

Good evening council members. My name is Nathaniel Smith and I am a resident of Cottonwood Heights. I have spoken with you all individually but would like to make a more formal presentation of my request to the City Council. My request is that the ordinance pertaining to the keeping of chickens be amended.

At the beginning of 2021, my family purchased some chickens to raise after being granted permission from our landlord. Our desire was that our 4 young boys would understand where our food comes from and the work and care involved in the endeavor of food production. Our boys enjoy feeding them, ensuring they have water, and cleaning their coop, but what they really enjoy is holding them, petting them, and collecting the eggs. They understand that the eggs we are getting from our chickens is directly related to the work that they put in to the care of the chickens, and the eggs taste all the better for it. We enjoy sharing our abundance of eggs with our neighbors as a way to bless them and teach our boys generosity.

At the beginning of August 2022, we had some chickens get into a neighbor's yard as they were grazing on the bugs in our yard. That triggered a visit from officer "Sal" from Cottonwood heights animal control. It was at this point that we were made aware that we needed a permit in order to maintain chickens. I have been in ongoing conversations with the animal control officer as well as my city council representative, Doug Peterson, about how to resolve the matter

On 10/25, I was given an official citation during a site visit with officer "Sal". It was at this point that we identified a spot on the property that would meet all the requirements laid out in the ordinance. I was told I needed to speak to someone with Cottonwood Heights to start the permit application process. I called the next day and was told I needed to speak to Terri, who was not working that day. I went to the city hall the next day to speak with Terri who informed me that, in fact, officer "Sal" was the one who had the permit applications and he would need to meet with me to start that process. I was confused as I was told something different by the officer, so I walked over to the police department to speak with him. He informed me that he was wrong the day he met with me and that I didn't meet the requirements because I live in a duplex as opposed to a detached single family dwelling, and that even though I met all aspects of the ordinance that pertain to health and safety, I would not be issued a permit because of my house type.

This brings me to my request. I would like the city council to amend the language in the ordinance to remove the single family detached requirement. I believe that some on the council that I spoke with may be hesitant to make the change because of a lack of clarity on my part. I am not requesting a change to any of the spacing requirements. As it stands, the ordinance says that the coop " shall be located at least 40 feet from all dwellings on all adjoining properties and at least three feet from the property line" . The area I identified to officer "Sal" meets those requirements and all the others laid out in the ordinance. Further, it has been pointed out that my situation is fairly unique in that I live in a duplex but could still meet all the distance requirements. While considering this, I realized that both sides of the duplex across the street

from me could also meet the requirements. This led me to wonder how many more families might be barred from owning chickens because of the language in the ordinance.

It seems to me that the result of the language that denies me a permit is discriminatory and classist. This may seem like an inflammatory statement, but I can't see any other way to describe it. I don't currently have the means to own a single family detached home in these times of inflation and high cost housing. I understand that it is difficult to write a code or ordinance that would perfectly carry out that intent in all circumstances which is why a mechanism for a variance may be an alternative solution to this matter. Please understand that I am not looking for any special treatment for my personal situation. Rather, I am looking to right a wrong that I have discovered in the code and give others the freedom to raise and enjoy chickens as my family has for the last year and a half.

Nathaniel Smith
801-516-9220
smithn04@gmail.com

Chapter 8.13 Chickens

Sections:

8.13.010 Requirements for keeping chickens.

8.13.020 Chicken-keeping permit.

8.13.010 Requirements for keeping chickens

A. It is unlawful for any person to keep within the city any chickens without first making application for and obtaining a permit from the city to do so. The fee for such a permit shall be as specified in the city's consolidated fee schedule. Although chickens may kept as provided in this chapter, they shall not be deemed as household or domestic pets.

B. It shall be unlawful for any person to keep any chicken in a manner contrary to the provisions of this chapter. Any such violation shall be a class B misdemeanor.

C. Chickens may be kept on a non-nuisance basis for familial gain from the production and consumption of eggs.

D. Up to six egg-laying hens and up to four chicks may be kept on a residential lot.

E. Roosters and crowing hens are prohibited.

F. Location.

1. Chickens may only be kept on a property containing a single-family detached residence or on a contiguous, vacant property under common ownership with that residence.

2. All enclosures, pens and coops shall be located in the rear yard of the main dwelling or in an interior side yard in full compliance with this chapter.

3. Enclosures, pens and coops shall not be located in a corner side yard unless the side yard is 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.

4. All enclosures, pens and coops shall be located at least 40 feet from all dwellings (as the same may exist from time to time) on all adjoining properties and at least three feet from the property line, provided that a portable wheeled coop may encroach temporarily and from time to time on the three foot separation from the property line. During the time a heating device is employed in the pen or coop during cold weather, such pen or coop must be separated by at least ten feet from any structure containing a habitable dwelling on the same property.

G. All pens and coops shall be maintained in a clean, sanitary condition and in compliance with all applicable health regulations. Without limiting the generality of the foregoing statement:

1. All droppings within the coop and the enclosure shall be cleaned out at least once a week;

2. Coops must be thoroughly cleaned with a standard disinfectant at least once per calendar quarter;

3. Coops and related structures must be kept free from standing water and odor-free; and

4. Dead birds and unused eggs shall be removed within 24 hours or less and shall be properly discarded.

5. All feed shall be stored in containers preventing intrusion by rodents and other vermin.

H. Coop and enclosure.

1. A coop is required to keep chickens. The coop shall be constructed such that it provides adequate shelter and space for chickens to roost with at least three square feet per chicken. If the chickens are not allowed to roam outside the coop, the coop shall have a minimum floor area of six square feet per chicken.

2. If a fenced enclosure for chickens is provided, the enclosure must consist of sturdy 1/4" hardware cloth wire fencing buried at least two feet vertically into the ground, with an

additional two feet bent outwards, from the vertical element, to be parallel to the ground and underground. The use of flimsy wire mesh, including chicken wire, is not permitted in the construction of a domestic fowl coop, fence or enclosure.

G. The city may enter upon the premises for the purpose of inspecting the fowl, the coop and related improvements.

8.13.020 Chicken-keeping permit.

A. Any person who desires to keep chickens as authorized by this chapter shall make application to the division, on a city-approved form, for a chicken permit.

B. The application shall include the following information:

1. The name, address and other contact information of the person desiring the chicken keeping permit.

2. The location of chicken pens or coops, including a plat showing the parcel and neighboring properties, property lines, and the locations of the coop, pen, enclosure and nearby dwellings.

3. Basic plans and specification of the proposed coop, pen and enclosure, showing size and dimensions.

4. The distance between the location of the proposed pen or coop and the nearest dwelling on all adjoining lots.

5. A statement irrevocably granting unto the city permission to enter upon the premises for the purpose of inspecting the fowl, pen, coop, enclosure and all related improvements.

6. Any other information required by the city.

C. Upon receipt of the application, the city shall inspect the applicant's premises to verify compliance with this chapter. The permit shall be issued if the city determines that the applicant can and will comply with all regulations pertaining to owning chickens.

D. The chicken keeping permit shall expire on June 30th, but may be renewable on a yearly basis thereafter upon application to and

approval by the city as provided in this chapter.

E. The rights under the permit transfer to a successor owner of the premises until the following June 30th, whereupon the permit is subject to renewal as provided in this section.

Sec. 21-11-3. - Animals (Farm and Household Pets).

(a) *Farm Animals.*

- (1) *Designation of Appropriate Zone Districts.* Property owners in any R-1-40, R-1-30, R-1-20, or R-1-15 residential district may submit an application for rezoning for designation of the district for the keeping and raising of farm animals. An "A" following a zone designation indicates farm animals are permitted.
- (2) *Procedure for Designation.* A request for rezoning must include at least five contiguous properties or have at least 1½ acres.
- (3) *Ratio of Animals to Lot Size for Farm Animals.* In order to have farm animals on a residential lot with an "A" designated zone, the following minimum square footage requirements will be required for each animal:
 - a. Each large animal requires at least 10,000 square feet. Each medium animal requires at least 4,000 square feet. Each small animal requires at least 400 square feet. For example, a 20,000 square foot lot could have no more than two large animals, or no more than five medium animals, or no more than 50 small animals, or a combination of one large animal, two medium animals, and five small animals.
 - b. Vietnamese potbellied pigs may be kept at a ratio of two animals for each one-half acre of lot size (no less than 20,000 square feet). The maximum number of Vietnamese potbellied pigs shall be two per residential lot.

(b) *Household Pets.*

- (1) *Maximum Number Allowed.* All zones are allowed no more than a total of six common household pets (dogs, cats, rabbits, and ducks). These household pets may be kept on-site for family use only. Roosters are not allowed as a household pet. Exceptions:
 - a. In addition to the six common household pets, there shall be no more than ten chickens, kept on a non-nuisance basis.
 - b. No more than three dogs per residence are allowed unless the resident has procured a dog hobby license to allow up to a total of five dogs.
- (c) *Outdoor Animal Domiciles Structure.* Partially enclosed and/or roofed structures (e.g., barns, corrals, cages, pens, coops, kennels and runs, etc.) are encouraged to be provided and maintained for all animals kept outdoors. Such structures shall be sited at the rear of the main dwelling and at least 30 feet from neighboring dwellings and comply with all other setback and yard regulations for accessory structures (unless the parcel is over 40,000 square feet and the accessory structure is placed beyond the front or side yard setbacks. See Subsection (a)(1)b of

this section). The facilities shall be placed in compliance with all animal regulations, noise and nuisance regulations, and Salt Lake Valley Health Department regulations and procedures, with the following exceptions:

- (1) All dog kennels and dog runs must be set back at least ten feet from the property line and at least 40 feet from all neighboring dwellings.
- (2) For properties which have an "A" designation, the Director may allow an outdoor animal domicile structure for farm animals to be constructed prior to construction of a main dwelling under the following conditions:
 - a. The structure complies with all accessory structure setback, height, and size standards.
 - b. The structure is in scale and character with other accessory buildings located within one-half mile of the property and located in the same or larger lot zone district or is an improvement to the immediate area (e.g., R-1-15A, R-1-20A, R-1-30A, R-1-40A).
 - c. That an agreement be recorded against the property that the structure will be relocated or removed as necessary to comply with setback standards upon additional development of the property (e.g., construction of the main dwelling, subdivision, etc.). In addition, a plot plan shall be submitted which indicates the location of the structure in relation to a future residence on the property, and this information shall also be provided within the agreement.

Note: This section applies only to those animal facilities placed outside the main dwelling unit. This regulation does not apply to any location within the interior of the home, including the garage or other attached interior space.

(LDC 2008, § 15A-11-03; Ord. No. 12-05, 1-31-2012; Ord. No. 12-22, 6-18-2012; Ord. No. 15-25, 7-21-2015; Ord. No. 20-3, § 1, 6-6-2020)

6.12.125 Domestic fowl permit.

It is unlawful for any person to own or keep fowl without a permit. Unless a type of fowl is specifically permitted by the applicable zoning ordinances and this section, it is prohibited.

- A. Where permitted by the zoning ordinance, hen chickens may be kept for domestic egg production or as pets.
 - 1. Chickens shall not be kept on a residential lot or parcel unless the person keeping chickens first obtains a permit from the division.
 - a. The applicant shall acknowledge the rules set forth in this section and shall, as a condition of obtaining a permit, agree to comply with such rules.
 - b. It shall be unlawful for any person to keep any chicken in a manner contrary to the provisions of this section. Any such violation shall be a Class C misdemeanor. (Ord. 2018-06 § 1 (Exh. A (part)); Ord. 2012-12 § 2 (Exh. A (part)))

The Midvale Municipal Code is current through Ordinance 2022-15, passed October 4, 2022.

Disclaimer: The city clerk's office has the official version of the Midvale Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.midvalecity.org](http://www.midvalecity.org)

[Code Publishing Company](#)