

**ORDINANCE NO.**

**AN ORDINANCE TO ALLOW BACKYARD CHICKENS IN CERTAIN SITUATIONS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EXCELSIOR SPRINGS, MISSOURI, AS FOLLOWS:**

**Section 1.** That a new Section 210.125, to be titled “Backyard Chickens,” is hereby added to the City Code to read as follows:

- A. Definitions. For the purposes of this Section, these words and phrases shall have the following meaning:
  - 1. Chicken means Gallus gallus domesticus of the female sex. This definition does not include male chickens or roosters, or other fowl, such as, but not limited to, peacocks, turkeys, guinea fowls, ducks or waterfowl, all of which are not permitted under this Chapter.
  - 2. Chicken Coop means an enclosed and roofed structure for housing chickens that provides shelter from the elements and includes a chicken tractor.
  - 3. Chicken Pen means a wire enclosure connected to a Chicken Coop or chicken tractor for the purpose of allowing chickens to leave the Chicken Coop while remaining in an enclosed, predator-safe environment.
  - 4. Enclosures means Chicken Coop and Chicken Pen.
- B. Keeping of Chickens
  - 1. It shall be unlawful for any person to keep chickens unless the chickens are kept in accordance with the provision of this Section.
  - 2. It shall be unlawful for any owner, renter or leaseholder of any property to allow chickens to be kept upon such property in violation of the provisions of this Section.
  - 3. The keeping of chickens under this Section is for non-commercial purposes only. It shall be unlawful to engage in chicken breeding or fertilizer production for commercial purposes except as otherwise permitted in this Code.
  - 4. Live slaughter of chickens is prohibited inside the City limits.
- C. Chicken Permit.
  - 1. In order for a person to keep chickens, an annual "Chicken Permit" shall be obtained from the Police Chief. The Chicken Permit shall be issued for a one-year period of time from the date of approval. Applications for a Chicken Permit shall be filed on

prescribed forms by the Animal Control Officer and include a nonrefundable permit fee in an amount established by the City Council. Chickens shall only be kept upon property which is the principal residence of the owner of the chickens. Tenants and renters of property may keep chickens with the written permission of the property owner. Proof of such permission shall be submitted with the application.

2. Upon application, the Animal Control Officer shall inspect the property and prepare a written report and recommendation to the Police Chief on whether to grant or deny the application. The Chief of Police shall deny any application where the applicant fails to show proof that the Chicken Permit Requirements are met.

D. Chicken Permit Requirements. Issuance or maintenance of a Chicken Permit is conditioned in meeting the requirements set forth in this subsection.

1. Chickens may be kept subject to this Section property improved with a single family detached dwelling equal to or larger than 8,712 square feet (0.20 acre). For Agricultural zoned property regardless of size, Section 210.130 applies, and not this Section.
2. For lots between 8,712 square feet (0.20 acre) and 21,344 square feet (0.49 acre), the maximum number of Chickens allowed is 3. For lots between 21,780 square feet (0.50 acre) and 43,124 square feet (0.99 acre), the maximum number of Chickens allowed is 6. For lots between 1 acre and 2.99 acres, the maximum number of Chickens allowed is 12. For lots more than 3 acres, the maximum number of Chickens allowed is 12.
3. Only Chickens are allowed as defined in this Section.
4. No Enclosure shall be located in the front yard or side yard. All Enclosures shall be located in a fenced-in rear yard set back from the rear yard's property lines 10 feet.
5. The distance from any building occupied by human beings, other than the dwelling occupied by the keeper of the chickens, to the property in which Chickens are kept shall be at least 150 feet. The measurement method is a straight line from the nearest point of the building occupied by human beings to the nearest point of the property in which Chickens are kept.
6. Chickens must be kept:
  - a. During daylight hours, chickens may be allowed outside of their Chicken Pens in a securely fenced rear yard if under supervision of an adult who is in a position to maintain visual contact with the Chickens to ensure compliance with this Section.
  - b. During non-daylight hours, Chickens shall be secured within their Chicken

Coop and/or Chicken Pen.

7. Enclosures.
- a. Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times and must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.
  - b. A Chicken Coop 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 proof wire of less than one-inch openings.
  - c. The materials used in making a Chicken Coop 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. 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. A Chicken Pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.
  - d. Size.
    1. The minimum floor area of the Chicken Coop and Chicken Pen shall be 10 square feet per Chicken.
    2. The maximum size of any Chicken Coop and Chicken Pen shall be 20 square feet per chicken.
    3. The interior roosting area of any Chicken Coop shall be not less than 2 feet in height.
    4. The exterior height of any Chicken Coop, including any risers or pedestals, shall not to exceed 10 feet.
  - e. Chickens shall not be allowed to run at large. For the purposes of Section 210.250, any dog attacking a chicken running at large shall not be construed as a dangerous animal based upon that attack.
  - f. 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.
  - g. The permittee 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 an Animal Control Officer.

- h. Odors from Chickens, chicken manure or other chicken related substances shall not be perceptible at the property boundaries. Perceptible noise from the Chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.
- i. The permittee 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 Chicken Coop and Chicken Pen and surrounding area must be kept free from trash and accumulated droppings.

E. Violations. Any person who fails to adhere to or otherwise violates this Section is guilty of a municipal ordinance violation punishable according to City Code Section 100.150.

F. Chicken Permit Revocation or Suspension.

- 1. Upon recommendation of the Animal Control Officer, a Chicken Permit may be revoked or suspended by the Police Chief upon a showing any of the following:
  - a. The chicken's place of keeping constitutes a nuisance to the surrounding neighbors.
  - b. Humane standards of care are not being met by the permittee.
  - c. A failure to meet or to continue to meet any applicable Chicken Permit Requirement.
  - d. The permittee provided false information in their application.
  - e. In the event it is reasonably necessary to protect against an immediate threat or danger to public health or safety.
  - f. Failure to comply with any provision of this Section.
- 2. Appeal. Any person who is denied a Chicken Permit, or whose existing Chicken Permit has been revoked or suspended, may within 10 days thereafter, file a written statement of appeal with the City Manager and may further request in that statement a hearing on the matter. If a hearing is requested, the City Manager shall meet with the person upon giving at least three (3) days' notice of the hearing date and time. The decision of the City Manager, following a hearing if a hearing was requested, or summarily if a hearing was not requested, shall be in writing and

shall be final, subject to any right of appeal as may be provided by law. The filing of an appeal under this subsection shall not stay any action taken pursuant to this Section.

**Section 2.** That City Code Section 210.130, Small Animals and Fowl in Pens, is hereby amended, and shall read as follows (language to be added is **underlined**; language to be deleted contains a **~~strikethrough~~**):

- A. It shall be unlawful for any person to keep, harbor, or maintain any animals or fowl of any type except **as follows**:
  - 1. dogs, cats or miniature pigs ~~within the City;~~
  - 2. unless the zoning classification for that area containing the owner's property is classified Agricultural District A-1 pursuant to Excelsior Springs Zoning Regulations;
  - 3. **Chickens, as defined in Section 210.125.A, are kept in accordance with Section 210.125.**
  
- B. *Location And Restraint Required.* It shall be unlawful for any person to keep or maintain any chicken coop, dove cote, rabbit hutch or other yard establishment for the housing of fowl or small animals, except dogs, cats or miniature pigs closer than one hundred (150) feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than ten (10) feet to the property line of the lot on which such fowl or animals are kept for sale within a bona fide produce market, commission house or store for purposes of trade and while so kept are confined in small coops, boxes or cages, or where such animals or fowl are kept for purposes of research in a laboratory. Animals and fowl so kept or maintained shall be enclosed on all sides and shall not be allowed to run or fly at large except for homing pigeons.
  
- C. *Odors.* Every coop, dove cote, rabbit hutch or other yard establishment shall be kept so that no offensive, disagreeable or noxious smell or odor shall arise therefrom to the injury, annoyance or inconvenience of any inhabitants of the neighborhood.
  
- D. *Disposal Of Manure.* Every coop, dove cote, rabbit hutch or other yard establishment shall be provided with a watertight and fly tight receptacle for manure, of such dimension as to contain all accumulations thereof, which receptacle shall be emptied sufficiently often and, in such manner, as to prevent it becoming a nuisance. Such receptacle shall be securely covered at all times, except when open during the deposit or removal of manure or refuse therefrom. No manure shall be allowed to accumulate except in such receptacle. All such manure, when removed from the receptacle, shall be buried with covering of not less than six (6) inches of earth, or if used as fertilizer, thoroughly spaded into the ground, or shall be removed from the property.
  
- E. *Fowl — Maintenance Of Enclosures.* All earthen yards of runways wherein fowl are

kept shall be spaded and then limed once every three (3) months from the month of April through the month of December. For the purpose of killing flies and other insects, all structures, pens or coops wherein fowl are kept shall be sprayed with such substances as will eliminate such insects.

- F. *Condition Of Enclosure.* Any structure, pen, coop, or yard wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors. The enclosed area of all such structures shall be constructed in such a way as to be dry at all times on the inside. The person maintaining any aforementioned structure, pen, coop, or yard in the City does by such act of maintenance authorize the City Manager or his/her designate to at any time inspect any such structure or premises and issue any such order as may be necessary to carry out the provisions of this Section.
  
- G. *Number Of Animals, Fowl.* Except where fowl, rabbits, or other small animals are kept for sale within a bona fide produce market, commission house, or store for the purpose of trade and while so kept are confined in small coops, boxes or cages; or where such animals or fowl are kept for the purposes of research in a laboratory; or in areas zoned for agricultural use; it shall be unlawful for any person to keep or maintain, within one hundred fifty (150) feet of the nearest portion of any dwelling or other building occupied by or in any way used by human beings except for a dwelling occupied by the owner or keeper of such animals, more than twelve (12) chickens or other domestic fowl four (4) months or more of age or thirty (30) chicks or other domestic fowl under four (4) months of age, or more than ten (10) rabbits, or other small animals over the age of four (4) months, or more than twenty (20) rabbits or other small animals under the age of four (4) months. No rooster which crows shall be kept within three hundred (300) feet of any residence or dwelling except that of the owner or keeper.
  
- H. As to the keeping and harboring of chickens or other domestic fowl for whatever purpose maintained, the City Manager (or his/her designate) shall have authority to promulgate regulations to provide that such shall be kept in such a manner as to prevent a nuisance or health hazard.

**Section 3.** That the Excelsior Springs Municipal Code Schedule of Fees, Title 1, Appendix A, Animal Control, Table A-1, is hereby amended by the addition of the following:

<b>Animal Control Fee Schedule – Generally</b>	<b>Fees</b>	<b>Code Reference</b>
Chicken Permit, initial	\$100.00	210.125
Chicken Permit, renewal	\$50.00	210.125

**Section 4.** This Ordinance shall be in full force and effect from and after the date of its passage.

**INTRODUCED IN WRITING**, read by title two times, passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Mark Spohn, Mayor

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Shannon Stroud, City Clerk

REVIEWED BY:

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Molly McGovern, City Manager