

Sec. 14-15. - Keeping of small animals and fowl in pens.

- (a) *Location of pens; enclosure required.* It shall be unlawful for any person to keep or maintain any chicken coop, dove cote, rabbit hutch or other pen, cage or enclosure for the housing of fowl or small animals, except dogs and cats, closer than 100 feet to the nearest portion of any residence or dwelling other than the dwelling occupied by the owner or keeper of the animals or fowl, except for such fowl or animals 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 or in areas zoned for agricultural use. 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.
- (b) *Control of 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.
- (c) *Storage and disposal of manure.* Every coop, dove cote, rabbit hutch or other yard establishment shall be provided with a watertight and flytight 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 its 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 a covering of not less than six inches of earth, or, if used as fertilizer, thoroughly spaded into the ground, or shall be removed from the property.
- (d) *Maintenance of enclosures for fowl.* All earthen yards or runways wherein fowl are kept or permitted to be shall be spaded and then limed once every three 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 or permitted to be shall be sprayed with such substances as will eliminate such insects.
- (e) *Condition of enclosure; inspections.* Any structure, pen, coop or yard wherein animals or fowl are kept or permitted to be 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 such structure, pen, coop or yard in the city does by such act of maintenance authorize the director of health 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.

- (f) *Number of animals or fowl; keeping of roosters.* 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 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 100 feet of the nearest portion of any residence or dwelling except for a dwelling occupied by the owner or keeper of such animals, more than 15 chickens or other domestic fowl four months or more of age or more than 50 chicks or other domestic fowl under four months of age, or more than ten rabbits or other small animals over the age of four months, or more than 25 rabbits or other small animals under the age of four months. No rooster which crows shall be kept within 300 feet of any residence or dwelling except that of the owner or keeper.
- (g) *Sale of baby fowl.* Fowl younger than eight weeks of age may not be sold or offered for sale in a quantity of less than 15 birds to an individual purchaser. Vendors of such fowl shall provide and operate brooders or other heating devices as may be necessary to maintain the fowl in good health, and shall keep adequate food and water available to the fowl.
- (h) *Authority to prescribe additional regulations.* As to the keeping and harboring of chickens or other domestic fowl, for whatever purpose maintained, the director of health 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.
- (i) *Special exceptions.* The director of neighborhoods and housing services is hereby authorized to grant special exceptions to the distance requirements set forth in subsections (a) and (f) of this section provided that signed consents are obtained from the owners or occupants of the residences or dwellings that are within the minimum distance requirement and provided further that no special exception shall be granted for fowl, rabbits, or other small animals kept in front yards. Any exception granted shall be for an initial period of one year and shall be subject to biannual inspection by the director, or the director's designee. Refusal to allow such inspection by the person who has been granted the exception shall void the exception. The exception is subject to renewal after one year and every five years thereafter, at which time the director shall require signed consents from the owners or occupants of the residences or dwellings that are within the minimum distance requirement in order to renew the exception. The decision of the director on whether to renew the exception may be appealed to the property maintenance appeals board, as provided for in section 56-343, by the applicant or the homes association or

registered neighborhood organization that serve the site. Nothing in this subsection shall be construed to authorize the granting of a special exception to any other subsection of section 14-15. Section 88-10-08-C shall govern any conflict between the provisions of this subsection and any private homeowner covenants or restrictions. Furthermore, no exception to the distance requirements shall be granted under this subsection if such exception creates a nuisance or health hazard.

- (j) Nothing herein is intended to preclude any person from filing a private nuisance action for any offensive use caused by keeping small animals and fowl.
- (k) In a residentially zoned district, with the exception of R-80, the onsite sale or donation of eggs is prohibited, except for eggs produced on site.

(Code of Gen. Ords. 1967, § 6.13; Ord. No. 48707, 6-22-78; Ord. No. 53297, 10-22-81; Ord. No. 951372, § 1, 11-9-95; Ord. No. 011104, § 1, 8-16-01; Ord. No. 110479, § 1, 7-14-11; Ord. No. 130506, § 1, 7-18-13)