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## SALT LAKE CITY COUNCIL MEMORANDUM

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**Date:** November 5, 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

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

**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)?*

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

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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*

Below are Wasatch Community Gardens recommendations to the Salt Lake City Council regarding the current proposed chicken ordinance. After reviewing, researching and receiving feedback from our supporters, we have made two primary suggestions. One, that the distance a coop can be kept from a neighbor's dwelling be changed from 50 feet to 25 feet. And two, that the "number of hens based on sliding scale" be removed altogether in favor of a simpler equation based on distance from owner's dwelling and neighbor's dwelling. Please read our recommendations below that include further explanations for our recommendations. I'd love to hear feedback from the council regarding the feasibility of our recommendations and I look forward to continuing this dialogue of keeping chickens in the city.

Sincerely,  
Brit Merrill

### **Wasatch Community Gardens Statement of Position**

Wasatch Community Gardens would like to commend the City Council for their efforts to make urban chicken keeping available to more Salt Lake City residents. However, this proposed ordinance, as currently written, does not achieve its stated objective of allowing more Salt Lake City residents to raise chickens. Wasatch Community Gardens has identified two primary concerns and has made a recommendation for each concern.

#### *Recommendation #1: Reduce setback requirement from neighbors' dwelling*

The Council's proposed ordinance requires that residents keep chickens in a coop that is located 50 feet from the nearest neighbor's dwelling and 25 feet from the owner's dwelling. This requirement will prevent many Salt Lake City residents from owning chickens due to the close proximity of a neighbor's dwelling, making the geometry unworkable. For example, in order for a chicken owner to keep her chickens 25 feet away from her own dwelling while keeping her chickens 50 feet from the nearest neighbor, her nearest neighbor's home would have to be at least 43 feet away from the owner's home because of the geometric equation. Because many homes in Salt Lake City are not 43 feet away from one another, Wasatch Community Gardens proposes that the ordinance be amended to allow chickens to be kept 25 feet from both the owner's and neighbor's dwellings.

#### *Recommendation #2: Drop sliding scale lot size restriction; allow 15 or 25 chickens*

Under current law, the number of chickens allowed per residents is 25. In the proposed ordinance, the number of chickens would be restricted on a sliding scale based on lot size. This proposed sliding scale would restrict many residents to only four chickens. Anyone on a lot smaller than 0.11 acres would be prohibited from having any chickens at all. Lots in older Salt Lake City neighborhoods such as the lower Avenues have many lots this size or smaller. Wasatch Community Gardens recommends that a resident who keeps her chickens 25 feet to 50 feet away from both her own dwelling and her neighbor's dwelling be allowed to keep up to 15 chickens. A resident who keeps her chickens 50 feet away from both her own dwelling and her neighbor's dwelling should be allowed to maintain the current limit of 25 chickens. Lot size restrictions should be dropped entirely. Most residents already only keep a few chickens, but those who are fanciers or have the capability to own more should be allowed to do so.

### **Rationale for this Position**

Wasatch Community Gardens supports the stated goal of the proposed urban chicken ordinance, which is to allow more Salt Lake City residents to raise chickens. We agree with the

Salt Lake City Council's statement that raising chickens and farming close to home benefits our community by "reducing carbon emissions, providing an inexpensive source of natural/organic foods, as well as securing food supply in the event of an emergency."

Wasatch Community Gardens believes that the two changes we have outlined above will allow the City to better achieve their stated goal.

**About Wasatch Community Gardens:** Wasatch Community Gardens is a 501(c)3 nonprofit that has served the Salt Lake County community for 20 years. Since our founding in 1989, we have provided opportunities for individuals to grow their own food in urban gardens. Our mission is to empower people of all ages and incomes to grow and eat healthy, organic, local food. To this end, we offer several highly successful programs and services, including community gardening space, our youth gardening program, and free educational workshops and community events. To learn more, please visit <http://www.wasatchgardens.org/>

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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, chickens (and no roosters), in the amount set forth below, may be kept on a lot or parcel  
47 of land in a residential district for the sole purpose of producing eggs.



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

50                   a. ten thousand (10,000) square feet (approximately 0.23 acre) or larger:  
51                   up to twelve (12);

52                   b. nine thousand (9,000) square feet (approximately 0.21 acre): up to ten  
53                   (10);

54                   c. eight thousand (8,000) square feet (approximately 0.18 acre): up to eight  
55                   (8);

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

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

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

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

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

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

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

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

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

73                   b. No chicken shall be permitted to roam outside the coop or enclosed  
74                   area.

75                   3. Chicken feed shall be stored and dispensed in rodent-proof and predator-proof  
76                   containers.

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

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

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

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

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

86                   8.08.080: TRESPASS BY FOWL OR DOMESTIC ANIMALS:

87                   It is unlawful for the owner or any person in charge of domestic fowl, such as turkeys,  
88                   ducks, geese, chickens or other similar domestic fowls, or domestic animals such as dogs or cats,  
89                   to permit such fowls or domestic animals to trespass upon the premises of another. It is unlawful

90 for any person to house, keep, run or feed any such fowls within fifty feet (50') of any house used  
91 for human habitation except as provided in Section 8.08.065 of this chapter.

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

94 Passed by the City Council of Salt Lake City, Utah this \_\_\_ day of \_\_\_\_\_,  
95 2009.

96  
97 \_\_\_\_\_  
98 CHAIRPERSON  
99

100 ATTEST:  
101  
102 \_\_\_\_\_  
103 CITY RECORDER  
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105 Transmitted to Mayor on \_\_\_\_\_.

106 Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.  
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111 \_\_\_\_\_  
112 MAYOR  
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115 \_\_\_\_\_  
116 CITY RECORDER  
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118  
119 (SEAL)

120 Bill No. \_\_\_\_\_ of 2009.

121 Published: \_\_\_\_\_  
122  
123

# Comments on Proposed Chicken Ordinance

## Public meeting comments (10/13):

### Person 1

- 50 feet from your neighbor is too far (if you have a 25 ft back yard, your neighbor probably does too)

### Person 2

- Roosters should be allowed
- 25 chickens should be allowed regardless of lot size
- Should not be any distance requirement because keeping a coop against a dwelling is better

## Comments received since last council meeting:

### Jen Colby

- Question – What percentage of lots are in each size category? How many lots in the City would be excluded? (*Council Staff note: answer pending from planning*)
- How many people are currently registered? (*Council Staff note: see information provided by County at the bottom of this page for answer*)
- Education needs to be a component – have animal control advise people on how to get support and resources, encourage people to become part of a network

### Amy (did not provide last name)

- Number should be the same regardless of lot size (not necessarily equitable to say that people with large lots deserve more chickens)
- Thinks overall number of allowed chickens should be higher (12+)
- Thinks non-egg laying hens should have a different consideration (people keep these as pets and would not slaughter them or give them away)

### Heather Legler

- Love the idea of being able to have more chickens
- Concerned that the \$5 fee per chicken would be too expensive (\$40 per year for 8 chickens); People may be trying to save money and that may hinder that
- Supportive of the higher numbers per lot

### Nicole Christensen, D4

- Agrees with the 25ft separation rather than 50ft
- She approves of anything that promotes organic gardening etc.

## Data received from Salt Lake County:

SLC has 83 total domestic fowl permits

There are 23 permits that have the total of 25 chickens

There are 52 permits that have less than 25 chickens with (average number of chickens is 5)

There are 6 permits for/with ducks with an average of 2

There are 5 permits for/with turkeys with an average of 3

There are 4 permits for/with geese with an average of 2

There is 1 permit with the total of 25 pigeons

There are 2 other permits for pigeons with an average of 10

Attachment A

Comparison of Various Chicken Ordinances

City, State	# of Birds Permitted	Roosters Allowed	Permit/Cost	Enclosure Required	Nuisance Clause	Slaughter Permitted	Property Line Restrictions	Other Notes
Albuquerque, NM	15	1 per HH	None	No	Yes	Yes	No	
Austin, TX	unclear	Unclear	Unclear	Unclear	Unclear	Yes	50 ft from neighbors home	
Baltimore, MD	4	Unclear	y	Yes	Yes	Unclear	25 ft from neighbors home	coops must be mobile to prevent waste build-up; minimum 2 sq.ft. per bird
Boise, ID	3	No	Unclear	Yes	Unclear	Unclear	Unclear	
Charlotte, NC	based on lot size	Unclear	\$40/yr	Yes	Yes	Unclear	25 ft from neighbors home	Minimum 4 sq.ft. per bird
Ft. Worth, TX	based on lot size	Unclear	None	Yes	Yes	Unclear	50 ft from neighbors home	12 birds @ less than 1/2 acre; 25 birds @ more than 1/2 acre
Honolulu, HI	2	Unclear	Unclear	Unclear	Unclear	Unclear	Unclear	
Key West, FL	unclear	Yes	None	Yes	Yes	No	No	feed must be stored in rat-proof container
Los Angeles, CA	unclear	only if 100 ft. from neighbors	Unclear	Unclear	Yes	Unclear	20 ft from owners' home 35 ft from neighbors home	
Madison, WI	4	No	\$6/yr	Yes	Yes	No	25 ft from neighbors home	
Memphis, TN	unclear	Unclear	Unclear	Yes	Yes	Yes	Unclear	feed must be stored in rat-proof container
Missoula, MT	6	No	\$15 one time	Yes	Yes	Unclear	20 ft from neighbors home	feed must be stored in rat-proof container
New York, NY	no limit	No	Yes	No	Yes	Unclear	No	
Oakland, CA	unclear	No	Unclear	Unclear	Unclear	Unclear	20 ft from any dwelling	
Portland, OR	3 without permit	Unclear	\$31 one time	Yes	Yes	Unclear	Unclear	
Rogers, AK	4	No	\$5/yr	Yes	Yes	Inside only	25 ft from neighbors home	
San Antonio, TX	depends on property line	Unclear	Unclear	Unclear	Unclear	Unclear	20 ft from any dwelling	5 birds allowed @ 20 ft; 12 birds allowed @ 50 ft; 50 birds @ 150 ft
San Diego, CA	25	Unclear	Unclear	Unclear	Yes	Unclear	50 ft from neighbors home	feed must be stored in rat-proof container
San Francisco, CA	4	Unclear	None	Yes	Yes	Unclear	20 ft from a door or window	
San Jose, CA	depends on property line	only <4 mo. Old	Yes for 6+	Yes	Unclear	Unclear	0-50 ft depending on # of birds	0 birds allowed @ 15 ft; 4 birds allowed @ 20 ft; 25 birds @ 50 ft
Seattle, WA	3	Unclear	Unclear	Unclear	Yes	Unclear	10 ft from property line	1 addtl chicken per 1,000 sq ft of property above minimum
South Portland, ME	6	No	\$25/yr	Yes	Yes	Unclear	Yes	building permit required for coop, on trial period - only 20 permits allowed to be issued
Spokane, WA	1 per 2,000 sq.ft.	Unclear	Unclear	Unclear	Unclear	Unclear	90 ft from property line	Chickens allowed in multi-family zones
St. Louis, MO	4 without permit	Unclear	\$40 for 4+	Unclear	Unclear	Unclear	Unclear	
Topeka, KS	unclear	Unclear	Unclear	Yes	Yes	Unclear	50 ft from neighbors home	

Source: Various; Ft. Collins, Colorado City Council report