

## Chapter 6.32

### KEEPING OF FOWL

#### Sections:

- 6.32.010**    **Definitions.**
- 6.32.020**    **Domestic Fowl or Animals Within the City.**
- 6.32.030**    **Exceptions to Domestic Fowl or Animals.**
- 6.32.040**    **Domestic Fowl or Animals Running Loose.**
- 6.32.050**    **Investigation.**
- 6.32.060**    **Issuance.**
- 6.32.070**    **Modification or Termination.**
- 6.32.080**    **Denial.**
- 6.32.090**    **Appeal Procedure.**
- 6.32.100**    **Hearing.**
- 6.32.110**    **Application.**
- 6.32.120**    **Sanitary Building or Enclosure Required**
- 6.32.130**    **Fees**

#### **6.32.010. Definitions.**

"Domestic Fowl or Animal" as used in this chapter means any chickens, ducks, pigeons, geese, turkeys, rabbits, Belgium hares, guinea pigs, mice, or rats. (Ord 546 § 1, 1995)

#### **6.32.020 Domestic Fowl or Animals Within the City:**

It is unlawful for any person, firm, or other entity to keep or maintain or cause to be kept or maintained within the corporate limits of the city any domestic fowl or other animals in any pen, house or enclosure unless the exterior boundaries thereof are more than fifty (50) feet from any dwelling, church, or school, and 100 feet from any hospital or medical facility. It is unlawful to permit the accumulation of offal or manure in any coop, pen, or enclosure on any property on which such domestic fowl or animals may be kept or maintained. (Ord 546 § 1, 1995)

#### **6.32.030 Exceptions to Domestic Fowl or Animals:**

The terms of this chapter shall not apply to (1) any domestic fowl or animals kept in any pen, house, or enclosure within fifty (50) feet from any dwelling or building without the written consent of the owner of that dwelling or building; or (2) domestic fowl or animals kept in a bonafide produce market, licensed animal pound, licensed veterinary hospital or clinic, or in an exhibition area maintained by any public authority for which a permit has first obtained for the keeping of the animals from the Animal Control Officer. (Ord 546 § 1, 1995)

#### **6.32.040 Domestic Fowl or Animals Running Loose:**

It is unlawful for any person, firm, or other entity owning or having possession of any domestic fowl or animals to permit the same to run loose or to go upon the premises of any other person, firm, or entity within the City without consent. (Ord 546 § 1, 1995)

#### **6.32.050 Investigation:**

Upon receipt of an application for a permit as required by this chapter, the Animal Control Officer shall conduct an investigation to determine if keeping livestock within the city would create or perpetuate any of the following conditions:

- A. A threat to public health or safety.
- B. A public or private nuisance.
- C. A deterioration of or impact upon the living conditions or property values of adjacent properties. (Ord 546 § 1, 1995)

#### **6.32.060 Issuance:**

If the Animal Control Officer finds that none of the conditions set forth in Section 6.32.050 are present, or would be present in the event the

application was granted, the Animal Control Officer shall issue to the applicant the permit requested. The permit may be unconditional or may contain any reasonable conditions deemed necessary by the Animal Control Officer. The permit shall be nontransferable and shall be valid only for the location and time as stated in the permit. (Ord 546 § 1, 1995)

**6.32.070 Modification or Termination:**

The permit shall continue until modified or terminated or shall expire as written on the permit. The permit may be modified or terminated at any time whenever, in the opinion of the Animal Control Officer, the circumstances have changed so as to cause any of the conditions as set forth in Section 6.32.050 to be present. The Animal Control Officer shall give the owner or custodian of the animals a written notice at least ten (10) days prior to any modification or termination becoming effective. Placing such notice in the regular U.S. mail, first class postage affixed thereto and addressed to the permittee at the address appearing on the application shall constitute sufficient notice. The permittee shall at all times keep the Animal Control Officer informed of any change of address, and in the event of notification of any change, notice shall be given to permittee at any changed address. (Ord 546 § 1, 1995)

**6.32.080 Denial:**

If the Animal Control Officer finds that one or more of the conditions as set forth in Section 6.32.050 are present or would be present in the event the application was granted, the Animal Control Officer shall refuse to issue the permit as requested and shall notify the applicant of such action and the reasons therefore in writing. (Ord 546 § 1, 1995)

**6.32.090 Appeal Procedure:**

In any case where an applicant for a permit, a permittee or any other interested person is

dissatisfied with any determination of the Animal Control Officer relative to the presence or absence of any of the conditions stated in Section 6.32.050, or is aggrieved by any decision of the Animal Control Officer with respect to the issuance, modification, termination, or refusal to issue, modify, or terminate any permit as required by this chapter, such person may apply in writing for a hearing before the city council. The request must set forth the reasons for the appeal. The city council shall hold a hearing within fifteen (15) days from the date of filing the application for a hearing, unless continued at the request of the applicant or the Animal Control Officer. Notice of the time and place of hearing shall be given to the applicant, and he/she shall be entitled to appear and present evidence. In the event the hearing is requested by any person other than the applicant or permittee, any applicant or permittee who would be affected thereby shall also be given the same notice and shall have the same rights to appear and present evidence as the person requesting the hearing. (Ord 546 § 1, 1995)

**6.32.100 Hearing:**

The city council shall hear and consider the evidence presented at the hearing, and shall decide the issue based upon the evidence as presented. A decision shall be rendered by the city council within ten (10) days from the date of the hearing, and the decision of the city council shall be final. (Ord 546 § 1, 1995)

**6.32.110 Application:**

Any person, firm, or other entity having within the corporate limits of the city on the effective date of this ordinance any of the animals mentioned in this chapter for which a permit is required, shall have a period of sixty (60) days from and after the effective date of this ordinance to apply for and receive a proper permit as required by this chapter, or in the

6.32.110

alternative, remove the animals from within the corporate limits of the City. Any person, firm, or other entity having in any area subsequently annexed to the city after the adoption of this ordinance as codified in this chapter any livestock requiring a permit, shall have a period of sixty (60) days from and after the effective date of the annexation to apply for and receive a permit or to remove the animals from the corporate limits of the City. (Ord 546 § 1, 1995)

**6.32.120 Sanitary Building or Enclosure Required:**

No permit shall be granted to any person for the keeping of any animals described in this chapter requiring a permit, unless proper provisions have been made for a sanitary

building, enclosure, stall, or yard where the animal or animals may be kept. Unless the premises are kept and maintained in a sanitary manner at all times, the permit issued pursuant to this chapter may be revoked by the Animal Control Officer. (Ord 546 § 1, 1995)

**6.32.130 Fees:**

Application and permit fees required pursuant to this chapter shall be set by the city council by resolution. All required application fees must be submitted with the permit application prior to review by the Animal Control Officer. Failure to pay required permit fees shall render the permit null and void. (Ord 546 § 1, 1995)