

City of Arnold, Missouri

**Refreshments
Swearing-In Ceremony**

6:30 p.m. until 7:00 p.m.

**Work Session
Council Chambers**

April 13, 2017

Agenda

1. Telephone System
2. Chickens
3. Flood Property Donations
4. Emergency Operation Center Equipment

CITY OF ARNOLD, CITY COUNCIL WORKSESSION, APRIL 13, 2017

TO: THE MAYOR AND CITY COUNCIL
FROM: MARY P. HOLDEN, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: BACKYARD CHICKEN REGULATIONS
DATE: APRIL 5, 2017
CC: BRYAN RICHISON, CITY ADMINISTRATOR

The City Council discussed this topic at their February 8, 2017 work session. The Council was asked to forward their comments to Staff for incorporation into the draft regulations. Attached are the draft regulations reflecting the different comments received. Along with the Council comments, Staff has offered recommendations.

We look to the Council for direction on the suggested changes.

Section 210.110 Permit for Domestic Animals Required.

It shall be unlawful to keep any domestic animal without having first obtained a special annual permit from the City.

Section 210.120 Keeping Domestic Animal — Minimum Lot Area Required.

[R.O. 2013 §4-12; Ord. No. 6.8 (Bill No. 855) §2, 11-21-1985]

With the exception of chickens, which are governed by Sections 210.180 et seq., it shall be unlawful for any person to keep or maintain any domestic animal on any property within the City of Arnold that contains less than one (1) acre in lot area.

Section 210.130 Keeping Domestic Animal — Permit Required.

[R.O. 2013 §4-13; Ord. No. 6.8 (Bill No. 855) §2, 11-21-1985]

It shall be unlawful for any person to keep or maintain any domestic animal within one hundred fifty (150) feet of any residence, church, school, or hospital.

Section 210.140 Keeping Domestic Animal — Findings Prerequisite to Issuance of Permit.

[R.O. 2013 §4-14; Ord. No. 6.8 (Bill No. 855) §2, 11-21-1985]

A. The Health Department shall issue a special permit for the keeping or maintenance of a domestic animal if it finds:

1. That the animal will be at all times kept or maintained in a safe manner and that it is at all times confined securely so that the keeping of such animal will not constitute a danger to human health and safety or the property of others.
2. That the animal is receiving adequate care (defined as normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and care as necessary to maintain good health in a specific species of animal).
3. That the keeping of such animal shall not create a nuisance as described below:
 - a. Causes noise in an excessive, continuous, or untimely fashion;
 - b. Damages private or public property; or
 - c. That the keeping of such animal will not create or cause offensive odors or constitute a danger to public health.
4. That quarters for such animals shall be provided by the owner and adequately lighted and ventilated and are so constructed that they may be kept in a clean and sanitary condition.

Section 210.150 Keeping Domestic Animal — Inspection of Premises — Revocation of Permit.

[R.O. 2013 §4-15; Ord. No. 6.8 (Bill No. 855) §2, 11-21-1985]

Prior to the annual renewal of any special permit issued under Sections 210.110 through 210.140 or Sections 210.180 through 210.190 the Health Department shall inspect the premises subject to such special permit to determine whether the person to whom it has been issued is continuing to comply with all of the conditions specified in Sections 210.110 through 210.160 and/or Sections 210.180 through 210.190. If it is determined during any such inspection that any of the conditions therein specified are being violated, the City shall refuse to renew any such special permit, or it shall revoke such special permit in the event that such violation is not corrected within such period of time as it shall direct.

Section 210.160 Appeal Process.

[R.O. 2013 §4-16; Ord. No. 6.8 (Bill No. 855) §2, 11-21-1985]

Any permit revoked or denied under the provisions of Sections 210.110 through 210.150 and/or Sections 210.180 through 210.190 may be appealed to the Director of Community Development. Such appeal must be submitted in writing within ten (10) calendar days of the mailing or delivery of the notice revocation or denial. The decision of the Director of Community Development may be appealed to Circuit Court provided that such appeal is filed within thirty (30) days after the mailing or delivery of the notice of final decision in accordance with Chapter 536, RSMo.

Section 210.170 Maximum Number of Pets Per Household.

[R.O. 2013 §4-17; Ord. No. 6.8 (Bill No. 1889) §1, 11-1-2001]

A. The maximum number of pet animals that may be kept in a residential dwelling is:

1. Three (3) dogs over four (4) months of age;
2. Five (5) cats over four (4) months of age;
3. A combination of up to five (5) animals over four (4) months of age, but no more than three (3) dogs.

B. Keeping more animals than what is described in this Section constitutes a kennel. In order to operate a kennel a conditional use permit must first be obtained.

C. Notwithstanding any other provision of the Code of Ordinances, the maximum number of chickens is controlled by Section 210.190. However, each kept or maintained chicken shall count in the maximum number of pet animals that may be kept or maintained. For example, if four (4) chickens are kept or maintained, only one (1) cat or one (1) dog would be allowed. If the total number of chickens is five (5) or more, no additional pet would be allowed.

Staff recommends keeping as written but adding in Councilman Plunk's suggestion of an additional two animals if one acre or more. We are concerned that eliminating the provision could create nuisance issue in subdivisions. Example: If ¾ of the subdivision decided to have chickens and allow for the full amount of dogs/cats.

Commented [MPH1]: Councilman Plunk suggested two additional animals if on one (1) acre or more.
Councilman Plunk suggested not counting chickens if on one-half (1/2) acre.
Councilmen Fulbright, McArthur and Owens suggest removing the provision and not count chickens in maximum number allowed.

DRAFT

Section 210.180 Keeping of backyard chickens.

It shall be unlawful to keep any backyard chicken without having first obtained a special annual permit from the City.

Section 210.190 Minimum Requirements for keeping of backyard chickens a prerequisite to issuance of a permit.

A. In addition to satisfying the findings required in Section 210.140, applicants seeking to keep or maintain chickens must meet the following additional criteria:

1. Single family dwelling only – no duplexes are attached housing including multifamily.

2. Minimum Lot size: One half (1/2) acre

Staff recommends the 1/2 acre minimum be kept. If after a few seasons there are no major problems or concerns the lot size can be reduced further. If the lot size is reduced, we strongly recommend keeping the setback requirements of 50 feet from neighboring homes.

Commented [MPH2]: Councilmen Fulbright, McArthur and Fleischmann suggest one-quarter (1/4) acre (10,890 sf.)

3. Number: Four chickens per half acre. Regardless of lot size, the maximum number of chickens shall not exceed twenty-four (24)

4. Chickens must be securely constrained and enclosed in a suitable coop and enclosed pen to prevent their escape.

5. Written permission of adjacent property owners.

Staff recommends keeping this provision for now or revising to require NOTIFICATION OF ADJACENT PROPERTY OWENR. Or remove it if on an acre or more. We are concerned for all property owners and believe there is a potential for serious disputes amongst neighbors if there is no form of notification of neighbors.

Commented [MPH3]: Councilman Plunk suggested removing IF the lot size is kept at half-acre. Councilmen Fulbright, McArthur, Owens and Fleischmann suggest removing completely.

6. Enclosed pen: A pen is an enclosure where chickens feed and roam.

- a. Pens shall be constructed to include ten (10) square feet of outdoor space per chicken.
- b. Pens shall be maintained in a ventilated, safe, sanitary condition, and free from predators.
- c. Pens must surrounded by wire netting or other fence to prevent their escape and must be kept in good repair and free from peeling paint, untreated or rotted wood and rust. Tarps are not an acceptable material for fencing or as a top.
- d. Wire netting or fence shall not exceed six (6) feet in height.
- e. Pens must be on level ground and graded in a direction away from the property line preventing runoff to adjacent properties.

7. Coops: A coop is structure where chickens roost, nest and/or are kept.

- a. Coops shall be constructed to include four (4) square feet of space inside the coop per chicken.
- b. Building material must be suitable to the main dwelling and weather and predator proof.

- c. Coops shall not exceed twelve (12) feet in height.
- d. Coops must be elevated off the ground, placed on level ground, and graded in a direction away from the property line preventing runoff to adjacent properties.

Staff suggest the following language: Coops may only be used for the housing of chickens and not for storage of any household or chicken related items.

Commented [MPH4]: Councilman Plunk suggested adding language the coop may not be used for storage if used for chickens.

8. Location of Coop and Enclosed Pen:

- a. Rear yard only.
- b. Pen and coop must be a minimum of fifty (50) feet from neighbors dwelling.
- c. Pen and coop must be a minimum of fifteen (15) feet from primary dwelling on lot.
- d. Pen and coop must maintain a minimum fifteen (15) foot setback from the side and rear property line.

Commented [MPH5]: Councilmen Fulbright, Owens and McArthur suggest amending the setback to twenty-five (25) feet.

Commented [MPH6]: Councilmen Fulbright, Owens and McArthur suggest removing this requirement.

Staff recommends the 50 setback remains in place from neighboring homes and the 15 foot from the primary dwelling on the lot. Building Codes require at least a 5 foot separation from the primary structure.

9. Cleanliness of site/disposal: The presence of numerous flies or the presence of fly larvae in the vicinity of any such premises, enclosures or structures shall be evidence of lack of sanitary maintenance of the premises and shall constitute a public nuisance.
- a. Any manure or other waste from the chicken hens shall be collected and properly removed from the premises or tilled into the soil on the premises promptly and regularly to prevent the spreading of offensive smells or diseases.
 - b. Deceased chicken must be disposed of either through burial or incineration in accordance with Federal, State, and County regulations.
 - c. All enclosures, refuse containers, and all feed containers intended for the use of chickens shall be constructed, maintained and kept in such a manner as to be completely rodent-proof.
 - d. The floors of every such enclosure shall be smooth and tight, and maintained so as to prevent accumulation of filth or water or harboring of vermin thereunder.

10. Miscellaneous Regulations:

- a. Chickens may not be kept inside habitable areas of the dwelling.
- b. No Roosters.
- c. The coop used exclusively for chickens will not count toward the assessor structure.
- d. No selling of eggs from the residence.
- e. No breeding of chickens or sale is permitted.
- f. No slaughtering of any chickens is permitted.
- g. No diseased or sick chickens.
- h. If chickens are no longer kept, the coop and pen must be removed and the yard restored within sixty (60) days from the removal of the chickens.

Commented [MPH7]: Councilmen Fulbright and McArthur suggest removing this requirement.

Staff recommends "Slaughtering of chickens is not permitted except for the slaughter of a non-laying chicken by the owner. Remnants of the slaughtered chicken must be properly disposed of immediately."

11. Application Process:

- a. Submit application, site plan, and documentation meeting the above requirements for review and approval by the Health Department.
- b. Upon approval, submit information for a building permit, if applicable.

Commented [MPH8]: Councilman Plunk stated he does not see the need for a new definition of "domesticated animal". In addition has asked about if there is a fee. There is a fee and it is \$10.00 and must be paid and renewed annually.