

AN ORDINANCE REPEALING ORDINANCE NO. 586 AND AMENDING ORDINANCE NOS. 810 AND 1042 TO ALLOW AND REGULATE THE KEEPING AND RAISING OF CHICKENS WITHIN THE CITY OF ADRIAN, MISSOURI.

WHEREAS, on April 9, 1981, the Board of Aldermen adopted Ordinance No. 586, which deemed livestock as a nuisance and imposed a fine if the livestock was not removed from the city limits; and

WHEREAS, on April 20, 1999, the Board of Aldermen adopted Ordinance No. 810, which declared the keeping of horses, cattle, sheep, swine, goats, mules or other livestock or fowl within the corporate limits a public nuisance subject to abatement; and

WHEREAS, on November 4, 2013, the Board of Aldermen adopted Ordinance No. 1042, which prohibited the following to remain on any property within the city limits: any animal that would normally be found on a farm used normally for the purpose of income and/or food such as but not limited to horse, cattle, sheep, swine, goats, mules, chickens or other animals that would be considered livestock; and

WHEREAS, the Board of Aldermen now desires to repeal Ordinance No. 586 and amend Ordinance Nos. 810 and 1042 and enact this Ordinance to update and replace the provisions relating to the raising and keeping of chickens.

NOW THEREFORE, be it ordained by the Board of Aldermen of the City of Adrian, Missouri, as follows:

SECTION 1. That existing Ordinance No. 586 related to livestock is hereby repealed.

SECTION 2. That existing Ordinance No. 810, Section 4.2.C related to livestock is hereby amended to read as follows (note: provisions that have been added are indicated with a double underline and provisions which have been removed are shown with a ~~mark through~~):

SECTION 4 – PUBLIC NUISANCES

4.2 The following acts, in addition to any others in violation of subsection 4.1 of this Ordinance, are determined by the City Council as noisome, offensive, unwholesome, or dangerous to the public's health, welfare and/or safety and shall constitute a public nuisance.

C. The keeping of any horse, cattle, sheep, swine, goats, mules or other livestock or fowl, except chickens (pursuant to Section 20-109 as amended by Ordinance No. 1 _____), within the corporate limits (unless a municipal permit has been issued),

SECTION 3. That existing Ordinance No. 1042, Section 20-109, Animal Restrictions, is hereby amended to read as follows (note: provisions that have been added are indicated with a double underline and provisions which have been removed are shown with a ~~mark through~~):

SECTION 20-109: ANIMAL RESTRICTIONS.

(1) No Person having control or use of any Property or any part of any Property shall allow any of the following to remain on the Property, unless the Property has been recently used for such prior to the enactment of this Ordinance.

(a) Any animal that would normally be found on a farm used normally for the purpose of income and/or food such as but not limited to horses, cattle, sheep, swine, goats, mules, chickens or other animals that would be considered livestock, except chickens may be allowed pursuant to Ordinance _____, which amends Ordinance No. 1042 and sets forth regulations for keeping and raising chickens.

(2) Chickens shall be allowed pursuant to Section 20-109.001 - 20-109.090:

Sec. 20-109.000 Number and Type of Chickens Allowed

(a) The maximum number of female chickens allowed is twelve (12) per tract of land regardless of how many dwelling units are on the tract.

(b) Only one (1) rooster is allowed per tract of land. There is no restriction on the chicken species.

(c) Subparts (a) and (b) of this subsection shall not apply when the chicken(s) kept are four hundred (400) feet or more from the residence of any other inhabitant.

Sec. 20-109.010 Non-commercial Use Only

It shall be unlawful to engage in chicken breeding or fertilizer production for commercial purposes.

Sec. 20-109.020 Enclosures

(a) Chickens must be kept in an enclosure or fenced area at all times. During daylight hours, chickens may be allowed outside of their chicken pens in a securely fenced yard if under supervision. 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 while minimizing adverse impacts to other residents in the neighborhood.

(i) 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 wire of less than one inch openings.

(ii) Materials:

1. 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 the same materials. The use of scrap, waste board, sheet metal or similar materials is prohibited.

2. Materials used shall be impervious to moisture so that the surface does not permit the absorption of fluids. This may be accomplished by sealing with paint, or using a material that is impervious to moisture by nature, i.e. plastic, metal, concrete, glazed faced tile, etc. The surface shall be routinely maintained. If paint is peeling, it must be repainted to seal the surface.

(iii) Henhouses and chicken tractors shall be well maintained.

(2) No henhouse, chicken tractor or chicken pen shall be placed in any area of property that is considered frontage.

(3) Henhouses, chicken tractors and chicken pens must be located at least ten (10) feet from the property line and at least forty (40) feet from any adjacent residential dwelling, church, school, or place of business.

(4) Henhouse and chicken tractor size:

(i) The minimum size of any henhouse or chicken tractor shall be two (2) square feet per chicken.

(ii) The maximum size of any structure henhouse or chicken tractor shall be four (4) square feet per chicken.

(iii) The interior roosting area of any henhouse or chicken tractor shall be not less than two (2) feet in height.

(iv) The exterior height of any henhouse or chicken tractor, including any risers or pedestals, shall not exceed ten (10) feet.

(e) A chicken pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.

(f) Subparts (a) through (e) of this section shall not apply when chicken(s) are kept four hundred (400) feet or more from the residence of any other inhabitant.

Sec. 20-109.030 Chickens at Large

(a) Chickens shall not be allowed to run at large. It shall further be unlawful to picket or tie any such animal in any of the streets of the City for the purpose of grazing or feeding.

(b) No dog, cat or other domesticated animal, which kills a chicken running at large will, for

that reason alone, be considered a dangerous or prohibited animal.

Sec 20-109.040 Odor and Noise Impacts

(a) Odors from chickens, chicken manure or other chicken related substances shall not be perceptible at the property boundaries.

(b) Perceptible noise from the chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

(c) It shall be unlawful for any person to park over one (1) hour within the City limits any truck loaded with chickens that would cause an offensive smell or noise, or which would unnecessarily annoy the rest of others.

Sec. 20-109.050 Predators, Rodents, Insects, and Parasites

The chicken owner 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 police officer.

Sec. 20-109.060 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.

Sec. 20-109.070 Waste Storage and Removal

The chicken owner must provide for the storage and removal of chicken manure. All stored manure shall be covered in 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. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken tractor and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

Sec. 20-109.080 Unlawful Acts

(a) It shall be unlawful for any person to keep chickens in violation of Section 20-109.001 -- 20-109.090.

(b) It shall be unlawful for any owner, renter or leascholder of property to allow chickens to be kept on the property in violation of Section 20-109.001 -- 20-109.090.

Sec. 20-109.090 Violation

Any person who fails to adhere to or otherwise violates this Article is guilty of a municipal ordinance violation and subject to the abatement procedures and/or penalty provision set forth in Chapter 20 (Section 20-113 – Section 20-116).

SECTION 4. This Ordinance shall become effective immediately upon its passage and approval.

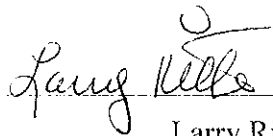
SECTION 5. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 6. That the repeal of any ordinance or parts of an ordinance by this Ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding under or by virtue of the repealed ordinance.

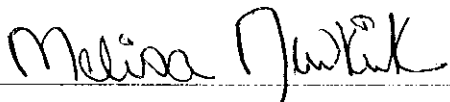
SECTION 7. Should any section, sentence or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

PASSED AND ADOPTED BY THE BOARD OF ALDERMEN OF THE CITY OF ADRIAN, MISSOURI, THIS 09TH DAY OF March, 2015.

	AYE	NAY	ABSENT
Taylor	X		
Hubler	X		
Lunsford	X		
Corum	X		


Larry Ritter, Mayor

ATTEST:


Melissa Newkirk, City Clerk