

**BILL NO. 5755**

**ORDINANCE NO. \_\_\_\_\_**

**INTRODUCED BY: ALDERWOMAN SAUNDERS  
ALDERWOMAN MANESTAR  
ALDERMAN LEAHY  
ALDERMAN TOOHEY**

**ALDERMAN HARPER  
ALDERMAN WYNN  
ALDERMAN ROBERTSON  
ALDERMAN KRAMER**

**AN ORDINANCE AMENDING CHAPTER 5, ANIMALS AND FOWL, OF THE REVISED CODE OF THE CITY OF BRENTWOOD, MISSOURI, BY AMENDING ARTICLE I, IN GENERAL; PROVIDING FOR THE RAISING OF CHICKENS IN THE CITY LIMITS**

**WHEREAS**, in recent months, staff has verified that Brentwood residents have been raising chickens in the backyards of single-family residences; and

**WHEREAS**, planners expect this trend to continue and the City expects that residents will seek to raise chickens in the backyard of single-family residences in the City of Brentwood; and

**WHEREAS**, in Chapter 5, Animals and Fowl, of the Brentwood Municipal Code, specifically, Section 5.8 prohibits any person to keep or house any pigeon, dove, or chicken within this City; and

**WHEREAS**, the prospect for raising chickens within the City may present such issues as noise, odor and other nuisances, which the City must adequately address through regulation in order to protect the health, safety and welfare of the citizens of the City; and

**WHEREAS**, the City's Public Works Committee reviewed research and a proposed ordinance allowing the raising of chickens in the Brentwood city limits at the April 10, 2013 meeting; and

**WHEREAS**, the City's Public Works Committee voted unanimously to forward an ordinance allowing chickens in the Brentwood city limits to the Board of Aldermen for consideration at the May 6, 2013 Board meeting; and

**WHEREAS**, the Board of Aldermen hereby finds, determines and declares that the ordinance contemplated:

- a) Will comply with all other applicable provisions of the Brentwood Municipal Code; and
- b) Will contribute to and promote community welfare and is in the best interests of the health, safety and general welfare of the City of Brentwood and its inhabitants;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRENTWOOD, MISSOURI, AS FOLLOWS:**

**Section 1.** Chapter 5 of the Revised Code of Ordinances of the City of Brentwood is hereby

amended by deleting Section 5.8 in its entirety, and inserting in lieu thereof a new Section 5.8 which shall read as follows:

**Section 5-8. Chickens.**

- A. The keeping of up to six (6) 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 Director of Planning & Development, or his or her designee. A permit may be issued if all of the following conditions are satisfied:
  - 1. The chickens shall be adequately confined within a coop and pen surrounded by wire netting or other fence to prevent their escape there from and kept in good repair and free of peeling paint, untreated or rotted wood and rust.
  - 2. The pen shall be maintained in a ventilated, safe and sanitary condition, which has adequate space for humane treatment and free from predators.
  - 3. Chicken coops and pens shall only be kept in the rear yard.
  - 4. Chicken coops shall be constructed to include four (4) square feet of space inside the coop per chicken, up to a maximum of 32 square feet in size. Chicken pens shall be constructed to include (ten) 10 square feet of outdoor space per chicken, up to a maximum of 80 square feet in size. Chicken coops and pens shall maintain the required rear and side yard setbacks for all accessory structures in accordance with Section 25-389. Development Standards.
  - 5. 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.
  - 6. No roosters shall be permitted.
  - 7. No slaughtering of any chickens shall be permitted.
  - 8. No person shall keep chickens in any manner so as to create a nuisance as defined in Chapter 16 of the City Municipal Code.
  - 9. Eggs shall not be sold on the premises.
  - 10. Fighting or aggressive birds shall not be kept.
  - 11. The keeping of chickens pursuant to a permit issued under this Section shall comply with all ordinances of the City.
  - 12. 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.
  - 13. 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.

**B. Revocation of Permits to Keep Chickens**

1. The Director of Planning & Development, 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 Section or if any of the following conditions are found to exist:
  - a. Excessive noise created by the chickens is audible from adjacent property.
  - b. The chickens are not kept in safe and sanitary conditions.
  - c. The chickens are not properly confined to prevent their escape onto public ROW and other private property.
  - d. The keeping of chickens creates a nuisance.
  
2. Action taken to revoke permit.
  - a. If a complaint is filed regarding a violation of any condition stated in this Section, or in the absence of a complaint, in the discretion of the Planning & Development Director, or his or her designee, an investigation of any potential violations shall be made by the Planning & Development Director or his or her designee.
  - b. If the investigation substantiates the existence of a violation of such conditions, a letter shall be sent by certified mail to the property owner notifying the property owner of such violation and that same shall be corrected within not less than five days and that such property owners shall be responsible for notifying the Director of Planning & Development, or his or her designee, by certified mail that such violations have been corrected and seeking a re-inspection to verify that such violations have been corrected.
  - c. In the event the property owner shall fail to notify the Director of Planning & Development, or his or her designee, of such correction within five days, or in the event that a re-inspection does not verify such correction, the permit shall be revoked.
  
3. Permit revocations under this Section may be appealed as follows:
  - a. Appeals shall be filed within five days after revocation notice is mailed by certified mail.
  - b. Appeals shall be determined following a hearing before the City Administrator or his or her designee.

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- c. At least five days notice of the hearing shall be given to the property owner by certified mail.
- d. 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.

**Section 2.** In conformity with the provisions of said Code, the City Clerk shall cause appropriate copies to be made hereof and shall insert such copies in each edition of said Code.

**Section 3.** All ordinances and parts of ordinances in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

**Section 4.** This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

PASSED BY THE BOARD OF ALDERMEN THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

\_\_\_\_\_  
Pat Kelly, Mayor

**ATTEST:**

\_\_\_\_\_  
Bola Akande,  
City Clerk/City Administrator

1<sup>st</sup> Reading:

2<sup>nd</sup> Reading: