TITLE 10

ANIMAL CONTROL

CHAPTER
1. DOMESTICATED ANIMALS.

CHAPTER 1

DOMESTICATED ANIMALS

SECTION

10-101. Keeping of domesticated hens. (1) Generally. (a) No person shall keep domesticated hens within the City of Forest Hills in such a manner that a nuisance is created.

(b) The keeping of domesticated hens shall be in compliance with all applicable zoning laws pursuant to title 14 of the municipal code.

(c) A permit to keep domesticated hens may not be assigned to another person. In addition, a permit granted pursuant to this chapter shall apply only to the property described in the permit. The permittee must occupy the residence on the property where the hens are kept as the permittee's personal, primary residence. An applicant for a permit must either own the property or have permission from the property owner to be eligible for a permit.

(d) Only one (1) permit is allowed per property. In the event the permittee is absent from the property for longer than sixty (60) days, the permit shall terminate automatically and become void.

(2) Permit required. No person shall keep domesticated hens on any property without first acquiring a permit from the City of Forest Hills. The first permit year shall extend from the date of issuance through December 31, 2012. Thereafter the permit year shall be January 1 through December 31. The issuance of a permit does not create a vested right to renewal of the permit beyond the stated term thereof. Every applicant for a permit to keep domesticated hens shall complete and file an application on a form prescribed by the city manager. Any material misstatement or omission shall be grounds for denial, suspension or revocation of the permit. The city manager shall issue a permit if the applicant submits an affidavit attesting that he/she is in compliance with the criteria and standards in this chapter. The city manager shall deny a permit if the applicant fails to submit an affidavit demonstrating compliance with all provisions of this section.
(3) **Health, safety, and sanitation.** (a) Food storage and removal. All stored food for the domesticated hens must be kept either indoors or in a rodent and predator-proof, weather-resistant container with a metal lid. Uneaten food shall be removed daily.

(b) Waste storage and removal. Provision must be made for the storage and removal of chicken manure. All manure for composting or fertilizing shall be contained in a well-aerated garden compost pile. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse and surrounding area must be kept free from trash and accumulated droppings.

(c) Enclosures. (i) All domesticated hens shall be kept outside of a habitable structure in a predator-proof enclosure, a portion of which must be a covered, predator-resistant henhouse, and a portion of which must be a fenced area complying with the provisions of title 14, chapter 2 of the municipal code applicable to the construction of fences. The henhouse shall be a minimum of two (2) square feet per hen with six (6) square feet per hen of fenced enclosures.

(ii) Fenced enclosures and henhouses must be properly ventilated, clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.

(iii) The henhouse and fenced enclosure must provide adequate ventilation, adequate sun and shade, and must be constructed in a manner to resist access by rodents, wild birds, and predators, including dogs and cats.

(iv) Henhouse shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator- and bird-resistant wire of less than one inch (1") openings.

(d) Sanitation, nuisance, and humane treatment. (i) No perceptible odor from the hens or the hen enclosure shall be present at any property line.

(ii) No slaughtering of domesticated hens may occur on the property.

(iii) No breeding of domesticated hens shall occur on the property.

(iv) No domesticated hens shall be used or trained for the purpose of fighting for amusement, sport, or financial gain.

(4) **Additional rules and regulations.** The city manager shall have the authority to adopt and implement rules and regulations necessary to further the
provisions of this section, provided they are not in conflict with the requirements of this section.

(5) Violations. (a) Revocation. The city manager shall deny a permit if the applicant fails to submit an affidavit demonstrating compliance with all provisions of this section. Where there is a risk to public health or safety, or for any violation of or failure to comply with any of the provisions of this section or with the provisions of any other applicable ordinance or law, the city manager may temporarily suspend the permit until the violations are remedied, and the city manager may issue a citation and summons to a court of competent jurisdiction. In the event a court of competent jurisdiction finds three (3) or more separate violations of the provisions of this section within a twenty-four (24) month period, the city shall have the right to request that no new permit be issued for the same address until the property changes ownership or a new tenant is residing at the address, and the court shall have the power to grant such relief. Any denial, revocation, or suspension of a permit, whether by the city manager or a court of competent jurisdiction, shall be in writing and shall include notification of the right to and procedure for appeal. Upon any violation of this section or upon the revocation of any permit, the city manager shall deliver a copy of such violation or revocation to the Metropolitan Board of Health.

(b) Penalty. In addition to any other enforcement action which the City of Forest Hills may take, violation of any provision of this chapter shall be subject to a fine of fifty dollars ($50.00). Each day that a violation continues shall be treated as a separate offense. (as added by Ord. #2012-202, June 2012, and amended by Ord. #2014-212, Feb. 2012)