

**CITY OF ELSMERE
ORDINANCE NO 1822-2023**

**AN ORDINANCE OF THE CITY OF ELSMERE, KENTON COUNTY,
KENTUCKY, PROVIDING FOR A TWELVE-MONTH PILOT
PROGRAM OF UP TO FIVE TEMPORARY PERMITS IDENTIFIED BY
LOTTERY FOR THE ALLOWANCE OF ANY PERSON WITHIN THE
CITY LIMITS TO KEEP FOWL OWNED AT A PERSON'S RESIDENCE.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF ELSMERE, KENTUCKY, AS FOLLOWS:**

SECTION I

The City of Elsmere, Kentucky Code of Ordinances does not address the keeping of fowl for non-commercial purposes within the city limits; and

SECTION II

The City of Elsmere, Kentucky, City Council recognizes that urban backyard chickens are increasing in popularity and also recognizes the need for appropriate regulation of said urban backyard chickens to ensure protection of the public health, safety and welfare;

SECTION III

The City of Elsmere, Kentucky, City Council desires to develop a twelve-month PILOT program for the keeping of fowl at a person's residence within the city limits.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ELSMERE, KENTUCKY, as follows:

_____ URBAN BACKYARD CHICKENS PILOT PROGRAM

(A) General Requirements: Up to five (5) parcels within the City of Elsmere, selected through a lottery system, shall be permitted to participate in a 12-month PILOT program to keep backyard chickens with the proper Permit from The City of Elsmere under the following conditions:

- (1) Only the keeping of non-crowing chickens shall be allowed. Adult roosters, turkeys, guineas, ducks, geese or other domestic fowl are specifically prohibited.
- (2) There shall be no more than six (6) chickens kept on a property within the city limits at any one time.
- (3) A property housing chickens shall keep the chickens enclosed in the backyard only. The backyard shall be enclosed with a four-foot (4') fence.
- (4) In addition to the fencing requirement, the chickens shall be kept in a

henhouse/coop/tractor/run with a roof, that is enclosed on all sides, that has adequate ventilation, and that is able to be locked and secured to ensure chickens cannot run at large or leave the property and are safe from predators. Whenever left unattended, the chickens shall be kept in the secured henhouse/coop/tractor/run to ensure they cannot run at large or leave the property.

(5) The henhouse/coop/tractor and any associated run attached to it shall be located in the backyard and be a minimum of twenty-five feet (25') from the nearest residence, not including the residence of the owner of the chickens. For the purposes of this section, "residence" shall be defined to include both the principal structure and any decks, porches or sunrooms attached to the principal structure. This requirement shall be met at the time of permit issuance and is not meant to be retroactively applied in the event an adjacent residence constructs an addition of some type that encroaches upon an existing chicken henhouse/coop/tractor/run.

(6) The applicant must receive written approval from each adjoining property owner of the property housing chickens.

(7) Chickens shall not be kept in a manner that would allow a perceptible odor beyond the property line.

(8) There shall be no breeding or slaughtering of backyard chickens within the City of Elsmere.

(9) Provision shall be made for storage and removal of chicken manure. All manure for composting or fertilizing shall be contained in a well-aerated garden compost pile. All other manure not used for composting or fertilizing shall be removed from the property. In addition, the henhouse/coop/tractor/run and surrounding area shall be kept free from trash and accumulated droppings or feed.

(10) The PILOT program shall start on May 1, 2023, and end on April 30, 2024. Prior to the time of expiration of the PILOT program, city council will review and evaluate the program quarterly at a caucus meeting to determine by ordinance the future of the urban backyard chicken program. If the urban backyard chicken program is determined by city council to not be renewed, residents will have up to ninety (90) days to remove chickens and related infrastructure.

(11) All feed shall be stored inside or in a weather and rodent resistant container designed to prevent access by animals.

(B) Enforcement and Penalties:

(1) The requirements of this Section may be enforced by the Planning and Development Services (PDS) Code Enforcement Officer(s), the Elsmere Police Department or the City Administration via administration staff.

(2) Any person who keeps chickens without a valid permit as required by Subsection (C) of this Section or who otherwise violates any of the provisions of this Section shall be deemed guilty of a violation and shall be issued a Notice of Violation. In the event that the violation is not corrected within the timeframe referenced in Subsection (B)(3) of this Section following the issuance of a Notice of Violation, a Citation may be issued, and a civil penalty applied in accordance with the following: First Offense/Citation - \$100; Second Offense/Citation - \$200; any additional Offenses/Citations - \$500 each.

(3) A violator of this Section shall be given a prescribed reasonable timeframe to correct the violation(s) up to a maximum of seven (7) days from the date of Notice of Violation.

(4) A violator who remains in violation after the prescribed timeframe for correction shall have their permit revoked and shall immediately discontinue the keeping of chickens at their residence. Failure to comply may result in removal of the chickens from the residence by the City of Elsmere or its agent or legal action instituted against the violator in a Court of appropriate jurisdiction. Any and all costs associated with the abatement will be the

responsibility of the permit violator.

(5) Nothing in this Section is meant to preclude or usurp the existing authority of the Animal Control Officer(s), code enforcement officer(s) or the Police Department.

(6) Nothing in this ordinance is intended to relieve a resident from liability related to the harboring of chickens that would otherwise result in a violation of local, state or federal law.

(C) Permits: A permit shall be required to be obtained from the City of Elsmere for residents wishing to keep non-crowing chickens at their residence within the City limits in accordance with this Section. Each permit shall be accompanied by a one hundred (\$100.00) permit fee. A permit shall not be issued to any person who has active code enforcement violations or is delinquent in property taxes or any other financial obligation to the City of Elsmere. No permit shall be granted to any person who has previously been found in violation of this Section.

This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

CITY OF ELSMERE, KENTUCKY
A Municipal Corporation of the Home Rule Class



D. MARTY LENHOF, MAYOR

1st Reading: March 14, 2023

2nd Reading: April 11, 2023

Ayes: 4 Nays: 2 Abstain:

Published: _____

ATTEST:



Misty Ezell, City Clerk