

ORDINANCE # 303

AN ORDINANCE AMENDING ORDINANCE # 253, SECTION #4 AND SECTION #5 TO ELIMINATE CHICKENS, (FEMALE) AND REFERENCED FOWL NOT TO INCLUDE CHICKENS (FEMALE ONLY)

ORDINANCE #303 IS FOR THE SOLE PURPOSE OF ALLOWING RESIDENTS IN THE TOWN OF CHUGWATER TO HAVE HEN CHICKENS. THE **TOWN OF CHUGWATER** IN THIS ORDINANCE REFERS TO THE **PLATTED TOWN OF CHUGWATER**.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF CHUGWATER, COUNTY OF PLATTE, STATE OF WYOMING:

Section 1: Keeping of Chickens:

- A. It shall be unlawful to keep, possess, or maintain live roosters (male chickens) anywhere in the Town of Chugwater. Only live hens (female chickens) may be kept, and all references herein to chickens or poultry shall mean hens only.
- B. It is unlawful to keep, possess or maintain more than six (6) hens on any eligible lot within the Town.
- C. For the purpose of this Ordinance, the term “eligible lot” is defined as any lot that contains no more than one detachable single family residential dwelling unit that is occupied as a personal residence by at least one adult who shall be responsible for compliance with the provisions of this Ordinance.
- D. An empty lot cannot be used to house hens.
- E. Chickens must be confined within a covered, predator-resistant coop, including predator-resistant roofing and flooring, located in the back yard (rear) of the eligible lot. The coop must be adequately ventilated and easily accessed, cleaned, and maintained. The coop must provide at least three (3) square feet of space for each hen. No coop shall have an enclosed floor space exceeding forty (40) square feet, and no portion of any coop or pen shall exceed a height of seven (7) feet from the ground surface to any point.
- F. During daylight hours, each chicken must have access to the coop and to a pen surrounding the coop that shall be totally enclosed to prevent escape and to protect the chickens from predators. Chickens must be enclosed within the coop each day from sundown to sunrise on the following day.
- G. During daylight hours, chickens may be permitted to roam outside the pen, as described in Section F, and within the back yard, so long as they are confined within the area enclosed by a solid fence not less than six (6) feet in height. Chicken wings shall be clipped to prevent them from escaping over the fence.
- H. No portion of a coop or pen may be located within fifteen (15) feet of a lot line separating the eligible lot from an adjacent lot unless the owner of the

adjacent lot consents in writing. The consent of an adjacent owner shall be irrevocable for a period of one (1) year from the date consent is given in writing. After the expiration of one (1) year, the consent of an adjacent owner may be revoked.

- I. It is unlawful for any chicken(s) to be at large. Any chicken(s) found running at large or ranging within the Town limits shall be impounded by the Town. No chickens shall be released until the owner or custodian redeeming the chicken(s) pays the Town Clerk or Treasurer a fee as follows:
 - 1. First Offense within 12 months \$50.00
 - 2. Second Offense which occurs within 12 months' time of first offense \$100.00
 - 3. Third and final offense which occurs within 12 months' time of the second offense, loss of permit and a fine of not more than five hundred dollars (\$500.00) and must appear in Court.

- J. It will be the duty of the Town Clerk to sell any chicken(s) not redeemed within twenty-four (24) hours following impoundment, upon giving at least five (5) days' previous notice to the owner of the impounded chicken(s), if owner is known, of the time and place of such sale.
- K. In the event the chicken(s) are sold for more than an amount sufficient to pay the fees and charges required under this article and expenses of the sale, the excess shall be deposited with the Treasurer of the Town for general funds use.
- L. In the event the chickens are sold for less than the amount sufficient to pay the fees and charges required under this article and expenses of the sale, the amount owed will be the responsibility of the owner to pay.
- M. The coop and pen must be cleaned and maintained such that the coop and pen does not become a nuisance or attract excessive insects or vermin.
- N. Chickens will be provided with sufficient potable liquid water at all times. Chicken feed shall be stored in secured containers to prevent access by mice, rats, raccoons and other vermin.
- O. It will be unlawful to possess, keep or maintain live chickens in a dwelling unit of any kind.
- P. There shall be no slaughtering of chickens within the Platted Town limits. Harvesting of the chicken for meat or any purpose other than eggs shall be conducted at a USDA approved facility.
- Q. Provisions for the removal of excrement from the property on a regular basis will be the responsibility of the owners. TDS will have a special

charge for removal of excrement. The Town dumpsters are not to be used for chicken excrement.

Section 2: Fines for Non-Compliance and Complaints

1. Complaints regarding keeping of chickens must be addressed by **ALL** adjacent property owners in writing to the Town Clerk. Each complaint will be addressed, however, two (2) or more adjacent property owners will be needed to file a formal complaint.

Fines for formal complaints:

A. First Offense\$50.00

B. Second Offense.....\$100.00

C. Third and Final Offense will be loss of permit, a fine of not more than \$500.00 and must appear in Court.

2. If any person shall hinder, delay or obstruct any officer, town employee or elected official in taking up any such animal(s) as herein before mentioned, or shall break open or in any way assist or aid in breaking open any pen, pound or enclosure with intent to release any animal therein confined, he shall, on conviction thereof, be fined in a sum not less that twenty-five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00), recoverable with costs.

Section 3: Conditional Use Permits

1. Those wishing to keep chickens on their property within the Town must apply for a permit. The cost of the permit is \$10.00 and is valid for 2 years.
2. The granting of the permit herein above set forth shall be in addition to all other state and federal permits, statutes and regulations regarding care and keeping chickens for which a permit is sought.
3. An application for a permit to board or keep chickens within the Town shall be made to the Town Clerk and shall containing the following:
 - A. Name and Address of applicant
 - B. Plans for chicken coop
 - C. Property Owners approval (if renters applying)
4. When, upon review of the application, and the Town Clerk is satisfied that the proposed plans meet the requirements and the cost of the permit is paid, the Town Clerk will issue a conditional permit.

Section 4: Cruelty to Animals

1. No owner shall fail to provide his/her animals with sufficient, good and wholesome food and water, proper shelter and protection from the weather, veterinary care, when needed to prevent suffering, and humane care and treatment. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse any animal or wild animal, or cause or permit any dog fight, cockfight or other combat between animals.

For state law as to protection of domestic animals generally, see current W.S. 1977, 11-29-101 et seq.

Passed on the First Reading, May 2, 2016.

Passed on Second Reading, June 6, 2016.

Passed on Third and Final Reading, July 11, 2016.

Passed, Adopted, and Approved by the Mayor and Town Council on the 11th day of July, 2016.

LaDonna Sand, Mayor

ATTEST:

Linda Webster, Town Clerk