1st Reading 10/27/2020
2nd Reading 10/27/2020

BILL NO.20-33

ORDINANCE NO. 5095

AN ORDINANCE AMENDING SECTION 6-17 OF CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF CRESTWOOD, MISSOURI, PERTAINING TO THE PERMITTING OF DOMESTIC ANIMALS AND FOWL THAT MAY BE KEPT ON A PARCEL WITHIN THE CITY

WHEREAS, the City of Crestwood (the "City") prohibits residents from keeping domestic animals and fowl on their properties without a permit from the City; and

WHEREAS, permitted domestic animals and fowl are set forth in Section 6-17 of the Municipal Code of the City of Crestwood, Missouri (the "Code"); and

WHEREAS, the Public Works Board and City staff have recommended revisions to the City's Code regarding the keeping of chicken hens, and to permit ducks that are presently kept within the City as of the effective date of this Ordinance to remain, but to prohibit the keeping, maintain, or allowing of any ducks not presently kept, maintained or allowed on a lot, tract or parcel within the City; and

WHEREAS, the Board of Aldermen finds that the proposed amendment to Section 6-17 of the Code would be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CRESTWOOD, MISSOURI, AS FOLLOWS:

SECTION 1: Section 6-17 of Chapter 6 of the Municipal Code of the City of Crestwood, Missouri, pertaining to permitted domestic animals and fowl, is hereby amended to read as follows, with new language appearing in red and repealed language struck through:

Sec. 6-17 – Domestic animals and fowl.

(a) It is unlawful to keep, maintain or allow to remain upon one lot, tract or parcel of ground within the City any sheep, goats, hogs, cows, horses, mink, rabbits, ducks,

geese, pigeons, ~~chickens,~~ turkeys, ~~bees (including honeybees)~~ or other domestic animals or fowl. It is unlawful to keep, maintain or allow to remain upon one lot, tract or parcel of ground within the City any chicken hens or bees (including honeybees), except as provided in this section.

(b) Any person wishing to keep any chicken hens or bees (including honeybees) ~~any of the above domestic animals~~ in the City may file with the Director of Public Services or his/her designee a written application for a permit, stating the location and facilities to be provided, the size of the premises of the applicant, the number of each to be kept, and the purposes of keeping. If the Director of Public Services or his/her designee approves the same, he/she may grant such a permit. Each permit is good for a period of one year from the date thereof unless sooner revoked after hearing. ~~With the exception of honeybees and chickens, the number of animals to be allowed under the permit shall not exceed three.~~ The number of ~~chickens~~ chicken hens allowed under the permit shall not exceed nine. Honeybees will be limited to the number approved by the Director of Public Services or his/her designee at the time of issuance of the permit. The facilities maintained by the permittee shall be inspected at any reasonable time, one time each year, or more often as may be necessary to ensure compliance with this section. Permits may be revoked or suspended for failure of the permittee to provide adequate and/or humane facilities, or if animals or premises are deemed to be a nuisance. For any permit application to keep chicken hens and/or honeybees at a property, the Director or his/her designee shall contact all of the property owners adjacent to the applicant's property. Should any adjacent property owner notify the Director of his/her objection to the issuance of a permit, the permit shall be denied. Should an applicant apply for additional ~~chicken(s)~~ chicken hen(s) at a later date, the Director or his/her designee shall again contact all of the property owners that are adjacent to the property. Should any adjacent property owner notify the Director of his/her objection to the additional chicken hen(s), the number of chicken hen(s) will not be increased. In the event that a permit for chicken hen(s) is denied due to objection of an adjacent property owner, the applicant may appeal the denial to the Public Works Board within 15 days of the denial. The Public Works Board shall conduct a hearing, after providing notice to the neighboring property owners. The Public Works Board may authorize the issuance of a permit if it determines that the ~~chicken(s)~~ chicken hen(s) will not unreasonably disturb the neighboring property owners or create a nuisance.

(c) Pot-bellied pigs or other domesticated swine are expressly prohibited within the City of Crestwood.

(d) Nothing herein shall prohibit the keeping of the usual domestic animals ~~and fowl~~, such as the usual children's pets, or the keeping of any ducks that are present upon any lot, tract, or parcel of ground within the City as of October 27, 2020, provided they are not deemed to be a nuisance. Any duck kept, maintained, or allowed upon a lot, tract or parcel of ground within that was not upon such lot, tract or parcel of ground as of October 27, 2020 is prohibited.

(e) All domestic animals, fowl and bees, while on the premises of their owner, shall be under the immediate control of their owner or custodian or shall be securely restrained or enclosed in a suitable outbuilding or enclosure.

(f) Any building or enclosure contemplated by this section must be kept in a clean and sanitary condition so that no offensive odors escape therefrom. Any building or enclosure must be cleaned at least every 24 hours, so that no offensive odor or unsightly condition exists. Any manure or other waste from the ~~chickens~~ chicken hens shall be collected and properly removed from the premises or tilled into the soil on the premises promptly and regularly to prevent the spreading of offensive smells or diseases. The presence of numerous flies or the presence of fly larvae in the vicinity of any such premises, enclosures, or structures shall be evidence of a lack of sanitary maintenance of the premises and shall constitute a public nuisance. Any obnoxious odor or allergen arising from any condition existing within the enclosure or within any structure used or intended to be used for the housing of ~~chickens~~ chicken hens shall be evidence of a lack of sanitary maintenance of the premises and shall constitute a public nuisance.

(g) Any person having physical control/possession of any animal is responsible for disposing of any fecal matter deposited by that animal. This includes, but is not limited to, the owner's private property, someone else's private property, vacant property, streets, sidewalks, parking lots, common ground areas, and all public park areas.

(h) The owner of the premises and the tenant and custodian must promptly comply with orders of the City and/or St. Louis County Department of Health in respect to any unsanitary conditions found to exist.

(i) Deceased ~~chickens~~ chicken hens must be disposed of either through burial or incineration in accordance with state and county regulations.

(j) All enclosures, refuse containers, and all feed containers intended for the use of ~~chickens~~ chicken hens shall be constructed, maintained, and kept in such a manner as to be completely rodent-proof. The floors of every such enclosure shall be smooth and tight and maintained so as to prevent accumulation of filth or water or harboring of vermin thereunder. All such enclosures shall be located in a rear yard.

(k) All enclosures shall be sized and built to allow proper care and maintenance of the premises and the ~~chickens~~ chicken hens. Enclosures built after June 1, 2018, shall comply with the following minimums and maximums:

Chicken Hens	Nesting Boxes	Perch Space (inches)	Coop Size (square feet)	Run (square feet)
0 – 5	2 – 6	40 – 150	20 – 50	50 – 150
6 – 9	3 – 6	72 – 150	36 – 50	100 – 150

(l) Enclosures built after June 1, 2018, shall conform to the building setbacks for detached accessory structures as noted in § 26-186.

(m) If the premises and enclosure(s) are not properly maintained as noted above, the permit shall be subject to termination or denial of renewal.

(n) The eggs produced by the ~~chickens~~ chicken hens are not to be sold, and ~~chickens~~ chicken hens are not to be raised for consumption.

(o) Nothing herein shall be construed to prevent the keeping of a service animal or emotional support animal as a reasonable accommodation in accordance with the Fair Housing Act, 42 U.S.C. § 3601, *et seq*. The Director of Public Services may

require appropriate documentation demonstrating that a person is qualified to have the specific animal claimed as a service animal and/or emotional support animal.

SECTION 2: The remaining provisions of Chapter 6 of the City's Code shall remain in full force and effect.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

PASSED AND SIGNED this 27th day of October, 2020.

Mayor

ATTEST:

City Clerk

APPROVED this 27th day of October, 2020.

Mayor