

BILL NO. 1004

ORDINANCE NO. 972

AN ORDINANCE AMENDING CHAPTER 240 OF THE MUNICIPAL CODE PERTAINING TO REGULATIONS AND PROHIBITIONS ON KEEPING OF CERTAIN ANIMALS

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BEL-NOR, MISSOURI, AS FOLLOWS:

Section 1. Chapter 240 of Title II of the Municipal Code shall be retitled as "ANIMAL REGULATIONS".

Section 2. Sections 240.010 through 240.070 shall be included within a new Article I of Chapter 240, which new Article I shall be entitled "DOGS AND CATS".

Section 3. Section 240.080 of Chapter 240 of Title II of the Municipal Code is hereby repealed as the general penalty set forth in Section 100.080 applies to violations of the provisions of Chapter 240. Section 240.080 shall be reserved for future use.

Section 4. Chapter 240 of Title II of the Municipal Code is further amended by the addition of a new Article II, pertaining to the keeping and regulation of chickens, which shall read as follows:

TITLE II	PUBLIC HEALTH SAFETY AND WELFARE
CHAPTER 240	ANIMAL REGULATIONS
ARTICLE II	CHICKENS

SECTION 240.090 PERMIT TO KEEP CHICKENS

- (1) Any person desiring to keep or maintain any chickens and related improvements and facilities within any residential area of the city must apply for a permit on a form approved by the City. All chicken permits shall be issued for a period not to exceed one (1) year and such permits shall be renewed annually on July 1 of each year. The cost of each permit and the annual renewal shall be \$25. Each application for a chicken permit shall be signed by both the property owner and the tenant or occupant of the property where the chicken(s) are proposed to be kept and shall contain a detailed site plan showing all improvements and facilities, including fences, for the keeping of chickens. The Mayor shall appoint an ad hoc committee consisting of two City Alderman and one private citizen to review each permit application and site plan and make a recommendation to the full Board as to approval or disapproval.
- (2) No person shall keep any chickens or operate or maintain any coop or other improvement or facility for chickens unless a permit has first been obtained from the City. No person shall keep any chickens or operate or maintain any coop or other improvement or facility for chickens in violation of any of the provisions in this Article. Any person keeping

chickens or maintaining any improvements for chickens without a permit or in violation of the regulations set forth in this Article are subject to the penalties for violation of this section as set forth in this Code.

- (3) No permit shall be issued unless the proposed improvements and facilities for the keeping of chickens comply with all provisions and regulations of this Article and all applicable fees have been paid. Permits may not be transferred to a new owner.
- (4) Notwithstanding any provision herein to the contrary, each property owner or tenant harboring chickens which exists before the effective date of this Section on March 20, 2017, shall comply with the provisions of this Section and obtain a permit within one hundred twenty (120) days after the effective date of this Section (July 20, 2017).

SECTION 240.095 RESTRICTION OF NUMBERS

- (1) No person shall have more than seven (7) hens on a lot 10,000 square feet or less. The keeping of roosters is prohibited.
- (2) Any existing or prospective permit holder who houses more than seven (7) chickens on their property may keep the same number of chickens, but may not replace any chicken that expires or that is otherwise permanently removed from their property, until the limit of seven (7) is reached.

SECTION 240.100 CONFINEMENT STANDARDS AND INSPECTIONS

- (1) The keeping of chickens and all improvements and animal facilities including houses, buildings, pens and coops, shall comply with the following requirements:
 - a. Chickens and all facilities for chickens shall only be kept in the rear yard of the applicant's property. Coops and enclosed areas shall be screened through the proper use of fencing, walls, berms, or densely planted vegetation, or any combination thereof, as a buffer. A property owner may utilize the "privacy structure" provisions of the fence regulations in Title IV, Chapter 400, Article VI, Section 400.230, as amended by Ordinance 905 adopted Mar 17, 2014, for the coop itself and incorporate vegetation or other allowable fencing to create the buffer.
 - b. No chickens are allowed to be kept within the side yard of the property. No improvements or facilities for chickens shall be constructed or installed within the side yard and rear yard setbacks.
 - c. All facilities for chickens shall be located on the applicant's property so as to be at least (thirty) 30 feet from any building used or capable of being used for human habitation, not including the applicant's own dwelling.

- d. All improvements and facilities must comply with the City's building code and must be consistent with the requirements of any applicable zoning code, condition of approval of a land use decision or other land use regulation.
- e. The improvements and facilities shall be considered as accessory structures and shall not violate the lot coverage regulations set forth in this Code and shall not exceed the size and numerical limitations applicable to accessory structures.
- f. The appearance of the coop and enclosure, and the materials used to construct coop and enclosure shall resemble backyard coops, which are sold in the commercial marketplace. The coop and enclosed area shall appear professional in design and workmanship. It shall be constructed with proportional dimensions. Plastic tarp roofs, junk and materials not commercially used for coops and enclosures are not allowed.
- g. All improvements and facilities shall be maintained in good repair, in a clean and in a sanitary condition, and free of vermin, obnoxious smells and substances.
- h. The facility, or the conditions created by the facility, will not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health.
- i. The facility will reasonably prevent the chickens from roaming at large.

SECTION 240.110 ADJOINING PROPERTIES

- (1) In addition to the regulations set forth in this Section, the Board of Aldermen may place other permit conditions on the applicant which the Board deems necessary to mitigate adverse impacts on adjoining property given the location, size, topography and layout of the applicant's property, to preserve the public health, safety and welfare and to prevent nuisances.
- (2) To assist the Board of Aldermen in determining appropriate conditions which will mitigate adverse impacts on adjoining property, the City will send a copy of the permit application to the adjoining property owners within 5 days of its receipt and will provide the adjoining property owner with an opportunity to submit written comments within 5 days of the date of such notice. The Board may consider such comments in determining appropriate conditions for the permit.
- (3) The additional permit conditions may include further limitations on the number of chickens allowed to be kept and additional requirements for the improvements and facilities.

- (1) Any permit may be suspended or revoked in accordance with the process outlined in this section if the keeping of any animal or improvement or facility is found to endanger the health, safety or welfare of the public or the animals themselves, creates a nuisance or is in violation of state law or regulation or city ordinance.
- (2) If an inspection reveals that any provision in this Chapter is violated, the City's inspector shall mail written notice to the property owner at the owner's last known address of record or to the keeper or other responsible person, specifying the violation and requiring that the violation be corrected within 48 hours. If the violation is not corrected within the period specified, the permit shall be subject to suspension or revocation and the following procedure shall be followed:
 - (a) Upon notification of non-compliance from the City's inspector, the Mayor or his/her designee shall set a hearing to consider the question of suspension or revocation.
 - (b) At least five (5) business days prior to such hearing, written notice shall be mailed to the permittee at his/her or its known address as shown in the records of the County or the City advising the permittee of the time and place of the hearing and of the reason for considering the suspension or revocation of the permit.
 - (c) During the pendency of this hearing the licensee shall be permitted to continue the keeping of the allowable number of chickens under this Section, provided however, that the pendency of such hearing shall not preclude prosecution for violation of the ordinances of the City occurring during such period.
 - (d) At the hearing, the hearing officer, who shall be the Mayor or his/her designee, shall hear all relevant evidence justifying the suspension or revocation of the permit and all relevant evidence justifying the retention of the permit.
 - (e) The Mayor or his/her designee shall notify the permittee of the results of the hearing in writing. If the permit is suspended or revoked, the Mayor shall state in his/her Order the date by which all chickens and/or facilities and improvements shall be removed from the property.
 - (f) In the event that a permittee whose permit has been suspended or revoked pursuant to this Section, or a related entity of a permittee whose permit has been revoked pursuant to this Section, shall thereafter apply for a substantially similar permit, the City may take into account the act(s) and circumstances which lead to the suspension or revocation in considering the new application.
 - (g) Any person aggrieved by the determination of the hearing officer aforesaid may seek review of such decision by the Board of Aldermen. A written request for review must be submitted by the aggrieved party within five (5) business days of the date of the

letter notifying the permit-holder of the determination for which review is sought. The written request for review shall, at minimum, set forth all reasons known to the applicant as to wherein and why the administrative determination is in error and the evidence which supports such assertions.

- (h) The filing of a request for review shall not stay the outcome of the administrative determination unless the Mayor shall suspend the effect of the determination upon request of the aggrieved party.
 - (i) The Board of Aldermen may, at its option, review the determination on the basis of the City's files and the record of the prior proceedings or may hold an additional hearing thereon. The Board shall reduce the results of its review to writing and give notice thereof to all parties.
 - (j) Any person aggrieved by the decision of the Board of Aldermen may seek judicial review by filing a petition for same with the Circuit Court of St. Louis County within fifteen (15) days of the date of the Board's decision.
- (5) Following suspension or revocation of a permit, before operation of the facility resumes or any chicken is located or placed upon the property, submission of a new application for a permit accompanied by payment of the permit fees shall be required, and the facility shall not be allowed to operate and chickens shall not be allowed to be kept on the property until an appropriate permit is approved and issued.

SECTION 240.130 ROAMING AT LARGE PROHIBITED.

- (1) No person shall allow any chickens in their possession to roam at large, in or upon the public streets, open lots or private properties of the city, other than the rear yard of the owner in an enclosed rear yard run that has been approved in the permit process. No side yard runs are allowed.
- (2) When any such animal is found running at large within the city, and the owner fails to claim such animal or if the owner cannot be found, the animal shall be turned over to the Humane Society of Missouri, or other such agency.

Section 5. Chapter 240 of Title II shall be further amended by the addition of a new Article III which shall read as follows:

TITLE II	PUBLIC HEALTH SAFETY AND WELFARE
CHAPTER 240	ANIMAL REGULATIONS
ARTICLE III	WILD OR EXOTIC ANIMALS

SECTION 240.140 KEEPING OF NON-DOMESTICATED ANIMALS REGULATED.

A. For the purpose of this Code, the term non-domestic animal includes all animals except chickens kept in full conformity with Article II of this Chapter and traditional household pets such as dogs, cats, caged birds such as parrots, parakeets, doves and similar birds routinely bred for captivity and close human contact, small caged animals such as hamsters, rabbits, guineas and similar small animals routinely bred for captivity and close human contact, and aquarium animals.

B. It shall be unlawful for any person to bring into, send into, receive into, buy, sell, or possess, in the City, a non-domestic animal as defined herein, without first applying for and obtaining a permit from the City. No permit shall be granted without documentation that the keeping of said animal would be in full compliance with the provisions of the Animal Control Code of St. Louis County and the Wildlife Code of Missouri.

C. *Exemptions.* The provisions of this Section shall not apply to the keeping of non-domestic animals in the following cases:

1. The uninterrupted transportation of non-domestic animals through Bel-Nor, Missouri.
2. The keeping of such animals in zoos, bona fide educational or medical institutions, museums, or any other place where they are kept as live specimens for public view, or for the purpose of instruction or study.
3. The keeping of such animals for exhibition to the public by a circus, carnival, or other exhibit or show.
4. The keeping and offering for sale of such animals by a bona fide commercial pet shop establishment.

Section 6. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED BY THE BOARD OF ALDERMEN ON THIS 20th DAY OF March, 2017.

Attest:

Diana Krosnicki
City Clerk

CM Buchek
Presiding Officer

APPROVED BY THE MAYOR ON THIS 20th DAY OF March, 2017.

Attest:

Diana Krosnicki
City Clerk

CM Buchek
Mayor