

ORDINANCE NO. 892

AN ORDINANCE OF DRAPER CITY ADOPTING SECTION 9-27-055 AND AMENDING TABLES 9-11-1 AND 9-10-1 OF THE DRAPER CITY MUNICIPAL CODE RELATING TO THE KEEPING OF CHICKENS FOR FAMILIAL GAIN.

WHEREAS, Utah State law grants to Draper City the authority to adopt zoning ordinances and amend the regulations therein; and

WHEREAS, the heritage of Draper City is one that is intertwined with agricultural uses of varying degrees; and

WHEREAS, the keeping of chickens on residential properties for the provision of food for the residents of the property is a method of utilizing Draper’s heritage for their benefit; and

WHEREAS, the City Council of Draper City has determined that it is in the best interest of the city and its citizens to permit the keeping of chickens for the exclusive benefit of residents of the property under certain conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. **Enactment.** Section 9-27-055 of the Draper City Municipal Code is hereby adopted to read as set forth in Exhibit “A,” attached hereto and incorporated herein by reference.

Section 2. **Amendment.** Tables 9-9-1 and 9-10-1 of the Draper City Municipal Code are hereby amended, in part, to read as set forth in Exhibit “B,” attached hereto and incorporated herein by reference.

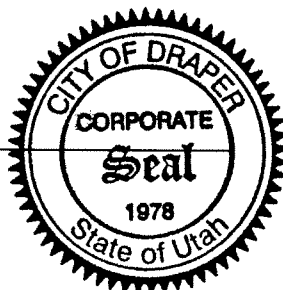
Section 3. **Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 4. **Effective Date.** This Ordinance shall become effective 20 days after publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, THIS 23 DAY OF June, 2009.

ATTEST:

Jacy Brown
City Recorder



DRAPER CITY:

By: *Danell T. Smith*
Mayor

EXHIBIT A

NEW SECTION 9-27-055 DRAPER CITY MUNICIPAL CODE

ARTICLE 5 - REGULATIONS OF GENERAL APPLICABILITY

Chapter 9-27 - SUPPLEMENTARY DEVELOPMENT STANDARDS

Sections:

9-27-010	Purpose
9-27-020	Scope
9-27-030	Abandoned, Wrecked, or Junked Vehicles
9-27-035	Use of Recreational Vehicles as a Residence
9-27-040	Accessory Uses and Structures
9-27-050	Animals and Fowl
9-27-055	Keeping of Chickens for Familial Gain
9-27-060	Condominium Projects
9-27-070	Easements
9-27-080	Fences and Visual Obstructions
9-27-085	Retaining Walls
9-27-090	Flag Lots
9-27-100	Frontage Improvements
9-27-110	Frontage Improvements - Methods of Providing
9-27-120	Height Limitations and Exceptions
9-27-130	Location of Gasoline Pumps
9-27-140	Lots and Yards
9-27-150	Lots and Uses on Private Rights-of-Way
9-27-160	Slope Limits - Driveways
9-27-170	Storage of Trash And Debris Prohibited
9-27-180	Swimming Pools
9-27-190	Impound Lots
9-27-200	Gates
9-27-210	General Preschools and Private Schools in Residential Areas

Section 9-27-055 Keeping of Chickens for Familial Gain.

- (a) Purpose and Intent. The guidelines and provisions of this Section are intended to:
- (1) minimize nuisances to neighboring property owners;
 - (2) prevent rodent, insect, vermin, and pest proliferation;
 - (3) prevent the spread of disease; and
 - (4) provide the ability for residents to provide for themselves and produce food for the exclusive benefit of their families without the need for a Conditional Use Permit.
- (b) Keeping of Chickens. Exclusive and independent of the terms and requirements of Section 9-27-050 of this Chapter and other applicable provisions of the Draper City Municipal Code regarding animal rights, residents may keep and maintain chickens on their property subject to the standards and guidelines of this Section. Any property or resident that cannot maintain any or all of the standards and guidelines of this Section shall be required to apply and be approved for a Conditional Use Permit under the

applicable terms regarding the keeping of animals on property as constituted in the Draper City Municipal Code. Keeping of chickens according to this Section shall be permitted in all residential and agricultural zones provided that all standards and provisions of this Section can be fully maintained.

- (c) Standards of Care. The following standards for care of chickens shall be required in all cases where the provisions of this Section are applied:
- (1) Chickens may be kept on a non-nuisance basis strictly for familial gain only and there shall be no sale or income resulting from the keeping of chickens.
 - (2) Up to six chickens may be kept on any one lot or parcel or by any one family, whichever is less.
 - (3) Chickens may be kept on properties containing a single-family detached dwelling unit only, although vacant properties directly adjacent to a lot or parcel containing a single-family detached dwelling unit under the same ownership may be used for the keeping of chickens.
 - (4) There shall be no roosters or crowing hens.
 - (5) Chickens may not be kept or allowed to roam within the living quarters of a dwelling.
 - (6) All enclosures, pens, coops, and run areas shall be maintained in good condition at all times so as to keep it rodent proof from all sides, including burrowing.
 - (7) Manure shall be removed from the pens, coop, and run areas at least weekly or as necessary to prevent insect breeding, vermin attraction, offensive odor, or any other nuisance per Salt Lake Valley Health Department standards.
 - (8) Compost piles must be at least three feet from the nearest property line and shall be managed in a way that prevents the spread of disease, the propagation or harboring of insects or rodents, the creation of any nuisance, offensive odor at the property line, or any other condition that might adversely affect public health, including noise, as required by Salt Lake Valley Health Department regulations.
 - (9) All enclosures, pens, coops, and run areas shall be kept and maintained in a clean and sanitary condition.
 - (10) All enclosures, pens, coops, and run areas shall be located to the rear of the main dwelling on the property and the yard shall be completely fenced using site-obscuring fencing so as to prevent sight of such areas to the greatest degree possible.
 - (11) All animal food storage and feeding areas shall be completely secured from insects, rodents, and other vermin per Salt Lake Valley Health Department standards.
 - (12) Clean water shall be available to the chickens at all times.

- (13) All enclosures, pen, coops, compost, and run areas shall be located at least 30 feet from the nearest primary structure or habitable dwelling on adjoining properties, at least five feet from the property line, and at least ten feet from any structure containing a habitable dwelling on the same property.
 - (14) Dead birds and discarded or rotting eggs shall be removed as soon as possible and within 24 hours and shall be properly disposed of.
 - (15) Chickens may not be permitted to roam beyond the locational requirements for enclosures, pen, coops, and run areas.
 - (16) To prevent disease, all chickens should be vaccinated yearly and appropriate bio-security measures should be in place using the guidelines of the United States Department of Agriculture.
- (d) **Runs, Structures, and Coops.**
- (1) **Required.** The keeping of chickens shall require the provision of a run area and a coop. The coop shall be constructed such that it provides adequate shelter and space for chickens to roost. Run areas shall be connected to the provided run and provide some method by which chickens are not allowed to freely roam beyond the run area including flying out of run area.
 - (2) **Structures.** Structures and coops used for the keeping and feeding of chickens according to this Section shall be designed and constructed:
 - (i) with solid walls on all sides, exclusive of openings for animals and access to animals;
 - (ii) with a solid roof;
 - (iii) so as to prevent intrusion, including by burrowing, from all types of rodents, vermin, and predatory animals; and
 - (iv) such that they resemble typical accessory buildings and are not unsightly.
 - (3) **Permits.** Structures or coops of a large enough size, or that are being altered, that would require a building permit shall apply for and be issued such a permit by the City prior to construction or alteration for use for the keeping of chickens.
- (e) **Violations.** Violation of any provision of this Section may result in immediate removal of any or all chickens. Violations may also be subject to other civil or criminal penalties based on the nature of the violation.

EXHIBIT B

**AMENDMENTS TO TABLES 9-9-1 AND 9-10-1
DRAPER CITY MUNICIPAL CODE**

Table 9-9-1
Permitted and Conditional Uses Allowed in Agricultural Zones

Use	Zones	
	A5	A2
Animals and fowl for recreation and family food production (subject to Section 9-27-055 of this Title)	P (one animal unit per ½ acre)	P (one animal unit per ½ acre)

Table 9-10-1
Permitted and Conditional Uses Allowed in Residential Zones

Use	Zones					
	RA1	RA2	RH	R3	RM1	RM2
Agricultural Uses						
Animals and fowl for recreation and family food production (subject to Sections 9-27-050 and 9-27-055 of this Title)	P (one animal unit per ½ acre) C (more than one animal unit per ½ acre)	C	NP	NP	NP	NP

Affidavit of Posting

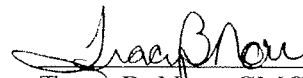
SALT LAKE COUNTY, STATE OF UTAH

I, the Recorder of Draper City, by my signature below, certify that copies of **Ordinance No. 892** for the **City of Draper**, which **Passed and Adopted by the City Council of Draper City, State of Utah on the 23rd day of June, 2009** were posted at the following places: Draper City Bulletin Board, Salt Lake County Library, Draper Senior Citizens Center, within the municipality.

Posting Period: June 24, 2009 to July 14, 2009

City Seal





Tracy B. Norr, CMC
City Recorder
Draper City, State of Utah