



DRAFT

CITY OF BALLWIN

14811 Manchester Road, Ballwin, MO
63011

BILL NO. _____

ORDINANCE NO. _____

INTRODUCED BY

ALDERMEN TERBROCK, FINLEY, ROACH, STALLMANN, FLEMING, LEAHY, BULLINGTON, KERLAGON

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, MISSOURI, AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES PERTAINING TO ANIMALS AND FOWL TO ALLOW CHICKEN HENS TO BE KEPT WITHIN CITY LIMITS.

WHEREAS, the City has determined that there is interest and support among residents to allow chicken hens to be kept within city limits, including for the purpose of producing home-grown eggs for non-commercial use; and

WHEREAS, there are believed to be health and environmental benefits associated with raising chicken hens and eating home-grown eggs; and

WHEREAS, several neighboring cities currently allow chicken hens to be kept within their city limits and have not experienced significant problems, and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, AS FOLLOWS:

SECTION 1. Section 5-1 of the Code of Ordinances of the City of Ballwin is hereby amended to read as follows:

Sec. 5-1. - Keeping animals within city restricted.

- (a) Except for dogs, cats and non-domestic animals such as chicken hens which are otherwise provided for in this Code, and traditional household pets such as caged birds, similar caged animals and aquarium animals, no person shall keep, raise, harbor, water or offer for sale any cattle, cow, bull, hog, horse, mule, jennet pony, donkey, sheep, pig, goat, chicken rooster, goose, duck, turkey, rabbit, skunk, raccoon or any other domestic or wild animal or fowl within the city, unless such animal or fowl are kept in an enclosed area on a tract of land of two or more acres in size.
- (b) Large animals (over 50 pounds) shall be limited to two per acre over a total of two acres as required in subsection (a).

SECTION 2. Chapter 5: Animals and Fowl, of the Code of Ordinances of the City of Ballwin is hereby amended by adding a new Section 5-15 pertaining to restrictions on chicken hens to read as follows:

RESTRICTIONS ON CHICKEN HENS

A. Up to four (4) chicken hens may be kept for private, non-commercial, and non-breeding use on parcels zoned R-1A, R-1, R-2, R-2A and R-3 (single family residential) that are at least 7,500 square feet in total land area and have at least 5,500 square feet of unimproved land area. An additional hen is allowed for each 2,500 additional square feet above the minimum lot size for eligible parcels to a maximum number of twelve (12) hens. Roosters are prohibited.

B. Chicken hens must be securely constrained and enclosed in a suitable shelter, chicken coop, aviary, or other outbuilding or enclosure surrounded by wire netting or other fence to prevent their escape therefrom and such structure must be kept in good repair and free of peeling paint, untreated or rotted wood and rust. Such wire netting or fence shall not exceed six (6) feet in height. Shelters, coops, aviaries, or other outbuildings shall not exceed 12 feet in height or 100 feet in gross floor area, shall provide at least three (3) square feet per hen and shall be located at least ten (10) feet from the principal building, and shall only be located in the rear yard. The rear-yard setback must at least five (5) feet from the rear lot line and the same side yard as is required for the principal structure located on the zoning lot shall be maintained. Areas containing any shelter, chicken coop, aviary or other outbuilding, and any appurtenances thereto must either be of level grade or graded in a direction away from the property line preventing run off to adjacent property.

C. Chicken hens shall be kept and maintained in a clean and wholesome manner as follows:

1. Any manure or other waste from the chicken hens shall be collected and properly removed from the premises or tilled into the soil on the premises promptly and regularly to prevent the spreading of offensive smells or diseases.
2. The owner of the premises and the tenant and custodian must promptly comply with orders of the City and/or the St. Louis County Department of Health in respect to any unsanitary condition found to exist.
3. The presence of numerous flies or the presence of fly larvae in the vicinity of any such premises, enclosures or structures shall be evidence of a lack of sanitary maintenance of the premises, and shall constitute a public nuisance.
4. Any obnoxious odor or allergen arising from any condition existing within the enclosure or within any structure used or intended to be used for the housing of chicken hens shall be evidence of a lack of sanitary maintenance of the premises, and shall constitute a public nuisance.
5. Deceased chicken hens must be disposed of either through burial or incineration in accordance with federal, state, and county regulations.
6. All enclosures, refuse containers, and all feed containers intended for the use of chicken hens shall be constructed, maintained and kept in such a manner as to be completely rodent proof. The floors of every such enclosure shall be smooth and tight, and maintained so as to prevent accumulation of filth or water or harboring of vermin there under.

SECTION 3: This Ordinance shall become effective upon its passage and approval.

PASSED this _____ day of _____, 2012. _____
TIM POGUE, MAYOR

APPROVED this _____ day of _____, 2012. _____
TIM POGUE, MAYOR

ATTEST: _____
ROBERT KUNTZ, CITY ADMINISTRATOR