

CHAPTER 72
URBAN CHICKENS

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Sec. 72.1 Purpose. The purpose of this chapter is to protect the health, safety and welfare of the citizens within the City by allowing a process by which a property owner may keep a limited number of domesticated chickens on their property while observing minimum property standards.

Sec. 72.2 Definitions. Definitions used in this chapter.

1. Chicken shall mean a member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.
2. Urban chicken shall mean a chicken kept on a permitted tract of land pursuant to a permit issued under this Chapter.
3. Coop shall mean a cage, enclosure or building used for housing and protecting chickens from weather and predators.
4. Pen shall mean an enclosure for chickens which allows freedom of movement but also prevents escape.
5. Permittee shall mean an applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this Chapter.

Sec. 72.3 Where Permitted. Notwithstanding the provisions of this section, the keeping of domestic chickens (sub species *gallus gallus domesticus*), except roosters, shall be permitted in single family residential properties lying within residential zoning districts as shown on the City of Waverly official Zoning Map so long as such keeping is in compliance with this subsection and all other applicable City ordinances.

Sec. 72.4 Enclosure Requirements. The following criteria shall be considered a minimum form of compliance for the City to consider issuing a permit allowing for the presence of any particular chickens unless allowing such chickens would endanger the health, safety, peace,

quiet, comfort, enjoyment of, or otherwise become a public nuisance to nearby residents or occupants or places of business:

1. Chickens must be confined in a coop, fowl house, or mobile coop, known as a chicken tractor, not less than 18 inches in height. In addition to be confined within a coop, a fenced pen area at a size outlined below shall be maintained. Chickens must be kept within the coop, the fowl house, or the fenced pen area at all times unless removed for a temporary time for the safety of the chicken.
2. The coop, the fowl house, or the fenced pen area must be of such a design to be reasonably expected to prevent entry by dogs, cats, or other animals and shall be completely enclosed.
3. The coop or fowl house must be used for chickens only and must be well ventilated.
4. The coop, the fowl house, or the fenced pen area shall have a minimum of four (4) square feet of floor area for each chicken but shall not be any larger than twelve (12) square feet of area for each chicken. The coop, fowl house, or fenced pen area shall be a minimum of twenty-five (25) feet from any neighboring dwelling property line. Chicken tractors shall be a minimum of ten (10) twenty-five (25) feet from any property line at all times. In the event a zoning or other ordinance requires a greater distance, the more restrictive regulations shall apply.
5. Any coop, fowl house, or fenced pen area must be well drained so there is no accumulation of moisture.
6. Any coop, fowl house, or fenced pen area shall be kept clean, sanitary and free from accumulation of chicken excrement and objectionable odors. All droppings and body excretions shall be either placed in fly-proof containers and double-bagged in plastic bags or, in the alternative, used as fertilizer on the same property or, with the owner's permission, on other property within the City, so long as the droppings and body excretions are spread and incorporated into the soil within twenty four (24) hours.
7. In addition to the coop, fowl house, or fenced pen area, the permittee shall be responsible for sufficiently confining chickens to the permitted property and prevent chickens from entering upon any adjacent property.
8. All chicken feed shall be stored in rodent-proof containers.
9. All such chickens must be hens; no roosters are permitted.
10. The City shall not be liable for injury or death of chickens caused by dogs, cats, or other animals, domestic or wild, whether such animals are licensed by the City or not. Further, injury or death of a chicken caused by an animal is not, in and of itself, sufficient grounds for the City to determine that the animal is a vicious animal pursuant to this Code of Ordinances. Any dead chicken shall be disposed of immediately upon discovering said dead chicken in a manner so as to not cause a nuisance pursuant to this Code of Ordinances.
11. Slaughtering of chickens or selling of eggs are forbidden
12. An owner or possessor of animals on property that is newly annexed or rezoned to a residential classification has ninety (90) days from the date of annexation or rezoning to bring the property into compliance required by this section.
13. A violation of this subsection is a municipal infraction as provided in this Code of Ordinances.

Sec. 72.5 Number of Chickens Permitted.

1. No more than four (4) chickens shall be kept or maintained per property at any time.

Sec. 72.6 Permit Requirements. No person shall keep any chickens unless they possess a City of Waverly permit issued by the City Administrator or their designee.

1. Fee. The fee for such permit shall be thirty (\$30) dollars.
2. Permits will be granted for one (1) three (3) years valid from January 1 through until December 31 and shall not be pro-rated for partial year three years from the application year.
 - a. Permits may be purchased at any time during the year but will be valid only through December 31.
 - b. Property owner shall notify the City upon discontinuance of housing chickens.
 - i. As part of discontinuing of housing chickens on the property, the pen and coop areas shall be cleaned in a timely manner so as to not provide a nuisance to neighboring property owners.
 - c. Fees shall not be refunded if the property owner removes the chickens from the premises.
 - d. The permit may be suspended or revoked by the City Administrator or their designee upon hearing and finding evidence that the permittee has violated the conditions of the permit and listed in this Section of the Code. All chickens must be removed from the premises and disposed of in accordance with public health practices upon revocation of the permit. There will be no refund of the permit fee. All associated costs of removal of the chickens shall be assessed back to the property owner.
 - e. By the granting of the permit to raise chickens and the application thereof, the permittee authorizes that the City or its agents have the right to go onto permittee's property any time for the limited purpose of inspection of the premises to ensure that all applicable conditions have been met.

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