

BILL 3459

ORDINANCE

"AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI, ESTABLISHING SECTION 205.280 OF THE RAYMORE CITY CODE OF ORDINANCES TO ALLOW THE KEEPING OF FOWL."

WHEREAS, the City Council desires to allow its citizens to keep fowl on certain residential lots within the corporate limits of the City subject to certain restrictions; and

WHEREAS, the Unified Development Code has been amended to allow the keeping of fowl in the A, RE, RR, R-1A and R-1 zoning districts; and

WHEREAS, City Code needs to be amended to include restrictions on the keeping of fowl in the RR, R-1A and R-1 zoning districts.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RAYMORE, MISSOURI, AS FOLLOWS:

Section 1. Section 205.280 of the City Code of Ordinances is established as follows:

SECTION 205.280: FOWL

- A. Number and type of fowl allowed.
 - 1. In the A, RE, and R-1 zoning district (on lots at least 3 acres in size):
 - a. There are no limits on the number of fowl kept.
 - b. Roosters are allowed.
 - 2. In the RR, R-1A and R-1 zoning district (on lots less than 3 acres in size):
 - a. The maximum number of fowl allowed is six.
 - b. No roosters are allowed.
- B. Permit Process - Consent of Neighbors
 - 1. In the RR, R-1A and R-1 zoning district (on lots less than 3 acres in size) an annual permit to keep fowl shall be obtained from the City. All abutting property owners must consent in writing to the keeping of fowl. As part of the annual permit renewal process, all abutting property owners must consent in writing to the continuation of keeping of fowl in order for a permit to be renewed.
 - 2. If a homeowners association (HOA) exists, the property owner shall notify the HOA of the initial request of a permit. Consent of the HOA is not a requirement to obtain a City permit.
 - 3. Land use covenants, restrictions or similar private agreements that may limit or restrict the keeping of fowl are not enforced by the City.

C. Enclosures

In the RR, R-1A and R-1 district (on lots less than 3 acres in size):

1. Fowl must be kept in an enclosed or fenced-in area at all times.
2. Shelters for fowl shall:
 - a. be designed and constructed to provide a safe and healthy living condition for the fowl while minimizing adverse impacts to other residents in the neighborhood.
 - b. use materials that are 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.
 - c. not be constructed with material commonly referred to as chicken-wire. If wire material is utilized as part of the shelter, hardware cloth or wire that is no less than 19 gauge in width and with holes no more than $\frac{1}{4}$ by $\frac{1}{4}$ inch in size shall be utilized.
 - d. only be located within the rear-yard area.
 - e. be set back:
 - i. at least 10 feet from any adjacent property line;
 - ii. at least 40 feet from any adjacent residential structure; and
 - iii. at least 40 feet from any adjacent school or place of religious assembly.
 - f. not exceed 8 feet in height.
 - g. be kept and maintained in accordance with the Property Maintenance Code so as to prevent degradation of the structure.
 - h. have access doors and similar openings that are capable of being securely closed and locked.
 - i. be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
 - j. contain at least 2 square feet of area per animal.

- k. allow for adequate ventilation and adequate sun and shade.
 - l. not be visible from any public street. Fencing or screening may be utilized to shield the view of the shelter.
 - m. not be visible from a public park. Fencing or screening may be utilized to shield the view of the shelter.
- 3. Fowl shall be secured within a shelter during non-daylight hours.
 - 4. Fowl 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.
 - 5. All feed associated with the keeping of fowl shall be kept in a sealed container. Open feed containers on the property that are easily accessible to rodents, wild birds and predators are prohibited.
- D. Running at large.
- 1. Fowl shall not be allowed to run at large.
 - 2. Fowl shall not be tethered or left on a leash or similar restraint when not under the direct control of the owner.
 - 3. Fowl shall be kept under the control of the owner at all times.
 - 4. Fowl found to be running at large will be considered abandoned and may be impounded by the City.
- E. Odors - Disposal of Manure.
- 1. Every shelter, coop, hen-house and property where fowl are kept shall be provided with a watertight and flytight receptacle for the storage of manure. Such receptacle shall be kept securely covered.
 - 2. Manure from the shelter, coop, hen-house and/or property shall be collected, stored, and disposed of to prevent any odors from being perceptible on adjacent properties.
 - 3. Odors from fowl or fowl related substances shall not be perceptible on adjacent properties.

F. Predators

The property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Fowl found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by the animal control officer.

G. Unlawful Practices

The following actions associated with the keeping of fowl on property zoned RR, R-1A or R-1 (on lots less than 3 acres in size) are prohibited:

1. Selling of eggs or manure.
2. Slaughtering of fowl.
3. Breeding of fowl for commercial purposes.
4. Keeping of fowl in violation of any provision of this Chapter.

H. Inspection Process

1. Prior to the issuance of a permit, and the placement of any fowl on the property, and prior to the renewal of a permit thereafter, the premises shall be inspected by the City to determine compliance with the requirements of this code section.
2. The City is authorized, upon notification to the property owner, to randomly inspect the property to determine compliance with the requirements of this code section.

I. Non-compliance

If at any time a property owner is determined to be non-compliant with this Code section, the City reserves the right to pursue corrective actions under Section 205.280J.

J. Corrective Actions

The City has all of the following remedies and enforcement powers:

1. Impoundment

Impoundment of fowl shall be done in accordance with Section 205.115 of City Code.

2. Revocation of Permit

A permit may be revoked when the City Manager determines that the property owner is not in compliance with the provisions of this code section.

3. Citation

The City Manager may authorize the issuance of a citation to the property owner for a violation of this code section or any applicable section of City Code.

4. Injunctive Relief

The City may seek an injunction or other equitable relief in court to stop any violation of this code section, or any applicable section of City Code, or permit issued under this code section.

5. Other Remedies

The City will have such other remedies and enforcement powers as may be granted by Missouri law and the City Code.

K. Penalties

Any person, firm or corporation violating or failing to comply with any of the provisions of this Chapter or Section shall be, upon conviction or a plea of guilty, subject to the general penalty provision provided for in Section 100.220 of the City Code.

L. Appeal Process

1. Any decision or determination made under this code section by City staff may be appealed to the City Manager. An appeal shall be filed within ten days of the date the decision or determination was made.
2. Any decision or determination made by the City Manager may be appealed to the City Council. An appeal shall be filed within ten days of the date the decision or determination was made. City Council shall consider the appeal at the next regular meeting of the Council.

Section 2. Section 205.230B of the City Code of Ordinances is amended as follows:

SECTION 205.230: - EXOTIC AND WILD ANIMALS

- B. **With the exception of areas zoned A, RE, RR, R-1A and R-1,** the following animals are specifically prohibited: ~~exempt from the aforementioned, for instance: canaries, ducks, finches, parakeets, love birds, parrots, soft-bill birds,~~

~~fishes, non-poisonous snakes, potbellied pigs, ferrets, American otters raised in captivity, turtles, salamanders, hedgehogs, non-poisonous spiders and non-poisonous reptiles and amphibians.~~ chickens, turkeys, pot bellied pigs, ducks, sheep, goats, and otters.

Section 3. Effective Date. The effective date of approval of this Ordinance shall be coincidental with the Mayor's signature and attestation by the City Clerk.

Section 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

DULY READ THE FIRST TIME THIS 24TH DAY OF JUNE, 2019.

BE IT REMEMBERED THAT THE ABOVE ORDINANCE WAS APPROVED AND ADOPTED THIS 8TH DAY OF JULY, 2019, BY THE FOLLOWING VOTE:

Councilmember Abdelgawad
Councilmember Barber
Councilmember Berendzen
Councilmember Burke III
Councilmember Circo
Councilmember Holman
Councilmember Jacobson
Councilmember Townsend

ATTEST:

APPROVE:

Jean Woerner, City Clerk

Kristofer P. Turnbow, Mayor

Date of Signature