

**ORDINANCE NO. 08-10**

**ROLL CALL**

<b>VOTING</b>	<b>YES</b>	<b>NO</b>
<b>MAYOR G. WAYNE ANDERSEN</b> <i>(votes only in case of tie)</i>		
<b>ROD DART</b> <i>Councilmember</i>	<b>X</b>	
<b>RICHARD M. DAVIS</b> <i>Councilmember</i>	<b>X</b>	
<b>STEVE LEIFSON</b> <i>Councilmember</i>	<b>X</b>	
<b>JENS P. NIELSON</b> <i>Councilmember</i>	<b>X</b>	
<b>KEIR A. SCUBES</b> <i>Councilmember</i>	<b>X</b>	

I MOVE this ordinance be adopted: Councilman Nielson  
I SECOND the foregoing motion Councilman Leifson

**ORDINANCE No. 08-10**

**AN ORDINANCE ESTABLISHING THE RIGHT TO KEEP CHICKENS, SETTING THE REGULATIONS THEREOF, AND AMENDING THE PROVISIONS OF TITLE 15 RELATING TO FOWLS AND POULTRY**

WHEREAS, Spanish Fork City has adopted zoning regulations which regulate the number of animals located in various zones; and

WHEREAS, several residents have requested the City to consider allowing hen chickens on small residential lots in order to produce eggs for their family's personal consumption; and

WHEREAS, the City's research indicates that having hen chickens on small lots can be acceptable as long as noise and odors are controlled and the chickens are not allowed to freely

roam, thus becoming a nuisance to neighbors; and

WHEREAS, requiring a registration requirement will aid in enforcement and help prevent the spread of disease; and

WHEREAS, a public hearing was held before the Spanish Fork Planning Commission on Wednesday the 7th day of April, 2010, where public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday the 20th day of April, 2010, where additional public comment was received;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

**I.**

Spanish Fork City Municipal Code §15.3.24.090(G) animal number and distance chart is hereby amended to add a section on hen chickens, and referring those regulations to Title 6, chapter 20 as follows:

**15.3.24.090 Supplementary Regulations**

**(G) Animals.**

<i>Animal</i>	Maximum# Per ½ Acre	Min. distance of barns, pens, or corrals to neighboring dwelling (In feet)
Cattle	2	100
Horses	2	100
Sheep, Goats, Llamas, Ostriches	4	100
Poultry, Turkeys or Fowl (other than hen chickens)	10	100
Hen Chickens	See Title 6, Chapter 20	

Rabbits	10	50
Pigeons	12	50
Ducks, Geese	8	50
Game Birds*	8	50
*with appropriate permit		

## II.

Spanish Fork Municipal Code Title 6, Chapter 20, Chickens is hereby created as follows:

### **Chapter 6.20. Chickens**

- 6.20.010 Keeping of Chickens**
- 6.20.020 Enclosures Required**
- 6.20.030 Food Dispensers**
- 6.20.040 Permit Required**
- 6.20.050 Violation**

#### **6.20.010. Keeping of Chickens**

Subject to the requirements of this chapter and any other applicable provisions of Title 6, Chapter 1, hen chickens (and no roosters) regardless of age, in the numbers set forth below, may be kept on a lot or parcel of land in any residential zone. For lots one half acre in size or larger, the provisions set forth in §15.3.24.090(G) for turkeys, poultry, and fowl apply. For all smaller lots, the following applies:

- (A) The number of hen chickens which may be kept shall be limited based on the size of the lot or parcel as follows:
  - (i) five thousand (5,000) square feet and larger: up to six (6).
  - (ii) less than five thousand (5,000) square feet: none.
- (B) The principal use on the lot or parcel shall be a single family dwelling, duplex (minimum square footage per dwelling unit), or twin home.
- (C) Chickens may be kept on a non-nuisance basis strictly for familial gain from the production and consumption of eggs only and there shall be no sale or income resulting from the keeping of chickens.
- (D) All enclosures, pens and coops shall be located in the rear yard of the main dwelling or in an interior side yard provided all of the requirements of this chapter are met.
- (E) Enclosures, pens, and coops shall not be located in a corner side yard unless the side yard shall be completely fenced using site-obscuring fencing or vegetative screening, so as to prevent sight of such areas from the street or neighboring properties to the greatest degree possible.
- (F) Dead birds and unused eggs shall be removed within 24 hours or less and shall be properly discarded.

#### **6.20.020. Enclosures Required.**

To keep chickens, an enclosure, including a coop, is required, in accordance with the regulations established in this section.

- (A) The coop shall meet the following construction standards:
  - (i) with solid walls on all sides, exclusive of openings for animals and access to animals;
  - (ii) with a solid roof;
  - (iii) so as to prevent intrusion, including by burrowing, from all types of rodents, vermin, and predatory animals; and
  - (iv) such that they resemble typical accessory buildings and are not unsightly.
- (B) The coop shall have a minimum floor area of at least two and one-half square feet per chicken.
- (C) If chickens are not allowed to roam within an enclosure outside the coop, the coop shall have a minimum floor area of six square feet per chicken.
- (D) The coop shall be structurally sound and located in a rear yard at least twenty-five feet from any neighboring residential structures and at least six feet from the primary residential structure on the property. The coop shall be set back from the property a minimum of five feet and must also meet the minimum setback for accessory structures within the zoning district. The coop and enclosure shall be hidden from the public view through the use of opaque fencing materials or vegetative screening. Because a corner lot technically does not include a rear yard, the owner of a corner lot may choose one of the “side” yards to function as a rear yard for the purposes of keeping chickens and locating the coop.
- (E) The coop and enclosure shall be maintained in a neat and sanitary condition and shall be cleaned as necessary to prevent any odor detectable at a property line. At a minimum the coop and enclosed area shall be cleaned weekly, although waste may be composted so long as the composting area meets the setback requirements that apply to the coop and prevent any odor detectable at the property line.
- (F) No chicken shall be permitted to roam outside the coop or enclosure.

**6.20.030. Food Dispensers.**

Chicken feed shall be stored in rodent- and predator-proof containers. Water shall be available to the chickens at all times.

**6.20.040. Violation.**

It is a class C misdemeanor to violate any provision of this chapter.

**III.**

This Ordinance shall take effect 20 days passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 20th day of April, 2010.

  
G. WAYNE ANDERSEN, Mayor

Attest:

  
Kimberly Robinson, City Recorder

