
SALT LAKE CITY COUNCIL MEMORANDUM

Date: December 1, 2009

Subject: Proposed amendments to Salt Lake City 8.08.010, 8.08.060 and 8.08.080, and enacting section 8.08.065, authorizing the keeping of chickens in residential districts subject to certain requirements.

Affected Council Districts: City-wide

Staff Report By: Jennifer Bruno, Deputy Director

REVISIONS

The Council held a work session discussion on November 10, 2009, and discussed changes to the proposed chicken ordinance. Changes have been made to the proposed ordinance based on the Council's straw poll from that night (*see attached ordinance, in revision format*). The changes are as follows:

1. The revised ordinance clarifies that if a person meets the current requirements (50ft from neighbors, 50 ft from own house), they are still eligible to keep 25 chickens.
2. The revised ordinance reduces the distance requirement from a neighbor's dwelling from 50 ft to 25 ft.
3. The revised ordinance reduces the distance to the owner's dwelling from 25 ft to 0 ft (the coops may be attached to the primary dwelling).
4. The revised ordinance reduces removes the "sliding scale" in terms of lot size in relation to number of chickens allowed, and replaces it with a flat cap of 15 chickens (regardless of lot size), if a person meets the 25 ft distance requirement (from a neighbor's dwelling).

POTENTIAL MOTIONS

1. **["I move that the Council"]** Adopt an ordinance amending sections 8.08.010, 8.08.060, and 8.08.080, and enacting section 8.08.065, to authorize the keeping of chickens in residential districts subject to certain requirements.

OR

2. **["I move that the Council"]** Not adopt an ordinance amending sections 8.08.010, 8.08.060, and 8.08.080, and enacting section 8.08.065, to authorize the keeping of chickens in residential districts subject to certain requirements.

The following information was provided for the Council work session discussion on November 10, 2009. It is provided again for reference.

Council Follow-up Discussion/Straw Poll Items

The Council held a Public Hearing on Thursday, November 5, relating to the Chicken Ordinance. A number of topics were addressed. The following are policy areas that the Council may wish to straw poll support for changes to the current proposed ordinance (**see current proposed ordinance on the reverse of this page**):

➤ **Distance Requirement**

- Current Proposal - coop must be 25 ft from owner's dwelling and 50 ft from neighbor's dwelling
- Comments received have indicated a desire reducing 50 ft requirement from neighbor's dwelling; Some comments have indicated a desire for removing the distance requirement from the owner's dwelling (so coops can be located against a dwelling)

Options for Straw Poll – Distance Requirement

1. Reduce distance requirement from neighbor's dwelling (to X feet)
- AND/OR
2. Reduce distance requirement from owner's dwelling (to X feet)
 3. Keep ordinance as proposed
-

➤ **Number of Chickens – scaled for lot size/flat cap**

- Current Proposal - number varies from 4-12 depending on lot size – see section on reverse
- Comments received have indicated a desire for a single “cap” regardless of lot size; or increasing the amount allowed for the smallest lot size
- In addition - County staff has requested clarification that if current ordinance requirements are met (50 feet from neighbor's house, 50 feet from owner's house), that the current amount of 25 chickens be permitted (the subcommittee has agreed that this should be allowed)

Options for Straw Poll – Number of Chickens

1. Allow for 25 chickens if current ordinance requirements are met
- AND/OR
2. Increase the number of allowable chickens in each lot size category
 3. Establish a flat “allowable” amount, regardless of lot size
 4. Keep ordinance as proposed
-

➤ **Other – Slaughtering**

- Current Proposal – does not allow for slaughtering in the back yard
- Comments received have indicated a desire for allowing the slaughter of chickens (not for commercial purposes);
- **The County Health Code** prohibits the slaughtering and cleaning of wild game, livestock, rabbits, or poultry in a non-agricultural zoned area (section 4.1.4, see reverse). As this is regulated by the County, **the City ordinance could not be altered to contradict this provision**. If the County revised this statute to allow for the slaughtering of chickens, the City ordinance could then be altered.

Current Proposed Ordinance:

- Distance Requirement
 - 50 feet from neighboring dwelling, 25 feet from property owner's dwelling
- Number of Chickens

- at least five thousand (5,000) square feet (.11 acres): up to four (4)
 - seven thousand (7,000) square feet (.16 acres): up to six (6)
 - eight thousand (8,000) square feet (.18 acres): up to eight (8)
 - nine thousand (9,000) square feet (.21 acres): up to ten (10)
 - ten thousand (10,000) square feet (.23 acres) or larger: up to twelve (12)
- Slaughtering
 - Not permitted

SL Valley Health Department Code - section 4.1.4

4.1.4. **Slaughtering Prohibited.** The slaughtering and cleaning of wild game, livestock, rabbits, or poultry in a non-agricultural zoned area is prohibited. This provision does not apply to businesses lawfully zoned and regulated by the Utah State Department of Agriculture.

The following information was provided for the Council Public Hearing on November 5, 2009. It is provided again for reference.

The Council will hold a public hearing regarding this ordinance (revised based on Council work session comments) on Thursday, November 5th. **The Council may wish to consider closing the public hearing and referring the decision to the next Council Meeting, Tuesday, November 10th.**

Follow-up information:

- A. The ordinance has been revised based on Council comments in the work session (doubling the amount of chickens per strata of lot size). **See attached** copy for most recent version of the ordinance.
- B. The Council office has received a number of comments (phone, e-mail, public comment). They are attached to this staff report.

Potential issue for Council consideration – the County has raised the question that if a person currently has 25 chickens and meets the current legal requirement (50 feet from the owner’s dwelling, 50 feet from an adjacent dwelling), it is not clear if they could keep this same amount under the proposed ordinance. *Would the council like to amend the proposed ordinance to clarify that if a person currently meets the requirements (has a coop that is 50 feet from an owner’s dwelling and 50 feet from a neighbor’s dwelling), they may maintain 25 chickens (subject to all other requirement relating to coops, cleanliness, etc)?*

The following information was provided for the Council Work Session on October 13, 2009. It is provided again for reference.

The intent of the proposed amendments to the Salt Lake City Code relating to the keeping of chickens in residential districts (**see attached draft ordinance**) is to allow chickens under less restrictive conditions in the more typical urban lots (size and shape) found throughout Salt Lake City.

KEY ELEMENTS (note – this contains the information as revised by the Council on 10/13)

The following bullet points compare what is currently included in the regulatory standard of the Salt Lake City Code and what is being proposed in this amendment:

- 1) **Number of birds permitted**
 - Current code - 25 chickens

- Proposed - hen chickens:
 - at least five thousand (5,000) square feet (.11 acres): up to four (4)
 - seven thousand (7,000) square feet (.16 acres): up to six (6)
 - eight thousand (8,000) square feet (.18 acres): up to eight (8)
 - nine thousand (9,000) square feet (.21 acres): up to ten (10)
 - ten thousand (10,000) square feet (.23 acres) or larger: up to twelve (12)
- 2) **Distance Requirements**
- Current Code - It is unlawful to house, keep, run or feed any of the above mentioned animals within fifty feet (50') of any structure used for human habitation.
 - Proposed Code- The coop shall be located in a rear yard at least twenty five (25) feet from the owner's dwelling and fifty (50) feet from any other dwelling.
- 3) **Regulation of roosters**
- Current code - no specific restriction
 - Proposed - no roosters permitted
- 4) **Permits and Fees**
- Current code - \$5.00 per animal and not to exceed \$40.00 per year.
 - Proposed - same
- 5) **Enclosure requirements-**
- Current Code-
 - Coops or buildings where fowls are housed shall be whitewashed or sprayed with some standard disinfectant at least three (3) times yearly, once in each of the months of March, July and October.
 - All droppings under roosts shall be cleaned out at least once every two (2) weeks.
 - All coops, runways and surroundings shall be kept and maintained in a clean and sanitary condition.
 - Proposed Code-
 - Current code requirements regarding cleaning and sanitation stay in place.
 - The enclosed area shall include a covered, ventilated, and predator/rodent-resistant chicken coop.
 - The coop shall have a minimum floor area of at least two (2) square feet per chicken.
 - If chickens are not allowed to roam within an enclosed area outside the coop, the coop shall have a minimum floor area of six (6) square feet per chicken.

POLICY ISSUES - ISSUES FOR COUNCIL CONSIDERATION

The following are common regulatory themes found in chicken ordinances around the country, and are items that the Council may wish to consider further or discuss with respect to the proposed Salt Lake City ordinance. Staff has included select examples of other City ordinances, as well as the proposed SLC Code amendment for each policy/regulatory area for Council discussion. *For a complete table of examples of various chicken ordinances in each of these policy areas, refer to the **attached table**.*

- 1) **Number of birds** - This is a difficult issue to address and depends largely on lot size and controlling for nuisances. The examples range from 2 to 6, with the most common number being 4. Chickens are social animals so more than one is recommended. A chicken will

usually lay 1 egg a day. Chickens can lay eggs consistently for three years, after which production slows.

- Seattle, WA- 3 birds
- Madison, WI - 4 birds
- Boise, ID - 3 birds
- ***Proposed SLC Ordinance - 4-12, depending on lot size***

2) **Regulation of roosters** - The issue with roosters is their crowing which can occur any time of the day. Roosters are not necessary for the production of eggs and they do not lay themselves. As such, many cities have regulations which do not allow for roosters in residential zones.

- Albuquerque, NM- Allow one rooster per household (subject to nuisance regulations)
- Madison, WI - No roosters
- Austin, TX - Unclear
- ***Proposed SLC Ordinance - no roosters***

3) **Property line restrictions** - Cities address this issue in a variety of ways including total lot size, backyard size, distance from dwelling, distance from the neighbor's dwelling, and distance from property lines. There does not appear to be any scientifically validated distance that is more favorable than another. The distances required from property lines can range from 10 to 90 feet, and the distance from residences from 20-50 feet. The policy purpose of distance requirements to keep rodents (which may be attracted to the coop) a certain distance away from dwellings.

- Seattle, WA - 10 feet from the property line.
- Austin, TX - 50 ft from the neighbor's house.
- Madison, WI - 25 feet from neighbor's house.
- ***Proposed SLC Ordinance - 25 feet from owner's dwelling and 50 feet from neighboring dwelling***

4) **Permits/permit cost** - Requiring a permit for chickens is very similar to licensing requirements for cats and dogs. Fees may be necessary to cover associated costs for regulating the keeping of chickens. *The Council may wish to note that the proposed SLC fee will not cover all expenses relating to the regulation of chickens.*

- Portland, OR- Onetime fee of \$31.00 and an additional fee of \$4.00 if keeping more than 4 chickens.
- St. Louis, MO - \$40 for 4 or more chickens
- Madison, WI- \$6.00 year.
- ***Proposed SLC Ordinance - \$5 per animal***

5) **Enclosure required** - Many cities require that chickens be enclosed to alleviate neighbor concerns and protect the chickens from predators. It is restrictive to require confinement of chickens at all times so some cities include regulations that for allow chickens to roam in their own yard. Enclosures can be required to be predator proof and feed containers rodent proof.

- Boise, ID- Enclosure required.
- Austin, TX- Unclear
- Portland, OR - Enclosure required
- ***Proposed SLC Ordinance - outdoor area must be secured, enclosed (meaning a covered, predator-resistant chicken coop).***

- 6) **Nuisance clause** - Many cities did include a nuisance clause which covered any or many nuisances including noise, smell, public health concerns, attracting flies and rodents, and cleanliness of the coop and disposal of manure.
- Seattle, WA- Yes, included a nuisance regulation.
 - Portland, OR - Yes included a nuisance regulation.
 - Madison, WI- Yes, included a nuisance regulation.
 - *Proposed SLC Ordinance- yes, includes a nuisance regulation.*
- 7) **Slaughtering of chickens** - Some cities included regulations prohibiting the slaughter of chickens specifically or it is found in other sections of their code in regards to slaughtering any animals. A restriction on slaughtering precludes the keeping of chickens for their meat. The Council may wish to discuss ways to educate the public as to how to properly dispose of older urban chickens who are no longer able to lay eggs.
- Key West, FL - Slaughtering not permitted
 - Madison, WI - Slaughtering not permitted
 - Boise, ID- Unclear
 - *Proposed SLC Ordinance - prohibits slaughtering*

1 (LEGISLATIVE COPY)

2 SALT LAKE CITY ORDINANCE

3 No. ____ of 2009

4
5 (Authorizing the Keeping of Chickens in Residential Districts)

6
7 AN ORDINANCE AMENDING SECTIONS 8.08.010, 8.08.060 AND 8.08.080, AND
8 ENACTING SECTION 8.08.065, *SALT LAKE CITY CODE*, TO AUTHORIZE THE KEEPING
9 OF CHICKENS IN RESIDENTIAL DISTRICTS SUBJECT TO CERTAIN REQUIREMENTS.

10 WHEREAS, it is proposed that Sections 8.08.010, 8.08.060, and 8.08.080 of the Salt
11 Lake City Code be amended and that Section 8.08.065 of the Salt Lake City Code be enacted to
12 authorize the keeping of chickens in residential districts, subject to certain requirements, as set
13 forth below;

14 WHEREAS, the City Council of Salt Lake City, Utah, finds the keeping of chickens in
15 residential districts should be authorized, and that adoption of this Ordinance reasonably furthers
16 the health, safety, and general welfare of the citizens of Salt Lake City.

17 NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

18 SECTION 1. **Amending Section 8.08.010.** That Section 8.08.010 of the *Salt Lake City*
19 *Code*, shall be, and hereby is, amended to read as follows:

20 8.08.010: DOMESTIC FOWL AND LIVESTOCK; PERMIT REQUIRED:

21 A. **Except as provided in Subsection B of this section,** ~~It~~ is unlawful for any person to
22 keep within the city any chickens, turkeys, ducks, geese, pigeons or other similar domestic fowl,
23 or more than two (2) rabbits, or other similar animals, without first making application for and
24 obtaining a permit from the office of animal services to do so. The fee for such permit shall be
25 five dollars (\$5.00) per animal, but shall not exceed forty dollars (\$40.00) per year.

26 B. Notwithstanding Subsection A of this section, chickens may be kept in any area zoned
27 as a residential district under Chapter 21A.24 of this code or its successor, subject to the
28 requirements of Section 8.08.065 of this chapter.

29 BC. It is unlawful for any person to keep within the city any sheep, goats, cows, calves,
30 pigs, horses, jacks, jennies, or other similar animals, without first making application for and
31 obtaining a permit from the office of animal services to do so. The fee for such permit shall be
32 forty dollars (\$40.00) each year. Such permits shall not be issued for any area of the city except
33 areas zoned as agricultural districts under Section 21A.32.050 of this code, or its successor
34 section.

35 SECTION 2. Amending Section 8.08.060. That Section 8.08.060 of the *Salt Lake City*
36 *Code*, shall be, and hereby is, amended to read as follows:

37 8.08.060: HOUSING AND FEEDING OF ANIMALS; LOCATION RESTRICTIONS:

38 It is unlawful to house, keep, run or feed any of the above mentioned animals within fifty
39 feet (50') of any structure used for human habitation except as provided in Section 8.08.065 of
40 this chapter.

41 SECTION 3. Enacting Section 8.08.065. That Section 8.08.065 of the *Salt Lake City*
42 *Code* shall be, and hereby is, enacted to authorize the keeping of chickens in residential districts,
43 subject to certain requirements, as follows:

44 8.08.065: KEEPING CHICKENS:

45 A. Subject to the requirements of this section and any other applicable provision of this
46 chapter, fifteen (15) hen chickens (and no roosters), in the amount set forth below, may be kept
47 on a lot or parcel of land in a residential district for the sole purpose of producing eggs.- The

48 principal use on the lot or parcel shall be a one-family dwelling. Notwithstanding the foregoing,
49 a person who complies with the requirements of Section 8.08.030 of this title may keep chickens
50 as provided in such section.

51 ~~1. The number of hen chickens which may be kept shall be limited based on the~~
52 ~~size of the lot or parcel as follows:~~

53 ~~a. ten thousand (10,000) square feet (approximately 0.23 acre) or larger;~~
54 ~~up to twelve (12);~~

55 ~~b. nine thousand (9,000) square feet (approximately 0.21 acre): up to ten~~
56 ~~(10);~~

57 ~~c. eight thousand (8,000) square feet (approximately 0.18 acre): up to eight~~
58 ~~(8);~~

59 ~~d. seven thousand (7,000) square feet (approximately 0.16 acre): up to six~~
60 ~~(6); and~~

61 ~~e. at least five thousand (5,000) square feet (approximately 0.11 acre): up~~
62 ~~to four (4).~~

63 ~~2. The principal use on the lot or parcel shall be a one family dwelling.~~

64 B. Chickens shall be confined within a secure outdoor enclosed area.

65 1. The enclosed area shall include a covered, ventilated, and predator-resistant
66 chicken coop.

67 a. The coop shall have a minimum floor area of at least two (2) square feet
68 per chicken.

69 b. If chickens are not allowed to roam within an enclosed area outside the
70 coop, the coop shall have a minimum floor area of six (6) square feet per chicken.

71 2. The coop shall be located in a rear yard at least twenty-five (25) feet from any
72 dwelling located on the property and fifty (50) feet from any dwelling located on adjacent
73 property.

74 a. The coop and enclosed area shall be maintained in a neat and sanitary
75 condition and shall be maintained as provided in Section 8.08.070 of this chapter.

76 b. No chicken shall be permitted to roam outside the coop or enclosed
77 area.

78 3. Chicken feed shall be stored and dispensed in rodent-proof and predator-proof
79 containers.

80 C. Chickens shall not be kept on a residential lot or parcel unless the person keeping
81 chickens first obtains a permit as provided in Section 8.08.010 of this chapter.

82 1. The permittee shall acknowledge the rules set forth in this section and shall, as
83 a condition of permit issuance, agree in writing to comply with such rules.

84 2. The permit shall be good for one (1) year and may be renewed annually.

85 D. It shall be unlawful for any person to keep any chicken in a residential district in a
86 manner contrary to the provisions of this section.

87 SECTION 4. Amending Section 8.08.080. That Section 8.08.080 of the *Salt Lake City*
88 *Code*, shall be, and hereby is, amended to read as follows:

89 8.08.080: TRESPASS BY FOWL OR DOMESTIC ANIMALS:

90 It is unlawful for the owner or any person in charge of domestic fowl, such as turkeys,
91 ducks, geese, chickens or other similar domestic fowls, or domestic animals such as dogs or cats,
92 to permit such fowls or domestic animals to trespass upon the premises of another. It is unlawful
93 for any person to house, keep, run or feed any such fowls within fifty feet (50') of any house used
94 for human habitation except as provided in Section 8.08.065 of this chapter.

95 SECTION 5. **Effective Date.** This Ordinance shall become effective on the date of its
96 first publication.

97 Passed by the City Council of Salt Lake City, Utah this ___ day of _____,
98 2009.

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100 _____
101 CHAIRPERSON

102 ATTEST:

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104 _____
105 CITY RECORDER

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107 Transmitted to Mayor on _____.

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109 Mayor's Action: _____ Approved. _____ Vetoed.

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115 MAYOR

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119 CITY RECORDER

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122 (SEAL)

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DISCUSSION DRAFT - SEPTEMBER 24, 2009

125 Bill No. _____ of 2009.

126 Published: _____