

AN ORDINANCE SUBMITTING TO THE VOTERS THE AMENDMENT OF ARTICLE II, SECTION 215.010 (A)(13) OF THE MUNICIPAL CODE OF THE CITY OF DEARBORN AND ADOPTING A NEW ARTICLE II, SECTION 205.120 TO PERMIT KEEPING NO MORE THAN SIX CHICKENS, EXCEPT FOR ROOSTERS WHICH CROW, AT ANY HOUSEHOLD AND SETTING FORTH THE CONDITIONS UNDER WHICH SAID CHICKENS SHALL BE MAINTAINED AND PROVIDING FOR SUBMISSION OF THIS ORDINANCE TO THE QUALIFIED VOTERS OF SAID CITY FOR THEIR APPROVAL AT THE GENERAL ELECTION CALLED AND TO BE HELD IN SAID CITY ON TUESDAY, APRIL 7, 2020.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DEARBORN, PLATTE COUNTY, MISSOURI AS FOLLOWS:

Section 1. Purpose and scope.

It is the purpose of this ordinance to submit to the voters the amendment of Article II, Section 215.010 (a)(13) of the Municipal Code of the City of Dearborn to permit keeping no more than six (6) chickens, but not roosters that crow, at any household and to prescribe the conditions under which said animals shall be maintained.

Section 2. Repeal of existing code provision.

Article II, Section 215.010 (a)(13) of the Municipal Code of the City of Dearborn is hereby repealed.

Section 3. Adoption of new Article II, Section 215.020 (a)(13) of the Municipal Code of the City of Dearborn

A new Article II, Section 215.010 (a)(13) of the Municipal Code of the City of Dearborn is hereby adopted as follows:

The keeping of animals and fowls in any area within the City not zoned for agricultural uses except:

1. pet cats and dogs
2. animals in public or licensed zoos,
3. farm animals in laboratories and,
4. Subject to the provisions of Section 205.120 of this Code not more than 6 chickens per household. Keeping or maintaining any rooster which crows shall, nevertheless, be a nuisance.

Section 4. Adoption of a new Article II, Section 205.120 of the Municipal Code of the City of Dearborn

A new Article II, Section 205.120 of the Municipal Code of the City of Dearborn is hereby adopted as follows:

Keeping or maintaining chickens shall be subject to the following provisions:

(A) Location of pens; enclosure required. It shall be unlawful for any person to keep or maintain any chicken coop closer than 50 feet to the nearest portion of any residence or dwelling other than the dwelling occupied by the owner or keeper of the animals or fowl, except for such fowl or animals kept for sale within a bona fide produce market, commission house or store for purposes of trade and while so kept are confined in small coops, boxes or cages, or where such animals or fowl are kept for purposes of research in a laboratory or in areas zoned for agricultural use. Animals and fowl so kept or maintained shall be enclosed on all sides and shall not be allowed to run or fly at large.

(B) Control of odors. Every coop shall be kept so that no offensive, disagreeable or noxious smell or odor shall arise therefrom to the injury, annoyance or inconvenience of any inhabitants of the neighborhood.

(C) Storage and disposal of manure. Every coop shall be provided with a watertight and flytight receptacle for manure, of such dimension as to contain all accumulations thereof, which receptacle shall be emptied sufficiently often and in such manner as to prevent its becoming a nuisance. Such receptacle shall be securely covered at all times except when open during the deposit or removal of manure or refuse therefrom. No manure shall be allowed to accumulate except in such receptacle. All such manure, when removed from the receptacle, shall be buried with a covering of not less than six inches of earth, or, if used as fertilizer, thoroughly spaded into the ground, or shall be removed from the property.

(D) Maintenance of enclosures for fowl. All earthen yards or runways wherein chickens are kept or permitted to be shall be spaded and then limed once every three months from the month of April through the month of December. For the purpose of killing flies and other insects, all structures, pens or coops wherein chickens are kept or permitted to be shall be sprayed with such substances as will eliminate such insects.

(E) Condition of enclosure; inspections. Any structure, pen, coop or yard wherein chickens are kept or permitted to be shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors. The enclosed area of all such structures shall be constructed in such a way as to be dry at all times on the inside. The person maintaining any such structure, pen, coop or yard in the city does by such act of maintenance authorize the director of health to at any time inspect any such structure or premises and issue any such order as may be necessary to carry out the provisions of this section.

(F) The failure to abide by any of the requirements of this section shall constitute a nuisance as set forth in Section 210.010 of this Code.

Section 5. This ordinance shall be submitted to the qualified voters of the City of Dearborn, Missouri, for their approval at the General election hereby called and to be held in said city on Tuesday, the 7<sup>TH</sup> day of April 2020. The official ballot to be supplied and used at said election shall be in substantially the following form:

PROPOSITION

Shall the City of Dearborn, Missouri amend its code to permit keeping no more than six (6) chickens, but not roosters that crow, at any household and to prescribe the conditions under which said animals shall be maintained.

YES

NO

INSTRUCTIONS TO VOTERS: If you are in favor of the proposition, place an X in the box opposite "Yes." If you are opposed to the proposition, place an X in the box opposite "No."

The approval of this proposition will direct the Board of Aldermen to amend its code of ordinances to permit keeping no more than six (6) chickens, but not roosters that crow, at any household and to prescribe the conditions under which said animals shall be maintained.

If a majority of the qualified voters voting at said election shall vote in favor of the approval of this ordinance, then the same shall be binding and in full force and effect.

Section 6. Within ten (10) days after the approval of this ordinance by the qualified votes of the City of Dearborn, Missouri, the City Clerk shall forward to the Director of Revenue of the State of Missouri by United States registered mail or certified mail, a certified copy of this ordinance together with certifications of the election returns and accompanied by a map clearly showing the boundaries thereof.

Section 7. This ordinance shall take effect and be in full force from and after May 12, 2020.

READ TWO TIMES AND PASSED THIS 9<sup>th</sup> DAY OF DECEMBER 2019.

ATTEST:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Municipal Clerk

Be it remembered that the above ordinance was enacted by the city on the date indicated above, by a vote of the governing body of the city as follows:

Those voting "aye" were

Cory Holt, Steve Wilson, Breanna Cheadle  
\_\_\_\_\_

---

---

Those voting "nay" were

*none*

---

---

---

---

*Craig Atkinson*  
Municipal Clerk