

ORDINANCE NO. 2674NS

AN ORDINANCE OF THE CITY OF SHAWNEE, OKLAHOMA AMENDING CHAPTER 5 – “ANIMALS”, SECTION 5-7 “KEEPING FOWL”, OF THE CITY CODE REGULATING THE KEEPING OF FOWL AND CHICKENS FOR PERSONAL USE WITHIN CITY LIMITS; AND ALSO PROVIDING FOR SEVERABILITY, CODIFICATION, AND REPEALER.

WHEREAS, the Code of Ordinances of the City of Shawnee must be amended from time to time to comply with the laws of the State of Oklahoma and the Charter of the City of Shawnee; and

WHEREAS, it is the intent of the City Commission in enacting this ordinance, to provide for, and protect the public health, safety, and welfare of the City of Shawnee, Oklahoma;

WHEREAS, it is the intent of the City Commission in enacting this ordinance, to provide for the municipal regulation of keeping fowl and chickens for personal use within city limits.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, STATE OF OKLAHOMA AS FOLLOWS:

SECTION 1: Chapter 5, “Animals”, Section 5-7, “Keeping Fowl” shall be amended to read:

Section 5-7. – Keeping Fowl

a) Definitions

- (1) A *chicken coop* is a small structure or enclosure where chickens nest, roost or perch and may include feeding and watering devices.
- (2) A *chicken run* is an enclosed area physically connected to the coop where chickens are able to walk or run about which may include feeding and watering devices.
- (3) A *nuisance* is an animal that:
 - i. Damages the property of anyone other than its owner, including, but not limited to scratches or digs about any flower bed, garden, tilled soil, vines, shrubbery, or small plants and in so doing injures them;
 - ii. Habitually prowls around, on, or over any premises not the property of its owner to the frequent annoyance of the owner or occupant of those premises;
 - iii. Overturns any garbage can or other container of waste products, or scatters the contents of the same;
 - iv. Chases or kills any domesticated animals or domesticated birds;
 - v. Annoys or disturbs any person by loud and frequent barking, howling, yelping, or causes noise in an excessive, continuous or untimely fashion/manner so as to interfere with the reasonable use and enjoyment of neighboring private premises;
 - vi. An animal that habitually or repeatedly chases, snaps at, or barks at pedestrians, joggers, dogs walked by owners, bicycles or vehicles;
 - vii. Disturbs the rights of, threatens the safety of or injures a member of the general public or interferes with the ordinary use and enjoyment of his property.

b) Acceptable Residential Use: Zoning Designations; Coop and Run Requirements; Property Conditions

- (1) Poultry may be kept for personal use within city limits in the following designated residential zones:
 - i. residential use (RE (Residential Estates District);
 - ii. R-1 (Single-Family Residential District);
 - iii. R-2 (Medium Density Residential District);
 - iv. R-3 (Multi-Family Residential District); and
 - v. TN (Townhouse Development District)
- (2) Lawful poultry possession in the residential areas shall not exceed six (6) chickens;

- (3) Lawful poultry possession in residential districts must be kept under the following conditions:
- i. The fowl must be kept in a building which at its nearest point is no closer than twenty-five (25) feet to any dwelling other than the owner's;
 - ii. The floors of such building shall be of easily-cleanable construction, and shall be maintained in a sanitary condition not offensive or dangerous to the public health by routinely cleaning and properly disposing of the droppings; and
 - iii. The outside openings of the building shall be screened to prevent the spread of disease by flies and vermin.
 - iv. The owner or occupant of the land upon which such animals are kept and maintained erects and maintains a suitable barrier sufficient to insure compliance with the above distance requirements.
 - v. Such chickens or laying hens are maintained on land upon which the owner or occupant resides;
 - vi. Roosters are not allowed;
 - vii. The chickens are kept within a designated chicken coop and chicken run, unless supervised as described below;
 - viii. The chicken coop and chicken run shall be located in the rear or backyard of a residential property. No part of the coop or run shall be located in the side or front yard;
 - ix. The chicken coop and chicken run shall be attached and shall be located no closer than five (5) feet from any side or rear property lines and no closer than twenty-five (25) feet from any dwelling unit other than the owner's. Movable chicken enclosures are permitted as long as they meet the setbacks as indicated in this paragraph;
 - x. The minimum size for a chicken coop shall be four (4) square feet per animal and the chicken run shall be eight (8) square feet per animal;
 - xi. During daylight hours, the chickens shall have access to a chicken run and a chicken coop;
 - xii. From dusk until dawn, chickens shall be kept within the chicken coop as protection from predators;
 - xiii. Chicken coops shall be predator resistant and any open walls or windows shall be designed to prevent access by predators;
 - xiv. Chicken runs shall be adequately fenced and protected from predators;
 - xv. The outside openings of any enclosure shall be screened to prevent the spread of disease by flies and vermin;
 - xvi. Water shall be provided onsite and accessible to chickens at all times;
 - xvii. Chickens are permitted to be outside of a run or coop during daylight hours but must be supervised and contained inside a fenced yard at all times; chickens that stray outside the fenced yard may be regarded as nuisance animals;
 - xviii. All chicken enclosures shall be cleaned regularly to prevent an accumulation of food, fecal matter, or nesting material from creating a nuisance or unsanitary condition due to odor, vermin, debris, or decay.
 - xix. Outdoor slaughter of chickens is prohibited.
 - xx. Except as otherwise provided, no person shall keep and maintain, or allow to be maintained any exotic or native wildlife or dangerous or poisonous reptiles.

c) Permitting

- (1) The fee to obtain a permit is \$15.00. Applicants will need to bring a government issued identification such as a driver's license or passport, a City of Shawnee utility bill for the property, and the \$15 permit fee to the City Planning Department.
- (2) Permits shall be issued per individual property owner. If permit holder relocates, a new permit will be required for the new property. A tenant must have permission from the property owner in writing to apply for a permit.
- (3) Permits issued may be revoked upon the recommendation of Animal Control. Any person aggrieved by the action of the Animal Control in revoking a permit shall, upon written request within ten (10) business days after the notice of revocation, have the right to appeal to the Shawnee Planning Director.

d) Compliance with Homeowner’s Association (HOA) Restrictive Covenants

- (1) *Existing Restrictive Covenants.* The regulations for acceptable possession and use of urban fowl as provided for in this Section are not intended to supersede, commandeer, or nullify existing Homeowner’s Association Restrictive Covenants regulating the same.
- (2) *Future Restrictive Covenants for New Construction.* Future Homeowner’s Associations and Restrictive Covenants covering new construction subdivisions may implement regulations that are more restrictive than those provided for in this Section.
- (3) *Future Restrictive Covenants for Existing Construction.* Future Homeowner’s Associations and newly created, or amended, Restrictive Covenants covering existing homes and subdivisions may not implement regulations that are more restrictive than those provided for in this Section.

e) Exceptions. Persons excepted from this ordinance shall be:

- (1) Duly authorized and licensed circuses or educational institutions;
- (2) Agents or employees properly authorized by an educational institution to keep and maintain that institution's animals in connection with any lawful experimental or research program;
- (3) Zoological gardens;
- (4) Zoos which are supervised and publicly maintained;
- (5) Falconry facilities that have a current license issued by the U.S. Department of the Interior, by the U.S. Fish and Wildlife Service, or a license issued by the Oklahoma Department of Wildlife Conservation under the rules adopted in 50 CFR 21 of the federal regulations.

Section 2: REPEALER. All sections, subsections, clauses, and sentences of existing law in conflict with this ordinance are repealed.

Section 3: CODIFICATION. This Ordinance shall be codified in the Shawnee Municipal Code, and the codifier is authorized to set out the ordinance as appropriate.

Section 4: SEVERABILITY. The provisions of this ordinance are severable and, if any sentence, provision, or other part of this Ordinance shall be held invalid, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

PASSED AND APPROVED this 3rd day of September, 2019

ATTEST:
(SEAL)

RICHARD FINLEY, MAYOR

LISA LASYONE, CMC, CITY CLERK

Approved as to form and legality this 3rd day of September, 2019.

JOSEPH M. VORNDRAN
CITY ATTORNEY