

ORDINANCE NO. 1155

AN ORDINANCE OF THE CITY OF WILLISTON ADDING CHAPTER 4, ARTICLE III, SECTION 4-31 THROUGH 4-41 OF THE WILLISTON CODE OF ORDINANCES REGARDING THE KEEPING OF CHICKENS IN THE CITY LIMITS OF WILLISTON.

WHEREAS, the City of Williston enacted Chapter 4 of the City of Williston Code of Ordinances in 1969, and

WHEREAS, chickens has historically been disallowed in the city limits of Williston,

WHEREAS, the City of Williston has been approached by a group of citizens to pass an ordinance allowing chickens under specific conditions within the corporate city limits of Williston.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WILLISTON, NORTH DAKOTA.

Article I of Chapter 4, Section 4-3 be amended, in part, as follows:

4-31 Domestic fowl.

It shall be unlawful for any person, with the exception of a licensed veterinarian, to keep male chickens, ducks, geese, turkeys, pigeons or other domestic fowl within the City limits, except newly hatched fowl held for sale by a dealer of them.

Article III of Chapter 4, Sections 4-31 through 4-41 be amended, in part, as follows:

4-32 Definitions.

For purposes of this article, the following definitions apply:

1. Adjacent neighbors: For purposes of this article only, an adjacent neighbor shall mean an owner of real property adjoining the subject property along a lot line or separated by an alley or easement.
2. Chicken--hen: A female chicken.
3. Chicken—rooster: A male chicken.
4. Chicken coop—A fully enclosed, detached, non-residential structure which houses chickens under the provisions of this article.
5. Chicken run—A fully enclosed and covered area attached to a chicken coop for the purpose of allowing chickens to roam unsupervised outside.

6. Chicken at large—means a chicken out of its chicken coop or chicken run, off the permitted premises or not under the custody and control of the owner.
7. Premises—means, for the purposes of this chapter, the lot permitted to the owner under this article.

4-33 Permit Required.

No person shall maintain a chicken coop or chicken run, or allow live chickens on their premises, without first obtaining a permit issued by the City Finance Director after obtaining approval from the department head for the following departments: fire, building, administration, zoning and legal. The permit shall be subject to all of the terms and conditions of this article and any additional conditions deemed necessary by the City Finance Director to protect the health, safety, and welfare of the general public. The City Finance Director shall issue said permit for a period of time not to exceed one year, subject to annual renewal thereof. The initial permit shall automatically expire at the end of the initial calendar year and, thereafter, renewals of said permit shall extend for calendar-year periods. The permit is tied to the applicant and the land and is non-transferrable.

The necessary permit application may be obtained from the City Finance Director. No permit shall be issued for an incomplete application. Prior to issuance of an applicant's initial permit by the city auditor, the applicant must allow the city to inspect the applicant's proposed chicken coop and chicken run as installed and the building and fire departments must approve the installation. A permit for the keeping of chickens may be revoked or suspended by the City Finance Director for any violation of this section, or any other section in this Article, following written notice or, upon request for renewal, the renewal permit may be refused by the city auditor. The permittee may appeal the revocation, suspension or refusal of renewal of the permit by timely request for a hearing before a committee appointed by the Mayor. The request for hearing must be either postmarked or received in the city auditor's office within seven (7) days of the date of the notice. The city attorney shall conduct a hearing on the permittee's request for hearing and shall prepare a decision, based upon the committee's findings, on the matter after said hearing. The decision of the committee may be further appealed to the board of city commissioners by filing a timely notice of appeal of the decision of the city attorney with the City Finance Director. The notice of appeal must be either postmarked or received in the City Finance Director's office within seven (7) days of the date of the decision of the committee.

4-34 Standards.

- 1) Backyard chickens may only be kept in the following zoning districts:
 - a. (A) Agricultural District
 - b. (R-1E) Rural Estate District
 - c. (R-1A) Rural Residential District
 - d. (R-1) Single-Family Residential District
 - e. (R-2) Single-Family, Twinhome and Duplex Residential District

- f. (R-3) Lowrise Multi-Family and Townhouse Residential District
- g. (R-6) Manufactured Home Subdivision District
- h. (R-7) Residential Manufactured Home Subdivision

- 2) The following additional standards apply:
 - a. The minimum lot size required in order to receive a permit for backyard chickens is 5,000 square feet.
 - b. For properties within the aforementioned zoning districts, no more than 4 chicken hens may be permitted, unless the zoning ordinance regulations are met.

3) No male chicken roosters may be kept within the city limits of Williston.

4-35 Application for Permit.

The permit application shall include the following:

- 1) Name of applicant;
- 2) Address for permit;
- 3) The applicable fee set by resolution from time to time;
- 4) A statement regarding whether the applicant owns or rents the property for which the permit is being requested;
- 5) A statement regarding the lot size of the property, as verified by the City of Williston Planning and Zoning Department;
- 6) A statement regarding the zone of the property, which is verified by the City of Williston Planning and Zoning Department;
- 7) The number of chickens to be maintained on the premises;
- 8) A description of the heating element to be utilized inside the chicken coop and a description of the conditions expected in the chicken coop. The heating and electrical must adhere to the following:
 - a. All electrical shall comply with the City of Williston Fire and Building codes. All electrical work shall be completed by a licensed electrician.
 - b. Electrical receptables must have GFI protection.
 - c. Extension cords shall not be used as an alternative to permanent wiring.
 - d. Light fixtures must have fully enclosed lamps.
 - e. Receptables must have dust resistance covers.
 - f. All appliances must be listed by a qualified testing laboratory and must be intended for the installed use in this chapter.

- 9) A site plan illustration showing:
 - a. Property lines of the entire site
 - b. Distance between proposed coop and run
 - c. Distance and size of all on-site structures and distances to neighboring properties and their dwellings
 - d. Material type and height of screening fence, chicken coop, and run
 - e. Distance from any adjacent streams, tributaries, ditches, stormwater management facilities, storm drainage areas, or stormwater easements
- 10) A statement that the applicant/permittee will at all times keep the chickens in accordance with this ordinance and all the conditions prescribed by the city ordinances, or modification thereof, and failure to obey such conditions will constitute a violation of the provisions of this section and grounds for cancellation of the permit.
- 11) Written approval from all adjacent neighbors.

4-36 Chicken Coop and Chicken Run.

- 1) Except as set forth in this section, chicken coops and runs, as accessory structures, must comply with the setback requirements set forth herein. Chicken coops and chicken runs may not be located within the front or side yard and are subject to a ten (10) foot setback from any adjacent premises. All chicken coops must be a minimum of four (4) square feet per chicken in size, may not exceed ten (10) square feet per chicken in size. Attached fenced-in chicken runs must have a minimum of 10 square feet per chicken, including the chicken coop and may not exceed 20 square feet per chicken and fencing may not exceed six (6) feet in total height from adjacent ground level. Chicken runs must be enclosed with wood or woven wire materials or a combination thereof. To the extent the setback provisions of any other ordinance conflict with the setback or other provisions of this section, the setback or other provisions herein shall apply.
- 2) Chicken coops must either be:
 - (i) Elevated with a clear open space of at least twenty-four (24) inches between the ground surface and framing/floor of the coop; or,
 - (ii) The coop floor, foundation and footings must be constructed using rodent resistant construction.
- 3) Chicken coops are not allowed to be located in any part of a home or garage that is attached to a home. A chicken coop may be attached to a detached garage, detached shed or other structure that is not attached to a dwelling or any other structure that includes sleeping, cooking, eating or sanitation facilities, or any

combination thereof, and so long as there is a physical separation between the chicken coop and run and the space used and occupied for non-chicken-keeping-related purposes.

- 4) Chickens must be secured in a chicken coop from sunset to sunrise each day, but no later than 10:00pm and no earlier than 6:00am.
- 5) With respect to chickens owned or kept pursuant to a permit issued pursuant to this article, the slaughter and breeding of chickens on any premises within the city is prohibited.
- 6) Additional provisions:
 - a. Chicken feed must be kept in metal predator proof containers.
 - b. Chicken coop must be constructed with weather appropriate materials and electrical.
 - c. Chicken manure cannot be placed in yard compost piles.
 - d. Straw and other bedding must be stored indoors and used bedding planned for discard must be stored in a metal, non-combustible container. Straw and other bedding must be changed once per month.

4-37 Conditions and Inspections.

No person who owns, controls, keeps, maintains, or harbors chickens shall permit the premises where the chickens are to be kept to be maintained in an unhealthy, unsanitary or noxious condition or to permit the premises to be in such condition that noxious odors are carried to adjacent public or private property. Used bedding shall be properly discarded to prevent build-up in chicken coops. Cobwebs and dust must be removed regularly. Any chicken coop or chicken run authorized by permit under this section may be inspected at any reasonable time by the animal control officer, law enforcement officer, public health official or other employee or agent of the city. A person who has been issued a permit shall submit the same for examination upon demand by the animal control officer, law enforcement officer, public health official or other employee or agent of the city.

4-38 Removal of Chicken Coop and Chicken Run.

Any chicken coop or chicken run constructed or maintained on any premises shall be immediately removed from said premises after the suspension, expiration or termination of the permit for said premises, or shall be removed if the chicken-keeping activities have been discontinued or abandoned. Chicken-keeping activities shall be deemed to have been discontinued or abandoned if an annual renewal chicken-keeping permit is not obtained by a permittee by the last day of February each year.

4-39 Other Restrictions.

Notwithstanding the issuance of a permit by the City, private restrictions and/or covenants on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, leases, neighborhood association by-laws, covenant declarations and deed restrictions. A permit issued to a person whose premises are subject to private restrictions and/or covenants that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

4-40 Eggs for Commercial Sale.

North Dakota Century Code 4.1-19 shall apply in regard to the commercial sale of eggs.

4-41 Violations.

Any person who owns, controls, keeps, maintains or harbors chickens in the city of Williston without obtaining or maintaining a current permit or after a permit has been suspended or revoked shall be guilty of an infraction.

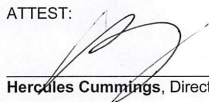
Any person who owns, controls, keeps, maintains or harbors chickens in the city of Williston in violation of any provision of this ordinance, shall be guilty of an infraction. Additionally, that individual's permit as issued in section 4-3X, shall immediately be revoked and must re-apply for a permit in the City of Williston.

Commissioner Cymbaluk moved the adoption of the foregoing Ordinance. The Motion was seconded by Commissioner Bervig. On roll call vote of the Commissioners vote "AYE": Cymbaluk, Bekkedahl, Bervig, and the following Commissioners vote "NAY": Klug. Absent and not voting: Piesik.

WHEREUPON, the Motion was passed and the Ordinance declared adopted this 13th day of February, 2024.


Howard Klug, President
Board of City Commissioners

ATTEST:


Hercules Cummings, Director of Finance

First Reading: 01/23/2024
Second Reading: 02/13/2024

Published:

Adopted the 13th day of February, 2024.