



Ogden City Council Meeting

Council Staff Review

PETITION TO ALLOW BACKYARD CHICKENS

Actions:

1. Uphold Planning Commission recommendation to deny the petition/not uphold the Planning Commission recommendation and request that an ordinance be drafted to reflect petition language
2. Adopt/not adopt alternative ordinance 2017-50

Planning Commission Recommendation

Denial of the petition (7-1)

Executive Summary

Ogden City received a petition to allow a limited number of backyard hens with proposed restrictions. The Planning Commission considered the petition and recommended denial. A draft ordinance to allow chickens was also discussed by the Planning Commission and is being considered as an alternative option to allow backyard chickens.

Background

Timeline

2009

The Ogden City Council considered a resident's petition requesting that chickens be included as a permitted use in single family residential zones. The Planning Commission recommended denial with a 5-2 vote, and the City Council voted unanimously not to have an ordinance drafted based on the parameters of the initial proposal. The Council requested that a more prescriptive ordinance be drafted that would allow chickens and that this again be considered by the Planning Commission.



2010

An ordinance to allow chickens was drafted and reviewed by the Planning Commission and considered by the Council. The Planning Commission recommended denial with a 5-2 vote, and adoption of the ordinance failed with a 3-4 City Council vote.





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2012

The City Council held a work session to discuss whether to further consider allowing chickens in residential areas and determined to pursue no further action at that time.



August 29, 2017

The City Council held a fact finding work session to receive expert information and public input regarding chickens in residential areas.



August 31, 2017

A petition was filed by John and Liz Christiansen to add a new section to Ogden City code to allow backyard chickens.



November 1, 2017

The Planning Commission held work sessions on Sept. 20 and Oct. 18 to discuss the petition to allow chickens. The Commission approved a recommendation to deny the petition.



November 7, 2017

An Administrative Transmittal was submitted to the Council office with the Planning Commission recommendation and an alternative ordinance for the Council's consideration, if desired.



December 5, 2017

The City Council held a work session and received a presentation from Planning Staff. The Council discussed the petition and alternative ordinance and decided to receive additional input and consider these on Dec. 19, 2017.

Ogden City Regulations

Chickens are not currently permitted in Ogden, with the very limited exception of legally non-conforming parcels, meaning that chickens have been kept on the land continuously since before zoning ordinances were changed to no longer allow chickens.

For the handful of people permitted to have chickens in Ogden, it is required that the chickens are confined at all times in proper enclosures and that all enclosures are kept in a clean and sanitary condition and maintained more than seventy-five feet from any dwelling.



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Other Communities

Allowing and regulating backyard chickens tends to vary significantly across communities. Other communities that allow chickens tend to require specific sanitation and cleanliness standards, and most other communities have opted not to allow roosters.

Ogden City Chicken Ordinance				
Ogden City	Number of Chickens	Lot size and distance	Enclosed in coop/pen	Fees
Current Ordinance	Not permitted, except legally non-conforming parcels	75 feet from any dwelling	Yes	N/A
Petitioner Ordinance	2 min. and 12 max., based on lot size	5 feet from any property line, unless a solid privacy fence is separating the properties; and 20 feet from any neighboring residential dwelling	No, requires fence enclosure and access to a fully enclosed coop	\$30, + \$5 for first-time owners for a printed booklet on care
Alternative Ordinance	Up to 6, total combined with other licensed animals	2,000 square feet rear yard minimum; 5 foot setback from property lines, vegetation (besides grass) and dwelling on lot; and 25 feet from any adjacent dwelling	Yes	\$5 per chicken

City Benchmark for Urban Chickens in Residential Areas

City	Chickens	Lot size and distance	Enclosed in coop/pen	Fees
North Ogden	10+ (depending on lot size)	25 feet from a dwelling on an adjacent lot	No	\$5
South Ogden	0	N/A	N/A	N/A
Salt Lake City	15	25 feet from a dwelling on an adjacent lot	Yes	\$50
Provo	2-6 (depending on lot size)	15 feet from any property line and 6 feet from any dwelling	Yes	\$20
Murray	0	N/A	N/A	N/A

Public Input Received

Between January 1, 2016 and August 29, 2017, the City Council received 141 messages related to chickens through e-mail, phone and social media. There were 62 unique correspondents, with 53 in support of chickens, 7 opposed and 2 without a defined preference.

The City Council also conducted public input polls regarding whether Ogden should allow chickens. The polls were offered



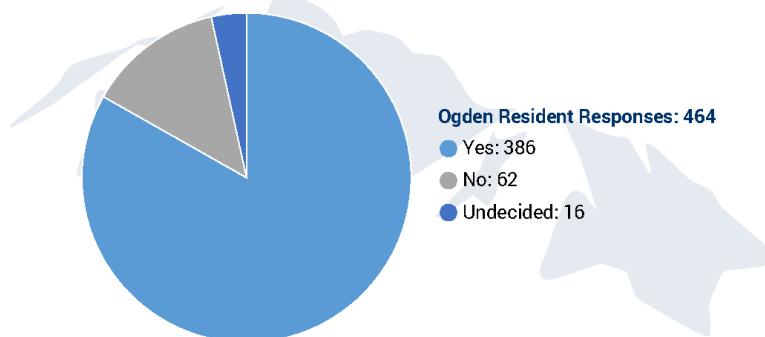
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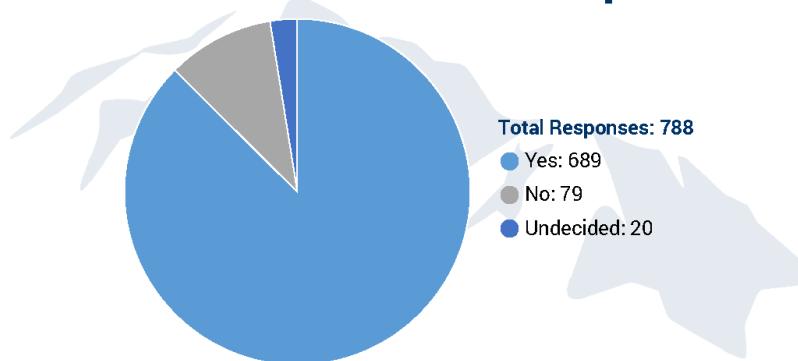
through the City Council website and Facebook page as part of the information gathering for the fact-finding work session. These polls were designed to gather general feedback and are not scientific or designed to gather a representative sample of Ogden residents' viewpoints. Interest and participation in the polls also extended outside the city.

The totaled results reflect the preferences of both residents and all participants. There were 255 participants in the website poll and 591 in the Facebook poll, with a total of 788 unique responders.

Urban Chickens Poll: Ogden Residents



Urban Chickens Poll: All Responses



Proposal

On Aug. 31, 2017, a resident petition was filed to allow backyard chickens along with a draft city ordinance and research of other communities allowing chickens. An alternative ordinance was also prepared that would also allow chickens.



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Planning Commission

The Planning Commission considered the petition on Nov. 1, 2017. A recommendation to deny the petition was approved, with a 7-1 vote. The Commission's recommendation was based on findings that the petition was not consistent with the general plan in promoting strong neighborhoods and the health and welfare of the community.

Although the Planning Commission recommended against the petition to allow chickens, it was suggested that the alternative ordinance be considered if the Council desires to allow chickens.

Commissioner Herman voted no, indicating that chickens should be allowed and that the alternative ordinance should replace the petitioner's proposal. Following the meeting, Commissioner Graf indicated that there was some confusion with the vote and clarified he would support allowing chickens.

During the meeting, the Petitioner expressed support of the alternative ordinance, with exception of the 2,000 square foot backyard size requirement and including chickens in the number of allowable pets.

There were seven individuals who commented on this issue during the Planning Commission's public hearing, all of which supported allowing chickens. These comments are included in detail as part of the Administrative Transmittal.

Chicken Ordinance Comparison

Petitioner Ordinance, Alternative Ordinance and Other City Practices

	Petitioner Ordinance	Alternative Ordinance	Additional Options*
Allowing Chickens	Allow 4-12 chickens, based on lot size, with 4 chickens permitted on lots 7,000 sq. feet or less. Require owners to have a minimum of 2 chickens for socialization.	Allow up to 6 chickens, with each chicken counted toward the total number of 6 licensed pets permitted, including dogs, cats and ferrets. Chickens only permitted in backyards with a minimum of 2,000 square feet of open area.	Allow 2 chickens for any lot size and then increasing this number based on defined lot sizes. Allow a set number of chickens regardless of lot size.



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	Petitioner Ordinance	Alternative Ordinance	Additional Options*
Roosters	Prohibit roosters, and require owners who discover that they have a rooster to re-home the animal.	Prohibit roosters.	Prohibit crowing hens as well as roosters.
Permits, Licensing and Liability	A licensing fee of \$30 total, or \$35 for first-time chicken owners for a printed booklet on caring for chickens/coops.	Annual licensing fee of \$5 per chicken; each chicken issued a band for its shank/ankle. Require a land use permit to show the location of the coop and run, a map of the backyard and distances to adjacent homes, and an inspection of land use permit compliance prior to animal licensing.	Other amounts for license fees. Renewal every two years, instead of every year. Identify that the City is not liable for injury/death caused by dogs, cats or other animals, domestic or wild, whether such animals are licensed by the City or not. Further, injury or death of a chicken caused by an animal not being sufficient for the City to determine that the animal is vicious.
Single-Family Homes	Require renters to obtain signed authorization from the property owner.	Chickens only permitted for single-family, owner-occupied residential homes.	Allow chickens for multi-family homes.
Containment	Require that chickens be at least maintained in a fenced area, with access to a fully-enclosed coop.	Require that chickens be contained at all times in a fully-enclosed coop/chicken run.	N/A
Coops	Require a predator-proof, ventilated coop and that coops have a minimum of 2.5 sq. feet per chicken and 5 sq. feet per chicken in an enclosed run.	Require that the coop and run be constructed with quality materials, to contain and protect chickens, and allow a coop and run to be a maximum size of 120 sq. feet and no taller than 7 feet.	Require that coops provide standing room for chickens, at least 18 inches in height. Require that coops are uniform in design.
Distance	Maintain coops at least 5 feet from any property line, unless a solid privacy fence is separating the properties, and having coops at least 20 feet from any neighboring home.	Maintain coops at least 5 feet from property lines, the owner's home and any vegetation except grass, and 25 feet from homes on adjacent property.	Include a distance requirement from a public street.



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	Petitioner Ordinance	Alternative Ordinance	Additional Options*
Health and Sanitation	Require that the health of chickens being maintained at all times, with fresh water available for chickens at all times and coops and runs being kept clean and odor-free.	Require that coops be kept in a clean and sanitary condition. Not allowing chicken manure to be open-air stored, and requiring that this be placed in either a composting container or an airtight container to be properly disposed of off-site.	Require coops to be cleaned/disinfected 3 times a year. Outline that Health Department standards must also be met. Allow a representative from the City or Health Department to inspect a coop at reasonable times. Require that dead chickens and unused eggs be removed and disposed of within 24 hours.
Business/ Monetary Gain	Prohibit chickens from being used for a business or monetary gain, including the sale of eggs.	Prohibit the sale of eggs or fertilizer produced by the chickens.	N/A
Slaughter	Prohibit the slaughter of chickens at the premises.	Prohibit the on-site slaughter of residential chickens and use of these for meat.	N/A
Enforcement	Establish penalties for non-compliance ranging from a warning for a 1 st complaint to a \$500 fine and removal of the chickens for a 4 th complaint.	Require proper care and control of animals in order to prevent them from becoming a public nuisance. When an animal is considered a public nuisance, animal services will attempt to work with the animal owner to address the issue and in some instances may remove the animal.	N/A
Chicken Feed	Require that food is stored in predator-proof containers and that any remaining food is removed at night.	Require that food is kept secure from rodents/wildlife, with spillage and leftover food removed daily.	N/A
Education	Require owners to agree to follow the ordinance and to attend a class about caring for backyard chickens.	N/A	Require chicken owners to read supplemental materials.

*Additional options were derived from other city ordinances in comparable communities.



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Attachments

1. Administrative Transmittal
 - a. Alternative ordinance
 - b. Planning Commission Report
 - c. Petition to Amend Ogden City Ordinance
 - i. Petitioner's Ordinance
 - d. Correspondence
 - e. Oct. 13 - PC work session materials
 - f. Sept. 20 - PC work session materials
2. Planning Staff Presentation – Dec. 5, 2017
3. Fact Finding Work Session Materials – Aug. 29, 2017
 - a. Council Staff Introduction
 - b. Ogden Police Department Presentation
 - c. Ogden City Code Enforcement Presentation
 - d. Ogden City Planning Presentation
 - e. Weber-Morgan Health Department Presentation
 - f. USU Extension Services Presentation
 - g. Ogden Chicken Alliance Presentation
 - h. Presenter Questions and Responses

Administrative Memos Prepared by:

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Council Staff Contact: Amy Sue Mabey, (801)629-8629

NOV 07 2017

OGDEN CITY COUNCIL TRANSMITTAL

OGDEN CITY
COUNCIL OFFICE**DATE:** November 2, 2017**TO:** Ogden City Council**THRU:** Mark Johnson, CAO**FROM:** Tom Christopoulos, CED Director**RE:** Petition #2017-12 to add a new section 15-13-40 to allow chickens in backyards in Ogden City.**STAFF CONTACT:** Greg Montgomery, Planning Manager**REQUESTED TIMELINE:** December 5, 2017**RECOMMENDATION:** Denial of petition. If it is determined that chickens should be allowed, then recommendation of approval of the staff developed ordinance.**DOCUMENTS:** Ordinance, Planning Staff report. October 18 work session memo, September 20 work session memo.**DISCUSSION:**

The petitioner, Liz Christiansen discussed their petition to allow chickens in Ogden City. She stated the citizens of Ogden have wanted chickens and that they have gained support and have brought this petition forward for the City to approve. She explained that backyard chickens are important to the community and in providing fresh eggs to the owners. Owners take pride in their animals and do not create problems to anyone. They have many benefits to the community and chicken owners go to a lot of expense to properly care for and house their animals. She questioned where the photos in the Commission report came from as none of the chicken owners in the community would have such shabby facilities. She described that there have been concerns about raccoons but they have never had any such problem in their area. She also stated that costs to the city could be reduced by not sending out staff to review the application. The petitioner can draw the coop location and neighboring property houses and that would be part of the application. This would save city time and expense. She explained for the most part she felt the staff proposed ordinance addressed their concerns except the 2,000 square foot requirement was too large and would exclude many people. She also felt that more chickens should be allowed as their original proposal stated and there should not be reductions based on other pets. She stated she has six chickens. The Commission questioned what would happen once the chickens stop laying and she stated they are pets as well and she would keep the chicken as a pet until it died.

Staff reviewed the zoning history of the city and stated that since 1951 chickens were not allowed in residential zones. Staff reviewed some conflicting statements that exist about diseases, type of coop construction that takes place, that there are no neighbor problems with chickens and that they are different than household pets. Staff then reviewed the balancing factors in considering if the request is appropriate. There is often a conflict between individual

desires and what may be deemed as the common good. Staff reviewed what the cities in the lower Weber County Valley do and that Ogden and two other communities do not allow chickens. The other communities generally have a minimum lot size that is larger than most lots in Ogden. Staff then asked what does it mean when people say the other cities allow chickens? There are restrictions and some people will not meet those requirements but are those requirements then ignored and have no meaning? Staff explained that most city lots are 60 feet wide and have more than a 33-foot depth which is where the 2,000 square foot minimum comes from. This would allow at least a reasonable separation from neighboring properties and give room for the other things that take place in rear yards.

Staff then reviewed the general plan language and stated that zoning decisions should be based on compliance with the general plan which is the direction the city uses to determine its future. Staff explained that they feel that the smaller lot sizes of Ogden and the compact development is not favorable for chickens being good neighborhood animals. The benefit of home egg production does not outweigh the secondary impacts that chickens create to a neighborhood.

Staff explained that in the work sessions it was discussed that there should be a draft ordinance prepared to forward the council that they could have that received commission approval. Staff reviewed the main points of the ordinance.

The Commission questioned that if chickens were allowed that more enforcement officials would be needed. Staff explained that would be a council determination at budget time. The city cannot be proactive but only reactive to complaints based on enforcement size and that would continue in enforcement. The Commission felt that one of the major issues facing the city is the lack of code enforcement and that the city council needs to be serious in addressing that understaffing if changes are desired in the city.

PLANNING COMMISSION ACTION

The Planning Commission reviewed this item on November 1, 2017. A motion was made to deny the petition based on the findings the petition is not consistent with the general plan purposes of promoting strong neighborhoods and the health and welfare of the community and recommend that the staff drafted ordinance would be acceptable to meet the conflicting issues if it is felt an ordinance should be approved.

PLANNING COMMISSIONERS VOTE	<u>Yes</u>	<u>No</u>
Graf.....	X	
Herman.....		X
Holman.....	X	
Blaisdale.....	X	
Sandau.....	X	
Schade.....	X	
Southwick.....	X	
Wright.....	X	

Commissioner Herman's no vote was based on the feeling that the petition should be approved and the staff recommended ordinance replace the petitioner's proposal.

CONCERNS OF CITIZENS:

Diana Richardson expressed that she has a serious health condition that requires organic foods. Backyard chickens are key to that diet. Also they control insects which would have allowed them to retain their garden but grasshoppers destroyed it because there were not chickens to organically control the pests.

Bob Richardson stated that chickens are important to control insects in gardens and do it in an effective means that is healthy for the community.

John Christiansen explained that chickens have always been a part of a community and even though post world war trends change where chickens were allowed that trend has been reversed and many communities throughout the nation now permit chickens. Ogden citizens want chickens as shown in polls they have conducted and the city has conducted.

Nathan Henicie stated not allowing chickens keeps people from buying in Ogden. The millennials are looking for a different lifestyle and having that ability to be independent are things they are looking for. It is part of the life of Salt Lake and they have yard tours that show off what people have done with their back yards and chicken coops.

Anna Cash stated that she has a large area for chickens and that it is a few select staff, commissioners and council that do not want chickens and are the hindrance to Ogden being progressive.

Moroni Reu stated the requirement for a 2,000 square foot area is a ridiculous number and many lots would not meet that requirement. Chickens need far less space.

One person spoke and stated that one reason they chose not to live in Ogden is the restrictions on chickens. They stated that people make investments and care for their chickens and Ogden would be a more attractive area to people if chickens were allowed. She explained a numbering sequence of chickens on the property so that there would always be an egg laying chicken during the various bird's life cycle.

ORDINANCE NO. _____

AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING THE OGDEN MUNICIPAL CODE BY AMENDING SECTIONS 12-7-6, 12-7-7, 12-7-8, 13-2-1, 13-2-2, 13-2-3, 15-1-7, AND 15-2-19; AND AMENDING CHAPTER 13 OF TITLE 15 BY ADOPTING A NEW SECTION 40 TO ALLOW FOR AND REGULATE RESIDENTIAL CHICKENS WITHIN THE LIMITS OF OGDEN CITY; AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.

The Council of Ogden City hereby ordains:

SECTION 1. Section amended. Section 12-7-6 of the Ogden Municipal Code is hereby amended to read and provide as follows:

12-7-6: [KEEPING STRUCTURE FOR ANIMALS PROHIBITED WHERE:]

- A. Unless specifically allowed by the zoning ordinance, including as a nonconforming use, it [it] is unlawful for any person to keep or maintain any barn, stable, shed, or corral in which are kept horses, cows, poultry, or domestic animals.
- B. Any structure used for the keeping of animals pursuant to a nonconforming right shall not be placed within seventy five feet (75') of any dwelling house or residence or public street within the limits of the city.

SECTION 2. Section amended. Section 12-7-7 of the Ogden Municipal Code is hereby amended to read and provide as follows:

12-7-7: [KEEPING ANIMAL PREMISES IN UNSANITARY CONDITION PROHIBITED:]

- A. **[Animal Enclosures:]** It is unlawful for any person having charge of any stable, stall, shed, coop, apartment or yard in which any animal is kept, or any place within the limits of the city in which manure or liquid discharges of any animal accumulate or collect, to permit such stable, stall, shed, coop, apartment or yard to be kept in an unclean or unsanitary condition.
- B. **[Slaughterhouse:]** It is unlawful for the owner or occupant of any slaughterhouse, market, meat shop, or other place wherein any animals are slaughtered, kept or sold to permit the premises or yard connected therewith to remain unclean or in any state of condition detrimental to the health of any person.

SECTION 3. Section amended. Section 12-7-8 of the Ogden Municipal Code is hereby amended to read and provide as follows:

12-7-8: [KEEPING FOWL IF ALLOWED; ENCLOSURES REQUIRED; PROHIBITED WHERE:]

- A. Unless specifically allowed by the zoning ordinance, including as a nonconforming use, it [it] is unlawful for any person to keep any chickens, ducks, pigeons or other fowl in the city limits, [unless the same are at all times kept confined in proper pens or enclosures.]
- B. No animals are permitted to be kept within the city limits, including those described in this section, unless allowed by any applicable zoning ordinance pursuant to title 15 of this code.
- C. If the keeping of fowl is a nonconforming right, the same are at all times to be kept confined in proper [All] pens or enclosures [required by this section] which shall be kept in a clean and sanitary condition and shall not be placed or maintained within seventy five feet (75') of any dwelling.

SECTION 4. Section amended. Section 13-2-1 of the Ogden Municipal Code is hereby amended to read and provide as follows:

13-2-1: [DEFINITIONS:]

As used in this title, the following terms mean:

ABANDONMENT: Placing an animal at risk in an unsafe or dangerous environment where the animal is unable to fend for itself or where the animal is unsupervised for a period of longer than twenty four (24) hours without ensuring the animal of basic needs such as food, water, shelter or necessary medical attention. Abandonment shall also include the failed promise of reclaiming an animal seventy two (72) hours beyond the due date to pick up the animal in agreement with a kennel, grooming service, veterinary hospital or animal shelter, including owners who refuse to reclaim the pet or sign relinquishment authorization.

ALTERED: Surgically neutered male animal or surgically spayed female animal incapable of procreating or certified by a licensed veterinarian to be physically incapable of procreating.

ANIMAL: Any living nonhuman creature, both domestic and wild, male and female, singular and plural.

ANIMAL SERVICES COORDINATOR: The animal services coordinator who supervises the animal control officers and other animal services staff within the city's police department.

ANIMAL SERVICES OFFICER: Any person designated by the city and sworn as a law enforcement officer to perform the duties as described in this title.

ANIMAL SHELTER: The Weber County Animal Shelter which is utilized for the purpose of protective custody for animals held under the authority of this title or state law.

AT LARGE: Any animal off the premises of the owner and either not under control of the owner or his/her agent by leash or not confined within a vehicle; or any animal on the premises of the owner and not securely confined by a leash, building or fenced area.

ATTACK: To set upon with violent force.

BITE: Any injury caused by an animal's teeth which results in a break in the skin.

CAT: A domestic feline, either male or female of any age.

CATTERY: The land or building used in the keeping of seven (7) or more cats at least six (6) months old.

CUSTODY: Ownership, possession of, harboring, or exercising control over any animal.

DANGEROUS DOG: As defined in subsection 13-2-8A of this chapter.

DEPARTMENT: The city's police department.

DIVISION: The support services division of the city's police department.

DOG: A domestic canine, either male or female of any age.

EUTHANASIA: The humane destruction of an animal accomplished by an approved method that involves unconsciousness and immediate death or by a method that causes painless loss of consciousness and death during such loss of consciousness.

FERRET: The domesticated ferret commonly known as the European ferret or *Mustela putorius furo*, either male or female of any age, but not including the black footed ferret or any other type of undomesticated ferret.

FIERCE: Violently hostile or aggressive in temperament.

HANDLER: Any person who has control, charge, care, custody of, or responsibility for, an animal at any given time.

HARBORING: Performing any act involving the provision of care, shelter, protection, refuge, food or nourishment in such manner as to extend control over the animal, and includes permitting a stray or lost animal or an animal belonging to another person, to be kept, fed or lodged within or upon a person's property.

HUMANE TREATMENT: The act or manner of treating an animal with compassion and consideration and protecting an animal from dangers, mistreatment or abuse.

HYBRID: Any animal, however domesticated, that has been crossbred with a wild animal or hybrid thereof.

KEEPER: A person in charge, possession, control, care, or keeping of an animal, regardless of ownership.

KENNEL: The land or building used in the keeping of three (3) or more dogs at least six (6) months old.

LEASH: Any chain, rope or device used to restrain an animal that does not endanger or harm its physical well being as defined under the definition of Restraint/Tethering.

LIVESTOCK: Animals that are domesticated and normally kept on farm or range lands including, but not limited to, horses, cattle, swine, sheep and goats, including dwarf varieties.

OWNER: Any person, partnership or corporation harboring, keeping, possessing, maintaining, having an ownership interest in or having control or custody of an animal.

PET SHOP: Any person, partnership or corporation, whether operated separately or in connection with another business enterprise except for a licensed kennel or cattery that acquires live animals and sells or offers to sell or rent such live animals to the public or to retail outlets.

PROTECTIVE CUSTODY: Having been received into the care of the support services division of the city's police department or any authorized agent or representative thereof, including seizure due to violation of the law or to come into compliance with the law, to be held as evidence, or for the protection of the animal.

PROVOCATION: As defined in subsection 13-2-8A of this chapter.

PUBLIC NUISANCE: Any animal which violates the provisions of this title as described in section 13-2-7 of this chapter.

QUARANTINE: The isolation of an animal in a substantial, properly ventilated enclosure that does not harm or endanger the animal, so that it is not subject to contact with other animals or unauthorized persons.

RESIDENT ANIMAL: Any animal kept, harbored, or sheltered in the city for thirty (30) days or more.

RESIDENTIAL CHICKEN: A female domesticated fowl of the genus *Gallus*, commonly referred to as a hen chicken.

RESTRAINT/TETHERING: Securing any animal by a leash, tether or enclosing the animal in a secured building or fenced area adequately constructed and maintained to keep the animal from running at large. "Humane restraint" shall mean and require that when a dog is chained or tied outdoors, the chain or material the animal is tied with shall be so placed or attached that it cannot become entangled with the chains or ties of other dogs or with any other object. Such restraint should be adequate to the breed and dog's abilities and of a humane nature. Such chains or ties shall be at least three (3) times the length of the dog as measured from the top of its nose to the base of its tail and shall allow the dog convenient access to shelter and shall be no longer than twenty five feet (25').

TEMPORARY ANIMAL: Any animal kept, harbored, or sheltered in the city for less than thirty (30) days.

VETERINARIAN: Any person legally licensed to practice veterinary medicine.

VETERINARY HOSPITAL: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

VIOUS ANIMAL: Any animal which is dangerously aggressive, including an animal which has bitten or in any other manner attacked any person or animal. Dogs which are vicious are defined as "dangerous dogs" in subsection 13-2-8A of this chapter.

WILD ANIMALS: Any animal which is not commonly domesticated, or which, irrespective of geographic origin, is of a wild or predatory nature, or any other animal which because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, health or property if not kept, maintained or confined in a safe and secure manner, and animals which, as a result of their natural or wild condition cannot be vaccinated effectively for rabies. These animals, however domesticated, shall include, but are not limited to:

- A. Alligators, caiman and crocodiles.
- B. Bears (Ursidae); all bears including grizzly bear, brown bear, black bear, etc.
- C. The cat family (Felidae); all except the commonly accepted domestic cats, and including cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc., and any hybrids.

- D. The dog family (Canidae); all except domesticated dogs, and including wolf, fox, coyote, etc., and any hybrids.
- E. Porcupines (Erethizontidae).
- F. Primates (Hominidae); all nonhuman primates.
- G. Raccoons (Procyonidae); all raccoons including the eastern raccoon, desert raccoon, ring tailed cat, etc.
- H. Skunks.
- I. Venomous fish and piranha.
- J. Venomous snakes and lizards, and any snake exceeding nine feet (9') in length.
- K. The weasel family (Mustelidae); all, including weasel, marten, wolverine, black footed ferret (but not including other domesticated ferrets as defined herein), badger, otter, ermine, mink, mongoose, etc., except those humanely raised for their pelts.
- L. Any animal of a species that is susceptible to the rabies virus for which there is no federally approved vaccine.

WORRY: To harass or intimidate by barking or baring of teeth, growling, biting, shaking or tearing with the teeth, or approaching any person in apparent attitude of attack or any aggressive behavior which would cause a reasonable person to feel they were in danger of immediate physical attack.

SECTION 5. Section amended. Section 13-2-2 of the Ogden Municipal Code is hereby amended to read and provide as follows:

13-2-2: [LICENSING PROVISIONS:]

A. [Dogs, Cats, Residential Chickens And Ferrets; Parents Of Minors Keeping Or Harboring Animals:]

- 1. Required: All dogs, cats, residential chickens and ferrets [six (6) months of age and over] which are harbored, owned, kept, possessed or maintained in the City shall be licensed and registered as provided in this section.

- a. No person shall keep, harbor or maintain within the City any dog, cat or ferret six (6) months of age and over or any residential chicken which is not licensed as required herein.
 - b. License fees shall be paid as set forth in section 13-2-3 of this chapter.
 - c. No person under the age of eighteen (18) years shall apply for or obtain a pet license or permit.
 - d. All dogs, cats, residential chickens and ferrets must be licensed by an adult, who shall be responsible for compliance with the requirements of this title.
 - e. No person shall harbor, own, keep, possess or maintain any dog, cat or ferret six (6) months of age and over that has not been spayed or neutered unless that person holds a valid unaltered pet license for the animal.
- 2. Minors; Parent Responsible: The parent or guardian of any minor keeping or harboring an animal shall be considered the owner and be responsible for compliance with the requirements of this title. See also subsection 13-2-8C4 of this chapter.
- 3. Number Restricted: No person or persons at any residence shall at any one time own, possess, harbor or license more than:
 - a. Two (2) dogs over six (6) months old;
 - b. Three (3) dogs over six (6) months old if one (1) or more dog is a trained therapy dog currently providing service, or a qualified service dog in accordance with the Americans With Disabilities Act, or where the owner is in the process of training one (1) or more dogs as a therapy dog or service dog. Verification of the owner's qualifications as a trainer, or in the case of a service dog, a statement that the dog has been trained to mitigate the owner's disability, or certification of at least one (1) therapy dog, is required for licensing and will be kept on file with Animal Services;
 - c. Three (3) dogs over six (6) months old if one (1) or more dog belongs to an owner who is deployed to active duty military service, or is a government law enforcement or military service dog. A copy of the owner's deployment order, or certification of at least one (1) dog, is required for licensing and will be kept on file with Animal Services;
 - d. Six (6) cats over six (6) months old, except that such maximum number of cats shall be reduced by one (1) cat for each dog or ferret over six (6) months old owned, possessed, harbored or licensed at the residence; [er]
 - e. Two (2) ferrets over six (6) months old; or[-]
 - f. Six (6) residential chickens where the owner is able to comply with the requirements of section 15-13-40, except that such maximum number of residential chickens shall be reduced by one (1) residential chicken for each

dog, cat, or ferret over six (6) months old owned, possessed, harbored or licensed at the residence.

4. Grandfather Provision: The requirement to reduce the maximum number of cats by one (1) cat for each dog or ferret over six (6) months old under subsection A3d of this section shall not be applicable to any cat actually owned, possessed, harbored or licensed at the residence as of February 28, 2006, if:
 - a. Prior to June 1, 2006, the owner establishes to the satisfaction of the Animal Services Coordinator that:
 - (1) All such cats, and the dogs or ferrets requiring such reduction of the maximum number of cats, were owned, possessed, harbored or licensed at the owner's residence as of February 28, 2006, and
 - (2) All such cats, dogs or ferrets owned, possessed or harbored at the residence are currently licensed in accordance with the provisions of this title; and
 - b. All such cats, dogs or ferrets owned, possessed or harbored at the residence continue to be licensed and maintained in accordance with the provisions of this title during their lifetime.
- B. **[Application; Forms:]** The owner shall state at the time application is made for such license, and upon printed forms provided for such purpose, the owner's name, address, electronic mail address and telephone number, the name, breed, color, sex and age of each dog, ferret or cat owned or kept, the number of residential chickens kept, and the address where such animal is usually kept if different from the address of the owner. The owner shall provide written proof that the owner is at least eighteen (18) years of age, or at least sixty (60) years of age, if applying for a discount. The provisions of this section are not to apply to dogs or cats whose owners are temporarily within the City for less than thirty (30) days, nor to dogs or cats brought into the City for the purpose of participating in any dog or cat show, nor to commercial pet shops, kennels or catteries licensed as a business within the City. However, any dog or cat residing on the premises of a commercial kennel or cattery must be individually licensed by the owner of the kennel, unless the animal is being temporarily housed or boarded for less than thirty (30) days. If there is a violation involving a temporary animal, the animal shall be treated as a resident animal and subject to enforcement as provided in this title.
- C. **[Term; Renewal:]** Pet licenses will be valid for a term of one (1) year from the date of issuance, or less than one (1) year, concurrent with the date of the rabies inoculation, if the inoculation expires within the licensing year, except as provided in subsection J of this section. There shall be no proration of any license fees. All licenses shall be obtained on or before the expiration of the prior license.

D. **[Spayed And Neutered; Certificate Required:]** No female dog, ferret or cat shall be licensed as spayed nor male dog, ferret or cat licensed as neutered except upon certificate of a veterinarian.

E. **[Rabies Inoculations; Required:]** No license shall be issued for any dog or cat four (4) months of age or over, or any ferret three (3) months of age or over which has not been inoculated against rabies by a licensed veterinarian in accordance with the requirements for rabies control set forth in section 13-2-5 of this chapter. Written proof of that inoculation shall be presented at the time the license is applied for.

F. **[Issuance Of License:]** Pet licenses shall be issued by the Support Services Division and by the City Treasurer or [his/her] the treasurer's authorized agents. The City Treasurer may authorize licenses to be issued by participating veterinarians, kennels, catteries, pet shops, animal shelters and other approved locations under written agreement with the City, approved by the City Treasurer.

G. **[Tags:]**

1. **Issuance:** Upon acceptance of the license application, confirmation of rabies inoculation, and receipt of fee, the City shall issue a durable tag, stamped with an identifying number. Tags should be designed so that they may be conveniently fastened or riveted to the dog's, ferret's or cat's collar or harness. After application and inspection of property for compliance with residential chicken standards, bands will be issued for each chicken licensed. The band is to be placed around the shank of the chicken.
2. **Display:** License tags shall be worn by dogs, ferrets, residential chickens, and cats at all times, except when a cat or dog is participating in a dog or cat show or during approved, supervised training. Any ferret licensed pursuant to this title shall also be identified by an approved microchip implanted in the neck or shoulder area, with a number issued or registered by the division.
3. **Removal:** No person other than the Animal Services Coordinator or his/her assistants or officers, a police officer or medical personnel shall remove or cause to be removed the collar or metal tag from any licensed dog, ferret, residential chicken, or cat without the consent of the owner or authorized agent.

H. **[Exemptions; Compliance:]** The following dogs shall be exempt from the payment of license fees under this section, but shall still be required to comply with licensing and registration requirements: qualified service animals in accordance with the Americans With Disabilities Act; government law enforcement and military service dogs; and guide dogs, temporarily housed in the City under a recognized guide dog program.

- I. **[Senior Citizen Discount:]** Persons sixty (60) years of age or older, who exhibit proof of age, shall qualify for the discount established under subsection 13-2-3A of this chapter for any dog, ferret or cat which is spayed or neutered and is owned by and residing with the qualifying senior citizen. Such discount shall not be applicable to late fees, impound fees, or boarding fees associated with animal impounds. Any special permanent license issued to a person sixty five (65) years or older prior to July 1, 2002, shall continue to be honored as a special permanent license under subsection J of this section.
- J. **[Altered Dogs, Ferrets And Cats; Lifetime License, Three Year License:]** Any person, eighteen (18) years of age or older, who exhibits proof of age, may purchase a lifetime license for a dog, ferret or cat which is spayed or neutered, which license shall remain in effect for the lifetime of the animal. A three (3) year license can be purchased for an altered dog, ferret or cat upon proof of a three (3) year rabies inoculation. Such persons who have purchased a lifetime license shall still continue to be required to obtain an annual or three (3) year license without fee and provide verification of rabies vaccination thereafter. This subsection shall not be construed to relieve any person from meeting all licensing requirements not specifically exempted, including late fees and required vaccinations, nor is any license issued hereunder transferable to any animal other than that for which the license was issued or to any other owner.
- K. **[License Regulations:]**
 1. Record Of Identification: The City shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.
 2. Transfer Prohibited: No person may use any license for any dog, ferret, residential chicken, or cat other than the dog, ferret, residential chicken, or cat for which it was issued. Licenses are not transferable to a new owner.
 3. Transfers; Other Jurisdiction: Owners of dogs, ferrets and/or cats which hold valid licenses from other jurisdictions and who move into the City may transfer the license by paying a transfer fee. Such license shall maintain the original expiration date, subject to an unexpired transfer term not to exceed one (1) year. A license from another city or county for a residential chicken is not transferable.
 4. Sale Or Transfer; Unlicensed: No person shall sell or transfer ownership of any dog, ferret or cat, subject to licensing under this chapter, which is not licensed as required herein. The division shall be notified of the name, address and telephone number of the new owner by the person who sold or transferred ownership of the animal.
- L. **[Late Penalty; Exemption:]** All license fees shall be increased by twenty five dollars (\$25.00) each if not paid on or before the date due. No late penalty shall be charged on new license applications, if the owner submits proof of purchase or acquisition of

the animal within the preceding two (2) weeks; the owner or animal has moved in the City within the preceding two (2) weeks; the animal is currently or has been within the preceding two (2) weeks, under the age which requires a license; or the owner purchases the license voluntarily, prior to an in person field contact or impoundment, or issuance of a summons or complaint by the City.

M. **[Denial Or Revocation:]** The Animal Services Coordinator may deny or revoke any license or permit issued herein for nonpayment of a returned check used to pay fees required for issuance of such license or permit. Notice of such denial or revocation shall be sent to the applicant, licensee or permittee, by mail, to the address listed on the license or permit application. The decision to deny or revoke such license or permit may be appealed under title 4, chapter 4, article A of this Code.

SECTION 6. Section amended. Section 13-2-3 of the Ogden Municipal Code is hereby amended to read and provide as follows:

13-2-3: SERVICE AND LICENSE FEES:

The following fees shall be imposed by the division for services rendered by the division and for licenses required under this title:

A.	License Fees (Dogs, Cats, <u>Residential Chickens</u> , And Ferrets) (See Also Subsection 13-2-2A Of This Chapter):		
	1.	Unaltered:	
		Dog	\$50.00
		Cat or ferret	35.00
	2.	Altered:	
		Dog	10.00
		Cat or ferret	5.00
	3.	3 year license for altered dog, cat or ferret upon proof of 3 year rabies vaccination:	
		Dog	25.00
		Cat or ferret	10.00
	4.	Lifetime license for altered dog, European ferret or cat under subsection 13-2-2J of this chapter:	

		Dog	75 .00
		Cat or ferret	35 .00
	5.	Senior citizen owner discount under subsection 13-2-2I of this chapter	20% off
	6.	Transfer fee under subsection 13-2-2K3 of this chapter:	
		Altered	\$ 5 .00
		Unaltered	15 .00
	7.	Replacement tag	5 .00
	8.	Dangerous dog or potentially dangerous dog (registration fee)	100 .00
	9.	<u>Residenital Chicken, per chicken</u>	<u>5.00</u>
B.	Quarantined Animals; Charges To Owner (Not Including Applicable Impound Fees):		
	1.	Preparation and transportation of animal to state laboratory for rabies testing	75 .00
C.	Disposal Only Of A Dead; Owned Animal: An owner or person responsible for a domestic animal that dies shall bury or dispose of such animal pursuant to section 13-3-5 of this title. [In the event the city disposes of a dead, owned animal, the owner or person responsible for the animal shall be charged a fee as follows:		
	1.	Small animal	45 .00
	2.	Large livestock (not available—private disposal is the responsibility of the owner)]	
D.	Pick Up Charge For Owned Animals: At the discretion of the coordinator, pick up services may be provided:		
	1.	Pick up charges per trip	35 .00
	2.	Ogden City shall collect at the time of pick up or otherwise, such other fees as will be charged by Weber County for additional concurrent services, such as a relinquish fee, or euthanasia fee	

E.	Microchip:		
	Microchip identification (unless previously implanted)	15 .00	

SECTION 7. Section amended. Section 15-2-19 of the Ogden Municipal Code is hereby amended to read and provide as follows:

15-1-7: [BUILDING PERMITS AND LAND USE PERMITS:]

- A. It is unlawful for any person, whether acting as owner, occupant or contractor, or otherwise, to erect, construct, reconstruct or alter, or change the use or occupancy of any building or other structure within the city contrary to any provisions of this title, or without first obtaining a building permit from the building official. No building permit shall be issued by the building official unless a written land use permit has been issued by the director and, if otherwise required by the provisions of this title, by the planning commission or the mayor.
- B. Effective April 1, 2003, it is unlawful for any person, whether acting as owner, occupant or contractor, to fail to obtain a written land use permit from the director for:
 - 1. The installation of any asphalt, concrete, or other hard surface material or structure on any property, other than walkways, ornamental landscaping features, or for the minor repair of existing legal hard surfaced areas; or
 - 2. The use of, or change of use for, any lot or parcel not involving the erection, construction, reconstruction or alteration of a building or structure; or
 - 3. The installation of any fence over four feet (4') in height within a required yard area, or the installation of any fence within a "sight triangle area" of any lot, as defined in section 7-3-2 of this code; or
 - 4. The keeping of residential chickens.
- C. All applications for building permits or land use permits shall be accompanied by a plan drawn to scale showing the actual dimensions of the lot to be built upon, the size and location of existing buildings or structures, buildings or structures to be erected and existing buildings or structures on adjacent property and such other information as may be deemed necessary by the building official, or the director, for the enforcement of this title. Such requirement may be met by submission of a site plan approved pursuant to chapter 4 of this title. A record of such applications and permits shall be kept in the office of the building official.

D. Building permits or land use permits issued on the basis of plans and specifications approved by the building official, the director, or other approving official or agency, authorizes only the use, arrangement, and construction set forth in the approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized in said plans and specifications shall be deemed a violation of this title.

SECTION 8. Section amended. Section 15-2-19 of the Ogden Municipal Code is hereby amended to read and provide as follows:

15-2-19: ["R" DEFINITIONS:]

REASONABLE ACCOMMODATION: A change in a rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. As used in this definition:

Equal Opportunity: Achieving equal results as between a person with a disability and a nondisabled person.

Necessary: The applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.

Reasonable: A requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.

RECREATIONAL COACH: A vehicle such as a recreational trailer, tent camper trailer, truck camper, travel trailer, camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah motor vehicle code, and designed for the use of temporary human habitation.

RECREATIONAL COACH PARK: Any area or tract of land or a separate designated section within a manufactured home park where one or more spaces are rented or held out for rent to owners or users of recreational coaches for a temporary time not to exceed two (2) weeks.

RECREATIONAL COACH SPACE: A plot of ground within a manufactured home park designated and intended for the accommodation of one recreational coach.

RECYCLABLE MATERIALS: Reusable material, including, but not limited to, glass, plastics and synthetic materials, paper products such as newspaper, stationery, scrap

paper, computer paper and corrugated cardboard, rubber, batteries, ferrous and nonferrous metals, concrete, asphalt, wood, building materials, or any "junk or salvage material", as defined herein, which are intended for reuse, remanufacture, or reconstitution for the purpose of using in altered form. Recyclable material does not include refuse or hazardous materials nor does it include coins, precious metals or commercial grade precious metals if they are the sole recyclable material.

RECYCLABLE MATERIALS, LIMITED: Aluminum cans, plastic, or scrap paper such as newspapers, stationery, computer paper, or magazines, but not including cardboard materials or boxes.

RECYCLING COLLECTION CENTER: A facility located in an enclosed building for the acceptance by donation, redemption, or purchase, of recyclable materials, which have been source separated by type by the person who last used the material. Such facility may allow limited compacting or crushing of recyclable materials and may allow temporary outdoor storage of such recyclable materials if stored in weather resistant containers.

RECYCLING DROP OFF STATION: A facility maintained in connection with another use consisting of reverse vending machines or unattended weather resistant containers that are provided for collection of limited recyclable materials which have been source separated by type by the person who last used the material. A recycling drop off station shall not include weather resistant containers located on a residential, commercial or manufacturing designated parcel used solely for the collection of recyclable material generated on the parcel.

RECYCLING PROCESSING CENTER: A facility that accepts, stores or processes recyclable materials, whether or not maintained in connection with another business. Processing includes baling, briquetting, crushing, compacting, grinding, shredding, sawing, shearing, and sorting of recyclable materials and the heat reduction or melting of such materials. Recycling processing center includes junk or salvage yards where processing of recyclable material is included, but does not include recycling drop off stations or recycling collection stations.

REHABILITATION/TREATMENT FACILITY: A facility licensed by or contracted by the state of Utah to provide temporary occupancy and supervision of individuals (adults/juveniles) in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants.

RESIDENCE, RESIDENTIAL FACILITY: Any building or portion thereof where an individual is actually living at a given point in time and intends to remain, and not a place of temporary sojourn or transient visit.

RESIDENTIAL CHICKEN: A female domesticated fowl of the genus *Gallus*, commonly referred to as a hen chicken.

RESIDENTIAL FACILITY FOR ELDERLY PERSONS: A dwelling unit that is either owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident; and is occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement, together with any incidental domestic staff. A "residential facility for elderly persons" shall not include any facility:

- A. Which is operated as a business; provided, that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility;
- B. Where persons being treated for alcoholism or drug abuse are placed;
- C. Where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution;
- D. Which is a healthcare facility as defined by section 26-21-2 of the Utah code; or
- E. Which is a residential facility for persons with a disability.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one person with a disability resides, together with any incidental domestic staff, and which is:

- A. Licensed or certified by the department of human services under title 62A, chapter 2, of the Utah code, licensure of programs and facilities; or
- B. Licensed or certified by the department of health under title 26, chapter 21, of the Utah code health care facility licensing and inspection act.

RESIDENTIAL GARAGE SALES OR YARD SALES: The occasional sale of surplus household goods or furnishings as a use accessory to a dwelling. Sales held more frequently than three (3) days in any one calendar quarter shall be considered a retail use and not "occasional" in nature, nor a use accessory to a dwelling. A residential garage sale or yard sale shall not include goods or property:

- A. Acquired for the purpose of resale, barter or exchange; or
- B. Manufactured or repaired for the purpose of sale as part of a home occupation.

RESIDENTIAL VACATION RENTAL: Use of a dwelling unit for temporary sojourn or transient visit for a period of up to thirty (30) consecutive days by a person or group of people whose primary residence is at another location; who provide compensation, in any form, in exchange for occupancy; and where meals or food are not provided.

RESTAURANT: A place of business where food and beverages are prepared, served and sold for human consumption. A restaurant shall not include the sale and consumption of alcoholic beverages unless licensed by the city and the state of Utah, nor shall it include entertainment for its patrons unless zoned for and licensed as a cabaret or adult live entertainment business.

RETAIL TOBACCO SPECIALTY BUSINESS: A commercial establishment in which:

- A. The sale of tobacco products accounts for more than thirty five percent (35%) of the total annual gross receipts for the establishment;
- B. Food and beverage products excluding gasoline sales, is less than forty five percent (45%) of the total annual gross receipts for the establishment; and
- C. The establishment is not licensed as a pharmacy under title 58, chapter 17b, pharmacy practice act of the Utah code.

Tobacco products for sale in a retail specialty business are defined as:

- A. Any cigar, cigarette or electronic cigarette as defined in section 76-10-101, Utah Code Annotated;
- B. A tobacco product as defined in section 59-14-102, Utah Code Annotated, including chewing tobacco or any substitute for a tobacco product including flavoring or additives to tobacco;
- C. Tobacco paraphernalia as defined in section 76-10-104.1, Utah Code Annotated;
- D. Liquid for producing vapor in electronic cigarettes, regardless of whether such liquid contains nicotine.

RETIREMENT HOME: A residential facility designed, occupied and intended for residents fifty (50) years of age or older, where common facilities for cooking and dining are available to all residents and independent facilities are provided for living, sleeping and sanitation.

REVERSE VENDING MACHINE: An automated mechanical device, maintained in connection with another use, which accepts at least one or more types of limited recyclable materials and issues a cash refund or a redeemable credit slip. A reverse

vending machine may sort and process containers mechanically; provided, that the entire process is enclosed within the machine.

SECTION 9. Chapter amended. Chapter 2 of Title 15 of the Ogden Municipal Code is hereby amended by adopting a new Section 40 to read and provide as follows:

15-13-40: [REGULATIONS FOR KEEPING OF RESIDENTIAL CHICKENS:]

The purpose of this section is to provide minimum regulations for the ability to keep residential chickens on a lot or parcel of property in all zones of Ogden City.

- A. Residential chickens are only permitted as an accessory use to a single family owner occupied residential dwelling. Roosters are not allowed.
- B. Residential chickens are permitted to be kept only in the rear yard of a lot or parcel that is used as an owner occupied single family dwelling where the rear yard has a minimum of two thousand (2,000) square feet of non-paved open area that is free of structures, excluding a coop and run.
- C. Where there is sufficient yard space to allow residential chickens, the maximum number of chickens allowed are six (6). The number shall be reduced based on the number of dogs, cats or ferrets that are also on the property. See 13.2.2.A.3.f for requirements.
- D. The keeping of residential chickens is solely for egg production for the use of the occupants of the owner occupied dwelling.
 - 1. Residential chickens shall not be slaughtered on site or used for meat.
 - 2. An annual license is required for the keeping of each residential chicken.
 - 3. Eggs or fertilizer that are produced by residential chickens are not permitted to be sold.
- E. Residential chickens shall be maintained and contained in a chicken coop and enclosed chicken run.
 - 1. A coop shall be a completely enclosed structure for housing, containing and protection of the residential chickens.
 - 2. A run shall be enclosed on all sides, including the top, in which residential chickens are able to move around outside the chicken coop.

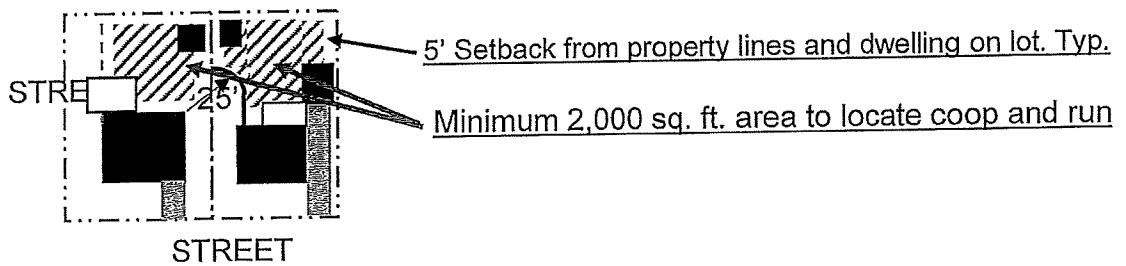
3. Residential chickens are not permitted to roam freely outside of the coop or run.

F. The chicken coop and run shall not exceed a footprint of 120 square feet nor be taller than seven feet (7') in height.

1. Neither the coop or run shall be constructed of scrap or dilapidated materials nor use tarps or other non-rigid materials for shading or roofing.
2. Exterior finish materials for the coop shall be typical residential exterior materials except openings may be covered in wire mesh or netting rather than glass.

G. No portion of a coop or run shall be located closer than five feet (5') to any property line in the rear yard or to a dwelling on the lot associated with the coop and run.

1. In the case of a corner lot, a setback of five feet (5') to the rear yard setback line facing a street shall be kept clear of any coop or run.
2. The five foot (5') setback area adjacent to the coop or run shall be kept clear of any vegetation except sod grass to reduce the harboring of rodents or other wildlife.
3. In addition, a coop or run shall not be located closer than twenty-five feet (25') to any dwelling structure on adjacent property.



H. Chicken feed shall be kept secure from rodents and other wildlife. Spillage and leftover feed must be removed daily.

I. Chicken manure must be either placed in containers used for composting on the property or air tight containers for the manure to be disposed of offsite. No open air storage of manure is permitted on the property.

J. An initial animal license application shall also require a land use permit that shows location of coop and run, area or rear yard, and distance to adjacent dwellings. An inspection confirming compliance to the requirements of the land use permit is required prior to the animal license being issued.

SECTION 10. Effective date. This ordinance shall be effective immediately upon posting after final passage.

PASSED, ADOPTED AND ORDERED POSTED by the Council of Ogden City, Utah this _____ day of _____, 2017.

CHAIR

ATTEST:

CITY RECORDER

TRANSMITTED TO THE MAYOR ON: _____

MAYOR'S ACTION: Approved Vetoed

MAYOR

ATTEST:

CITY RECORDER

POSTING DATE: _____

EFFECTIVE DATE: _____

APPROVED AS TO FORM:

W/H
Legal

11/3/17
Date

- * The headings, catchlines or catchwords suggested for use in the Ogden Municipal Code and which are bracketed at the beginning of sections or subsections, shall not be considered to be a part of the ordinance adopted herein.

Report by: Greg Montgomery

Agenda Name: PUBLIC HEARING FOR PETITION #2017-12 TO ADD A NEW SECTION 15-13-40 TO ALLOW CHICKENS IN BACKYARD IN OGDEN CITY

Petitioner/ Developer: John and Liz Christiansen
960 Taylor Avenue
Ogden, UT 84404

Petitioner's requested action: Approval of new ordinance 15-13-40 to allow chickens in the rear yards of residential properties with the numbers of animals varying on size of lot and other standards for their management

What the Planning Commission Reviews

The Planning Commission is required to review all zoning text amendments in a public hearing. The Commission reviews the proposal based on compliance with the general plan, the potential benefit and impact of the request and general factors of consistency and if the proposal safeguards with the health and general welfare of the community.

The Commission makes a ***recommendation*** regarding the proposed amendment based on their review and forwards that recommendation to the City Council for a final action.

Planning Commission's findings for action

The Planning Commission should determine the following in regards to the proposed ordinance amendment:

1. The petition is/ is not consistent with the purposes of the general plan in promoting strong neighborhoods.
2. The petition is/ is not consistent in promoting the health and welfare of the general community.
3. If an ordinance is to be adopted the ordinance provided by staff meets the best needs of all parties.

Planning Staff's Recommended Action

Denial of the petition as chickens in the general city limits are not consistent with the overall intent of the general plan in improving the quality of neighborhoods.

Approval of the attached draft ordinance as something that would be acceptable to meet conflicting needs if it is felt an ordinance should be approved.

Description of request

The petitioners have filed a petition requesting that the city allow chickens as a permitted use in residential zones. The reason is to allow each owner of chickens to have a direct source of fresh eggs for use of the owner. The petitioners, along with others of similar feelings are part of a group called "the Chicken Alliance." They feel that since this is a national movement Ogden should not prohibit the raising of chickens for egg production.

Prior to filing the petition, the City Council held a fact finding meeting on August 29, 2017. That meeting heard reports from Animal Control of the city, the Weber Morgan Health Department, City Planning and U.S.U extension office as well as those who are in favor of allowing chickens. Based on that meeting the petitioners felt that it would be best to file a petition so some action would be taken on allowing chickens.

Their proposed ordinance would allow only hen chickens with a minimum of 4 chickens and a maximum of 12 based on the lot size. Minimum standards would be established for size of chicken coops per bird and setbacks of the coop of 5 feet from property line and 20 feet from any neighboring residence. There would also be requirements of maintenance of the property. Educational information on caring for chickens would also be provided. Chickens would be allowed to roam in the rear yard area as long as it is fenced.

Factors for consideration of action

1. Consistence with General Plan

The General Plan sets the direction the city feels it should be striving for. The General Plan does not have any language directed at animals. Instead the plan is intended to be used by basing value judgements with the goals and objectives found in the plan to determine if the specific item (chickens) leads toward implementation of the goals and objectives. The appropriate goals and objectives are:

Goal 7 "Housing that is well maintained, varied in cost and mixed density and is located in safe, stable and revitalized neighborhoods throughout Ogden.

Objective 7.D.2. –"Improve the quality of housing stock through better maintenance, upkeep, rehabilitation and in extreme cases demolition and new construction."

Goal 8 "Land use that emphasizes revitalization of the community...preserves and enhances neighborhoods and including a pleasing green environment."

Goal 9- "Neighborhoods in which residents are involved in creating safe, livable and attractive environment."

Objective 9.D.1. "Strength neighborhoods through appropriate planning."

Objective 9.D.2- "Strengthen neighborhoods through appropriate design and improvements."

Objective 9.D.3- "Strengthen neighborhoods through appropriate property maintenance."

Most people look at living in a city having a limit on animals and that limit is household pets. Introducing animals for food production is contrary to what most would consider as improvements to a neighborhood or housing in general. Food production animals increase the need for maintenance and detract from creating an attractive area. The animals also tend to create more conflicts between property owners since most never anticipated farm animals in the city. The city has had 48 chicken complaints to code enforcement in the last few years. In reviewing those conditions, the properties were anything but well maintained. While this is not true of all people who have chickens it does represent some current trends.



Community plans are a way that give finer detail on a local basis. Only two community plans addressed animals as part of their character. The West Ogden Community plan (2014) addresses small animals and chickens specifically. The vision strategies talk about creating an agricultural overlay zone and promoting a small animal and garden community lot. (14.N.C.1.A and B.) The Lynn Community plan (1986) also discussed preparing options for horses and other animals based on space requirements and design standards (14.H.5.f.). Only those two communities even felt that other animals besides household pets had a place in their neighborhoods.

2. Health, Safety and Welfare

There are a lot of factors that fall into this broad statement. The bottom line is having adequate space to do what is desired and the same time reduce impacts to the neighbor. Too often what is heard is what I want and my right but not any consideration of what is good for the community in general. Again this goes to the point that animals were eliminated from most of Ogden by 1951 for specific reasons. Those reasons of impact to others are still a valid concern especially as we become denser in number of people per acre. The statement that "others cities allow chickens" ends there but the sentence is not finished. They are allowed if the lot is larger than 10,000 square feet, 8,000 square feet, 15,000 square feet etc. There will be some lots left out of allowing chickens based on the public good and if those lot areas were applied in Ogden there would be a lot of people left out because lots are much smaller than most surrounding communities.

A former Utah State Supreme Court Justice wrote in the fall 1984 Mercer Law review, "*We cannot raise our public well-being by adding to our inventory of individual rights. Civic responsibility like.... participation in the democratic process and devotion to common good are essential to the governance and preservation of our country. Currently we are increasing rights and weakening responsibilities. If we are to raise our general welfare, we must strengthen our sense of individual responsibility for the welfare of others and good of society at large.*" Balancing the two demands of individual and community good can at times be difficult as someone will feel slighted. There is plenty of conflicting statements on both sides of what chickens do or do not do but there are increased health risks if not managed properly to the individual and community.

3. Lessons from Work Sessions

The Commission held two work sessions prior to this public hearing to determine what other communities do and what are some best practices. Those findings revealed that not all communities in Weber County allow chickens. South Ogden and Washington Terrace do not permit them. It was also determined that even if the Commission did not have a favorable response to the petition, a draft ordinance should still be prepared of what has been determined the best practice to balance the individual needs with the neighboring concerns. In reviewing possible changes, the ordinance also includes changes to the animal licensing provision as well as other sections of the zoning code to address things so there would not be



OGDEN CITY PLANNING COMMISSION

NOVEMBER 1, 2017 AGENDA ITEM- K

conflicts in the ordinances. The animal ordinances are not a public hearing item on the Commission's review but comment is important for the continuity of the ordinances. The zoning ordinance however is a public hearing and the public notice covered all the required changes that would need to be made even though the title of this item is limited to 15-13-40.

Past History

Petition 2009-10 was reviewed by the Commission on October 7, 2009. While the petition was only for the Mt. Lewis community the Commission considered it for city wide application. The main concerns expressed in the Commission's recommendation for denial were:

- The city has smaller lots than outlying areas that can better mitigate impacts because of larger lots.
- There is an increased health and welfare concern with rats, mice and diseases the animal may carry.
- The smell and noise impacts adjacent neighbors and the livability of their property.
- Inability to provide code enforcement under present conditions and adding to the work load is not responsible.

July 7, 2010- The Planning Commission reviewed a proposed ordinance requested by the City Council regarding chickens within Ogden City. The Commission recommended denial based on the following concerns:

- The best interests of the city are not to introduce animals on small lots. Most other city regulations have larger lots than exist in Ogden.
- Allowing chickens would place more of a burden on animal control and code enforcement which are understaffed and cannot deal with present demands.
- Allowing chickens will then encourage other types of animals to be allowed.
- The Council drafted regulations needed better separation requirements.

Attachments

1. Petition and other documents (14 pages)
2. USU answer to question about nitrogen impact
3. Impacts on city resources after ordinance approved
4. Draft ordinance for chickens.



Petition to Amend Ogden City's Zoning, Sign or Subdivision Ordinance

Ogden City Development Services
2549 Washington Blvd. Suite 240
Ogden, Utah 84401
(801) 629-8930

Please print legibly and complete all areas:

The following checklist will assist you with your petition to change the existing language in the Ogden City Zoning, Sign or Subdivision ordinance.

Petition Checklist

- Review this application with a Planner prior to filing in the City Recorder's office. Planner is to accompany petitioner when filing. **8-21-2017**
- In the space provided below, explain what portion of the ordinance you want to change and why the change would be in the best interest of the general public. Attach another sheet, if necessary.
- Include suggestions of how the regulations or requirement *should* read, if amended.
- Attach any documentation showing that other cities have similar requirements.
- Pay the \$600 filing fee in the City Recorder's office and submit this petition at the same time.

Petitioner Contact Information

Name: John Christiansen & Liz Christiansen

Address: 960 Taylor Ave. City: Ogden State: UT

Zip: 84404 Phone: 801-332-0775 E-mail: johncrc1@hotmail.com

Petition to amend the Zoning, Sign or Subdivision Ordinance (please circle one)

I (we) the undersigned do respectfully request that the Ogden City Zoning Sign Subdivision (circle one)

Ordinance be amended by changing or eliminating Adding New Ordinance 15-13-40 (Ordinance reference)

Please amend the ordinance as follows: Allow a limited number of hens in backyards of Ogden, with restrictions. (A Draft of the ordinance is attached.)

This change is in the best interest of the general public because: All the surrounding cities of Ogden have allowed backyard chickens with success, and there is great interest in knowing where our food comes from and having a part in it.

Petitioner's signature(s):

Date: 8/23/2017

Petition number: 2017-12

Filed in the office of the City Recorder

By John Christiansen

Date 8/31/17

Fee \$600.00 Check # 3302

Ogden City Chicken Ordinance

Ogden City allows citizens to keep and maintain chickens in residential areas of the city. There is a permit required at the cost of \$30. (Plus \$5. first time for printed booklet on care of chickens and coop), and \$30. annually thereafter. If the said chicken keeper is renting, they must have a signed notification from the home/land owner. The chicken keeper shall go to one (1) class designated to teach about caring for backyard chickens, as a condition of the permit.

Roosters are prohibited. The term "chicken" refers to the female or hen of the species. If the chicken keeper shall find out he/she has a rooster, then they shall re-home rooster at one of the designated areas that are provided in their chicken/coop care booklet that is given to them upon registering for their permit.

The keeping of residential chickens cannot be used for a business or monetary gain, including the sale of eggs. No slaughtering of chickens can take place on the premises at any time.

The number of chickens you may be allowed depends on your lot size. The minimum number of chickens is two (2) for the social wellness of the chicken.

The permitted number of chickens is as follows:

- 7,000 sq. ft. or less - 4 chickens
- 8,000 sq. ft. - 6 chickens
- 10,000 sq. ft. - 8 chickens
- 14,000 sq. ft. - 10 chickens
- 20,000 sq. ft. - 12 chickens

A predator-proof, ventilated coop with a minimum of 2.5 sq. ft. per chicken shall be provided. If kept in an enclosed run, it shall be a minimum of 5 sq. ft. per chicken. Chickens are not allowed to run or roam free outside of a fenced area.

All coops and runs shall be kept clean and free from objectionable odor detected at the property line. Fresh water must be available for chickens at all times.

The good health of your chickens must be maintained at all times.

The coop shall be at least 5ft. from any property line, unless a solid privacy fence is separating the properties, which then the coop may be against the solid privacy fence. However, the coop must be 20ft. from any neighboring residential dwelling.

Chicken feed shall be stored in predator-proof containers, and any remaining food must be removed at night while the chickens are put up in a predator-proof coop overnight.

Penalties;

1st complaint will be a warning with a signed contract by the chicken owner to correct the problem within 30 days max.

2nd complaint of the same nature shall be a fine for \$120. and 2 weeks to make the correction.

3rd complaint of the same nature shall be a fine for \$250. and 1 week to make the correction.

4th complaint of the same nature shall be a fine for \$500. and a removal of all chickens in 3 days. Chicken permit will be revoked and suspended for a period of one year.

The booklet that is given with the chicken permit, will have information on the care of the chickens, and the cleaning of the coop. As well as information on how to dispose of droppings. How to keep predators away from your yard/coop. How to prevent the spread of disease. How to find a veterinarian, if needed.

The registrant shall acknowledge the rules set forth in this section and shall, as a condition of filing the registration for the chicken keepers permit, agree to comply to such rules.

Ordinance
Draft
and
Property
dimension
map

Distance from neighbors



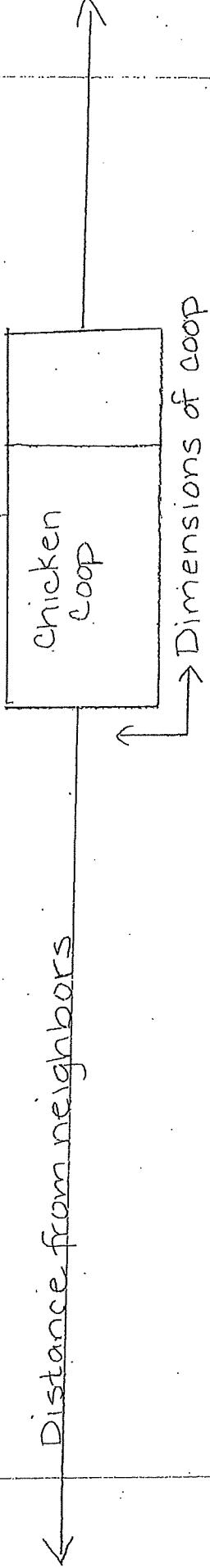
Fence



Distance
from
property
line

Distance
from
property line

Distance
from
property line



Percentage of Major US Cities Allowing Urban Hens

Posted December 21, 2011 by mywesternhome in Chickens in the News, Poultry Facts & Fiction, urban chickens. [5 Comments](#)

Attached below, please see a database as of 12/21/2011 indicating the 100 largest (by population) cities in the USA and whether they do or do not allow urban hens. For a quick summary, at least 93% of major US cities (according to population ranking) now allow urban hens! This is up from a reported 65% in a November, 2008 article in Newsweek magazine.

Rank	City	State	Allow?
1	New York	New York	YES
2	Los Angeles	California	YES
3	Chicago	Illinois	YES
4	Houston	Texas	YES
5	Philadelphia	Pennsylvania	YES
6	Phoenix	Arizona	YES
7	San Antonio	Texas	YES
8	San Diego	California	YES
9	Dallas	Texas	YES
10	San Jose	California	YES
11	Jacksonville ¹¹	Florida	YES
12	Indianapolis ¹²	Indiana	YES
13	San Francisco	California	YES
14	Austin	Texas	YES
15	Columbus	Ohio	YES
16	Fort Worth	Texas	YES
17	Charlotte	North Carolina	YES
18	Detroit	Michigan	NO
19	El Paso	Texas	YES
20	Memphis	Tennessee	YES
21	Baltimore	Maryland	YES
22	Boston	Massachusetts	YES
23	Seattle	Washington	YES
24	Washington	District of Columbia	Not yet
25	Nashville ¹³	Tennessee	YES
26	Denver	Colorado	YES
27	Louisville ¹⁴	Kentucky	YES
28	Milwaukee	Wisconsin	YES
29	Portland	Oregon	YES
30	Las Vegas	Nevada	YES
31	Oklahoma City	Oklahoma	YES
32	Albuquerque	New Mexico	YES

33	Tucson	Arizona	YES
34	Fresno	California	YES
35	Sacramento	California	YES
36	Long Beach	California	YES
37	Kansas City	Missouri	YES
38	Mesa	Arizona	YES
39	Virginia Beach ^{ED}	Virginia	YES
40	Atlanta	Georgia	YES
41	Colorado Springs	Colorado	YES
42	Omaha	Nebraska	YES
43	Raleigh	North Carolina	YES
44	Miami	Florida	YES
45	Cleveland	Ohio	YES
46	Tulsa	Oklahoma	YES
47	Oakland	California	YES
48	Minneapolis	Minnesota	YES
49	Wichita	Kansas	YES
50	Arlington	Texas	YES
51	Bakersfield	California	YES
52	New Orleans	Louisiana	YES
53	Honolulu ^{ED}	Hawaii	YES
54	Anaheim	California	YES
55	Tempe	Florida	YES
56	Aurora	Colorado	NO
57	Santa Ana	California	YES
58	Saint Louis ^{ED}	Missouri	YES
59	Pittsburgh	Pennsylvania	YES
60	Corpus Christi	Texas	YES
61	Riverside	California	YES
62	Cincinnati	Ohio	YES
63	Lexington	Kentucky	YES
64	Anchorage	Alaska	YES
65	Stockton	California	YES
66	Teledo	Ohio	YES
67	Saint Paul	Minnesota	YES
68	Newark	New Jersey	?
69	Greensboro	North Carolina	YES
70	Buffalo	New York	YES
71	Plano	Texas	NO
72	Lincoln	Nebraska	YES
73	Henderson	Nevada	YES
74	Fort Wayne	Indiana	YES
75	Jersey City	New Jersey	YES
76	Saint Petersburg	Florida	YES
77	Chula Vista	California	YES
78	Norfolk ^{ED}	Virginia	NO

Memorandum

To: Ogden City Council
CC: The Standard Examiner; Ogden Chicken Alliance; The Office of the Mayor
From: Josh Slade, The Law Office of Joshua Slade; jslade@sladeslaw.com
Date: 8/19/2016
Re: Meeting With Ogden City Council

Chickens in Ogden

Ogden has a rich history that is diverse and sourced from many different backgrounds. As a result it is an attractive and desirable location for many different groups of people. The Ogden Chicken Alliance feels that passing a new city ordinance allowing for more people to own backyard chickens would only make Ogden even more attractive, diverse, and a destination.

As the city council is aware, the issue of having and keeping chickens in Ogden is not new. The issue was recently voted on in the past, but failed to pass by one vote. Now there is even more support for allowing backyard chickens in Ogden, as the Ogden Chicken Alliance has collected well over 1,000 signatures from supporters who want the City Council to pass an ordinance allowing for chicken ownership.

We feel like expanding who can own chickens in Ogden will be a positive and welcome change for Ogden for a number of reasons, including:

- Increased revenue for the city -
 - Charging a small fee to keep chickens would increase the city's revenue significantly.
- Make Ogden more attractive to millennials and young families -
 - More and more young families are interested in sourcing their own food; having chickens for family egg production is a great way to send a message to millennials that Ogden welcomes them.
- Support the values of thrift, work, and responsibility in the youth -
 - Those families who choose to keep a few chickens will teach their children important values that come with taking care of animals.
- Improve children's health through a strong microbiome -
 - Increasingly, studies show that access and exposure to animals promote good health through a strong microbiome.

- Avoid being the northern Utah city that does not allow for chickens -
 - Ogden should not be one of the only cities in northern Utah that discriminates against home food production by banning chickens, it creates a bad reputation for the city.
- Avoid bad publicity and possible legal costs in the future -
 - As this issue continues to attract attention the Ogden Chicken Alliance is looking into all options to ensure that their rights are not being violated in any way.

As the council may or may not be aware, the Ogden City Code does not treat all animals and families equally. For example, if a family wishes to keep **100 pigeons** in their backyard they are free to do so. *See* Ogden City Code 15-13-19. This is a stunning revelation when one thinks about all the reasons that are given for not allowing chickens. Each reason becomes non-sensical when read in conjunction with Ogden's pigeon laws. As a result we feel that this could be the launching point for a case against Ogden's current choice to severely limit chicken ownership in Ogden.

A Reasonable Conclusion

The Ogden Chicken Alliance feels that now is the time to pass a city ordinance that allows those living in single family zoning areas to keep backyard chickens. There are a number of surrounding cities and communities we can look to as successful examples of how to allow Ogden's citizens to take more control over their food source and improve their families' lives. We look forward to working with the city to ensure that this is accomplished in a reasonable, fair manner that respects the rights and privileges of us all.

We emailed 9 cites from prove to Brigham city and ask if allowing backyard chickens in you city has had a positive,negative or neutral effect we got back 4 positive 4 neutral and zero negative

Bob Stevenson, Mayor of Layton

From what I understand, the Ordinance has been very neutral. We have very few concerns or complaints on the issue. I believe it has been in place for 4 years.

Ruth Jensen, Brigham City Council member:

It has been positive, I wish it would be less restrictive but this is what the citizen committee came up with. Our police Chief at the time wanted it to be more restrictive.

John Knight, Bountiful City Councilman:

The Bountiful urban chicken program has been a wild success. Residence are able to have enough chickens to provide fresh eggs for their family and friends without the annoyance of a rooster waking up the neighbors every morning. Back in 1847, Bountiful was the second city in city in Utah. I bet the Peregrin Sessions had chickens back then. Now we can as well.

Brent Taylor, Mayor of North Ogden:

Good morning. We have had our chicken ordinance in place for approximately five years. During this period I am not aware of any significant complaint about chickens. I am aware of a couple complaints about smells, but I am not aware of any that have been substantiated. On a personal note, my family has backyard chickens and our children love them. I think they are a wonderful way for our kids to learn to work and get a low cost, low maintenance source of healthy food. From my perspective backyard chickens have been a huge success in North Ogden.

Robert Dandoy, Roy City council

There has been 8 permits issued by the city for residents to have chickens. There has been two complaints filed for having roosters. No impact on the city.

Tom Day, Layton City Councilman:

I would say the chicken ordinance has been positive here in Layton. I don't know of any violations or serious problems that I have been made aware of. It gives people the opportunity to have chickens legally instead of hiding.

Montgomery, Greg

From: sharonklar <sharonklar@comcast.net>
Sent: Thursday, September 07, 2017 12:41 PM
To: Planning
Subject: Backyard Chickens

Hello Members of the Ogden Planning Commision,

I would like to give my support in favor of Ogden allowing backyard chickens. I do believe that with education and proper requirements, r.e. housing, number of chickens per lot, etc. the allowance of backyard chickens would enhance Ogden as a wonderful place to live.

I was present for the fact-finding meeting of the Ogden City Council on Tuesday, August 29th. Although I did not speak at that meeting I would like to add my support to my colleague, Dr. Dave Frame from the U of U Outreach program. He pointed out that with education (which U of U outreach is happy to help with) and regulations, chickens are very reasonably kept.

To health concerns I would add that most zoonotic diseases of poultry, particularly enteric diseases such as salmonellosis, is fecal-oral transmission. Washing of hands after handling birds, and ANY animal, gardening activity, etc. is recommended, and is (hopefully) common sense.

To the concerns of increased rodents and pests I would like to add that water -sources (such as ornamental ponds, dog dishes, etc.) and food sources such as bird-feeders, as well as dog and cat food left outdoors will invariably increase rodent and raccoon populations. Interestingly, chickens will catch and eat mice, which I was skeptical of until I actually saw this in person. Housing requirements can and should allow for pest control.

To the concerns of chickens getting loose and running free: They are quite simply only a hazard to themselves. Dogs roaming free can cause many well-known problems. Cats roaming free can destroy wild-life and injure other cats, rabbits, etc. But a chicken is really only likely to be on the receiving end of trouble in this case.

Thank you for taking the time to read this. I am happy to help with backyard chicken support however needed.

Sincerely,

Sharon Klar, DVM
Burch Creek Animal Hospital
4847 S. Harrison Blvd.
(801) 479-4410
Sent from my T-Mobile 4G LTE Device

Montgomery, Greg

From: Liz Wolfe-Christiansen <wolf.og@gmail.com>
Sent: Thursday, September 07, 2017 11:09 AM
To: Planning
Subject: Backyard chickens in Ogden

Hello,

I wanted to say that I enjoyed the city Council fact finding session and all the presenters. I'm looking forward to working with the planning commission, and the city council to come up with a reasonable solution.

It certainly cannot be ignored anymore...the overwhelming support in favor of backyard chickens is undeniable. Surrounding cities have been very successful with allowing backyard chickens in their cities. Not one single city in all of the United States has had to add additional manpower or funds to allow chickens in their cities. In fact, most cities who adopted an ordinance to allow backyard chickens, have actually received more revenue for their cities with annual permit charges.

People who have backyard chickens are typically very self-reliant, and tend to handle their own responsibilities toward owning these egg-laying hens.

We already have to handle rodents, raccoons, etc. on our own, so animal control shouldn't get any further calls regarding such things.

After hearing IFA poultry manager, Sandy Shupe, I'm confident that Animal Control doesn't have to worry about housing unwanted roosters. Because IFA will take them all.

Thank you

Liz Christiansen

Sent from my iPhone

Montgomery, Greg

From: Liz Wolfe-Christiansen <wolf.og@gmail.com>
Sent: Sunday, September 10, 2017 4:07 PM
To: Planning
Subject: Chickens in Ogden

Thank you for the fact finding meeting on chickens in Ogden. It would be wonderful to allow these beautiful egg laying hens as pets in our backyards, if we choose to be responsible in our raising of them. Thank you

Sent from my iPhone

Montgomery, Greg

From: paul coon <swmmsc@gmail.com>
Sent: Wednesday, September 06, 2017 4:20 PM
To: Planning
Subject: Chickens

Please allow chickens. The people want them, we voted for them, we have done the surveys....its time. Let's get this passed like you passed for Richard hyers bees! This should take a week to draft pass and put into practice. Government doesn't have to be ridiculously slow, they choose to be. I know, I work in government. And don't make it some ridiculous ordinance either. Let have the chickens, where and however many we want. Leave us our right to do with our land what we want to do. Has anyone ever done a beehive home check? Dog kennel check? Cat litterbox check? Don't come to my house, dont come in my yard and just let me raise chickens. Of the neighbors complain then you are welcome to intervene. Otherwise allow them and let us be.

The 7 False Myths About Urban Chickens

by Patricia Foreman

The local foods movement is not only gaining ground, it is here to stay; and that includes family flocks of chickens. Chickens are the mascots of local foods because of the many talents and skill sets they innately bring to small scale food production. These skill sets include being pesticiders (eating mosquitoes, ticks and fleas), herbiciders (by eating and clearing unwanted vegetation), and organic fertilizer generators (that can help create and enhance garden soil). The trend for backyard flocks is so strong, that in the past 2 years, over 500 towns and cities have revised their laws to allow urban folks to keep their own chickens.

With the reemergence of backyard chickens across the country, there have been tremendous amounts of misconceptions, false beliefs and downright prejudice surrounding the keeping of micro-flocks of chickens. As the co-host of the Chicken Whisperer Backyard Poultry and Sustainable Lifestyles Talk Show, we have heard it all.

There are seven main concerns that routinely surface when the topic of city chicks is discussed. These are: 1. disease, 2. noise, 3. waste, odor and flies, 4. predators & rodents, 5. property values, 6. appearances, and 7. what will neighbors think? Let's look at the facts behind each of these concerns.

Myth 1. Chickens Carry Diseases Communicable to Humans. Fact: the truth is that small flocks have literally no risk of avian flu transmission to humans. The 2006 Grain Report states: "When it comes to bird flu, diverse small-scale poultry is the solution, not the problem."

Centers for Disease Control (CDC) states on their website: "There is no need at present to remove a (family) flock of chickens because of concerns regarding avian flu."

Avian flu has been in the press as concern to commercial poultry production where birds are raised in monster-size flocks that are confined in over-crowded environments. This causes high stress and compromised immune systems in the birds. Any sign of disease, including a sneeze, could result in a huge number of birds getting sick; and this puts at risk a large amount of profit. As many experts have stated publicly, the solution to avian flu is in small-scale poultry.

Myth 2. Chickens are too Noisy. Fact: laying hens — at their loudest — have about the same decibel level as human conversation (60 to 70 decibels). Hens are so quiet that there have been cases of family flocks being kept for years without the next door neighbors knowing it.

To some, noise is a concern with roosters and their pre-dawn heralding of sunrises. Many urban codes ban roosters, or only allow them to be kept with special permits. The noise level of a rooster's crow is about the same as a barking dog; 90 decibels. But there are ways to keep roosters quiet throughout the night. Many folks regard crowing as a pleasant sound.

Myth 3. Waste and Odor. Fact: a forty pound dog generates more solid waste than ten chickens. To be more specific, one 40 pound dogs generates about $\frac{3}{4}$ (.75 pounds) of poo every day. Ten chickens generate about two-thirds (.66 pounds) daily poop.

The advantage to chicken manure is that it can be used as valuable, high-nitrogen fertilizer. Unlike dog or cat poop, chicken poo can be combined with yard and leaf waste to create compost. Just as valuable, about 40% of the chicken manure is organic matter which is necessary for building fertile, healthy top soil.

Chicken manure is so valuable that there is a product called Cockadoodle Doo®. What Cockadoodle Doo is made of? You guessed it; dried chicken manure. A 20 pound bag sells for \$15.00. That's 76 cents a pound for chicken manure! Lets take the stakes even higher. Where

does most commercial fertilizer come from? Think oil. Can chickens' services and products help us decrease our dependence on oil? Yes, in many ways and on many levels.

Myth 4. Chickens Attract Predators, Pests & Rodents. Fact: Predators and rodents are already living in urban areas. Wild bird feeders, pet food, gardens, fish ponds, bird baths, trash waiting to be collected all attract raccoons, foxes, rodents and flies. Modern micro-flock coops, such as chicken tractors arks, and other pens are ways of keeping, and managing, family flocks that eliminate concerns about predators, rodents and other pests.

Indeed, chickens are part of the solution to pesky problems. Chickens are voracious carnivores and will seek and eat just about anything that moves including ticks (think Lymes disease), fleas, mosquitoes, grasshoppers, stink bugs, slugs, and even mice, baby rats and small snakes.

Myth 5. Property Values Will Decrease. Fact: there is not one single documented case that we know of about a next door family flock that has decreased the value of real estate. On the contrary, local foods and living green is so fashionable, that some Realtors and home sellers are offering a free chicken coop with every sale. An example of this at www.GreenWayNews.com.

Myth 6. Coops are Ugly. Fact: micro-flock coop designs can be totally charming, upscale and even whimsical. Some of them are architect designed and cost thousands of dollars. Common design features include blending in with the local architectural style, matching the slope of the roof and complementing color schemes. For examples go to www.MyPetChicken.com.

Myth 7. What Will Neighbors Think? Fact: you can't control what anyone thinks, much less your neighbor. Once folks gain more experience with the advantages and charms of chickens, most prejudice and fear evaporates; especially when you share some of those fresh, heart-healthy, good-for-you eggs from your family flock.

There is one huge advantage to family flocks that is often overlooked during chicken debates. That is their role and value in solid waste management systems. Chickens, as clucking civic workers, are biomass recyclers and can divert tons of organic matter from the trash collection and landfills.

Chickens will eat just about all kitchen "waste". They love people food, even those "gone-by" leftovers that have seasoned in the refrigerator. Combine their manure with grass clippings, fallen leaves and garden waste, and you create compost. Composting with chicken helpers keeps tons of biomass out of municipal trash collection systems.

All this can save BIG TIME taxpayer dollars, which is especially valuable in these times of stressed municipal budgets.

There is precedence for employing family flocks as part of trash management. It is being done very successfully in some European towns. One example is the town of Deist in Flanders, Belgian. The city buys laying hens to give to residents who want them. The chickens' job is to divert food waste from the trash stream and not having to be pickup by workers, transported, and then disposed. The savings are significant.

You can learn more about employing family flocks as both civic and garden workers in *City Chicks: Keeping Micro-flocks of Chickens as Garden Helpers, Compost Creators, Biomass Recyclers and Local Food Suppliers*.

May the flock be with you!

...and to quoth the Chicken: "evermore".

Patricia Foreman

Montgomery, Greg

From: David Frame <david.frame@usu.edu>
Sent: Wednesday, October 04, 2017 12:31 PM
To: Montgomery, Greg
Subject: Re: Chicken presentation in Ogden
Attachments: Flier 10.18.17 Cert Course.pdf

Greetings Greg,

To answer your questions. . . .

1. We did a "chickens-in-the garden" study a few years back (along with some litter studies with commercial turkeys) and came up with the following conclusion: Poultry do contribute some nitrogen to their pen area, but not enough to do harm at any conceivable density in a backyard situation. Dynamics of nitrogen buildup is that it reaches a certain concentration and then establishes an equilibrium where the amount of nitrogen "blown off" into the air equals the amount deposited into the soil. The conceivable number of chickens allowed in a backyard setting would never come close to causing a nitrogen runoff problem. Because nitrogen level in the pen would eventually hit an equilibrium, as soon as the chickens are removed the area could still be used for a garden after reasonable tilling and cultivation. In fact, that was the premise of our chicken-in-the-garden study: use a part of the garden area to raise a flock of meat chickens and then come in next year and use that same area for a garden by taking advantage of the enhanced nutrient concentration of the soil.

2. General square footage recommendations are: 2 sqft per chicken in the coop itself and 5 sqft per chicken in the run. With consistent cleanout of the litter in the coop, say every six months, there should be no problems. However, the cleaned out litter should be handled properly; not so much because of any nitrogen buildup, but because of a possible harborage for rodents and flies. The ideal thing is to compost it and reapply to a garden area. At any rate, raw litter should never be stockpiled in the back of the yard in some corner. If the chicken owner doesn't want to compost it, the raw litter should be removed from the premises (landfill if permissible or handing off to someone who wants to properly use it as fertilizer/compost). Again the run area poses minimal threat because of what's described above and the very few chickens allowed. In fact, the positive side of fertilizing with a few birds in the backyard far outweighs any potential soil issues.

Hope this helps!

By the way, we at USU Extension are beginning a responsible chicken owner certification course with the first run taking place Oct 17-18 at the Weber County Extension Office behind the fairgrounds. My purpose in this course is to educate folks on the proper care and management of backyard chickens and how to be a responsible chicken-owning neighbor. If you know of anyone who might benefit from this, have them contact the Weber County Extension office. Capacity for this for go-around will be 45 people. Cost is \$20.00 per person or \$25.00 per couple in the same household (see attached flyer).

-Dr. Frame

David D. Frame, DVM, DACPV
USU Extension Poultry Specialist
Central Utah Veterinary Diagnostic Laboratory
514 West 3000 North
Spanish Fork, UT 84660
Mobile: (435) 851-2233
david.frame@usu.edu

Montgomery, Greg

From: Johnson, Mark
Sent: Wednesday, October 11, 2017 12:16 PM
To: Montgomery, Greg
Subject: FW: Urban Chicken follow-up

FYI

From: "Young, Eric" <EricYoung@ogdencity.com>
Date: Tuesday, September 5, 2017 at 1:11 PM
To: Mark Johnson <MarkJohnson@ogdencity.com>
Cc: "Johnson, Jared" <JaredJohnson@ogdencity.com>, Randy Watt <RandyWatt@ogdencity.com>, "Ledford, Chad" <ChadLedford@ogdencity.com>, "Burnett, Troy" <TroyBurnett@ogdencity.com>
Subject: Urban Chicken follow-up

I asked animal services to follow-up on some of the questions posed by the council last week. Below are the questions and responses.

Q- Are there fees in other jurisdictions who allow urban chickens?

A- Brigham City – Yes \$10.00 every 2 years

 Layton – none

 Provo – yes \$20.00 annually

 SLC – yes \$50.00 annually

Q- Do you receive complaints regarding chickens and have they gone up with a chicken ordinance?

A- Brigham City – Yes and yes chicken complaints make up about 10% of total animal complaints.

 Layton- Yes and Yes to include rodent and improper care of chicken complaints.

 Provo – Yes there are regular complaints on chickens.

 SLC – No noticed increase

Q- Do you have issues with dog attacks on chickens?

A- Brigham City – Yes there has been a noticeable increase with citations issued to both dog owners and chicken owners depending on the situation.

 Layton City – Yes they have dog attacks on chickens and reports are done with citations issued to whichever animal is deemed to be at large.

 Provo – Yes they have dog attacks most time they are on unregistered chickens inside the city.

 SLC – no response

Q- Are there inspections of chicken Coops?

A- Brigham City – Yes completed by Code Enforcement upon application.

 Layton – Only if done by health department.

 Provo- Yes upon application by zoning.

 SLC – only by health department.

Q- Is there training available?

A- Brigham City – Yes a packet is distributed with application.

 Layton – No training available.

 Provo- None since May 2015.



Planning Division
2549 Washington Blvd.
Suite 140
Ogden, Utah 84401

Memo

To: Ogden City Planning Commission
From: Greg Montgomery, Planning Manager
Date: October 13, 2017
Re: Work session October 18, 2017

The last Planning Commission work session discussed the upcoming petition hearing to allow chickens in Ogden City. The staff presented an overview of the items discussed at the council fact finding meeting that was held on August 29 of this year. The commission asked for further information regarding some items that were discussed. Below are some of the findings based on what the Commission requested.

1. Look at other communities

Kaysville- allows chickens, ducks, geese with the following standards.

- Minimum 8,000 square foot lot.
- Number of animals is based on a sliding scale of lot size- 1,600 square feet of lot per animal. If the lot is 14,000 square feet or larger then the scale is one animal per 1,400 square feet.
- 15 foot setback for neighboring homes.

Farmington- allows ducks, geese, turkeys, chicken

- 10 foot setback from property line
- 8 chickens or 4 ducks ;or 4 turkeys or 4 geese

Fruit Heights-allows small fowl in only R-S-12 zone

- 20,000 square foot lot
- 24 small fowls
- 100 feet from any adjacent main building , 150' from street

South Ogden- does not allow chickens

Riverdale- Animals for family food production allowed in RE-15 on 40,000 square foot lots or larger

Washington Terrace-does not allow chickens

2. *Resort Communities*

Park City- allows chickens and controlled by county health department. HOA's however do not allow in most situations and city lets HOA'S be the control factor of enforcement.

Aspen- Has no regulation against them but there are none in community as it is cold for too long and most owners have multiple homes and do not want burden of caring for something when they are not around.

Carbondale, Colorado- max of 6 laying hens and 10 total birds

- *15 foot setback from adjacent dwellings*
- *120 sq ft maximum coop*
- *Enclosed coop and run*

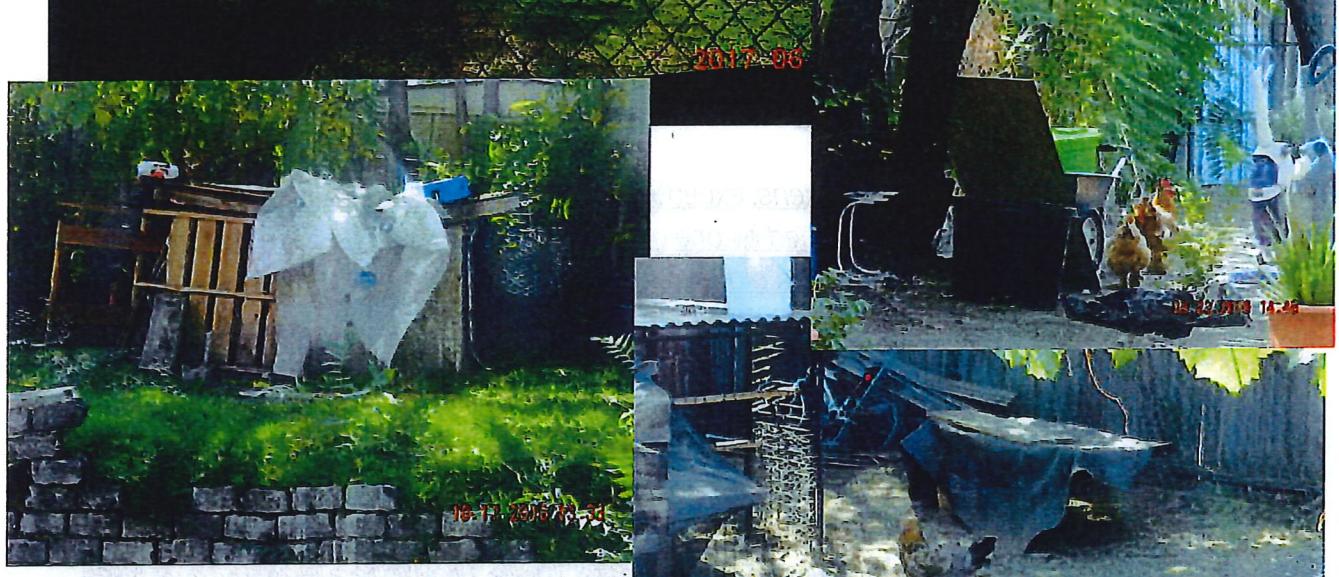
Moab- allows chickens

- *12 maximum*
- *15' from neighbor's house*
- *4 square feet per chicken in coop size and 10 square feet in yard size.*

3. *Code Enforcement*

Presently complaints come to either animal control that is in the police department who has the equipment to deal with animals or code enforcement who issues citations for zoning violations. There was comment at the fact finding meeting from animal control that the complaints are not broken down by type of animal so there was no clear indication of number of complaints.

Code enforcement has been able to pull up that they have received 48 cases since 2015. General complaints were noise, chickens roaming the neighborhood and junk and debris. Below are some photos of several cases.



4. *Carrying Capacity.*

One discussion was can a concentration of chickens create any long term problems with the land. Attached is a memo from the USU extension of studies that they have conducted. The bottom line is with a low number of chickens found in residential uses there is not a problem when managed properly. The proper management is the key as it is with any animal.

5. *Possible ordinance language*

At the last work session, we discussed that a draft ordinance should be proposed no matter what the commission recommendation. We outlined possible items the ordinance should contain. By way of clarification the petitioner intended that the chickens only be in the rear yard. Here are some thoughts for discussion

Six (6) residential chickens, except that such maximum number of residential chickens shall be reduced by one (1) residential chicken for each dog, cat or ferret over six (6) months old owned, possessed, harbored or licensed at the residence.

REASON: Each community that allows them has different standards. Some increase the number as lots get larger but if the purpose is egg production for the family then 6 chickens will normal produce two dozen eggs a week which is more than most families use in a week. The fact finding meeting also kept comparing people having dogs and cats. There should be a maximum of total animals on a property so any other types of animals should be included so there is a maximum limit.

Residential chickens are permitted as an accessory use to only single family owner occupied homes in all residential zones or If the home is a rental the owner of the property must apply for the license for the residential chickens for that property)

REASON: Only single family homes have a yard that they can control and are not dependent on others. Two options are provided here. The first is owner occupied so that there is accountability to the neighborhood as well as the responsibility of the owner to keep their property up. Increasing home ownership is a goal of the city so this may be another reason people would choose Ogden. The other option is to allow chickens for a renter of a single

family home but the owner of the property has to obtain the license and be responsible if the tenant does not take care of the lot.

Residential chickens are permitted to be kept only in the rear yard of a residential lot that has a minimum of two thousand (2,000) square feet of nonpaved and structure free (excluding coop) rear yard area.

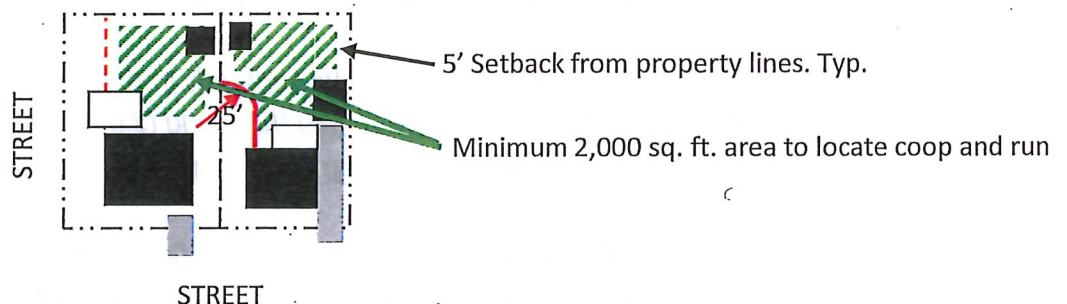
REASON: Rather than dealing with lot area which can be misleading of what space is actually available for the location of a coop, the requirement is based on open area in the rear yard. 2,000 square feet is the size of a 60 by 33 rear yard lot. 60 feet is the normal lot width. The exclusion of other occupied spaces is important because if the yard is filled up with other things then there really is not the room for composting and other things which may go along with the sanitation of the site and giving enough room so neighbor impacts are reduced.

Residential chickens shall be maintained and contained in a chicken coop (meaning an enclosed structure for housing, containing and protection of the residential chickens) and run (meaning an enclosed and secured facility within which residential chickens are able to move around outside the chicken coop). Residential chickens are not permitted to roam within the back yard area outside of the coop or run.

A chicken coop and run shall not exceed a footprint of 120 square feet nor be taller than seven (7) feet in height. It shall not be constructed of scrap or dilapidated materials nor use tarps or other none ridged materials for shading or roofing.

REASON: Chickens need to be contained and not allowed to roam. This is both for their own protection from other animals and also to protect the neighbors from birds that get loose. The provision does not require a yard to be fenced but the chickens must be kept in an enclosed run or coop. Only a maximum size is given and it would be up to the owner to determine what is healthy for the animal if they go with a smaller size.

No coop or run shall be located closer than five (5) feet to any property line in the rear yard or in the case of a corner lot five (5) feet to the rear yard setback line facing a street. The five (5) foot setback area where the coop or run is located needs to be kept clear of any vegetation except sod grass to reduce the harboring of rodents or other wildlife. In addition, a coop or run shall not be closer than twenty-five (25) feet to any adjacent property dwelling structure.



REASON: Distance is the best neighbor when it comes to animals so a minimum distance from adjacent homes is important. Most lots should be able to have a place that is 25 feet from a neighbor. The 5 foot property line setback is for cleanliness as well as neighbor protection. Placing a coop or pen along the property line is making the neighbor responsible for cleaning up along the property line and possibly using their fence as part of the coop that is not theirs. Rodents need three things, food, water and cover. Pulling the structure back five feet and keeping it clear helps to provide better maintenance to be able to clean around all four sides of the cop as well as eliminate possible harborage areas that occur when things are too tight to get to for proper maintenance.

Sept 20 Worksession

Proposed Chicken ordinance

A petition has been filed to consider an ordinance amendment to allow chickens as a permitted accessory use for single family dwellings. This discussion is not to take action on any ordinance but to discuss issues the Commission may want us to look at for the actual public meeting and to answer any questions the Commission may have. Many of you attended the fact finding meeting held by the City Council a few weeks ago and saw the various presentations. Staff has prepared a summary of what different cities are doing in regards to chickens and there are various ways each community has approached the issue. Attached are the comparisons of existing ordinances.

There are a couple of questions for initial discussion such as:

- House hold pets vs animals for food production- similarity and differences
- Space requirements
- Adjacent neighbor protection
- Actual numbers- Layton presently has 49 active permits, North Ogden started with 65 in 2011 and now has 22 active.

There were also statements made at the meeting which staff has comments on both sides of the issue. Why allow chickens in Ogden City?

Pros-

- It provides opportunity for some portion of self-sufficiency. (1 hen lays generally 4 eggs in one week.)
- It teachings responsibility and caring for animals
- Provides fertilizer for yard without processed chemicals. Cat and dog waste does not do that.
- Natural insect control in yard
- A national trend in urban areas
- Creates legality to the use.

Concerns with statements-

- Does not reduce any trips to store because still need to by other food products unless have large enough property to be a true farm.
- Caring for a dog, raising a garden, having other household pets and music lessons also teach responsibility.
- Chicken manure is high in nitrogen and unless placed in a compost will burn plants if applied too often. Another area is then needed to do the composting.
- There was a reason chickens were removed as land uses in urban areas years ago and the trend could be a repeat cycle where the increase of health issues may then reverse the trend.
- If there is a concern about legality, there would not be any urban chickens until ordinance allows them? Will an ordinance make any difference?

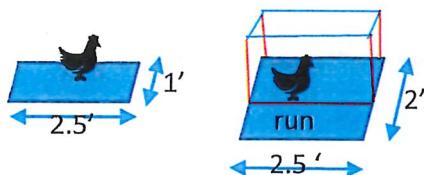
Comparison of chicken regulations in state

Ogden Chicken alliance PROPOSED ORDINANCE

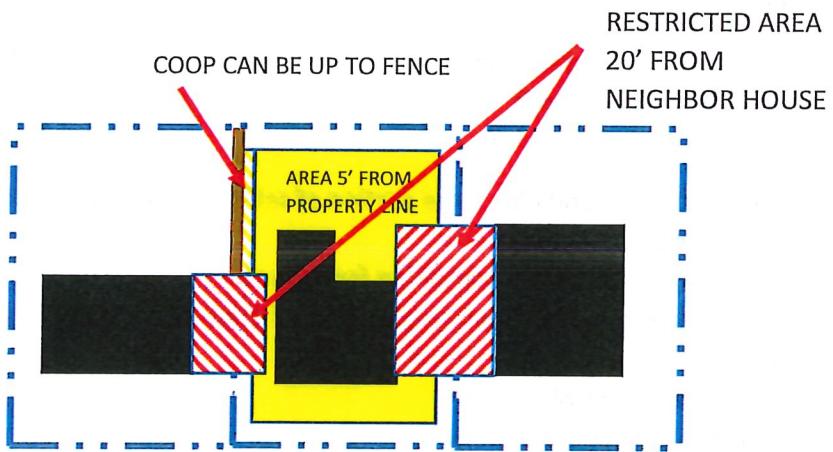
Lot size

0-7000	4
7001-9,999	6
10,000-13,999	8
14,000-19,999	10
20,000 +	12

Coop size



Location

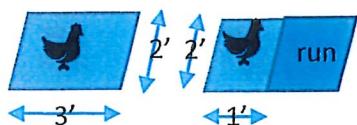


North Ogden City

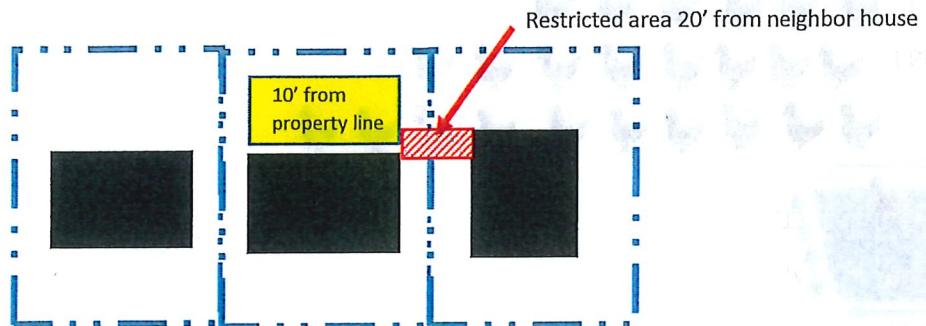
Lot size - Less than 1 acre



Coop size



Location

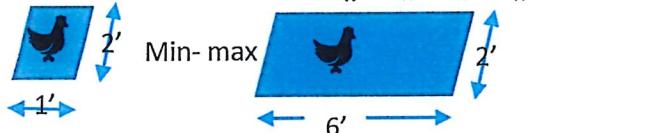


Roy

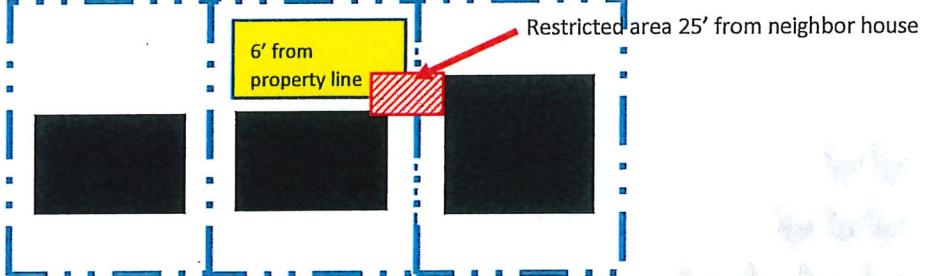
Lot size- 8,000 square feet or greater



Coop size



Location



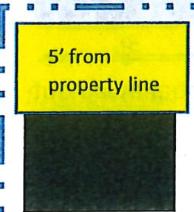
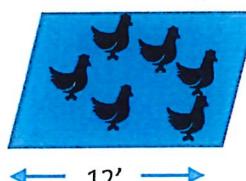
Logan

Lot size- 10,000 square feet or greater



Coop size

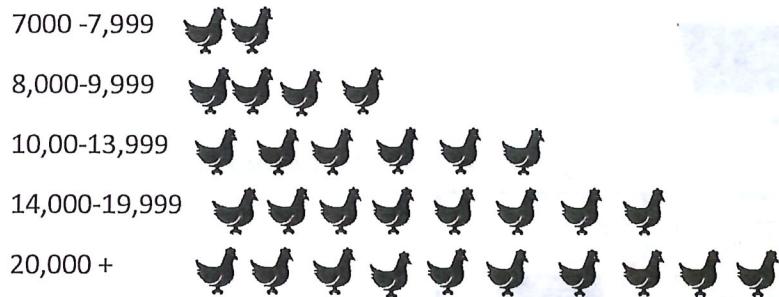
maximum



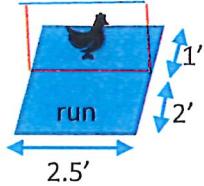
Location

Brigham City

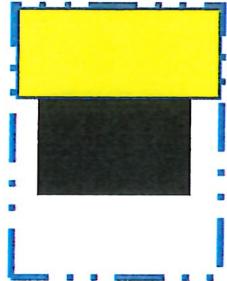
Lot Size



Coop Size

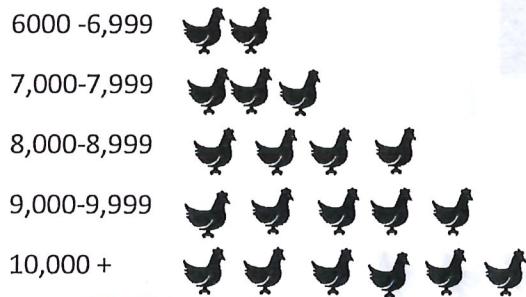


Location



Provo

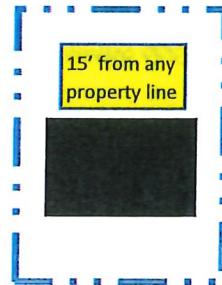
Lot Size



Coop size

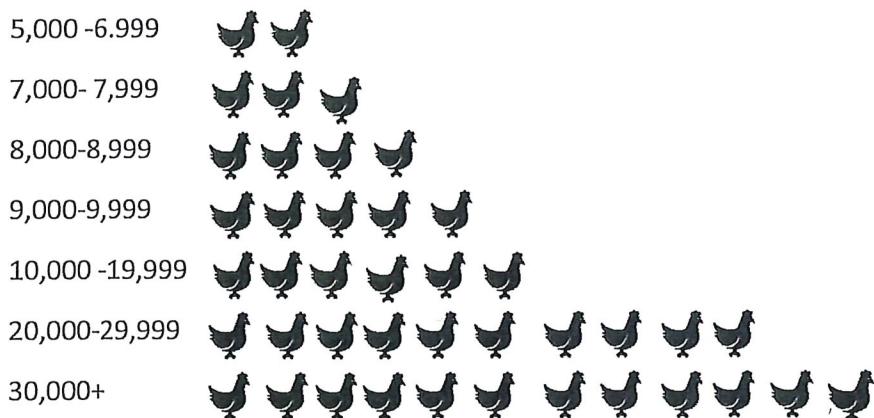


Location

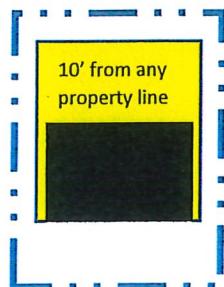


Orem

Lot Size



Location

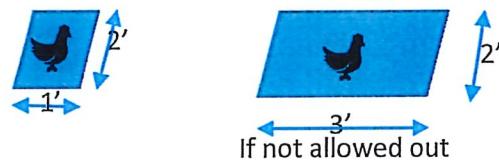


Salt Lake City

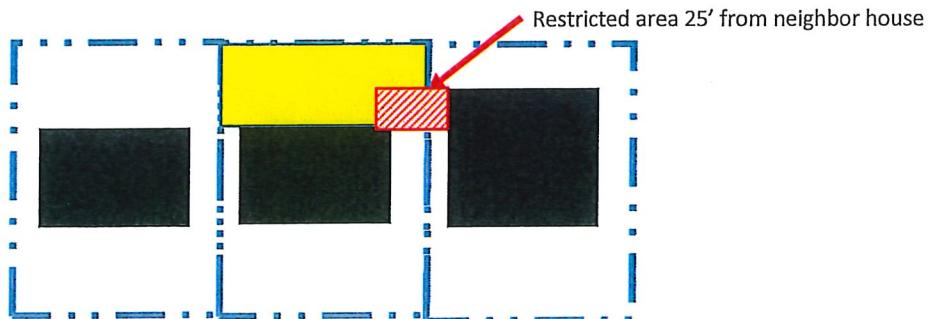
Lot Size- max per lot



Coop size



Location



Cleanliness- Disinfected March, July, October and cleaned every two weeks.

**PETITION #2017-12 TO
ADD 15-13-40 TO ALLOW
CHICKENS IN OGDEN CITY**

Petitioner- John and Liz Christiansen



Past History

- ▶ **1951-1964**
 - ▶ *Animals for family food production- A-1 and M zones*
 - ▶ *Household pets- All residential zones*
- ▶ **1964-1972**
 - ▶ *Animals to family food production added to Forestry zone*
- ▶ **1972 to present**
 - ▶ *Definition of family food production as well as A-1 and F-1 zones removed*
- ▶ **1986 to present**
 - ▶ *Family food production removed as use in M zones*

Why changes in the past?

- ▶ Not allowed in residential zones since zoning.
- ▶ Reduce neighbor conflicts as people are closer together.
- ▶ Shifting economic patterns
- ▶ Shifting expectations of land use.
- ▶ There are more demands for use of limited land. Cars, toys, storage, garden, pets, recreation, privacy, hobby, business.





Council Fact Finding Work Session

(August 29, 2017)

- ▶ *It provides opportunity for some portion of self-sufficiency. (1 hen lays generally 4 eggs in one week.)*
- ▶ *It teaches responsibility and caring for animals*
- ▶ *Provides fertilizer for yard without processed chemicals. Cat and dog waste does not do that.*
- ▶ *Natural insect control in yard*
- ▶ *A national trend in urban areas*
- ▶ *Creates legality to the use.*

Conflicting Issues

There are seven main concerns that routinely surface when the topic of city chicks is discussed. These are: 1. disease, 2. noise, 3. waste, odor and flies, 4. predators & rodents, 5. property values, 6. appearances, and 7. what will neighbors think? Let's look at the facts behind each of these concerns.

Myth 1. Chickens Carry Diseases Communicable to Humans. Fact: the truth is that small flocks have literally no risk of avian flu transmission to humans. The 2006 Grain Report states: "When it comes to bird flu, diverse small-scale poultry is the solution, not the problem."

Centers for Disease Control (CDC) states on their website: "There is no need at present to remove a (family) flock of chickens because of concerns regarding avian flu."

Avian flu has been in the press as concern to commercial poultry production where birds are raised in monster-size flocks that are confined in over-crowded environments. This causes high stress and compromised immune systems in the birds. Any sign of disease, including a sneeze, could result in a huge number of birds getting sick; and this puts at risk a large amount of profit. As many experts have stated publicly, the solution to avian flu is in small-scale poultry.

Centers for Disease Control (CDC) states on their website: "There is no need at present to remove a (family) flock of chickens because of concerns regarding avian flu."

Since January, more than 1,100 people have contracted salmonella poisoning from chickens and ducks in 48 states, according to the Centers for Disease Control. Almost 250 were hospitalized and one person died. The toll was four times higher than in 2015.

The CDC estimates that the actual number of cases from contact with chickens and ducks is likely much higher.

CDC veterinarian Megan she warns them not get too

kissing or snuggling them sell most of the birds.

Conflicting Issues

Myth 6. Coops are Ugly. Fact: micro-flock coop designs can be totally charming, upscale and even whimsical. Some of them are architect designed and cost thousands of dollars. Common



Conflicting Issues

Myth 7. What Will Neighbors Think? Fact: you can't control what anyone thinks, much less your neighbor. Once folks gain more experience with the advantages and charms of chickens,



48 complaints since 2015

Household pets *vs* animals for food production

- ▶ Household pet “Ordinarily permitted in the house for company or pleasure”
- ▶ Introducing different animals for different purposes
- ▶ Not a competition of the value of the animal



BALANCING TEST OF INDIVIDUALITY AND COMMUNITY

INDIVIDUAL

1. Conditions,
2. Desires,
3. Abilities

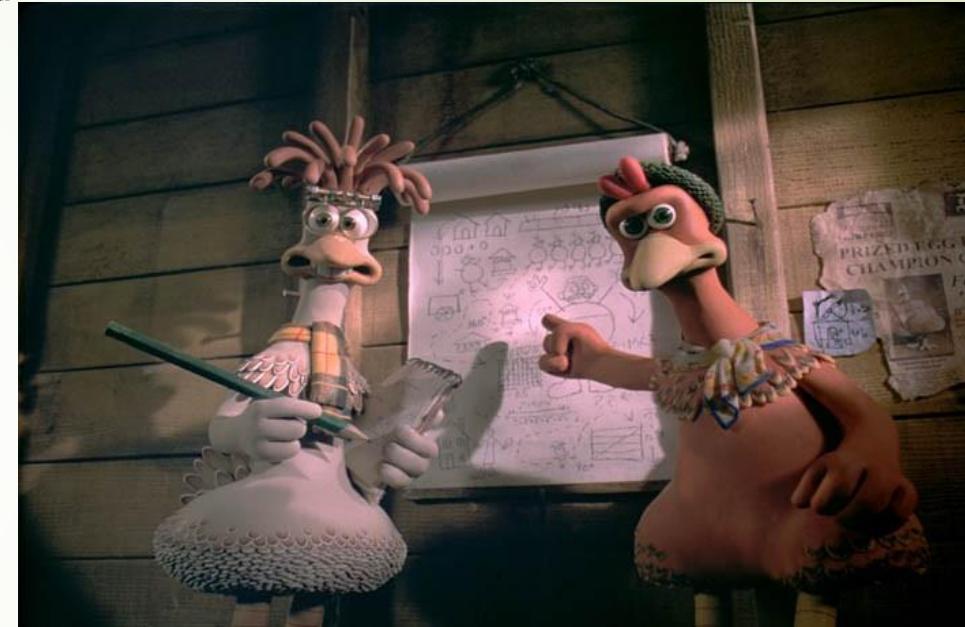


CIVILITY-What it takes to live together

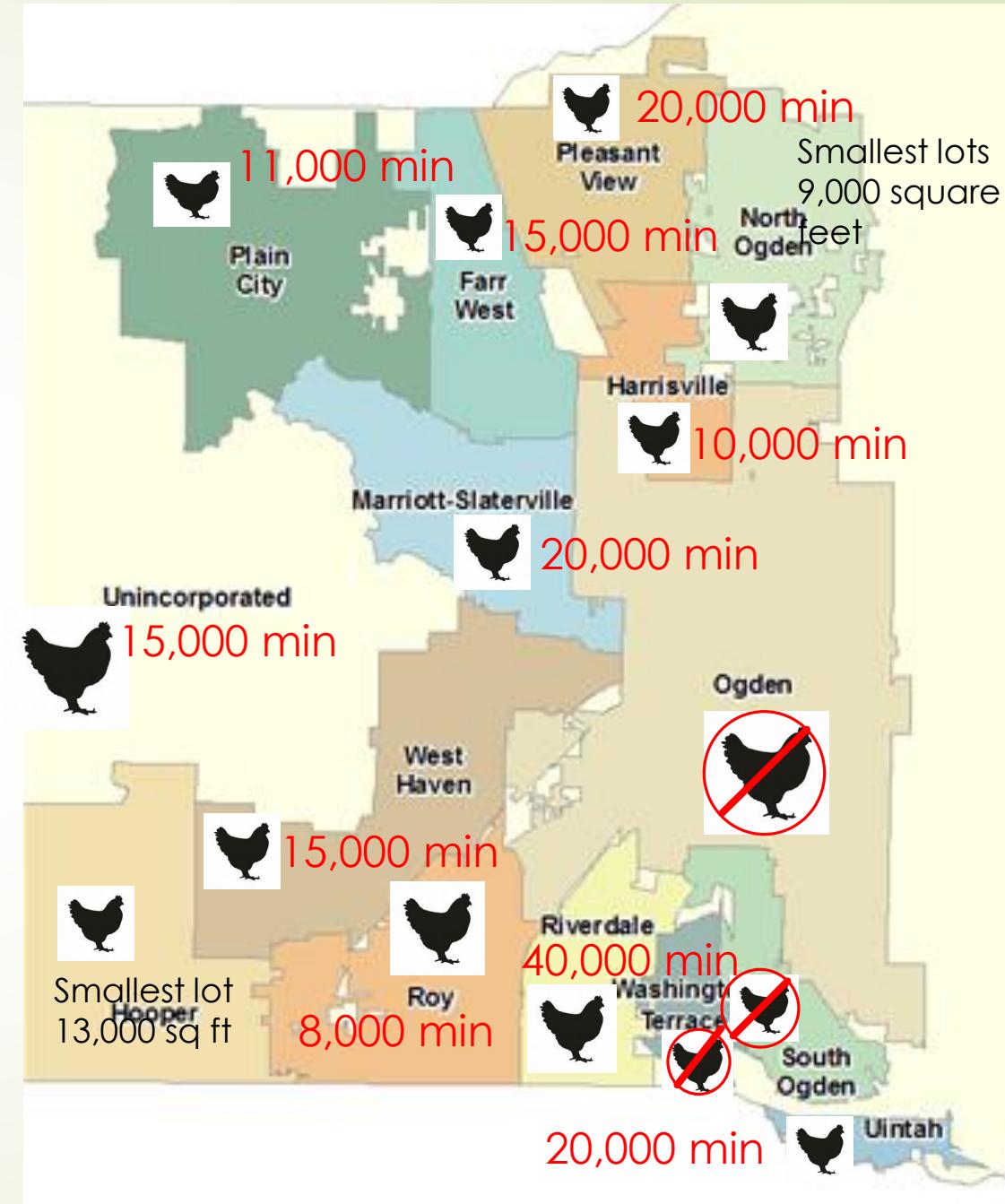
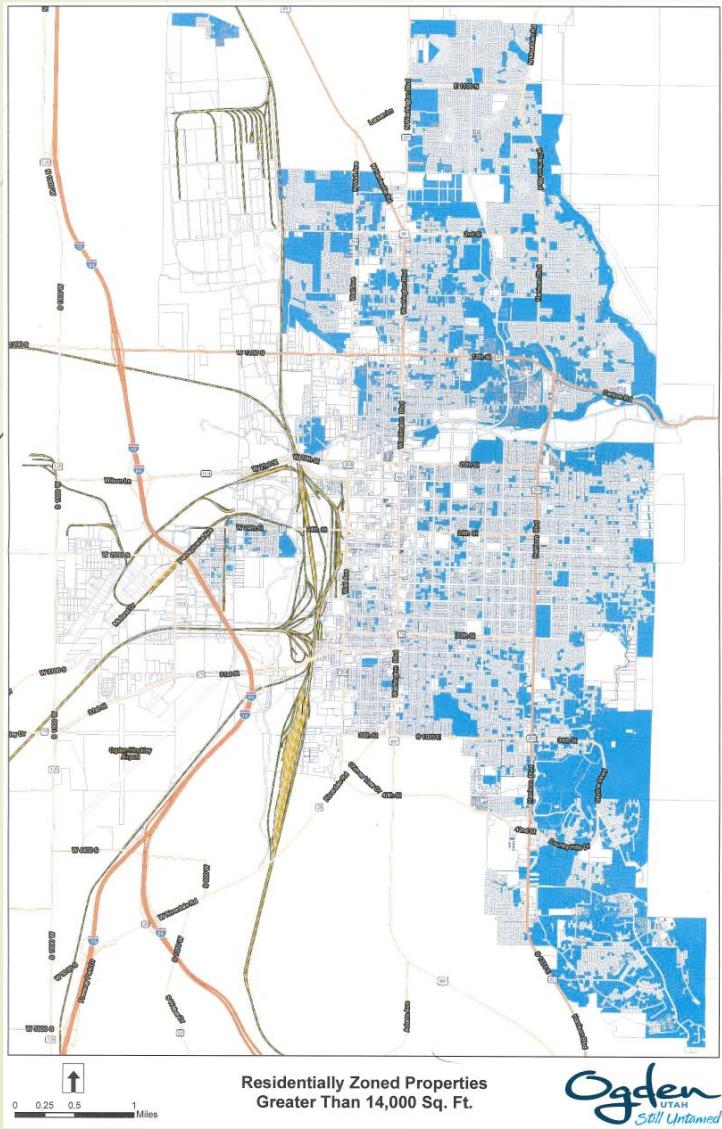
1. My actions affect others
2. Health and wellness for the community

“All the other cities around Ogden
have allowed chickens”

- What does that mean?
 - Every lot can have chickens- not necessarily
 - If I meet the lot size I have chickens- not necessarily
 - I can have as many as I want- not necessarily



Present Conditions





General Plan Guiding Factors

- Does it promote better maintenance or add more maintenance?
- Does it promote revitalization?
- Does it preserve and enhance the neighborhood?
- Does it strengthen the neighborhood?

Petitioner's Request

► Lot size

0-7,000 sq ft



7,001-7,999



8000- 9,999



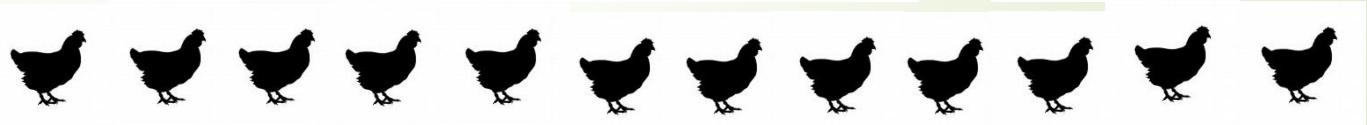
10000-13,999



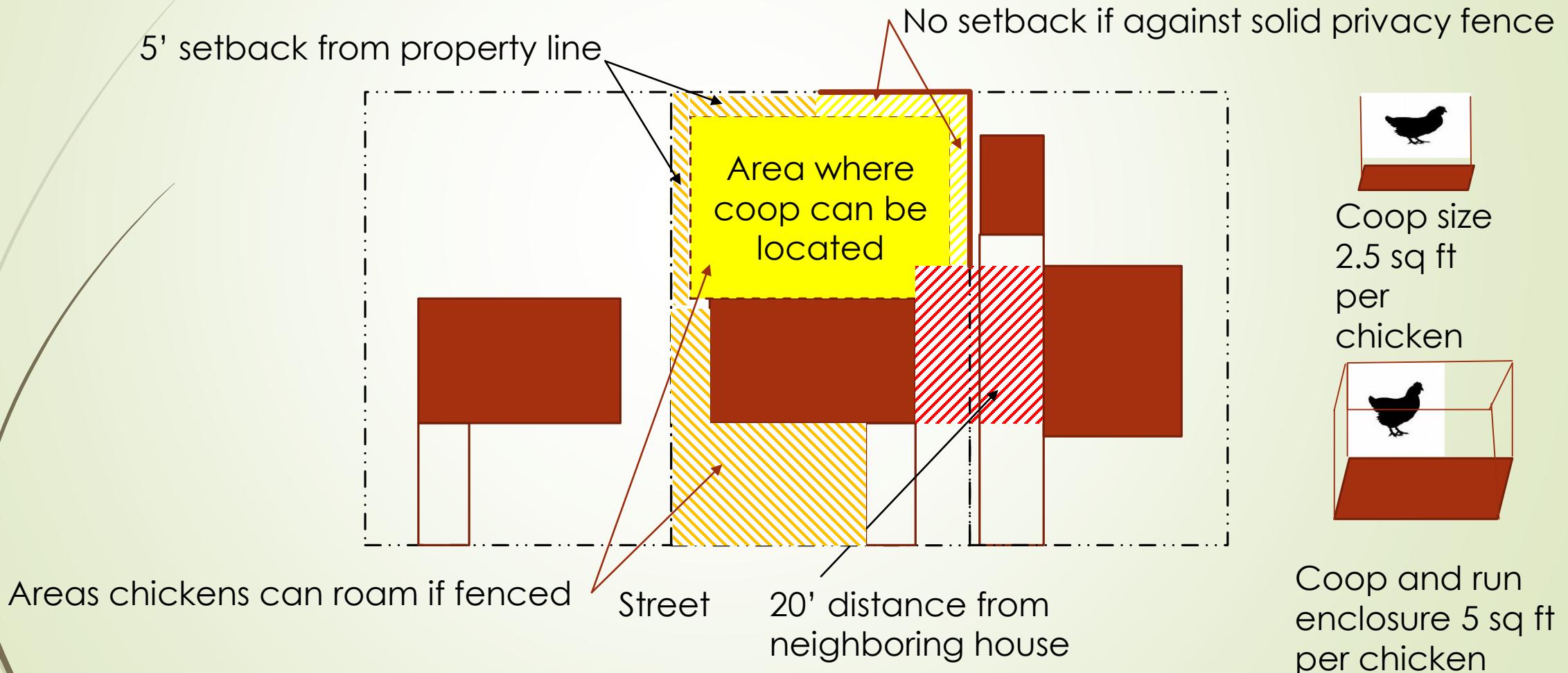
14,000-19,999



20,000



Petitioner's Request





Petitioner's Request

- ▶ *Predator proof ventilated coop.*
- ▶ *Coops kept clean and free from objectionable odor at property line.*
- ▶ *Chicken feed stored in predator proof container and food removed at night.*
- ▶ *License \$30 a year plus \$5 first year for care booklet and 1 training class attendance.*
- ▶ *Chickens not a business . No sale of eggs or slaughter of chickens*



Planning Commission review process

- ▶ Attendance at fact finding meeting August 29
- ▶ Work Session discussion September 20
 - ▶ Reviewed North Ogden, Roy, Layton, Provo, Brigham City, Orem, Salt Lake City, Weber County. Discussed items brought up in fact finding and standards to look at for possible ordinance
- ▶ Work Session discussion October 18
 - ▶ Reviewed Kaysville, Farmington, Fruit Heights, South Ogden, Washington Terrace, Riverdale, Park City, Aspen, Carbondale CO, Moab. Discussed code enforcement
- ▶ Planning Commission Public Hearing November 7

Proposed Planning Commission Ordinance

- ▶ Revisions to 12-7 (Health and Safety Title) so that there is consistency between various chapters dealing with nonconforming animals and those that may be allowed. Left over sections from 1951.
- ▶ Revisions to animal licensing 13-2 (Licensing Title) to address licensing- Defines residential chickens, establishes number, licensing process, fee \$5 per chicken, inspection on application, band of licensed animal. Removes disposal charges.



Proposed Planning Commission Ordinance

- ▶ Title 15 revisions (Zoning) Requires no fee land use permit, definition same as animal control.
 - ▶ Accessory use to single family owner occupied.
 - ▶ *Roosters not allowed*
 - ▶ Kept only in rear yard with a minimum 2,000 square feet of area.

Why 2,000 sq. ft minimum?

- ▶ Room for rear yard activities, space for buffers, more realistic than lot area.



Taylor



Mt Lewis



East central



Southeast Ogden



Southeast Ogden

Proposed Planning Commission Ordinance

- ▶ Maximum number of 6 chickens (*8,000-9,999 sq ft lot*)
- ▶ *Solely for egg production, no on site slaughtering, annual license, eggs or products can not be sold.*
- ▶ *Chicken coop and run be enclosed*
- ▶ *No roaming in yard*
- ▶ *Maximum coop and run size of 120 square feet, 7 foot tall and made out of exterior finish materials.*

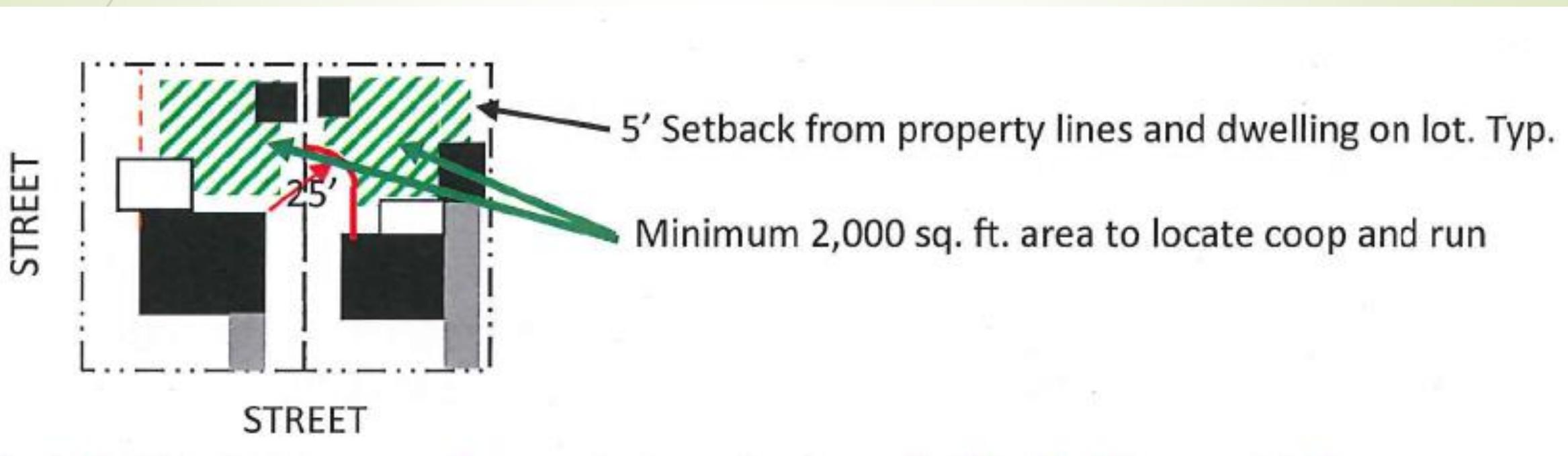


Proposed Planning Commission Ordinance

- ▶ *5' setback from property lines in rear yard 5' setback from home.*
- ▶ *5' setback on property line kept clear.*
- ▶ *25' setback from neighboring homes*
- ▶ *Chicken feed kept secured and spillage cleaned*
- ▶ *Chicken manure properly cleaned up and treated.*
- ▶ *Initial land use inspection on facility for compliance.*

Proposed Planning Commission Ordinance

► Location and setbacks





Why the differences of the Commission's ordinance

- ▶ Minimum area requirement- provides a built in buffer
- ▶ Setback from home and property line even with fence- Easier access to clean and not make neighboring property an area of spill over.
- ▶ 6 chicken limit- reduce impacts but allow egg production that family can handle.
- ▶ Chickens only in coop- reduce potential to neighbors of chickens escaping.
- ▶ Accessory land use- initial inspection for compliance.
- ▶ Material requirements for coop – Set a minimum standard.
- ▶ Only a single family use with home owner responsibility.

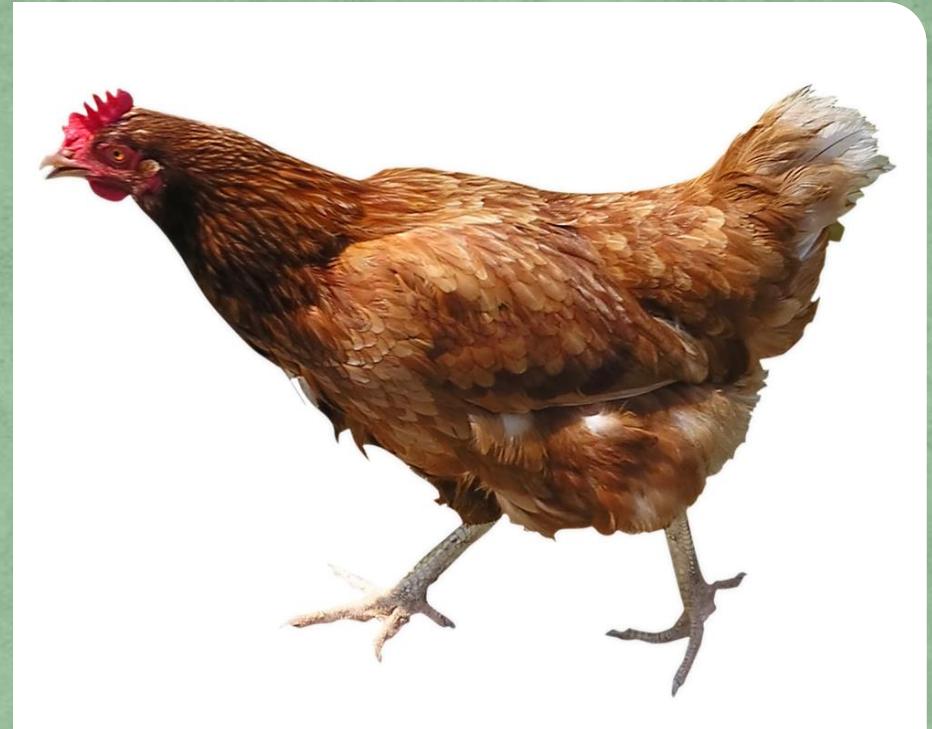


Planning Commission's Actions

- ▶ 7-1 VOTE (6-2) to deny petition
- ▶ Chickens have a proper place but not in the city.
- ▶ City lots are generally smaller and closer together creating more problems and allowing chickens does not promote strong neighborhoods or improved maintenance as the general plan directs.
- ▶ All Commissioner's felt staff proposed ordinance was appropriate.

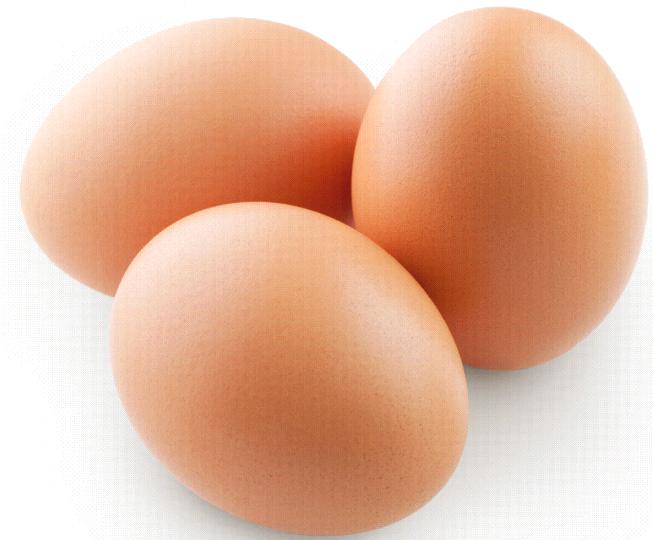
Urban Chickens in Ogden

August 29, 2017



Question:

Should chickens be allowed for egg production in Ogden's residential areas?



Background

- Chickens are not a simple “yes” or “no” decision
- There must be policy to support this
- The Council has a lot to weigh, including a variety of perspectives and facts
- More information = Better informed decisions

History

2009 – Consideration of a petitioner's proposal – Planning Commission recommended denial with a 5-2 vote and the City Council voted unanimously not to have an ordinance drafted based on guidelines in the initial proposal. Public input was received.

2010 – City Council requested that a revised ordinance be considered. The Planning Commission recommended denial with a 5-2 vote, and this failed by Council consideration with a 3-4 vote. Public input was received.

2012 – City Council discussed whether to further consider allowing chickens in residential areas and determined no further action at that time.

2017 – Ogden Chicken Alliance requested additional dialogue on this item. The intent of the Council is to gather facts and information about this topic and receive public input.

Prior Considerations

- Compliance
- Health
- Education
- Licensing/enforcement
- Lot sizes
- Maintenance/expense
- Neighbors
- Noise (roosters)
- Odor and waste
- Quality of eggs (taste/nutrition)
- Quality of life (pets)
- Sustainability
- Wildlife (raccoons, rodents, etc.)

Current City Benchmark

City	Chickens Allowed in Residential Zones
Ogden	0
North Ogden	10+ (depending on lot size)
South Ogden	0
Salt Lake City	15
Provo	2+ (depending on lot size)
Murray	0



Fact Finding Work Session

- Learn from resident experts
- Gather facts and information
- Receive public input
- Determine how best to proceed



OGDEN ANIMAL SERVICES URBAN CHICKENS

URBAN CHICKENS

- Enforcement of the current ordinance prohibiting chickens currently lies with Code Enforcement. Historically Animal Services assists code enforcement with chicken complaints, but there has been a significant increase in the past few months and all of the complaints have been relayed to code enforcement. Animal Services receives at least one or two calls a week from people inquiring about having a coop inside Ogden City and they advise them that it isn't currently allowed.

URBAN CHICKENS

- The hourly cost for an Animal Services Officer with benefits is \$21.00. If coops were allowed in the city there would appear to be a high demand. This would cause the need for the following service increase by Animal Services.
-
- Inspections x 20 hours weekly = \$420.00
- Complaints for noise and nuisance x 20 hours weekly = \$420
- Complaints for skunks, mice, rats, snakes and raccoon's increasing x 10 hours weekly = \$210.00
-
- Weekly = \$1050.00
- Monthly = \$4,200
- Annually = \$50,400

URBAN CHICKENS

- Animal Services handled 2697 complaints in 2014 which was up from 1854 in 2013. We feel the change in ordinance would require another full time positon and vehicle to manage the increase in inspections and enforcement.

URBAN CHICKENS

- The current arrangement of sharing responsibilities between Code Enforcement and Animal Services is ineffectual. If chickens were allowed it would not make sense to share the responsibility. We would want one group fully trained and staffed to effectively address the issue.

URBAN CHICKENS

- Animal Services currently works diligently to make time to proactively enforce codes for stray dogs, cats and unlicensed animals. Adding inspections of coops that are being built and on-going inspections of completed coops would take away time from other needed enforcement activities in the city.
- Urban Chicken Coops inside Ogden are highly likely to lead to a large number of complaints of dog attacks on chickens that are either wandering outside the coop, or where in the coop didn't provide sufficient protection.

Ogden City Code Services

Chickens

Items for Consideration

Concerns

- Allowing additional types of animals (roosters, goats, pigs, etc.)
- Attraction of rodents and predators if chickens and coops not properly cared for
- Ability to address complaints when received (hardships include location, timing, contact, etc.)
- Feedback from Code Services in other jurisdictions allowing chickens included comments about a disproportionate balance of time and enforcement. Several reported that some property owners were not as diligent once chickens were approved leading to an increase in complaints.

Considerations

- Number of chickens allowed on a property
- Location of chickens and coops need to balance property rights of adjacent neighbors (Ogden has a lot of small and compact properties)
- Ability to track and quickly verify that the chickens are legal (not only for city personnel but surrounding neighbors as well)
- An education program for owners to ensure proper boarding and care

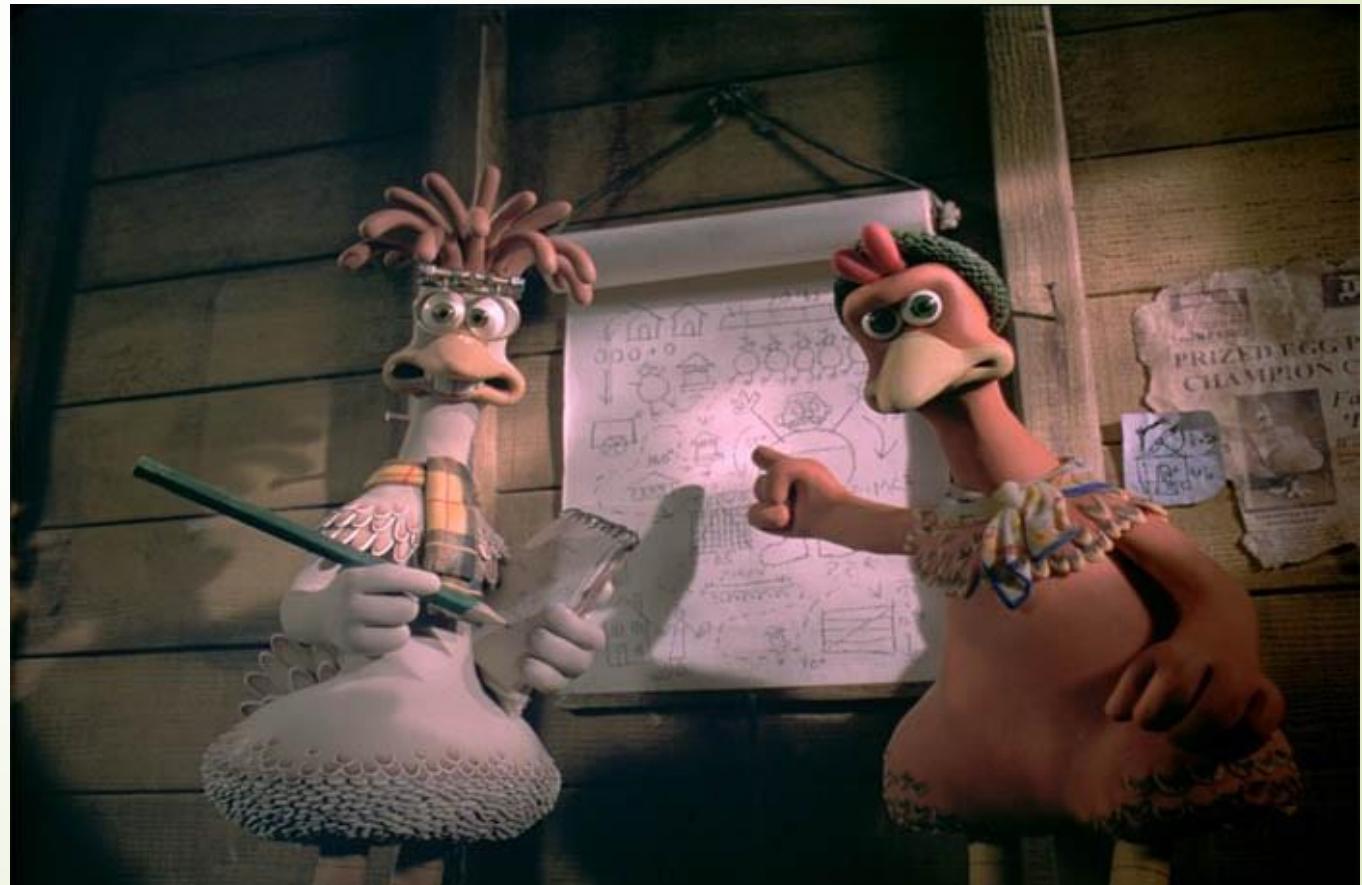
Considerations Cont'd

- Slaughtering is it allowed? (some jurisdictions did not allow it specifically by ordinance while others were silent, need to have clear rules)
- Will single family dwelling rental properties be allowed to participate? If so do they need permission from the property owner? What about multi-family complexes and trailer parks. Who is required to obtain a license, if required, the property owner or the occupant? Citations, if applicable, are sent to the property owner of record.



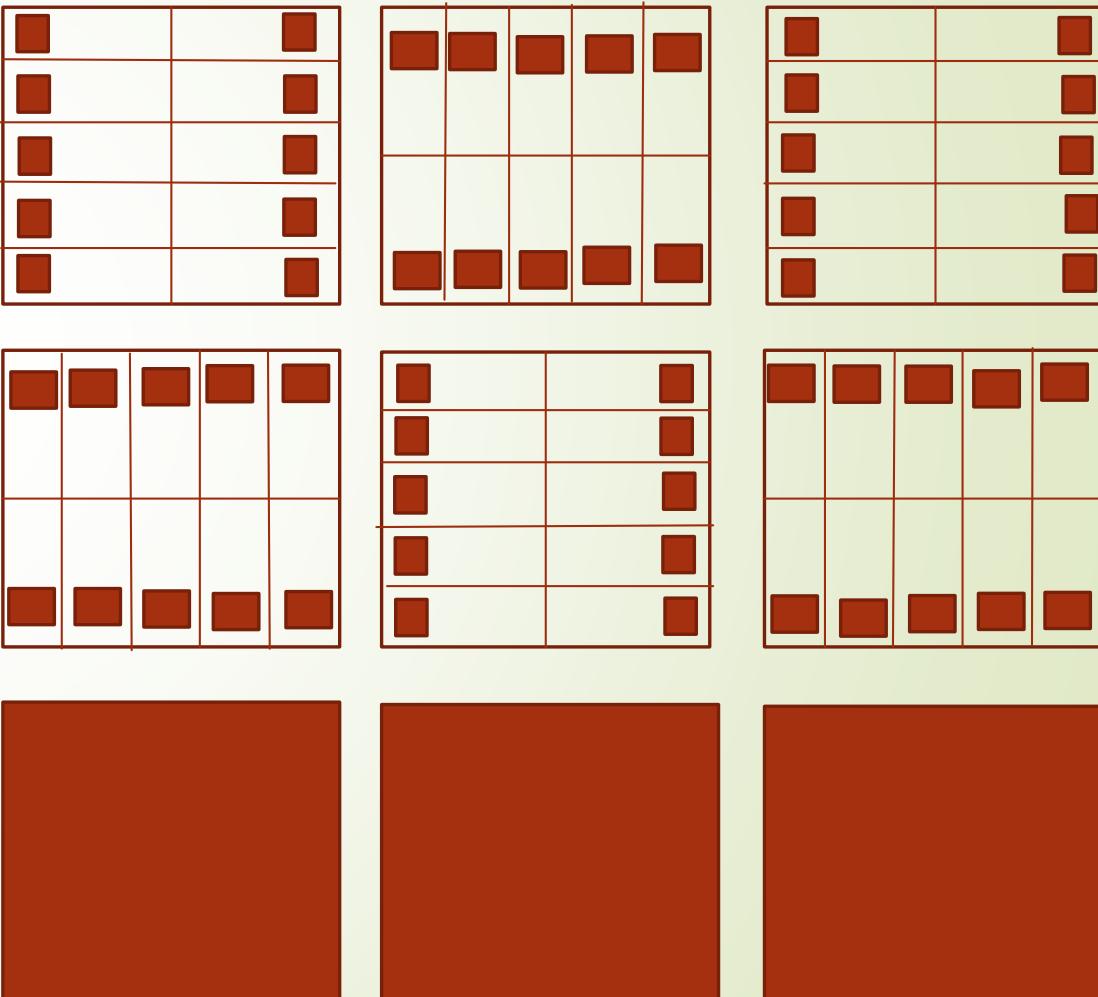
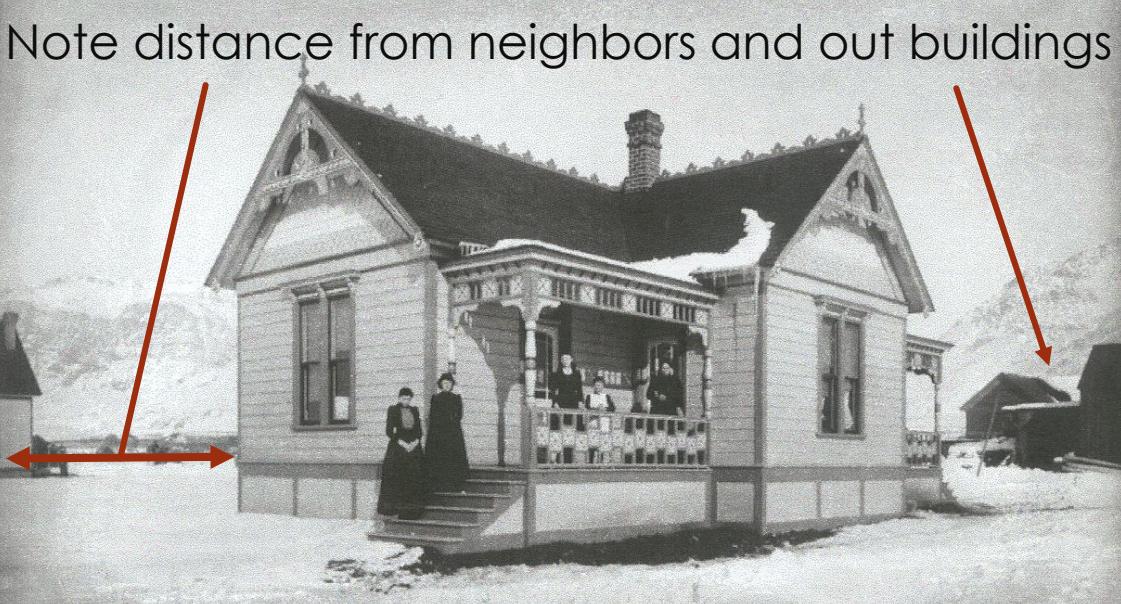
CONSIDERATION OF CHICKENS IN OGDEN CITY

*A planning
perspective*



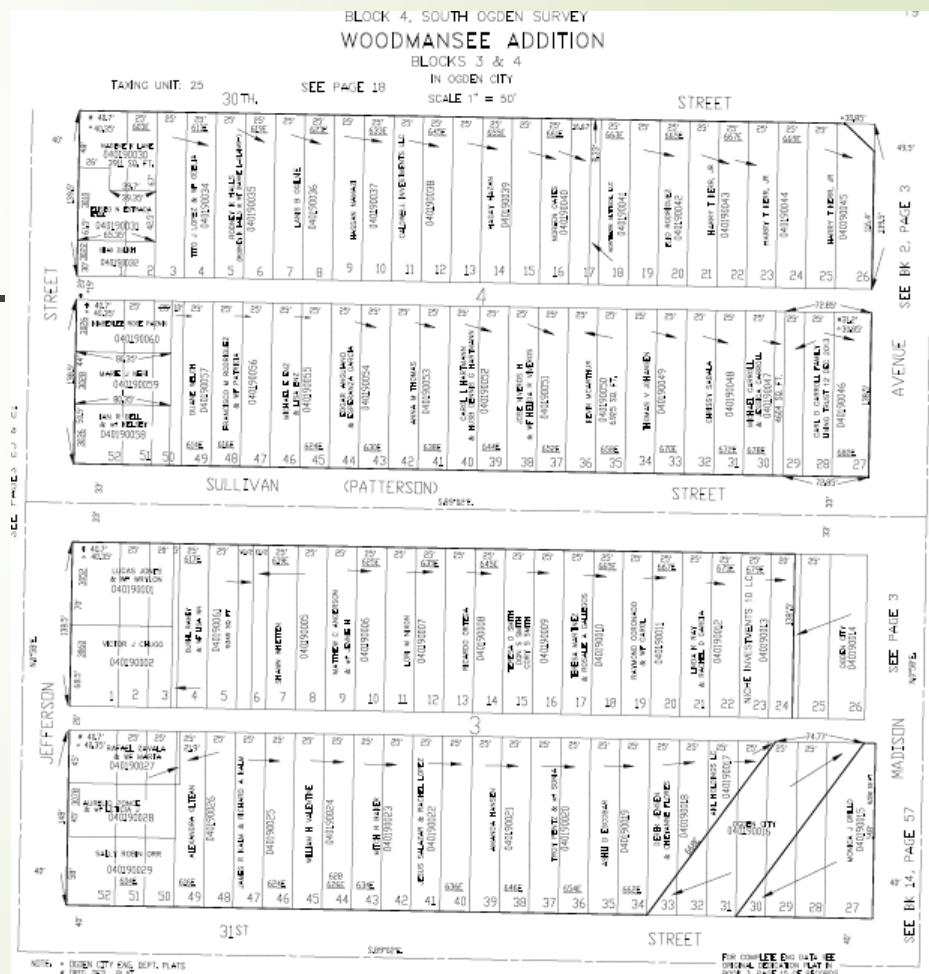
EARLY OGDEN SUBDIVISIONS

- ▶ City of Zion concept
- ▶ 10 one acre lots (132' x 330')
- ▶ Neighborhood relationships
- ▶ Agriculture and small animals



CHANGING DEVELOPMENT PATTERNS

- Smaller lots (3,400 sq ft) and smaller blocks.
- 104 lots, a street and two allies in 10 acres.
- Houses closer together.
- Changing lot sizes created changing uses of lot



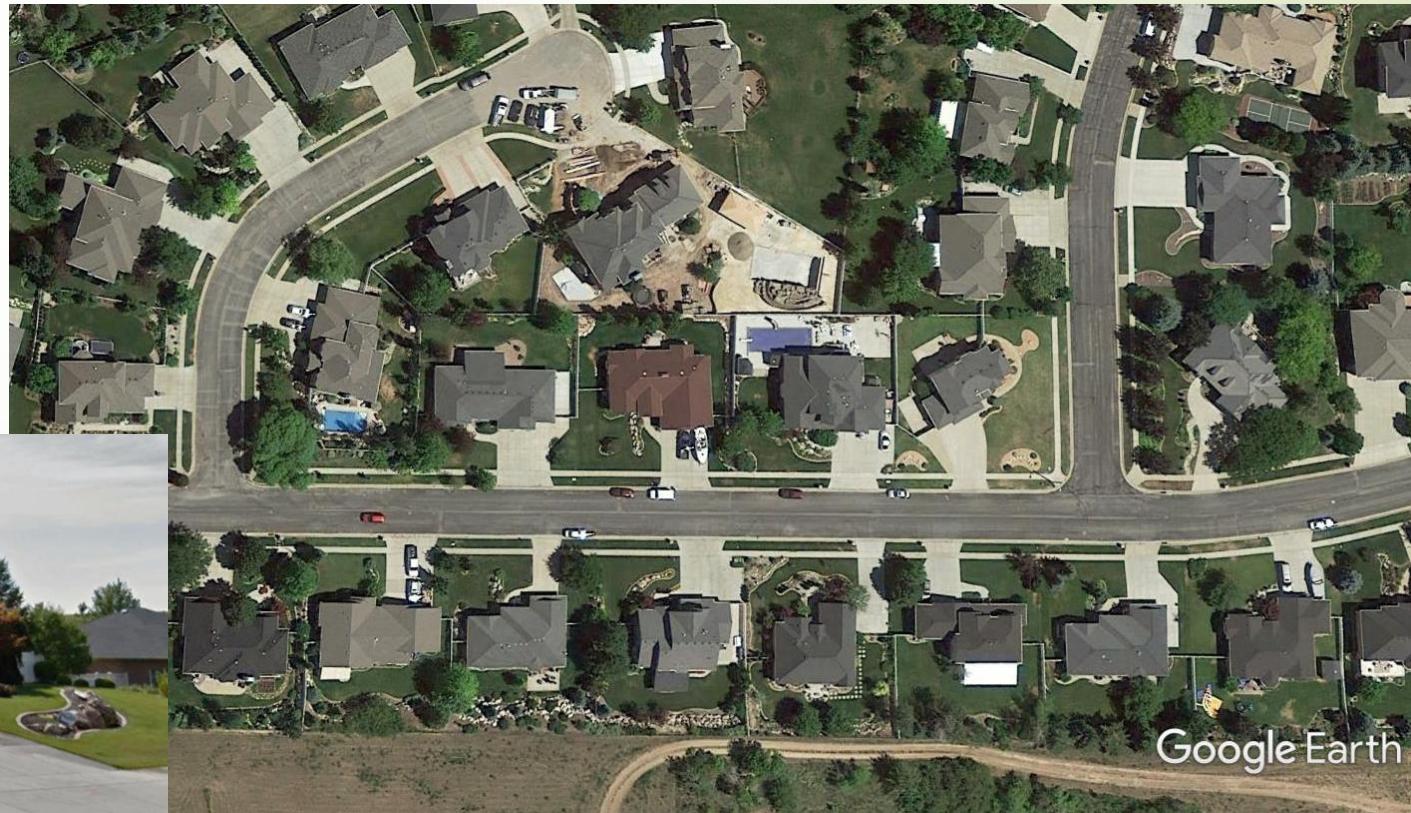
CHANGING DEVELOPMENT PATTERNS

- ▶ Lot size adjustments (6850 sq ft) based on anticipated use.
- ▶ Rear yard as open space and entertainment area.



CHANGING DEVELOPMENT PATTERNS

- ▶ Larger shallower lots, larger homes, less yard. (110-120 feet deep 12,000 sq. ft.)



Google Earth

DEVELOPMENT LESSON LEARNED FROM PAST

- When it comes to animals distance makes the best neighbors



DISCUSSION IS ONE OF
PERSPECTIVE









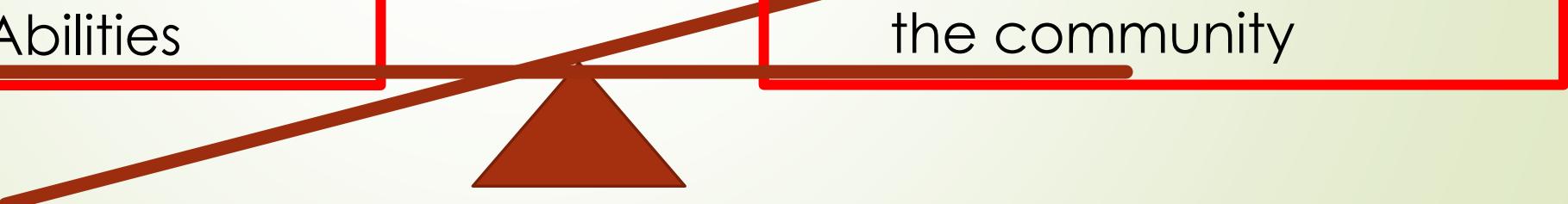




BALANCING TEST OF INDIVIDUALITY AND COMMUNITY

INDIVIDUAL

1. Conditions,
2. Desires,
3. Abilities





WHAT ARE THE OVERALL GOALS IN BUILDING COMMUNITY? (GENERAL PLAN)

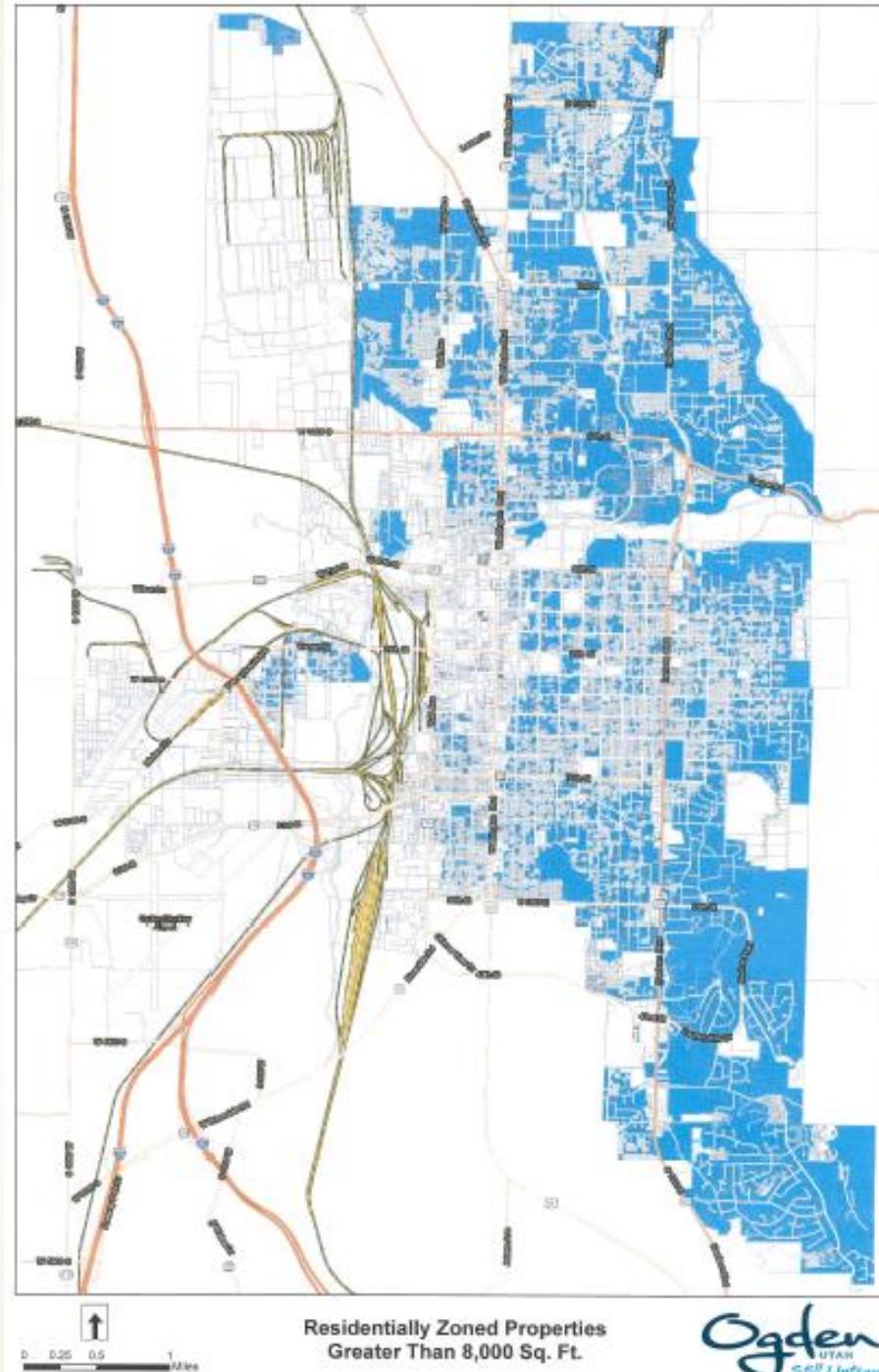
- ▶ Housing that is well maintained, varied in cost and mixed density and is located in safe, stable and revitalized neighborhoods throughout Ogden. (7)
- ▶ Land uses that emphasizes revitalization of the community...preserves and enhances neighborhoods and includes a pleasing green environment. (8)
- ▶ Neighborhoods in which residents are involved in creating a safe, livable and attractive neighborhood. (9)

PRESSURE OF DOING MORE ON LESS LAND

- ▶ There are more demands for use of limited land. Cars, toys, storage, garden, pets, recreation, privacy, hobby, business.
- ▶ Living together in a city is challenging



EXISTING RESIDENTIAL LOT SIZES



OTHER CONSIDERATIONS

- ▶ Increased conflict with wildlife.
- ▶ What are the expectations?





OTHER CONSIDERATIONS

- ▶ Truth according to “Google”
- ▶ The “right” versus the “requirement to make it a right.”

A Public Health Perspective

Backyard Chickens – For the Ogden City Council
August 29, 2017

Prepared by the Weber-Morgan Health Department

Reportable Disease Investigations

- Public health routinely asks about exposure to live poultry during applicable disease investigations.
- Live poultry often carry germs such as Salmonella.
- Microscopic bacteria can live in their droppings, on their skin, feathers, feet and beaks, cages, coops, water dishes, plants and soil where the birds live and roam.

General Prevention Advice

- Children, elderly and anyone with suppressed immune systems are most at risk.
- Frequent and thorough hand washing with soap and water is vitally important if you're handling birds or items related to their living area.
- Use hand sanitizer if soap and water are unavailable.
- Do not nuzzle or kiss chicks or adult birds.
- Failure to maintain a clean coop could result in sanitation issues such as flies, rodents and other animals seeking food.

Prevention in the Home

- Don't prepare food, eat or drink in areas where the birds live and roam.
- Keep a dedicated pair of footwear in a separate area outside of the home.
- Clean cages and related equipment outside.
- Do not bring live poultry inside the home, especially in the kitchen.
- Clean toys and other items that contact areas where birds roam.

Preventing Foodborne Illness Related to Eggs

- Maintain a clean coop.
- Collect eggs often and refrigerate immediately.
- Remove dirt and debris with cloth and fine sandpaper.
- Do not wash eggs. Washing can draw germs inside the egg.
- Cook eggs thoroughly. Raw, runny and undercooked eggs may contain Salmonella bacteria that can make you sick.

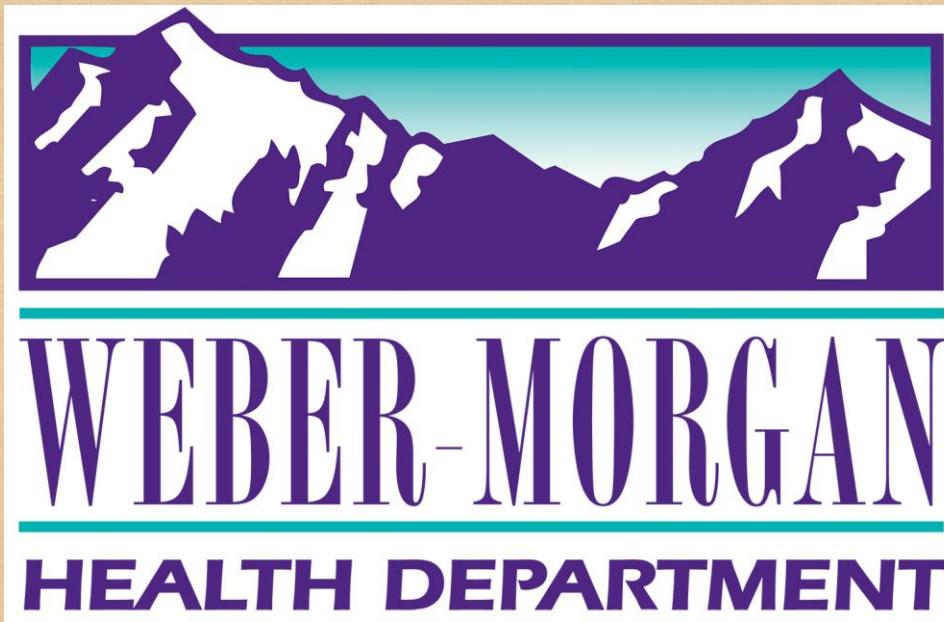
Reported Trends

- The Centers for Disease Control reports that outbreaks linked to contact with live poultry have increased in recent years as more people keep backyard flocks.
- In 2016, a record number of illnesses nationwide were linked to contact with backyard poultry.
- For more information:
<https://www.cdc.gov/salmonella/outbreaks.html>

Reported Trends . . . continued

Year	Outbreaks Investigated	Total Cases	States	Hospitalizations	Deaths	Cases in Utah
2017	10	961	48	215	1	28
2016	8	895	48	209	3	4
2015	4	252	23	63	0	6
2014	1	363	43	63	0	2
2013	2	514	46	91	0	15
2012	3	334	42 + 1 Territory	68	3	6

Multistate Outbreaks of Human Salmonella Infections Linked to Live Poultry in Backyard Flocks
<https://www.cdc.gov/salmonella/live-poultry-06-17/index.html>



BACKYARD CHICKENS

**Presentation to the Ogden City Council
and Public
August 29, 2017**

David D. Frame, DVM, DACPV
Utah State University
Extension Poultry Specialist





Chickens in Residential Areas

Inexpensive

Initial setup: housing, runs, fences: <\$100 to >\$600

Low maintenance cost: ~\$25.00/hen/year

Non-intrusive (if properly housed)

Harmless and easy to care for

Eco-friendly

Eat insects

Natural fertilizer (≥ 40 lbs dry manure/year)

Responsibilities

Animal Welfare

Pet

Provision of *informed* proper care and housing

Good Neighbor/Best Management Practices

Restraint and restriction

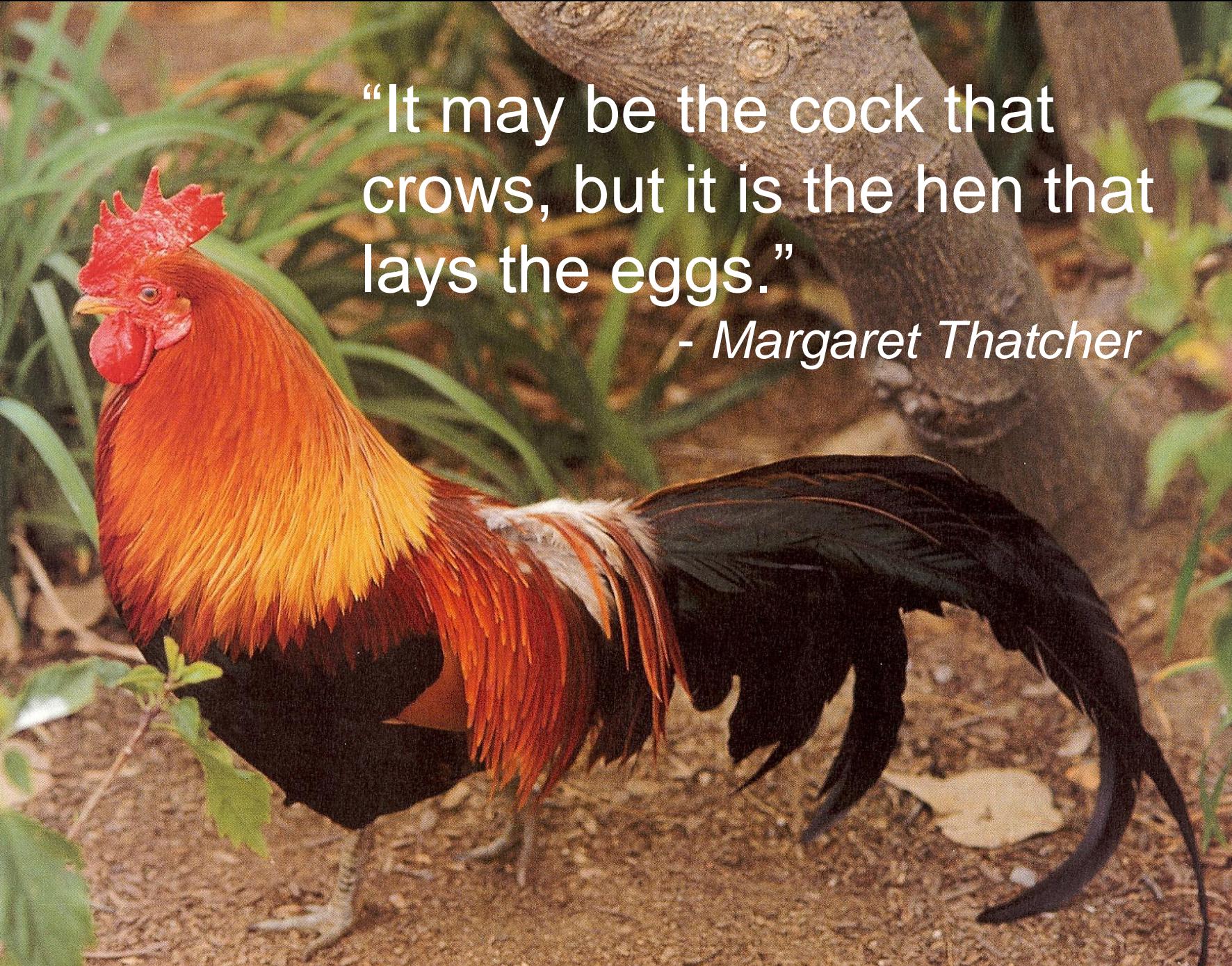
Rodent control

Proper handling of eggs

Proper handling of poultry carcasses

Restraint and Restrictions

- May chickens be legally kept at your location?
- What are the local animal control ordinances?
- Disposal of sick, injured, or dead birds?
- Know and abide by local and State laws regulating processing of poultry and sale of eggs and poultry products.

A photograph of a rooster with a large, red comb and wattle, and a body covered in bright orange and yellow feathers. It is standing on a bed of brown mulch. In the background, a hen is visible, looking towards the right. The scene is set outdoors with some green foliage and a large, textured rock or log in the background.

“It may be the cock that
crows, but it is the hen that
lays the eggs.”

- Margaret Thatcher







Nest Boxes



State
University
EXTENSION

extension.usu.edu

Handling Procedures of Eggs for Consumption

- An egg can age more in one day at room temperature than in one week in the refrigerator.
- Can be stored at refrigerator temperature (40° to 45° F) for at least five weeks.

Public Egg Sales

For questions on egg sales to the public, contact the Utah Department of Agriculture and Food.
(801) 538-7100

<HTTP://AG.UTAH.GOV/HOME/NEWS/67-LICENSES-REGULATIONS-AND-REGISTRATION/REGULATIONS/404-SMALL-EGG-PRODUCER-RULES-R70-410-4.HTML>

Disposal of Deceased and Spent Fowl and Poultry Litter

It is important to realize that chickens have a relatively short lifespan. The optimally productive life of a hen is about three to five years. Baby chicks soon grow up to be adult chickens and adult chickens end up as old chickens, → *then what??*

Cleanup and Sanitation

Make environment inhospitable for pests.

Minimize feed spills.

Store feed in covered containers.

Maintain optimal litter condition.

Dispose of litter promptly and properly.

Promptly remove dead birds; properly dispose of mortality in accordance with regulations.

QUESTIONS?
¿PREGUNTAS?





Backyard Chickens

Why HENS are the “IT” BIRD



Interest in hen keeping exploded in 2010



Flash in the Pan or Growing Movement?

- Farm & Garden CEO thought it would fizzle out...
- The West is mostly chicken friendly, with fewer anti-chicken ordinances
- World's top retailer is even selling all types of chicken food and hen scratch



Why?



- Pest control
- Nitrogen-rich fertilizer
- Sustainability
- Entertainment
- Egg production



Backyard Eggs vs. Store Bought

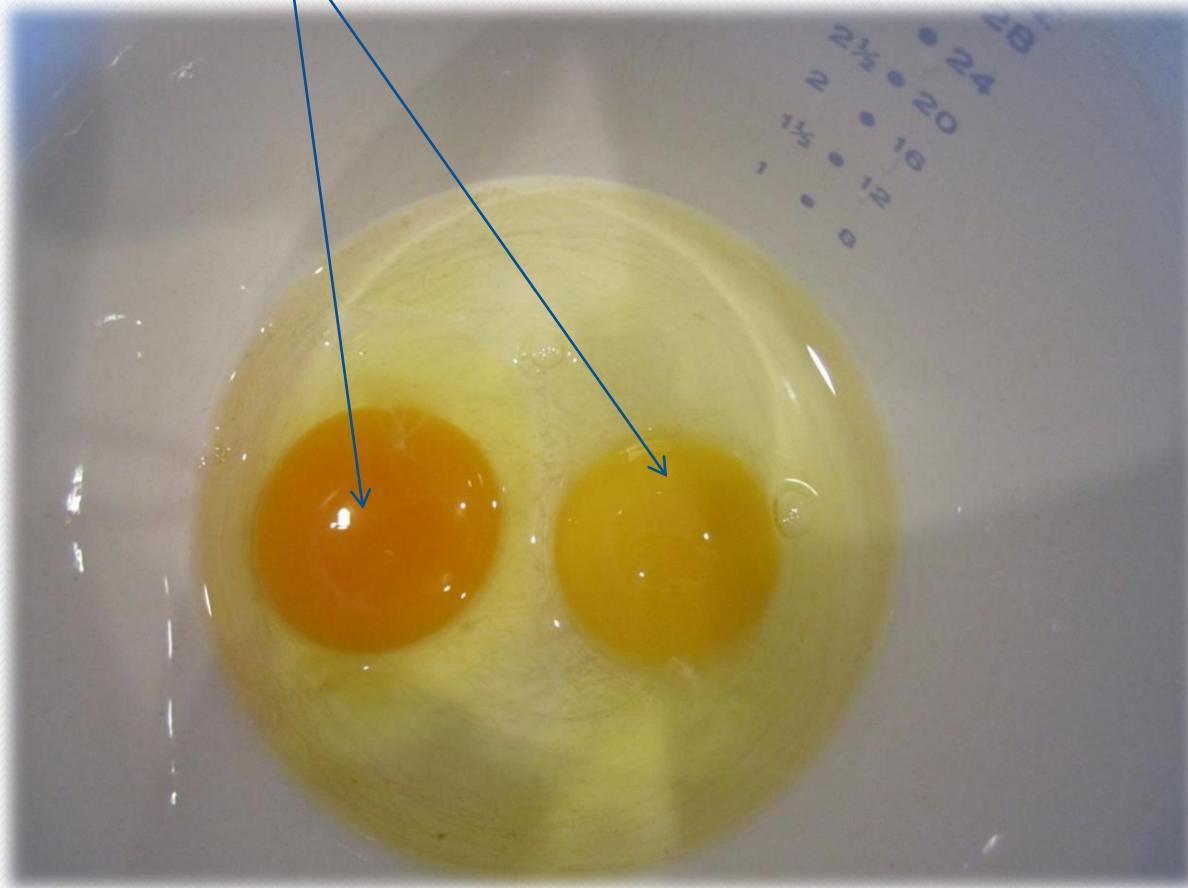
Mother Earth News Study:

- Cholesterol: $1/3$ less
- Omega-3s: twice as many
- Beta Carotene: 7 times more
- Vitamin A: $1/3$ more
- Vitamin E: 3 times more



According to the USDA, eggs sold in grocery stores are still considered “fresh” up to 45 days after they were packed

Fresh vs. Store Bought Egg



Where are people keeping chickens?



Where are people keeping chickens?

PROVO

NAMPA

BOISE

ST. GEORGE

BRIGHAM CITY

SPOKANE

SEATTLE

CHICAGO

ATLANTA

PORTRLAND

LOS ANGELES

NEW YORK

SAN FRANCISCO

MOAB

TWIN FALLS

PHOENIX

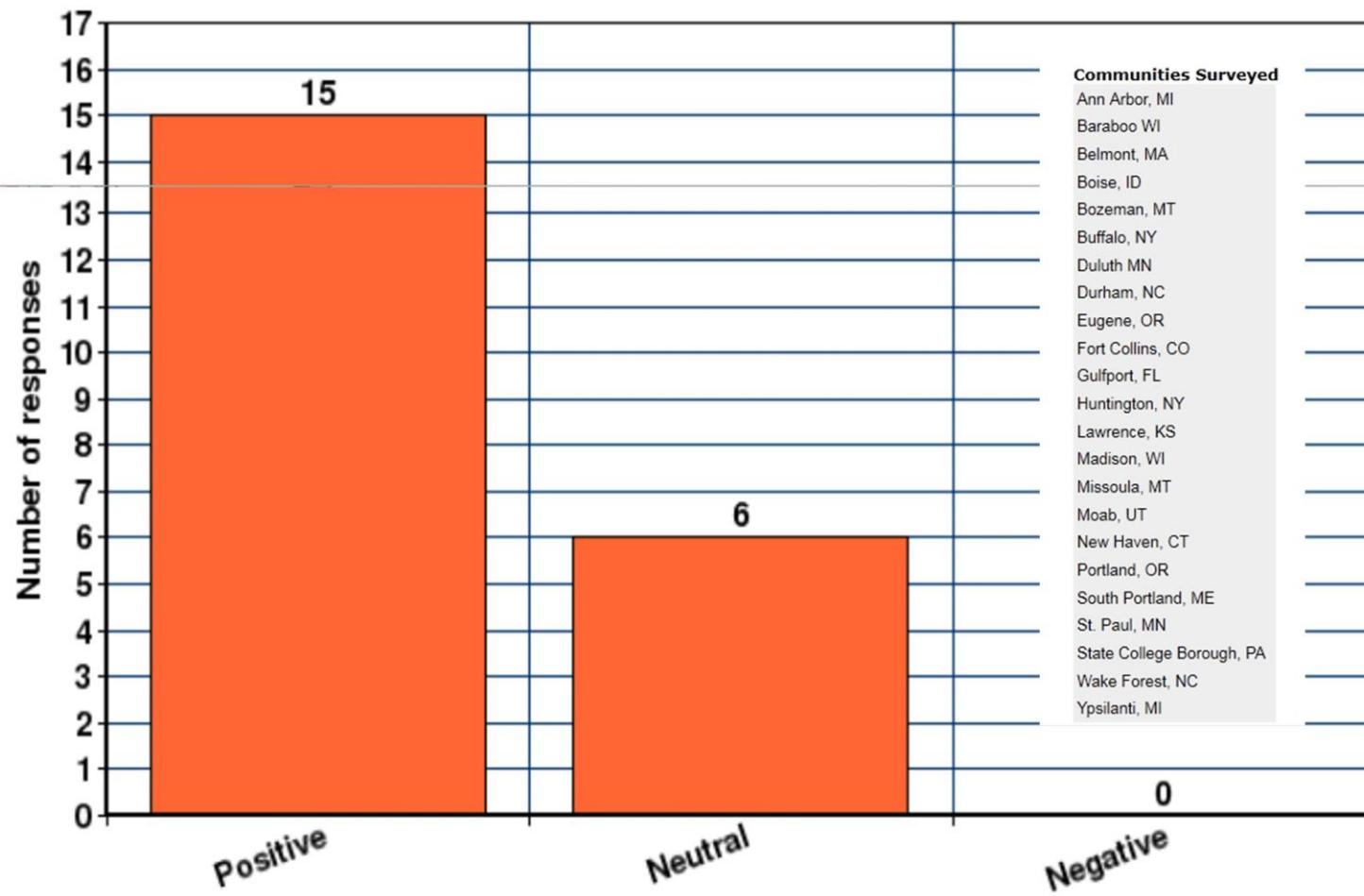
CALDWELL

SALT LAKE CITY

Chicken Ordinance Survey

Conducted by Hugh Bartling's Green Urban Policy Class DePaul University

Has the ordinance been positive, negative or neutral in your city?



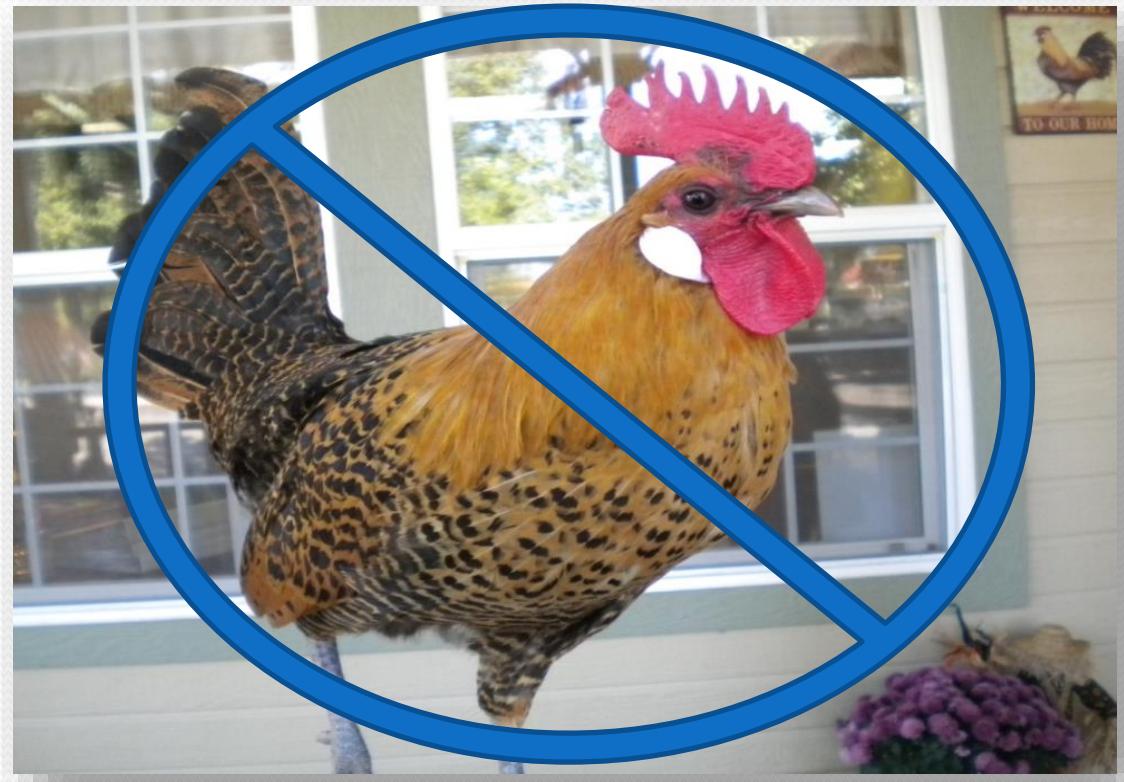
Urban Hens & Local Elections



So why are some communities NOT keen on CHICKENS?

- NOISE
- SMELL
- HEALTH

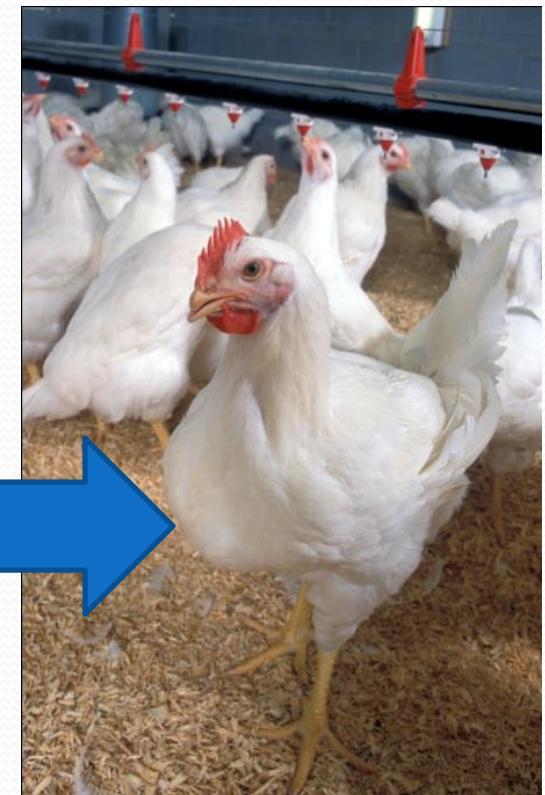
It's minimal because there are no roosters
...cock-a-doodle-don't



- Smell (4-6 backyard hens DON'T smell)



- Health (backyard hens are healthier than commercially raised chickens)



Most often they are treated as pets.



They are given names...



MARSHA, JAN AND CINDY



They are sometimes treated like a family cat or dog.



Clare Colins



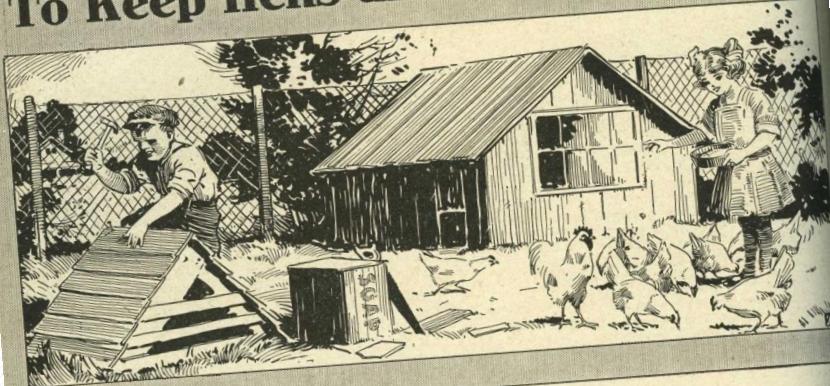
And, at times enduring some manhandling from the youngest family members.



Simply put, the “girls” become part of the family.



Uncle Sam Expects You To Keep Hens and Raise Chickens



**Two Hens in the Back Yard for Each Person
in the House Will Keep a Family
In Fresh Eggs**

EVEN the smallest back yard has room for a flock large enough to supply the house with eggs. The cost of maintaining such a flock is small. Table and kitchen waste provide much of the feed for the hens. They require little attention—only a few minutes a day.

An interested child, old enough to take a little responsibility, can care for a few fowls as well as a grown person.

Every back yard in the United States should contribute its share to a bumper crop of poultry and eggs in 1918.

**In Time of Peace a Profitable Recreation
In Time of War a Patriotic Duty**

For information about methods of Back-Yard Poultry Keeping suited to your location and conditions, write

**Your State Agricultural College
or
The United States Department of Agriculture
Washington, D. C.**

This Space Donated by the Publisher

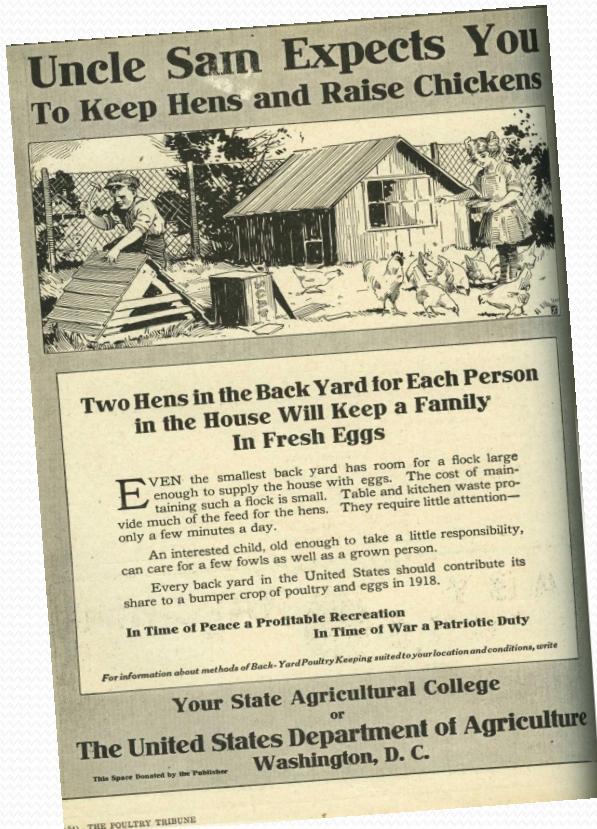
From 1918 magazines
and newspapers

WEBER CO. PUBLIC OPINION SURVEY OF BACKYARD CHICKEN OWNERSHIP AND ORDINANCE

Locals are in favor of changing current policy that would allow chicken flocks in the backyards of Ogden; most have also stipulated for restrictions. For example, limiting the number of birds per lot. As a brief review, Ogden residents indicated having *no primary concerns* (49.8%) with the policy change, and those that did have concerns most often selected *odor* (30.1%), *noise* (22%) and *unsightly coops* (20.1%).

Source: Weber County Small Flock Chicken Survey 2017

PUBLIC OPINION SURVEY OF BACKYARD CHICKEN OWNERSHIP AND ORDINANCE



PROVO

NAMPA

BOISE

ST. GEORGE

BRIGHAM CITY

SPOKANE

SEATTLE

NEW YORK

CHICAGO

ATLANTA

PORTRLAND

LOS ANGELES

SAN FRANCISCO

ATLANTA

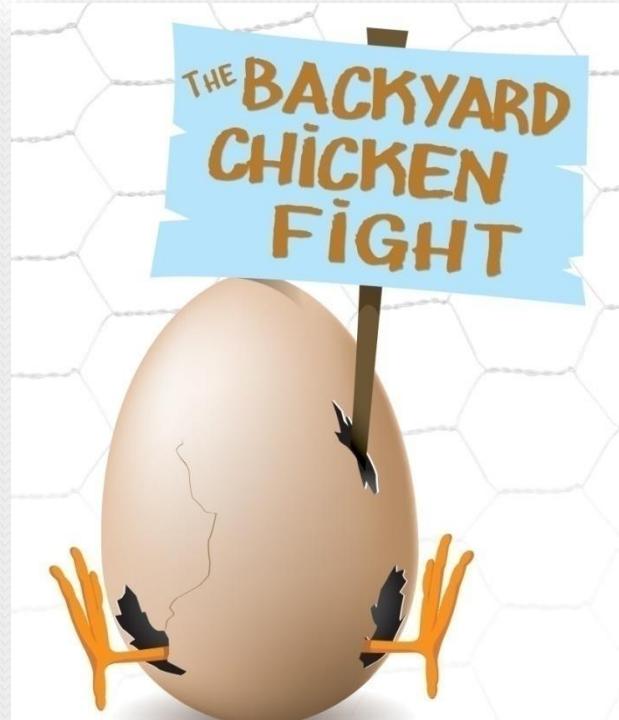
MOAB

TWIN FALLS

PHOENIX

CALDWELL

SALT LAKE CITY



Presenter Questions Relative to Chickens:

Ogden City Administration

Police Department – Animal Services

- How many chicken related complaints are addressed annually by Animal Services? How are these addressed?
- How much is the anticipated cost of enforcement?
- How much would this proposal impact animal services' operations?
- Who would be responsible to ensure that coops are kept in a clean and sanitary condition? How might responsibilities be divided between Animal Services and Code Enforcement?
- If there is an ordinance, how would this be enforced? If chickens are permitted, would staff then seek out and ensure everyone is following this ordinance?

Code Enforcement

- What impacts would this proposal have on Code Enforcement operations?
- How many chicken related complaints are addressed annually by Code Enforcement? How are these addressed?

Planning/Land Use

- How does allowing chickens in residential zones relate with the existing city general plan and current zoning ordinances?
- What are the impacts that chickens might have on neighboring properties and what possible remedies might address these?
- Please describe some of the prior dialogue of the Planning Commission and why they recommended denial both times this item was considered in the recent past.

Weber-Morgan Health Department

- What diseases and health concerns do backyard chickens pose?
- How easily can chickens contract and spread diseases?
- How is disease prevention best addressed with chickens?
- How must eggs be maintained in order ensure that they are safe for consumption?

Utah State University Extension Services

- How much time is required to properly care for and provide a clean and safe environment for chickens?
- How much noise do chickens produce? Roosters?

- Are there ways to ensure that roosters aren't brought into the city? What happens when a baby chick grows into a rooster? How can an owner best find a new home for this animal?
- What happens to chickens that are no longer able to produce eggs due to age?
- How much does it cost to provide a proper home for chickens?
- What is the cost difference per egg for home raised chicken eggs versus purchasing these from a grocery store?
- What is the difference between homegrown eggs versus eggs sold in the grocery store? (health, nutrition, etc.)
- What impacts do chickens have with relation to odors? What options are available to best control this and to clean chicken waste?
- What training or certifications are available for properly owning chickens?
- What can be done to ensure that the animals are kept safe from predators?
- Please describe if/how chickens impact the migratory habits and location of raccoons, rodents, skunks, etc.?

Ogden Chicken Alliance

- What components do you feel should be included in an ordinance?
- What is the best way to ensure those wishing to own chickens are aware of the various requirements to properly provide for these animals in a safe, clean and low-impact environment?



Administrative Summary

To: Mark Johnson
CC: Chief Watt; Captain Burnett
From: Deputy Chief Eric Young
Date: 8/25/2017
Re: **Proposed Chicken Ordinance**

- Question 1 – *How many chicken related complaints are addressed annually by Animal Services? How are these addressed?*
 - Enforcement of the current ordinance prohibiting chickens currently lies with Code Enforcement. Historically Animal Services assists code enforcement with chicken complaints, but there has been a significant increase in the past few months and all of the complaints have been relayed to code enforcement. Animal Services receives at least one or two calls a week from people inquiring about having a coop inside Ogden City and they advise them that it isn't currently allowed.
- Question 2- *How much is the anticipated cost of enforcement?*
 - The hourly cost for an Animal Services Officer with benefits is \$21.00. If coops were allowed in the city there would appear to be a high demand. This would cause the need for the following service increase by Animal Services.

Inspections x 20 hours weekly = \$420.00

Complaints for noise and nuisance x 20 hours weekly = \$420

Complaints for skunks, mice, rats, snakes and raccoon's increasing x 10 hours weekly = \$210.00

Weekly = \$1050.00

Monthly = \$4,200

Annually = \$50,400

- Question 3 – *How much would this proposal impact animal services operations?*
 - Animal Services handled 2697 complaints in 2014 which was up from 1854 in 2013. We feel the change in ordinance would require another full time positon and vehicle to manage the increase in inspections and enforcement.
- Question 4 – *Who would be responsible to ensure that coops are kept clean and sanitary condition? How might this be divided between Animal Services and Code Enforcement?*
 - The current arrangement of sharing responsibilities between Code Enforcement and Animal Services is ineffectual. If chickens were allowed it would not make sense to share the responsibility. We would want one group fully trained and staffed to effectively address the issue.
- Question 5 – *If there is an ordinance, how would this be enforced? If chickens are permitted, would staff then seek out and ensure everyone is following this ordinance?*
 - Animal Services currently works currently works diligently to make time to proactively enforce codes for stray dogs and cats and unlicensed animals. Adding inspections of coops that are being built and on-going inspections of coops would take away time from other needed enforcement activities in the city.

Mabey, Amy

From: Johnson, Mark
Sent: Tuesday, August 22, 2017 8:12 AM
To: Mabey, Amy
Cc: Eller-Smith, Janene
Subject: FW: Prospective questions for Fact-Finding Work Session

FYI

From: "Johnson, Jared" <JaredJohnson@ogdencity.com>
Date: Monday, August 21, 2017 at 9:51 AM
To: Mark Johnson <MarkJohnson@ogdencity.com>
Subject: RE: Prospective questions for Fact-Finding Work Session

See below, let me know if you would like any more information on these questions.

Code Enforcement

- What impacts would this proposal have on Code Enforcement operations?

Based on conversations with other communities that have allowed chickens we anticipate a significant increase in complaints. Other communities have expressed that once chickens became legal that some property owners were not as responsible and conflicts with neighbors escalated quickly. We have also been told to start to plan dedicating more time to chicken enforcement in determining who's legal and who's not. In Ogden City, animal control usually starts the case and leaves a notice. Code Services is then contacted if the occupant does not comply with the request made by Animal Control. As has been discussed in the past it is sometimes difficult to locate the chickens as they are behind fences or in buildings. Currently enforcement is handled through mailed notifications, property owner contact and citations if multiple follow-ups are needed. It has been expressed that the City does not have the facilities to take chickens and hold them. The most common complaints we receive now are about smell, bugs, mice/rats, skunks, raccoons and noise from roosters and cackling hens. These complaints are shared with Animal Control and the Health Dept.

- How many chicken related complaints are addressed annually by Code Enforcement? How are these addressed?

2015- 12 Complaints/ 3 citations issued
2016- 18 Complaints/ 6 citations issued
*2017- 7 Complaints/ 1 citation issued

Currently the complaints if validated are enforced until the chickens are removed as they are not legal in Ogden City. The process follows the outline as described above, animal control usually starts the case and notifies Code Services as needed.

Jared Johnson
Building Services Manager
Ogden City Corporation
2549 Washington Blvd Ste. 240

Ogden, Utah 84401
801.629.8952



Planning Answers to council staff questions

How does allowing chickens in residential zones relate with the existing city general plan and current zoning ordinances?

Only the West Ogden Community plan (2014) addresses small animals and chickens specifically. The vision strategies talk about creating an agricultural overlay zone and promoting a small animal and garden community lot. (14.N.C.1.A and B.) The Lynn Community plan (1986) also discussed preparing options for horses and other animals based on space requirements and design standards (14.H.5.f.)

The general plan does not have any language directed at animals. Instead the plan is intended to be used by basing value judgements with the goals and objectives found in the plan to determine if the specific item (chickens) leads toward implementation of the goals and objectives. The appropriate goals and objectives are:

Goal 7 "Housing that is well maintained, varied in cost and mixed density and is located in safe, stable and revitalized neighborhoods throughout Ogden.

Objective 7.D.2. –"Improve the quality of housing stock through better maintenance, upkeep, rehabilitation and in extreme cases demolition and new construction."

Goal 8 "Land use that emphasizes revitalization of the community...preserves and enhances neighborhoods and including a pleasing green environment."

Goal 9- "Neighborhoods in which residents are involved in creating safe, livable and attractive environment."

Objective 9.D.1. "Strength neighborhoods through appropriate planning."

Objective 9.D.2- "Strengthen neighborhoods through appropriate design and improvements."

Objective 9.D.3-"Strengthen neighborhoods through appropriate property maintenance."

The second part of the question deals with the current zoning ordinance. The zoning ordinance allows only household pets as animals in residential zone. Household pets are defined as animals or fowl **normally permitted in the house** kept for company or pleasure. Dogs are limited to 2 and cats to 7 total. The key to a household pet is that they are normally kept in the house. Since zoning was established in Ogden in 1951 chickens have not been allowed in residential zones. They were permitted in A-1 zones and manufacturing zones under the title of family food production. Family food production allowed cows, sheep, chickens, goats, ducks, geese, turkey, pigs, pigeons. Family food production was eliminated as a land use in 1972 and since then chickens and other animals defined as family food production have not been allowed in the city in any zone.

What are the impacts that chickens might have on neighboring properties and what possible remedies might address these?

1. Encouraging more predators into neighborhoods

The city is experiencing more animals from the mountains coming into the neighborhoods. As our population grows and we impact the mountains, the life in the mountains also comes into the neighborhood and then citizens want the city to do something about it. Raccoons and skunks have seen a major increase and adding a new food source for these animals by introducing chickens only makes them more entrenched. We have noted two different people posting about the number of raccoons that they are trapping and disposing of. One is on Van Buren and they have trapped 39 raccoons in 16 months and another is 26th and Wall and they have trapped 24 raccoons and one skunk in six weeks. There is no one that will take care of the problem as it is left to the property owner to trap, drown and then dispose of the body in the garbage cans. More food sources will then place the responsibility on the neighbor to go through this process if the chicken owner does not.

The only mitigation is to either house the chickens inside the home or hire individuals to trap and dispose of the raccoons that enter the neighborhood. Even the best designed coops still experience raccoon invasions.

2. Noise and smell

As with any animal, noise and animal smell and waste can create problems for the neighbors. It may be easy to control the waste in the summer as it can be used in diluted amounts as a fertilizer. That does not happen in the winter however as there is nothing growing and a concentrated amount will kill the plants. Responsible owners who care about their neighbors is the best mitigation. Distance from property line is the next mitigation. Too often the coops will be against the property line where it has the most impact to the neighbor because the chicken owner does not want the coop to disrupt the use of their yard. Along the property line is the best place for the chicken owner because they want to use the majority of their yard. The neighbor has the same desire but the coop location limits their use.

3. Roaming chickens

If not kept in a pen, chickens can roam into the street or the neighbor's yard. Even the best fences do not prohibit that from happening. The neighbor does not want the animal on their property but they have the inconvenience of picking up after the animal and getting it back to the rightful owner. Keeping chickens in a secure, approved enclosure that is inspected is the way to mitigate this behavior if chickens are allowed. Following up with enforcement then becomes the next step after the initial review.

4. Lost interest in maintaining the site

There are always trends that come and go and then there are those that are sustainable

and keep going because they are practical and make long term sense. Some animal issues are more fads such as the pot belly pigs which at one time were the trend in having cities amend their ordinances so these could be household pets. Even in Ogden we had the racing pigeon amendment though at the present time the staff is not aware of anyone who has them. There are those people who are very serious and dedicated about animals and will be involved for the long haul but there are many who get into a certain animals and then find that the time and money is not what they bargained for. Some of the animal shelters are now finding they need to deal with abandoned chickens that people let loose because they do not want to take care of them anymore. Others find that keeping chickens is a roller coaster with the birds dying from a myriad of causes and they are always trying to stay ahead of what the next problem will be; some never have those experiences so it is difficult to try to guess what the full range of issues will be. There is no way to determine who will be responsible and who will not. More code enforcement to have inspections and more animal control duties are the only mitigating factor to care of a problem in this situation.

5. Increase of mice and rats

Any outdoor open grain food source will also encourage mice and rats which are not limited to roaming within a defined property line. This can have a neighborhood impact if the chicken owner does not properly store and limit the amount of feed for the chickens. The tendency to leave feed out so that when the birds are hungry they can get to becomes a problem. As with other situations the best mitigation is an owner who feels the responsibility and concern for the impact to others. This cannot be regulated or the impact for a careless owner mitigated because it is a behavior problem. Enforcement once a situation arises becomes the only solution of mitigation.

6. Determining what is the right yard size.

Various cities have chosen different yard sizes to try to reduce impacts to neighbors. Lot size is only part of it. The various uses that concentrate an activity to a small area is the other portion. Distance is the best neighbor and the more confined a space becomes with various uses the more problems are created for the neighbor. Some have found that even though a lot size was established those who want chickens will not abide by the standard since they look at having chickens as a right and the standards are only suggestions that they do not need to follow. Vacation rentals is an example of this behavior. Once approved as a use there has been little effort by the proponents to actually follow the regulation. Of the 40 or so active sites only 4 have permits that allow the use. This leads to more code enforcement time spent in trying to solve the problems.

7. More citizens live in a city because they thought they would not have to deal with farm animals.

This is the age old question of do you try to be all things to all people or do you try to maintain a specific community standard. Those expectations generally are deep rooted and people feel that it effects property value. No mitigation measure will change that attitude. One or the other thought about what the neighborhood expectations are needs to be determined but it cannot be a lot by lot basis of decision.

Please describe some of the prior dialogue of the Planning Commission and why they recommended denial both times this item was considered in the recent past.

Petition 2009-10 was reviewed by the Commission on October 7, 2009. While the petition was only for the Mt. Lewis community the Commission considered it for city wide application. The main concerns expressed in the Commission's recommendation for denial were:

- The city has smaller lots than outlying areas that can better mitigate impacts because of larger lots.
- There is an increased health and welfare concern with rats, mice and diseases the animal may carry.
- The smell and noise impacts adjacent neighbors and the livability of their property.
- Inability to provide code enforcement under present conditions and adding to the work load is not responsible.

July 7, 2010- The Planning Commission reviewed a proposed ordinance requested by the City Council regarding chickens within Ogden City. The Commission recommended denial based on the following concerns:

- The best interests of the city are not to introduce animals on small lots. Most other city regulations have larger lots than exist in Ogden.
- Allowing chickens would place more of a burden on animal control and code enforcement which are understaffed and cannot deal with present demands.
- Allowing chickens will then encourage other types of animals to be allowed.
- The Council drafted regulations needed better separation requirements.

Have there been considerations for other animals in the past?

The Lynn Community direction was reviewed in 1991 and possible options for horses and other animals was explored. The discussion mainly turned to horses and the direction from the City Council on June 27, 1991 was that no revisions to the present regulations should be considered. Since that time much of the Lynn area has been built out except for a large farm area under a state agricultural protection zone. A petition was then filed in 1995 to request amendment to the ordinance again to allow horse and was denied.

In 1987 a petition was filed to allow ducks and geese as a use allowed in residential zones. The Commission recommended denial of the petition and the Council gave it a 90- day trial period and then ended p denying the petition because the conditions were not being met of keeping the area clean of the rats that had increased in the area where the ducks were being kept.

In 1985 a petition was filed to allow racing pigeons in residential zones. The Planning Commission recommended denial of the petition but the council referred the denial recommendation back to the Commission and asked for further study and recommendations on distances from adjoin properties. The Commission then recommended possible language the Council could consider. The Council in 1986 then adopted an ordinance allowing racing pigeons but reduced the separation requirements from what the Planning Commission recommended.

FACT SHEET FOR OGDEN CITY COUNCIL

David D. Frame, DVM
USU Extension Poultry Specialist

How much time is required to properly care for and provide a clean and safe environment for chickens?

The more time that is spent caring for the chickens, the better they will be. Amount of time is completely dependent on the individual setup, but once up and running, a coop of chickens should not take more than 15 minutes of time twice a day.

How much noise do chickens produce?

Hens make very little noise. An occasional cluck or cackle, but that is all.

Roosters?

Depends somewhat on the individual rooster, but many may crow sporadically throughout the day. Morning hours are the usual time for most frequent crowing. Even the loudest crow is only equivalent in decibel level to a dog's bark.

Are there ways to ensure that roosters aren't brought into the city?

Hatcheries providing chicks to feed stores go to great pains to sell only females; however, there is an inherent sexing error and anything less than 98% accuracy is not usually attainable.

Therefore, frequent buyers are bound to eventually end up with a mis-sexed chick or two.

How can an owner best find a new home for an unexpected or unwanted rooster?

Friends with larger lots or farms who would be willing to care for chickens.

Humane Society is generally not the best option but may be available in some circumstances.

There are some folks who accept orphan chickens.

What happens to chickens that are no longer able to produce eggs due to age?

Owners have basically two choices:

1. If the hen is of a dual-purpose breed (i.e., large bodied) the bird could be processed and used for stew meat.

2. Humanely euthanize and dispose of carcasses in a manner approved by the local municipality.

Examples might be on-site burial, city waste disposal, local landfill.

How much does it cost to provide a proper home for chickens?

Do-it-yourself to pre-fab: < \$100.00 to > \$600.00.

Building and equipment have a fairly long depreciation rate.

Maintenance costs: electricity (light), water, shavings, C&D

Important considerations:

Protection from cold and heat

Proper nest boxes

Roosting area

Rodent-proof

Wild bird-proof (covered run)

What is the cost difference per egg for home raised chicken eggs versus purchasing these from a grocery store?

Eggs produced at home from small flocks will cost more than conventional grocery store eggs. The difference is variable, but the greatest factor will be feed cost (more expensive to buy in small quantities at a local feed store). With large breeds, such as Plymouth Rock, Orpington, etc., difference in egg cost will be even greater because of lower production rate and higher physiologic maintenance cost. A reasonably conservative estimate would be that home-produced eggs will be 130% to 150% the cost of conventional store eggs.

What is the difference between homegrown eggs versus eggs sold in the grocery store? (health, nutrition, etc.)

Eggs produced in large commercial operations and sold in reputable stores have less of a chance of carrying disease-causing organisms for human beings, such as *Salmonella*, *E. coli*, *Pseudomonas*, and other potential pathogens. Quality assurance is extremely rigid in these operations.

Recent studies have shown a significantly greater chance of contracting salmonellosis (*Salmonella* infection) from backyard-produced eggs. My opinion is that much of this problem can be prevented by owner education and proper management of the home flock along with proper nest hygiene, frequent egg collection, and proper refrigeration and storage of the eggs.

Nutritional content of an egg is basically the same regardless of origin. A certain quantity of key vitamins and minerals and basic building blocks must be present in order for reproduction to occur. For example, cholesterol content is not significantly changeable because it is an indispensable component of many building blocks necessary for growth of the developing embryo. However, certain nutritional characteristics can be altered by diet, such as concentration of omega-3 fatty acids. Also, egg flavor and yolk color characteristics are influenced by diet. Some plants, feed ingredients, and chemicals can cause eggs to have off-colors and off-flavors.

A widely spread myth is that commercial egg-producing operations give their hens added hormones. This is a federal offense and no producer does this. Even if it were lawful it is not practical nor would it be cost-effective. Hormones would have to be injected daily requiring a huge labor force. In Utah alone, there are over 5 million hens in commercial production. Egg price would be astronomical because of labor cost. Besides, it wouldn't do any good because hens don't need additional hormones to lay a lot of eggs. All domestic breeds and strains, including heritage breeds, have been genetically selected over centuries to produce many more eggs than their wild jungle fowl common ancestor.

What impacts do chickens have with relation to odors? What options are available to best control this and to clean chicken waste?

As long as their coop and run are kept dry, there is very little odor. Odor is best controlled inside the coop with periodic replacement of wood shavings. The run must be protected from rain and snow and have good air movement to quickly remove moisture from the droppings.

What training or certifications are available for properly owning chickens?

Training: USU Extension offers chicken raising classes.

Certifications: No local certifications are available; however, USU Extension is willing to work on a “Master Poultry” certification system if enough interest, similar to “Master Gardener.”

What can be done to ensure that chickens are kept safe from predators?

Don’t let them run loose and provide proper housing.

Please describe if/how chickens impact the migratory habits and location of raccoons, rodents, skunks, etc.?

Under improper husbandry conditions, raising backyard poultry can be a significant attraction to predators and rodents. The only way to minimize problems is to raise chickens in confined conditions (i.e., coop and enclosed run). Chickens running loose will always be of some impact on attraction of rodents as well as be in danger of predator attacks.

Even under optimal conditions, a rodent control program must be continually practiced to keep the population to a minimum. Mice will generally not range over 30 feet and can live without a liquid water source. Rats have a much larger range and need at least 1 oz. of liquid water per day. Therefore, elimination of standing water and dripping faucets is imperative. A rat problem is a community problem and requires the cooperation of all neighbors to clean up trash piles, standing water, yard clutter, and wood piles that could serve as harborage.

Skunks generally come around searching for eggs. They are usually kept out with good general barriers, such as fencing and nightly coop closures.