



## **ORDINANCE 2022-001**

### **AMENDING TITLE 6 OF THE MUNICIPAL CODE AS IT RELATES TO THE REGULATION OF CHICKENS**

**WHEREAS**, the City Council believes it is in the best interest of the health, safety and welfare of the citizens of Sherwood to establish regulations concerning raising chickens; and

**WHEREAS**, the substantive changes specifically seek to allow the raising of backyard chickens in residential zones, establishing proper licensure procedures and standards for their care and compatibility with other residential uses in the neighborhoods; and

**WHEREAS**, in 2015 the Planning Commission helped guide the development of proposed amendments after public outreach and opportunity for public input; and

**WHEREAS**, after public hearings by the Planning Commission and City Council, it was determined not to adopt the code amendments that had been developed which would have allowed for the raising of backyard chickens subject to specific regulations; and

**WHEREAS**, since that time, staff and Council have continued to hear from community members wishing to have a simpler process for allowing raising of chickens than the current conditional use process; and

**WHEREAS**, on October 5, 2021, Council held a work session to discuss the issue of allowing the raising of chickens; and

**WHEREAS**, during the course of the discussion, it was requested that the language that had previously been developed provided a framework and process that would adequately regulate the raising of backyard chickens without the need for a new project to develop code language; and

**WHEREAS**, the City Council held a public hearing on February 1 and 15, 2022 and determined that the proposed changes to the Municipal Code should be adopted.

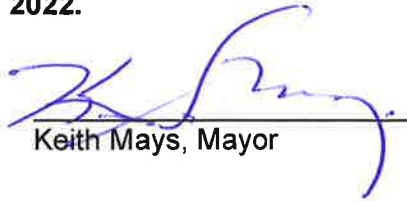
### **NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

**Section 1.** Title 6 of the Sherwood Municipal Code is amended to include a new chapter 6.03 as set forth in Exhibit A, attached to this Ordinance.

**Section 2.** The City Recorder is hereby directed to enter a copy of this Ordinance in the record of the proceedings of this Council and to take such other actions necessary to effectuate this addition to the Municipal Code.

**Section 3.** This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 15<sup>th</sup> of February 2022.

  
Keith Mays, Mayor

2/15/2022  
Date

Attest:

  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Griffin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brouse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Garland	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rosener	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**MUNICIPAL CODE TITLE 6-ANIMALS**

**Chapter 6.03 Chickens**

**6.03.010 Purpose:** Residents of the City may be allowed to keep chickens, subject to the requirements of this Chapter.

**6.03.20. Number of Chickens Licensed**

- A. Up to three (3) hens are allowed on properties at least 7000 square feet in size.
- B. Up to five (5) hens are allowed on properties at least 10,000 square feet in size.
- C. No roosters are allowed within the City.
- D. Chicks up to 12 weeks old are allowed indoors and are not subject to the limitations of (A) and (B) above.

**6.03.30 Location Requirements**

- A. Chickens are only allowed on property that is occupied by a detached single-family dwelling.
- B. Chickens are only allowed on property that is the principal residence of the owner of the chickens.
- C. Chickens and chicken enclosures are not to be located in any area between the primary dwelling and the front property line.
- D. Chicken enclosures must be at least ten (10) feet from the property line and at least twenty-five (25) feet from any dwelling unit on an abutting property.

**6.03.040. Ongoing Conditions of License**

- A. Chicken Enclosures
  - 1. Chickens must be kept within a secure enclosure at night. During daylight hours, chickens must be kept within a secure enclosure unless under direct supervision within a fenced yard.
  - 2. Allowing chickens to enter adjoining properties is prohibited.
  - 3. Enclosures must be kept clean, dry, in good repair and not cause an odor that is unreasonably offensive or annoying to residents within the immediate vicinity.

- 4. Enclosures must be designed to prevent the entry of rodents and predators and must effectively contain and protect the chickens.
- 5. Enclosures must be designed so that they are not a breeding place or likely breeding place for rodents, flies or other pests.
- B. Chickens must be kept for personal, non-commercial use only. No person licensed under this Chapter may sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.

#### **6.03.050 Procedure for Obtaining a Chicken License**

- A. In a residential zone, a resident who wants to raise chickens per the requirements of this Chapter must apply for a license, demonstrate compliance with the above standards, and pay a processing fee in an amount determined by Council by resolution. The City will issue a license after determining compliance with this chapter.
- B. Tenants and renters of property are permitted to keep chickens only with the written permission of the property owner included with the license application.
- C. Licenses issued under this chapter are issued to a specified individual for the keeping of chickens on specified property where the individual resides, are non-transferable, and are valid for a period of five (5) years. Licenses may be renewed for successive five (5) year terms.
- D. Neighbor Notice Requirements
  - 1. The City will provide written notice within fourteen (14) calendar days after issuance of a license by first class mail to all property owners and known residents immediately abutting the license holder's property.
  - 2. Contents of Neighborhood Notice
    - a. Name and address of the license holder.
    - b. A copy of this chapter.
    - c. Contact information for City enforcement of this chapter and the process for filing complaints.
    - d. The current dollar amounts for penalties for violations of this chapter.

#### **6.03.060 Penalties**

The provisions of this chapter are in addition to and not in lieu of any other requirements imposed under any other code provision, City ordinance, law or regulation having application in the City. If a conflict occurs with another code provision or regulation, the most restrictive provision or regulation shall apply.

- A. Violation of this Chapter constitutes a Class C violation, except that keeping of chickens without a license is a Class A violation.
- B. Each violation of a separate provision of this Chapter shall constitute a separate violation, and each day that a violation of this chapter is committed or permitted to continue constitutes a separate violation.
- C. In addition to any other remedy provided by law, a person that commits more than two violations of this Chapter within any six-month period may have his or her license revoked for up to one year. During the period in which a license is revoked under this subsection, no other resident of a dwelling in which a person whose license has been revoked resides may be licensed to keep chickens under this chapter.

#### **6.03.070 Rules**

The City Manager is authorized to adopt rules to implement this chapter.