setback) |
| 25' Setback from Neighboring Homes |                                    |  |

# Example of the Application of Required Setbacks for Areas Used for the Keeping of Chickens



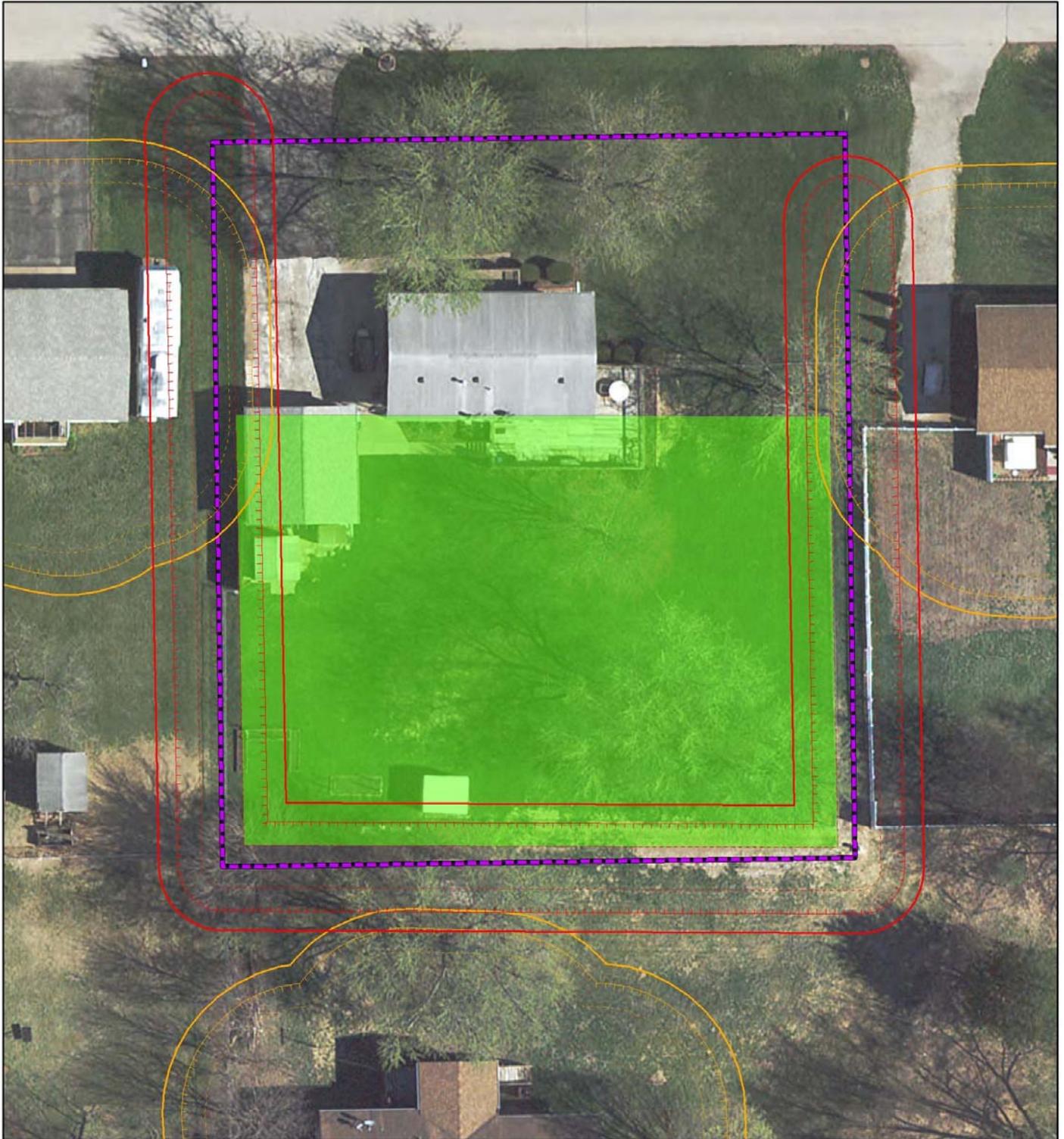
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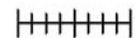


- |   |  |   |
|---|--|---|
|  5' Setback from Property Line  |  25' Setback from Neighboring Homes |  Subject Parcel (40' by 140')       |
|  10' Setback from Property Line |  30' Setback from Neighboring Homes |  Area in Which Chickens May be Kept |
|  15' Setback from Property Line |  35' Setback from Neighboring Homes | <i>(5' Property Line,<br/>25' Neighboring Structure Setback)</i>  |

# Example of the Application of Required Setbacks for Areas Used for the Keeping of Chickens

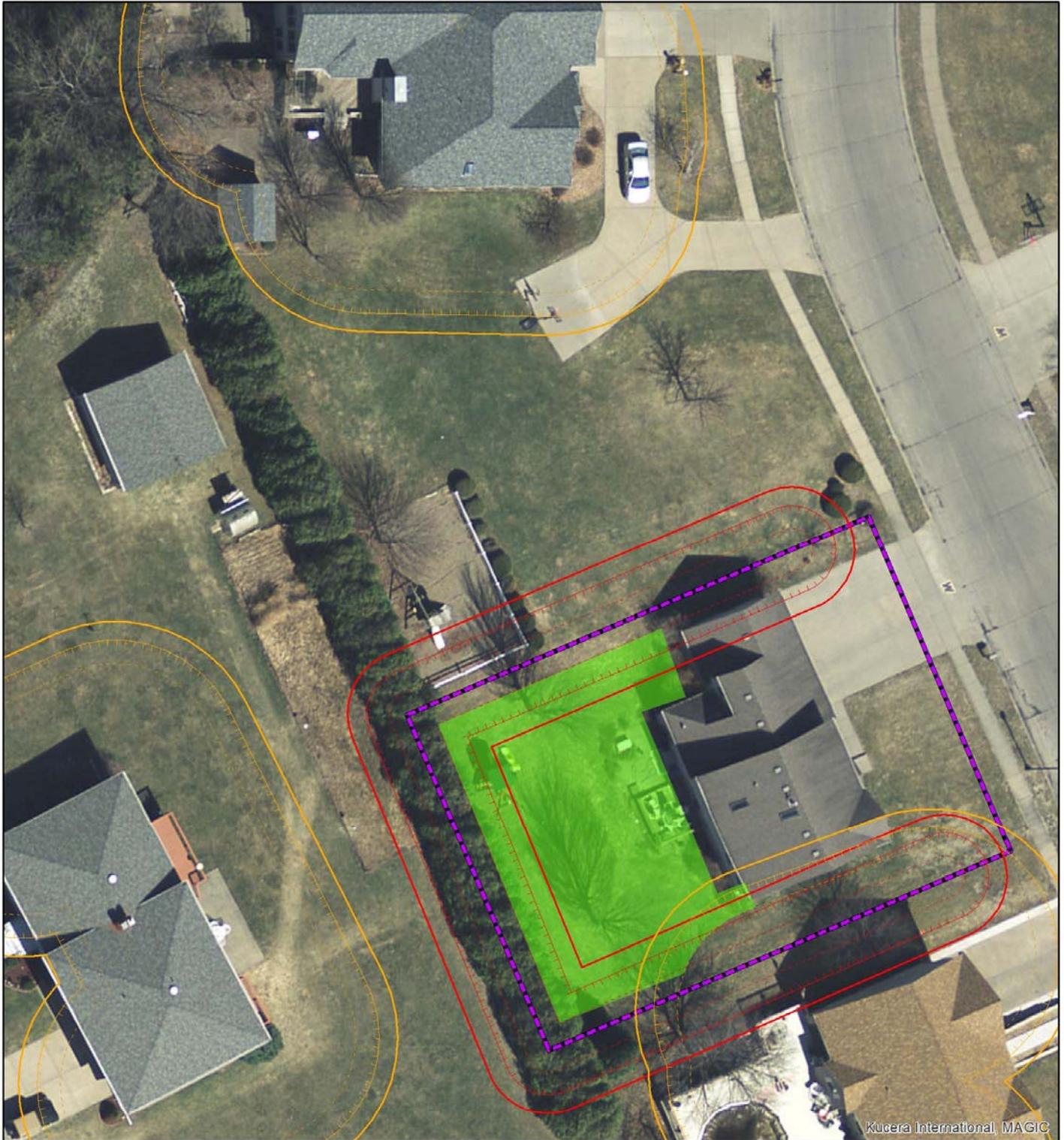


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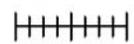
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|--|--|--|
|  5' Setback from Property Line  |  25' Setback from Neighboring Homes |  Subject Parcel (150' by 172')      |
|  10' Setback from Property Line |  30' Setback from Neighboring Homes |  Area in Which Chickens May be Kept |
|  15' Setback from Property Line |  35' Setback from Neighboring Homes | <i>(5' Property Line,<br/>25' Neighboring Structure Setback)</i>   |

# Example of the Application of Required Setbacks for Areas Used for the Keeping of Chickens



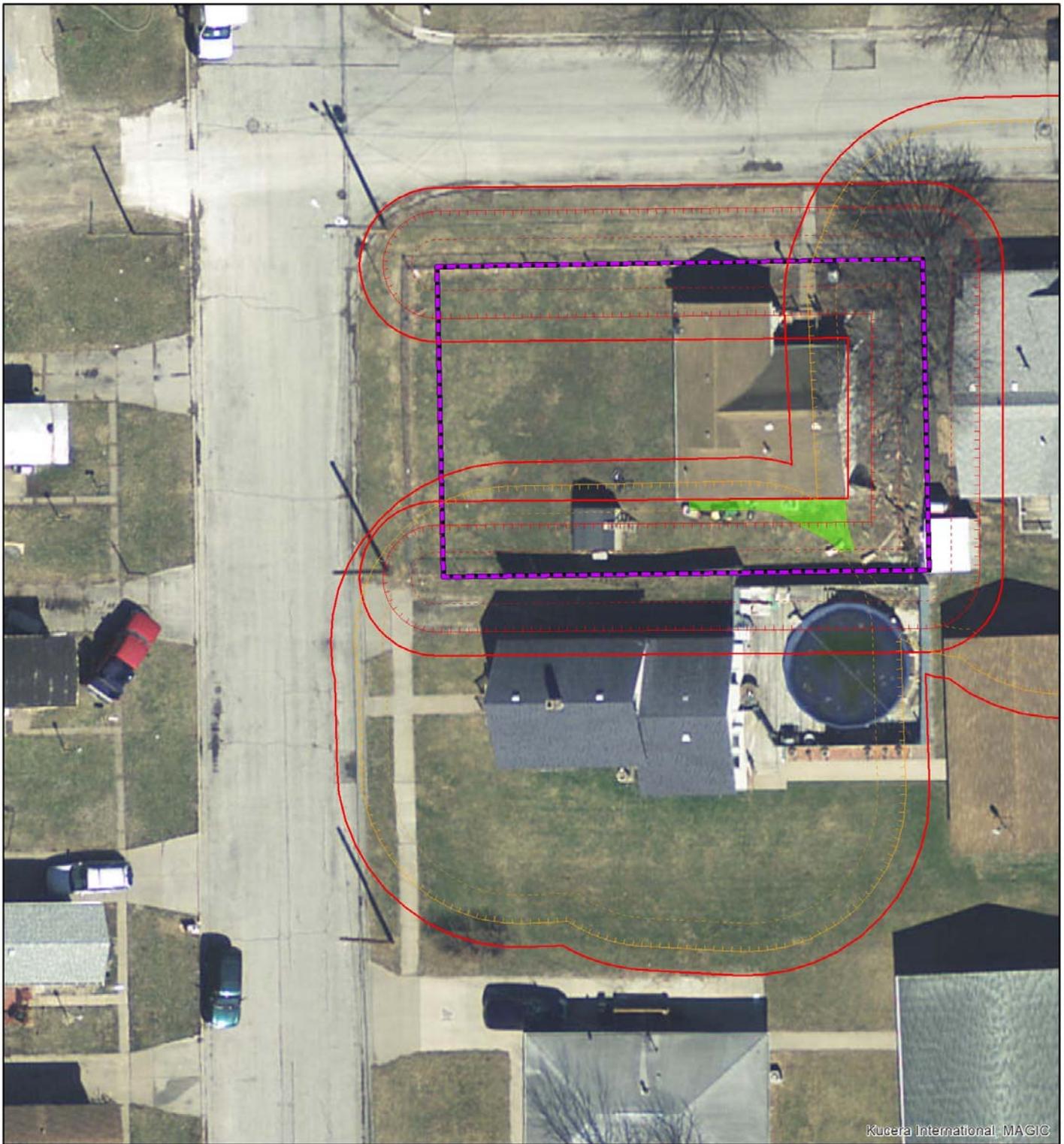
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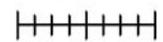
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|--|--|--|
|  5' Setback from Property Line  |  25' Setback from Neighboring Homes |  Subject Parcel (90' by 120')       |
|  10' Setback from Property Line |  30' Setback from Neighboring Homes |  Area in Which Chickens May be Kept |
|  15' Setback from Property Line |  35' Setback from Neighboring Homes | <i>(5' Property Line,<br/>25' Neighboring Structure Setback)</i>   |

# Example of the Application of Required Setbacks for Areas Used for the Keeping of Chickens



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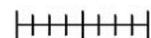


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|--|--------------------------------|--|------------------------------------|--|--|
|  | 5' Setback from Property Line  |  | 25' Setback from Neighboring Homes |  | Subject Parcel (60' by 100')                             |
|  | 10' Setback from Property Line |  | 30' Setback from Neighboring Homes |  | Area in Which Chickens May be Kept                       |
|  | 15' Setback from Property Line |  | 35' Setback from Neighboring Homes |  | (5' Property Line,<br>25' Neighboring Structure Setback) |

# Example of the Application of Required Setbacks for Areas Used for the Keeping of Chickens

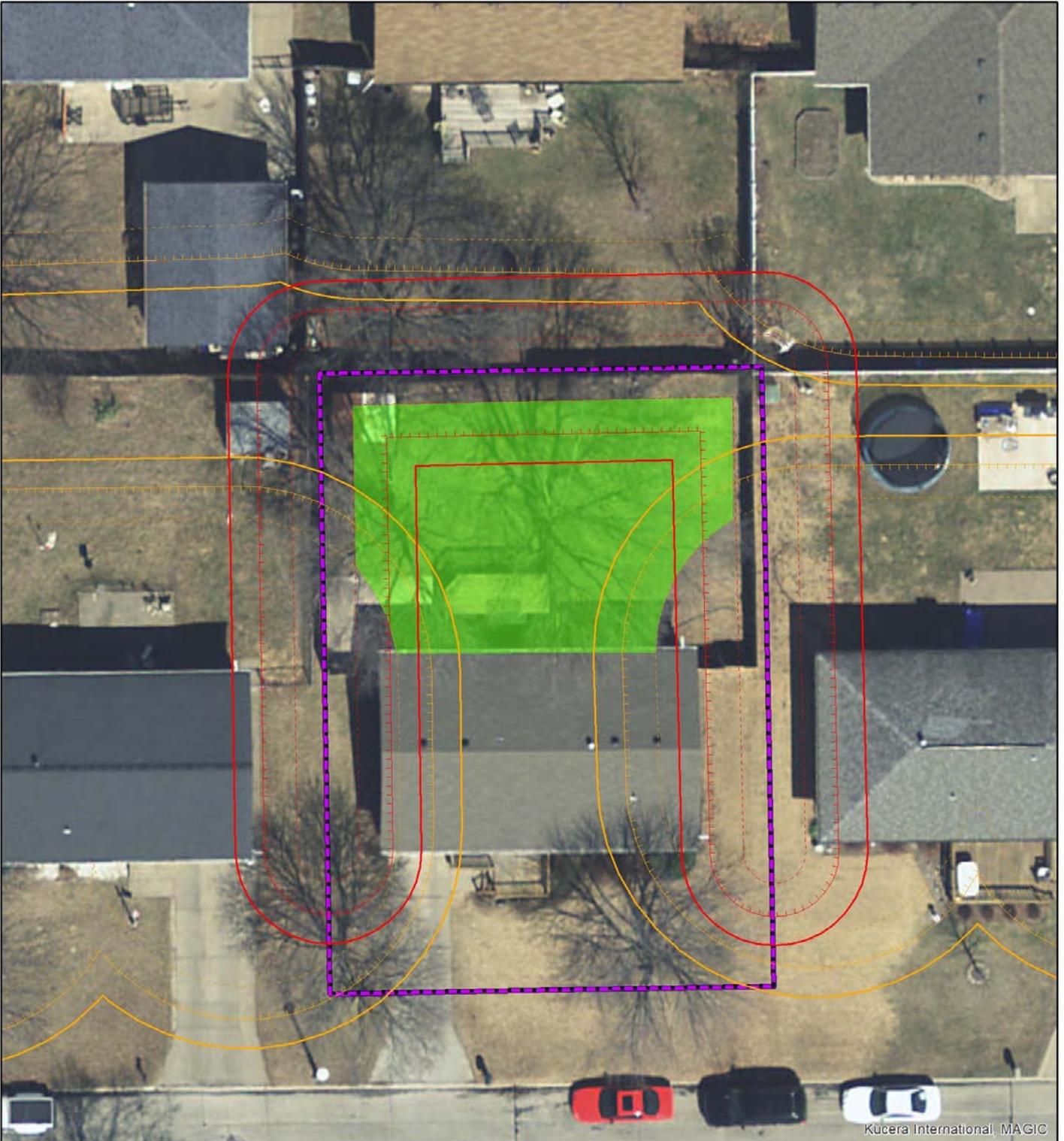


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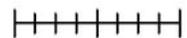


- |                                |                                    |   |
|--------------------------------|------------------------------------|---|
| 5' Setback from Property Line  | 25' Setback from Neighboring Homes | Subject Parcel (83' by 120')  |
| 10' Setback from Property Line | 30' Setback from Neighboring Homes | Area in Which Chickens May be Kept<br>(5' Property Line, 25' Neighboring Structure Setback) |
| 15' Setback from Property Line | 35' Setback from Neighboring Homes |   |

# Example of the Application of Required Setbacks for Areas Used for the Keeping of Chickens



0 5 10 20 Feet



- |                                |                                    |  |
|--------------------------------|------------------------------------|--|
| 5' Setback from Property Line  | 25' Setback from Neighboring Homes | Subject Parcel (72' by 100')   |
| 10' Setback from Property Line | 30' Setback from Neighboring Homes | Area in Which Chickens May be Kept<br><i>(5' Property Line,<br/>25' Neighboring Structure Setback)</i> |
| 15' Setback from Property Line | 35' Setback from Neighboring Homes |  |