

ORDINANCE 2021-03**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MESERVEY, IOWA, BY AMENDING CHAPTER 55 ANIMAL PROTECTION AND CONTROL SUBSECTION 55.05 LIVESTOCK.**

BE IT ENACTED by the City Council of the City of Meservey, Iowa:

SECTION 1. Chapter 55 Subsection 55.05 of the Code of Ordinances of the City of Meservey, Iowa, 2012 is hereby amended to read as follows:

55.05 LIVESTOCK. It is unlawful for a person to keep livestock within the City except in an agricultural area or except by written consent of the Council, except for the following provisions:

1. No horses or ponies can be kept within the City limits.
2. “Urban Chickens and Waterfowl”
 - a. A permit must be obtained from the City authorizing the ownership of chickens or Waterfowl within City limits, prior to acquiring any birds. The person applying for the permit must live on the property in which they are applying for.
Permit fee: \$10.00
 - b. The maximum number of chickens and waterfowl (combined) allowed is fifteen (15) per household.
 - c. Only female chickens (hens) are allowed. No person shall keep a rooster.
 - d. Chickens/Waterfowl shall be kept for personal use only. It shall be unlawful to keep chickens for the purpose of breeding or selling chickens and/or selling eggs or manure.
 - e. Chickens/Waterfowl must be identifiable with method approved by the City council.
 - f. Chickens/Waterfowl must be kept in an enclosure or fenced area at all times.
 - g. Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
 - h. Henhouses and/or chicken pens must provide adequate ventilation and adequate sun and shade and must be resistant to rodents, wild birds and predators, including dogs and cats.
 - i. Henhouses and/or chicken pens shall be designed to provide safe and healthy living conditions for the chickens/waterfowl with a minimum of four (4) square feet and ten (10) square feet enclosed outside space per bird while minimizing adverse impacts to other residents in the neighborhood. Shelters and/or fenced

areas should be a minimum of fifteen (15) feet from property line and thirty (30) feet from any building on any adjacent property.

- j. The use of quality building materials should be used in the construction of a hen house and/or chicken pen to be visually appealing and the structure must be well maintained. A building permit must be obtained prior to construction.
- k. Odors from chickens/waterfowl, manure or other related substances shall not be perceptible beyond the boundaries of the permitted residence.
- l. Noise from chickens/waterfowl shall not be loud enough beyond the boundaries of the permitted residence to disturb persons of reasonable sensitivity.
- m. Action shall be taken to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens/waterfowl found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by local authorities.
- n. Feed and water shall be unavailable to rodents, wild birds, and predators.
- o. No more than three (3) cubic feet of manure shall be stored on the property for the purpose of composting and fertilizing and must be covered.
- p. Uneaten food and dead chickens/waterfowl shall be removed in a timely manner and disposed of in a sanitary manner.
- q. Chickens/waterfowl shall not be permitted to roam beyond the boundaries of the residence.
- r. A domesticated animal causing the death of a chicken/waterfowl which is off the permitted tract of land shall not, for that reason alone, be considered a dangerous or aggressive animal.
- s. No chickens/waterfowl shall be kept inside a dwelling unit meant for human habitation.
- t. No person shall keep chickens/waterfowl on a vacant or uninhabited property without council approval.
- u. Any renter or leaseholder of property must have written consent to allow chickens/waterfowl to be kept on rented/leased property from the landlord and/or owner of the property. Written permission must be attached to Chicken/Waterfowl permit.
- v. Property cannot be rented for the sole purpose of keeping chickens/waterfowl.
- w. Violation of this Ordinance will result in: 1st offense – Written warning, 2nd offense of same type within one (1) year – Permit will be terminated for one (1) year. A new permit may be applied for one (1) year following termination of previous permit.

SECTION 2. Severability.

- 1. All Ordinances or parts of ordinances in conflict herewith are hereby repealed.
- 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION 3. Ordinance in Force

1. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council this _____ day of _____, 2021.

Mayor declaration:

(Mayor)

(Date)

Attest:

(City Clerk)

(Date)

I certify that the foregoing was published as Ordinance no _____ on the _____ day of _____, 2021.

(City Clerk)

(Date)

Roll Call Vote:

Y N

Y N

Y N

Y N

Y N