

ORDINANCE #8-20-2012A

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF
THE CITY OF MOUNT VERNON, IOWA, BY AMENDING PROVISIONS
PERTAINING TO ANIMAL PROTECTION AND CONTROL**

Be it enacted by the City Council of the City of Mount Vernon, Iowa:

SECTION 1. SECTION MODIFIED. Section 55.01 of the Code of Ordinances, City of Mount Vernon, Iowa, is hereby modified as follows:

55.01 DEFINITIONS. The following definitions are being added for use in this chapter.

1. "Chicken" means a domestic fowl, *Gallus domesticus*, developed in a number of breeds for its flesh, eggs, and feathers and, as such, is livestock.
2. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the Code of Iowa; or poultry.
3. "Pet" means a living dog, cat or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko or iguana.

SECTION 2. SECTION MODIFIED. Section 55.21 of the Code of Ordinances, City of Mount Vernon, Iowa (2010), is hereby modified as follows:

55.21 LIVESTOCK. It is unlawful for a person to keep livestock within the City, except in compliance with the City's zoning regulations.

1. Notwithstanding the provisions of this section, the keeping of domestic chickens shall be permitted in all residential zoning districts so long as such keeping is in compliance with this subsection and all other applicable City ordinances unless, despite compliance with the following, the presence of any particular chickens endanger the health, safety, peace, quiet, comfort, enjoyment of, or otherwise become a public nuisance to nearby residents or occupants or places of business:
 - a. Chickens must be confined in a coop or fowl house not less than 18 inches in height or, in the alternative, within a fenced pen area. 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.
 - b. 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.
 - c. The coop or fowl house must be used for chickens only and must be well ventilated.
 - d. 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 property line. In the event a zoning or other ordinance requires a greater distance, the more restrictive regulations shall apply.

- e. Any coop, fowl house, or fenced pen area must be well drained so there is no accumulation of moisture.
- f. 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.
- g. In addition to the coop, fowl house, or fenced pen area, the owner's property shall be sufficiently fenced to confine chickens to the property and prevent chickens from entering upon any adjacent property.
- h. All chicken feed shall be stored in rodent-proof containers.
- i. No more than six (6) chickens shall be kept or maintained per property.
- j. All such chickens must be hens; no roosters are permitted.
- k. 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 Chapter 56 of this Code of Ordinances. Any dead chicken, not caused by slaughtering, shall be disposed of immediately upon discovering in a manner so as to not cause a nuisance pursuant to Chapter 50 of this Code of Ordinances.
- l. Any slaughter of chickens not regulated by state law or otherwise forbidden or regulated shall be done only in a humane and sanitary manner and shall not be done open to the view of any public area or adjacent property owned by another.
- m. An owner or possessor of animals on property that is newly annexed has ninety (90) days from the date of annexation to bring the property into compliance required by this section.
- n. A violation of this subsection is a municipal infraction as provided in Chapter 3 of this Code of Ordinances.

2. No person shall keep any chickens unless they possess a City of Mount Vernon permit issued by the City Administrator. The fee for such permit shall be ten dollars (\$10.00). 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.

3. The permit may be suspended or revoked by the City Administrator upon hearing and finding evidence that the permittee has violated the conditions of the permit and listed in Section 55.21. All chickens must be removed upon revocation of the permit. There will be no refund of the permit fee.

4. 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.

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 adjudicated 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.

First reading on the 5th day of September, 2012.

Second reading on the 17th day of September, 2012.

Third and final passage on the 1st day of October, 2012.

SCOTT C. PETERSON, MAYOR

ATTEST:

CITY CLERK

I certify that the foregoing was published as Ordinance #8-20-2012A in the Mount Vernon Sun on the 11th day of October, 2012.

MICHAEL R. BEIMER
CITY ADMINISTRATOR/CLERK

CHICKEN PERMIT
City of Mount Vernon, Iowa

This Permit is valid *only* from January 1 through December 31, 2012

A New Chicken Permit is required each January 1

Name(s) of Applicant(s): _____

Address of Applicant(s): _____

Telephone number of Applicant(s): _____

Is the Applicant(s) the Owner or Tenant of the residence? _____

How many chickens does the Applicant intend to keep or maintain on the property? _____

What are the dimensions of the residential property where the chickens will be kept or maintained?

What are the dimensions of the coop or pen where the chickens will be kept or maintained?

Where on the residential property will the coop or pen be located? _____

A diagram of the dimensions of the coop or pen and property must be attached to this Permit.

I authorize, by the granting of this permit to raise poultry and the application thereof, that the City or its agents have the right to go onto my property any time for the limited purpose of inspection of the premises to ensure that all applicable conditions have been met.

Applicant's signature/Date

Approved By/Date

Permit Number _____

Date issued _____

\$10.00 Permit Fee paid by: cash _____ check no. _____