



Issue: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NIXA, MISSOURI AMENDING CHAPTER 6 – ANIMAL REGULATIONS TO ALLOW FOR THE KEEPING OF CHICKENS IN RESIDENTIAL DISTRICTS OF THE CITY.

Date: May 10, 2021

Submitted By: Garrett Tyson, Director of Planning and Development

Background

At the direction of City Council, staff has prepared an ordinance that amend the Nixa City Code to remove the prohibition and to appropriately regulate the keeping and husbandry of chickens in residential districts of the City.

Analysis

The proposed amendment would allow for the keeping of not more than six chickens on a single lot or parcel of land within a residential district of the City of Nixa. Only female chickens are allowed under the proposed regulation. The chickens would need to be kept in an enclosure or fenced area and in a henhouse or chicken tractor. Any enclosures, henhouses, chicken tractors, etc. would conform to the other applicable requirements of the City as an accessory structure. Additionally, all other animal and nuisance regulations would be applicable.

The amended regulations will not affect the keeping of chickens on school property, though the new regulations are similar in many respects.

Recommendation

Staff recommends the approval and passage of this bill.

2
3 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA
4 AMENDING SECTION 6-13 OF THE NIXA CITY CODE TO
5 ALLOW FOR THE KEEPING OF CHICKENS.
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8 WHEREAS, City Council, after hearing from citizens about the desire in the
9 community to keep chickens in an urban setting, directed staff to propose amendments
10 to the Nixa City Code to authorize the keeping of chickens; and

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12 WHEREAS, staff has proposed amending section 6-13 of the Nixa City Code to
13 allow for the keeping of up to 6 female chickens within the City; and

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15 WHEREAS, the City Council desires to implement the modifications to the Nixa
16 City Code contained herein.

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18 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
19 NIXA, AS FOLLOWS, THAT:

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21 SECTION 1: Chapter 6, Article I, of the Nixa City Code is hereby amended by
22 repealing section 6-13 and adopting in lieu thereof a new section 6-13, which said
23 section shall read as follows:

24
25 (Note: Language to be added is underlined. Language to be removed is stricken.)

26
27 Sec. 6-13. - Prohibited animals.

28
29 (a) It shall be unlawful to keep or maintain any prohibited animal on any land or parcel
30 which is not herein defined as agricultural property. Any prohibited animals kept on
31 agricultural property must be kept in accord with the requirements set forth in
32 subsection (c) of this section.

33
34 (b) *Prohibited animal* means any animal classified as livestock, fowl, poultry, swine,
35 sheep, goats, llama, camel, ostrich, wild game, nondomestic animal, or a
36 domesticated animal when such an animal creates a noise or odor offensive to the
37 public.

38
39 (c) *Agricultural property* means any property designated or zoned by the city as
40 agricultural, including property grandfathered as previously being agricultural or
41 currently possessing prohibited animals on November 9, 2009. Animals kept on any
42 agricultural property that was not previously zoned agricultural (or grandfathered) on
43 November 9, 2009, must meet the following requirements:

44
45 (1) The property owner must keep any animals 100 feet away from the property line
46 of any dwelling other than the property owner's dwelling.

- 47 (2) Property owners must keep any animals 50 feet away from the property line of
48 any church, school, or business.
49
- 50 (3) A property owner must live on the property with the animals or within one mile
51 of the property where the animals are kept.
52
- 53 (4) Property owners with animals on the property must provide the state-
54 recommended amount of pasture or space per animal.
55
- 56 (5) Property owner must also comply with section 6-7 (nuisance animals).
57
- 58 (6) Property owners must provide proof of property insurance, owner name, phone
59 number, address, and emergency contact information to the city animal control
60 officer.
61
- 62 (7) Property and animals must be maintained according to this Code and state
63 statutes.
64
- 65 (d) Any property that is permitted to maintain a prohibited animal as a result of being
66 grandfathered through the adoption of this section may only replace an animal after
67 receiving authorization from the city council.
68
- 69 (e) Nothing in this section ~~will~~ shall prohibit schools, day care centers, vocational
70 educational programs, and other public or private educational programs from
71 possessing up to 20 female chickens on any lot five acres or more in size if any
72 such chickens are maintained for educational purposes. Nothing in this section shall
73 prohibit the possession of up to 6 female chickens on any lot used for residential
74 purposes.
75
- 76 (f) If any chickens are kept pursuant to subsection (e) of this section, the chickens shall
77 be kept in accordance with the following:
78
- 79 (1) ~~The wings of chickens shall be clipped to ensure that they do not escape their~~
80 ~~enclosure.~~
81
- 82 (2) It shall be unlawful to engage in chicken breeding, the sale of chicken meat or
83 byproducts, or fertilizer production. Unless otherwise prohibited by state or
84 federal law, sale of eggs from these chickens shall be permitted under this
85 section.
86
- 87 (3)(2) Slaughter may occur provided that it is conducted in a sanitary manner, does
88 not generate noise that creates a nuisance, and is not visible from adjacent
89 properties or any public area or right-of-way.
90

91 ~~(4)~~(3) Chickens shall be kept in a secured enclosure or fenced area at all times,
92 herein referred to as "enclosure." ~~Chickens shall be secured within a henhouse~~
93 ~~or chicken tractor during non-daylight hours.~~

94
95 (5) ~~At a minimum, four square feet per chicken enclosure space and ten square~~
96 ~~feet per chicken of outside run space shall be provided.~~

97
98 ~~(6)~~(4) Enclosures shall be kept in a clean, dry, odor-free, neat, and sanitary
99 condition at all times.

100
101 ~~(7)~~(5) ~~Henhouses, chicken tractors and chicken pens~~ Enclosures shall provide
102 adequate ventilation and adequate sun and shade and shall be impermeable to
103 rodents, wild birds, and predators; including dogs and cats.

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105 ~~(8)~~(6) ~~Henhouses and chicken tractors~~ Enclosures shall be designed to provide safe
106 and healthy living conditions for the chickens while minimizing adverse impacts
107 to other residents in the neighborhood.

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109 a. ~~A henhouse or chicken tractor~~ Enclosures shall be enclosed on all sides
110 and shall have a roof and doors. ~~Access doors shall be able to be shut and~~
111 ~~locked at night.~~ Openings, windows, and vents shall be covered with sturdy
112 wiring or other predator and bird proof material ~~wire of less than one-inch~~
113 ~~openings.~~

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115 b. ~~Henhouses, chicken tractors, and chicken pens~~ Enclosures shall only be
116 located to in the defined rear of the property.

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118 c. ~~Henhouses, chicken tractors, and chicken pens~~ Enclosures shall be located
119 at least six feet from the rear property line and five feet from the side
120 property line ~~(12 feet adjacent to a street)~~ in accordance with the setback
121 requirements as provided in section 117-279 of the Nixa City Code
122 ~~(accessory building setback requirements).~~

123
124 d. ~~Henhouses, chicken tractors, and chicken pens~~ Enclosures shall be located
125 at least 25 feet from any adjacent residential dwelling, church, school, or
126 place of business.

127
128 ~~(9)~~ Any enclosed chicken pen shall consist of sturdy wire or wooden fencing. The
129 pen shall be covered with wire, aviary netting, or solid roofing.

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131 ~~(10)~~ Odors from chickens, chicken manure, or other chicken related substances
132 shall not be detectable at the property boundaries.

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134 ~~(11)~~(7) All uses shall operate in accordance with the standards contained in section
135 6-7 of the Nixa City Code ~~Code of Ordinances.~~

136

- 137 ~~(12) The chicken owner shall take necessary action to reduce the attraction of~~
138 ~~predators and rodents and the potential infestation of insects and parasites.~~
139 ~~Chickens found to be infested with insects and parasites that may result in~~
140 ~~unhealthy conditions to human habitation may be removed by the animal~~
141 ~~control officer.~~
142
143 ~~(13) The chickens shall have access to feed and clean water at all times. The feed~~
144 ~~and water shall be unavailable to rodents, wild birds, and predators.~~
145
146 ~~(14) All stored manure shall be covered by a fully enclosed structure with a roof or~~
147 ~~lid over the entire structure. No more than three cubic feet of manure shall be~~
148 ~~stored. All other manure not used for composting or fertilizing shall be removed.~~
149 ~~The henhouse, chicken tractor, chicken pen, and surrounding area shall be kept~~
150 ~~free from trash and accumulated droppings.~~
151
152 ~~(15) No dog or cat which kills a chicken shall, for that reason alone, be considered a~~
153 ~~dangerous or aggressive animal.~~
154
155 ~~(16)~~(8) It shall be unlawful for any person or entity to keep chickens in violation of
156 any provision of this subsection.
157
158 ~~(17)~~(9) Any violation of this subsection that constitutes a health hazard or that
159 interferes with the use or enjoyment of neighboring property is a nuisance and
160 may be abated under general nuisance abatement provisions of the city.
161
162 ~~(18)~~(10) Each day that a violation of this section continues is a separate offense.
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164 ~~(19)~~(11) All other applicable city ordinances ~~codes~~ shall apply.
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166 (g) *Miniature Pigs*. For purposes of this Section, miniature pig shall refer to swine which
167 are bred to be domesticated pets, which are kept as pets in a residentially zoned area of
168 the City, and which weigh no more than 120 pounds. A miniature pig shall not be
169 considered a prohibited animal, as such term is defined in Section 6-13(b) of the City
170 Code, provided that the keeping of said miniature pig is in full compliance with the
171 following regulations and any other applicable provisions of the City Code:
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- 173 (1) No person shall own, keep, or harbor at any time more than one miniature pig
174 per residential dwelling unit within the City.
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176 (2) No person shall cause or allow a miniature pig to become pregnant.
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178 (3) The owner of a miniature pig shall trim and maintained all tusks in such a
179 manner that no tusk shall appear outside of the mouth of the miniature pig
180 when the mouth is closed.
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182 (4) Every owner of a miniature pig shall register said animal with the City once
183 the animal reaches four months of age. Such registration shall be renewed
184 and updated annually. Registration shall not be transferable from one
185 miniature pig to another. Applications to register a miniature pig shall contain
186 at least the following:

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- 188 a. Provide the name and address of the owner of the miniature pig;
- 189
- 190 b. Provide the color, age, and sex of the miniature pig;
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- 192 c. The information required by section 6-13(g)(5);
- 193
- 194 d. Provide additional information as may identify the miniature pig; and
- 195
- 196 e. The applicant shall certify that the information contained in such application
197 is truthful and accurate.

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199 (5) In addition to the registration required in section 6-13(g)(4), every owner of a
200 miniature pig shall have their miniature pig microchipped and they shall submit
201 proof of microchipping by a licensed veterinarian as well as documentation
202 evidencing the content of the microchip, as part of their annual license
203 application. The microchip required by this section shall contain the following
204 information:

- 205
- 206 a. Name of the animal;
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- 208 b. Name of the owner of the animal;
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- 210 c. Physical address of the owner;
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- 212 d. Primary and secondary telephone number of the owner;
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- 214 e. Secondary contact, including contact information for said contact; and
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- 216 f. Primary veterinarian for the animal.

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218 **SECTION 2:** The City Attorney, when codifying the provisions of this Ordinance,
219 is authorized to provide for different section numbers, subsection numbers, and different
220 internal citation references than those provided herein when such section numbers,
221 subsection numbers, or internal citation references are in error or are contrary to the
222 intent of this Ordinance.

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224 **SECTION 3:** Savings Clause. Nothing in this Ordinance shall be construed to
225 affect any suit or proceeding now pending in any court or any rights acquired, or liability
226 incurred nor any cause or causes of action occurred or existing, under any act or
227 ordinance repealed hereby.

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SECTION 4: Severability Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clause, or phrases be declared invalid.

SECTION 5: This Ordinance shall be in full force and effect from and after its final passage by the City Council and after its approval by the Mayor, subject to the provisions of section 3.11(g) of the City Charter.

ADOPTED BY THE COUNCIL OF THE CITY OF NIXA THIS 10TH DAY OF MAY 2021.

ATTEST:

CITY CLERK

PRESIDING OFFICER

APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2021.

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY