

AN ORDINANCE AMENDING ORDINANCE NO. 4788, THE MUNICIPAL CODE OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, AMENDING CHAPTER 210, PERTAINING TO ANIMALS; BY AMENDING SECTIONS 210.210 AND 210.310 AND ADDING NEW SECTION 210.350, POULTRY AND NEW SECTION 210.360, REVOCATION OF PERMITS TO KEEP CHICKENS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, as follows:

SECTION 1. Chapter 210 of the Richmond Heights Municipal Code is hereby amended by amending Sections 210.210 and 210.310, and adding Sections 210.350, Poultry, and 210.360, Revocation of Permits to Keep Chickens, to read as follows:

SECTION 210.210: ANIMALS – RUNNING AT LARGE

No owner or other person having charge of any cattle, horse, mule, sheep, hog, pig, goat, ~~chicken~~, turkey, duck or goose shall permit it to run at large or permit it to remain within the City overnight.

SECTION 210.310: NUMBER OF ANIMALS ALLOWED

Except as provided in Section 210.350, the number of dogs and cats sheltered, harbored, kept, possessed or fed by any person or persons occupying any dwelling unit or commercial premises in the City shall not exceed three (3) in number.

SECTION 210.350: POULTRY

The keeping of up to five (5) chickens in total shall be permitted as provided in this section only in single family residences and only if a permit has been issued by the City Manager or his or her designee. A permit to keep not more than five (5) chickens shall be issued by the City Manager or his or her designee if all of the following conditions are satisfied:

- a) The chickens must be adequately confined within a coop or pen surrounded by wire netting or other fence to prevent their escape therefrom and kept in good repair and free of peeling paint, untreated or rotted wood and rust;
- b) The pen shall be maintained in a ventilated, safe and sanitary condition, which has adequate space for humane treatment and free from predators;

c) Any manure or other waste from the chickens shall be collected and properly removed from the premises or tilled into the soil on the premises promptly and regularly to prevent the spreading of offensive smells or diseases;

d) Young roosters less than one (1) year old may also be kept as part of the total of five (5), but the keeping of young roosters that crow so as to heard from a distance of ten (10) feet is strictly prohibited;

e) No slaughtering of any chickens shall be allowed except within a fully enclosed premise completely blocked from public view;

f) No person shall keep chickens in any manner so as to create a nuisance as defined in our ordinances;

g) Eggs may not be sold on the premises;

h) Chicken coops or pens must be at least forty (40) feet from any part of a residential dwelling or place of business on adjoining properties;

i) Chicken coops or pens must be set back at least twenty (20) feet from any boundary or property line, or at least 25% of width of the property.

j) Chicken coops or pens may only be kept in a rear yard;

k) Fighting or aggressive birds may be not kept;

l) The keeping of chickens pursuant to a permit issued under this section shall also comply with all ordinances of the City;

m) Nothing in this section shall be deemed to preclude the enforcement of any violation of any City ordinances committed in connection with the keeping of chickens, notwithstanding the issuance of such permit; and

n) By applying for a permit under this section the property owner authorizes City officials at all reasonable times and in a reasonable manner to enter upon and inspect the property with respect to which such permit is applied for to determine whether the keeping of chickens violates this section or any other applicable ordinances.

o) The annual fee for a permit shall be twenty-five dollars (\$25.00) to help defray costs of inspection and enforcement, payable on issuance of the permit and on January 1st of each year. After completion of three years with a permit and with no violations of this ordinance, no annual fee shall be required so long as there are no violations of this ordinance, and the permit shall remain in effect until revoked.

p) The City Manager shall ensure that the permit owner acknowledges in writing that the owner has been advised by the City: (1) that the ordinance allowing

chickens may be amended or repealed at any time and that the owner acquires no vested rights to have or raise chickens by virtue of the issuance of the permit; and (2) that the keeping and handling of chickens may cause health hazards and that adequate health precautions are the responsibility of the owner.

q) Upon written application, variances from the requirements of this ordinance may be granted by the City Manager, or his or her designee, if there are practical difficulties in compliance and proof of notice of the variance application is sent to all adjoining property owners. Requests for variances from the provisions of subparagraphs h and i) above shall be accompanied by a written consent by all adjacent property owners directly affected by any encroachment.

SECTION 210.360: REVOCATION OF PERMITS TO KEEP CHICKENS

A. The City Manager or his or her designee shall revoke any permit issued for the keeping of chickens for violation of any of the conditions stated in this Chapter or if any of the following conditions are found to exist:

- (1) Excessive noise created by the chickens is audible from adjacent property.
- (2) The chickens are not kept in safe and sanitary condition.
- (3) The chickens are not properly confined.
- (4) The keeping of the chickens creates a nuisance.

B. Actions to be taken:

- (1) If a complaint is filed regarding a violation of any of the conditions stated in this Chapter, or in the absence of a complaint in the discretion of the City Manager or his or her designee, an investigation of any potential violations shall be made by the City Manager or his or her designee. If the investigation substantiates the existence of a violation of such conditions, a letter shall be sent by regular mail to the property owner notifying the property owner of such violation and that same shall be corrected within not less than five (5) days and that such property owner shall be responsible for notifying the City Manager or his or her designee by certified mail, or other reasonable methods approved by the City Manager, that such violations have been corrected and seeking a re-inspection to verify that such violations have been corrected. In the event the property owner shall fail to notify the City Manager or his or her designee of such correction within five (5) days or in the event that a re-inspection does not verify such correction, the permit shall be revoked.

C. Permit revocations under this section may be appealed as follows:

Appeals must be filed within five (5) days after the revocation notice is mailed by regular mail or other methods as designated by the City Manager.

- (1) Appeals shall be determined following a hearing before the City Manager or his or her designee.
- (2) At least five (5) business days' notice of the hearing shall be given to the property owner by regular mail.
- (3) The property owner and any other interested party may appear at the hearing and testify and present evidence concerning the conditions giving rise to the revocation.

D. The permittee shall provide the city with an electronic mail or messaging address, if available, and the City may also send any notices to such address, but the responsibility to receive such message shall be on the permittee.

SECTION 2. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

SECTION 3. This ordinance shall be in full force and effect on the 31st day following its passage and approval as provided by law.

SECTION 4. The City Council shall review the provisions of this ordinance within three (3) years of its passage to determine if they should be continued, amended or repealed.

SECTION 5. Any persons keeping chickens prior to passage of this ordinance shall apply for a permit within ninety (90) days of the effective date of this ordinance. Non-conforming pens or coops shall be subject to variance procedures stated hereinabove.

PASSED and SIGNED this 5th day of December, 2011.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: November 19, 2011
Second reading: December 5, 2011