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**Earlham City Hall**

Board of Adjustment  
PO Box 518  
Earlham, IA 50072

Dear Committee Members,

Currently in Earlham, the city code of ordinances states:

*Sec. 55-09. - Bothersome Animals.*

*It is unlawful for any person to keep within the City bothersome animals such as bees, or domestic animals that may become bothersome by causing any offensive violations of an environmental nature such as sound, smell or sight, which tend to disrupt the peace and good order of the community. Such animals may be declared a nuisance.*

I am reaching out regarding the legalization of urban farming - as it pertains to poultry - in city limits, which would allow homeowners with fenced-in land to raise Chickens and Ducks, for the purpose of egg production. I request this, knowing that the council must be able to regulate them, and the following are my suggestions for regulation:

- 1.) They should be required to register with the city, as dogs are, and be charged a permit fee per animal, annually. This could generate additional income for the city.
- 2.) To appease the current ordinance, I would propose that 4 or less chickens or ducks be allowed, as well as only allowing hens, and banning the owning of roosters.
- 3.) They should only be allowed in all homes that have a fenced yard and a chicken coop for the chickens to remain enclosed within the property.
- 4.) A permit should be acquired from the city to build a chicken coop, just as you would need for a shed. Again, this is another opportunity for the city to gain income from permit sales, and a way for the city to regulate the style and type of coops allowed in town limits.

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Chickens and Ducks have been animal companions of humans for thousands of years. When allowed to range in a fenced yard, they are very entertaining and they provide more benefits to us than cats or dogs. They provide outstanding pest control, eating ticks, slugs, mosquitoes and many other insects. They produce eggs that are much more nutritious than those you can buy at the supermarket. Keeping backyard chickens and ducks are more than just a trend, they are beneficial to the families and communities that allow them.

Backyard chickens and ducks are beneficial to the community that they live in because they:

- 1.) Offer fresh, locally sourced eggs (and can be organic and non-GMO)
- 2.) Can help to provide food security for lower-income families - as of 2019, 12.7% of our community is on the EBT Food Stamps program, that is up 1.8% from 2018.
- 3.) Produce healthier eggs compared to store-bought eggs
- 4.) Provide gardeners with high-quality fertilizer
- 5.) Help control pest population
- 6.) Dispose of weeds and kitchen scraps that would otherwise go to the landfill
- 7.) Are seen as therapeutic for children on the autism and ADHD spectrum by getting the kids involved in feeding and caring for them, thereby promoting independent living skills
- 8.) Provide a great way for kids to learn about nature, agriculture and the responsibility of caring for animals
- 9.) Provide a fantastic way for both kids and adults to gain respect for these intelligent creatures that produce food for us

Backyard chickens and ducks will generally get far more humane care than those raised in dirty, crowded "factory farms". Industrial production is creating numerous problems, including pollution from manure, antibiotic resistance and as Coronavirus has shown us - higher risk of a more dangerous strain of disease. Keeping a few chickens or ducks at home is one way we can each do our part to address these problems. There is no legitimate reason for any city to prohibit keeping a few chickens, any more than there is reason to ban the keeping of dogs or cats.

Some common misconceptions about backyard chickens and ducks include:

- 1.) **They're noisy!** *Chickens will peep and cluck softly throughout the day, and are silent all night. If you don't have roosters, there won't be much noise. Did you know a hen's laying song is 60 decibels? It would take 12 hens producing noise at the exact same time to produce more*

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*noise than 1 dog. Female ducks on the other hand, although they will quack when agitated and threatened, are normally constantly quiet.*

- 2.) **They smell!** *Did you know that it takes 10 chickens to make as much poop as one Golden Retriever? As long as the chicken coop is kept clean, there is no smell. Dog poop is also toxic, while chicken poop is not.*
- 3.) **They attract so many predators!** *This is truly a misconception, and can easily be remedied by the owner. It is the responsibility of the owner to keep his/her chickens and ducks contained and safe from predators, just as the same responsibility falls on cat and dog owners.*
- 4.) **Don't you need a rooster for hens to lay eggs?** *No, the only reason a rooster would be needed in a flock of hens would be for reproduction. Hens will still lay eggs without a rooster present.*

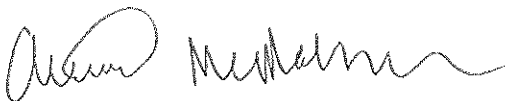
What I am asking is for a change in the ordinances against owning backyard chickens and ducks in the town of Earlham, and adopting a new ordinance that allows citizens in residentially zoned areas to own a small backyard flock, so long as they are enclosed and in fenced yards.

Towns in the metro area such as Adel, Minburn, Madrid, Norwalk, Granger, Perry, Des Moines, Clive, Urbandale, and West Des Moines have all approved having chickens within city limits. It saddens me to think that Des Moines, a large city, has less restrictions on agriculture than Earlham - a town built on the values of agriculture and farming.

I have included, as an example, the amending to city code that The City of Minburn implemented in 2018, that allows chickens.

I will happily answer any questions or requests you may have from me. I look forward to the city council and/or Board of Adjustment bringing this to a vote.

Sincerely,



**Alicia McMahon**

## **ORDINANCE 2018-1**

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MINBURN, IOWA, BY ADDING A NEW CHAPTER 57 ENTITLED “URBAN CHICKENS” RELATING TO THE KEEPING OF CHICKENS WITHIN THE CITY OF MINBURN**

**BE IT ENACTED** by the City Council of the City of Minburn, IA:

**SECTION 1.** The Code of Ordinances of the City of Minburn, Iowa, is amended by adding a new Chapter 57 thereto entitled “Urban Chickens” relating to the keeping of chickens within the City of Minburn as follows:

#### **57.01 DEFINITIONS**

1. “Chicken” shall mean a member of the subspecies *Gallus domesticus*, a domesticated fowl.
2. “Coop” shall mean a cage, enclosure, or structure used for housing and protecting chickens from weather and predators.
3. “Tract of Land” shall mean a property that has one single family dwelling located on that property.
4. “Single Family Dwelling” shall mean any building that contains only one dwelling unit used, intended, rented, leased, let or hired to be occupied for residential purposes.
5. “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
6. “Tractor” shall mean a cage, structure, or similar enclosure capable of movement used for housing and protecting chickens from weather and predators.
7. “Urban Chicken” shall mean a chicken kept on a tract of land pursuant to a permit issued under the terms of this chapter.
8. “Permitting Officer” shall mean the City Clerk or designee.
9. “Permittee” shall mean an applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this Chapter.

#### **57.02 PERMIT REQUIRED**

1. Permit required. No person shall raise, harbor or keep chickens within the City of Minburn without a valid permit obtained from the Permitting Officer under the provisions of this Chapter.
2. Application. In order to obtain a permit, an applicant must submit a completed application on forms provided by the Permitting Officer and paying all fees required by this Chapter.

3. Permit Fees: The fee for such permit is fifteen (\$15.00) dollars for the first year. Renewal permits will be ten (\$10) provided that nothing has changed. Permits will be granted for one (1) year, valid from January 1 through December 31. Permits may be purchased at any time during the year, but will be valid only through December 31.

4. Requirements. The requirements to the receipt of a permit include:

A. All requirements of this Chapter are met;

B. There are no nuisance conditions, or unresolved violations of nuisance ordinance, on the property;

C. The tract of land to be permitted shall contain only one Single Family Dwelling occupied and used as such by the permittee;

D. Private Restrictions Take Precedence. Private restrictions on the use of the property shall remain enforceable and shall supersede the terms of this Chapter and any permit issued. The private restrictions include, but are not limited to: deed restrictions, condominium restrictions, neighborhood association bylaws, covenants and restrictions, and rental agreements;

E. Rental Property. The owner of the parcel must concur with any application for Urban Chickens. Tenants must obtain the written permission from the landlord/property owner to keep chickens or to install a coop;

F. The applicant has provided written verification of consent from all immediately adjacent dwellings of the applicant's intent to obtain a permit;

5. 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.

6. 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:

A. False statements on any application or other information or report required by this section to be given by the applicant;

B. Failure to correct deficiencies noted in notices of violation in the time specified in the notice;

C. Failure to comply with the provisions of an approved mitigation/remediation plan by the Permitting Officer, or designee;

D. Failure to comply with any provision of this Chapter.

7. 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.

8. 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 one (1) year from the date of the denial or revocation.

9. Appeals. No permit may be denied, suspended, revoked, or not renewed without notice and an opportunity to be heard is given to 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 permit may appeal the decision to the City Clerk, or designee other than the Permitting Officer within ten (10) business days of the 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 (Mayor or designee), or any decision by the Permitting Officer which is not appealed in accordance to this Chapter shall be deemed final action.

10. Right of Inspection. By the granting of the permit to raise chickens and the application thereof, the permittee authorizes the City of its agents to go onto the permittee's property any time for the limited purpose of inspection of the premises to ensure that all applicable conditions have been met.

11. Permits Non-Transferrable. Permits issued under this Chapter may not be sold, transferred, or assigned.

### **57.03 GENERAL REQUIREMENTS**

1. The maximum number of chickens allowed is based on size the size of the area being kept with a maximum of fifteen (15) on any parcel.

2. Only female chickens (hens) are allowed.

3. Slaughter of Chicken. Any slaughter of chickens not regulated by Federal or state law, or regulated otherwise, 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.

4. Dead Chickens. Other than slaughtered chickens, the owner shall dispose of dead chickens in a sanitary manner. Composting does not qualify as proper disposal.

### **57.04 NON-COMMERCIAL USE ONLY**

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

### **57.05 ENCLOSURES**

1. Chickens must be kept in an enclosure or fenced area at all times. Chickens shall be secured within a coop or chicken tractor during non-daylight hours.

2. Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
3. Coops, 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.
4. Coops and chicken tractors.
  - A. Coops 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.
    - 1) Coops or chicken tractors 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. Openings windows and vents must be covered with predator and bird proof wire of less than one (1) inch openings.
    - 2) The materials used in making a coop 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. Coops and chicken tractors shall be well maintained.
  - B. Coops, chicken tractors and chicken pens shall be located in the rear yard only.
  - C. Coops, chicken tractors and chicken pens must be located at least eight (8) feet from the property line and at least twenty-five (25) feet from any adjacent residential dwelling, church, school or place of business.
5. Any enclosed chicken pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.

#### **57.06 ODOR AND NOISE IMPACTS**

1. Odors from chickens, chicken manure or other chicken related substances shall not be perceptible beyond the boundaries of the permitted tract of land.
2. 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.

#### **57.07 PREDATORS, RODENTS, INSECTS AND PARASITES**

1. 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 Mayor or Mayors designee at the owner's expense.

### **57.08 FEED AND WATER**

1. 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.

### **57.09 WASTE STORAGE AND REMOVAL**

1. 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 kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

### **57.10 CHICKENS AT LARGE AND INJURY CAUSED BY OTHER ANIMALS**

1. The permittee shall not allow their chickens to roam off outside of their enclosure. Any chicken found out of the enclosure or coop shall be considered to be "at-large" and subject to the penalties and provisions of Minburn City Code for at-large animals.
2. 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 55, Minburn City Code.
3. The City of Minburn 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.

### **57.11 UNLAWFUL ACTS**

1. It shall be unlawful for any person to keep chickens in violation of any provision of this Chapter or any other provisions of the Minburn City Code.
2. 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.
3. No person shall keep chickens inside a single family dwelling unit, multifamily dwelling unit(s) or rental unit.
4. No person shall keep a rooster.
5. No person shall keep chickens on a vacant or uninhabited tract or land.

### **57.12 NUISANCES**

1. 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 the Minburn City Code Chapter 50.

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.



**SECTION 3. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the \_\_\_\_ day of \_\_\_\_\_, 2018, and approved this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Travis Connick, Mayor

ATTEST:

\_\_\_\_\_  
Kris Fitch, City Clerk

First Reading           11-12-18  
Second Reading        \_\_\_\_\_  
Third Reading           \_\_\_\_\_