

**CITY OF ELSMERE, KENTUCKY
ORDINANCE NO. 1831-2024**

**AN ORDINANCE REGULATING BACKYARD CHICKENS IN THE CITY OF
ELSMERE, KENTUCKY.**

WHEREAS, the administration and Council have received requests from citizens to allow “urban backyard chickens” in the City of Elsmere; and

WHEREAS, providing opportunities for farming in an urban environment is a practice that promotes education for families, entertainment and a food supply; and

WHEREAS, the Council recognizes the need to provide appropriate legislation to ensure protection of the public health, safety and welfare of its residents, including but not limited to those residents who live next door or adjacent to residents with backyard chickens; and

WHEREAS, the City of Elsmere created a 12 month Pilot Program by Ordinance 1822-2023; and

WHEREAS, the City Council has determined to allow all of its citizens to keep and raise chickens as set forth below and as such, the Pilot Program shall be terminated.

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

SECTION 1

That Elsmere Code of Ordinances 90.6 titled “*Urban Backyard Chickens*” is hereby created as written herein.

SECTION 2

90.6 URBAN BACKYARD CHICKENS

(A) **General Requirements:** Notwithstanding the provisions of Elsmere Zoning Code or any related ordinances or provisions, residents within the City of Elsmere shall be allowed to keep and maintain backyard chickens subject to the terms and conditions herein.

(1) Only the keeping of non-crowing chickens shall be allowed. Roosters, turkeys, guineas, ducks, geese or other domestic fowl are specifically prohibited.

(2) There shall be no more than eight (8) 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, capable of keeping the chickens penned in and out of adjoining yards.

(4) The chickens’ housing shall: be in a structure with a roof; be enclosed on all sides; have adequate ventilation; allow free movement of and at least 3 square feet of space for each bird; be able to be locked and secured to ensure chickens cannot run at large or leave the housing and are safe from predators; be designed to be easily accessed, cleaned and maintained by the owners. If the residence

located on property is located is left unattended, then the chickens have to be in their structure.

(5) The housing structure and fencing must be in good repair. All gates or doors to the fence or structure shall fit properly and shall be locked or secured by a latch.

(6) The housing shall not be located closer than 3 feet to the owner's residence.

(7) Stored feed must be kept in a rodent- and predator-proof container.

(8) The housing 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.

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

(10) There shall be no breeding or slaughtering of backyard chickens within the City of Elsmere with the exception of slaughtering by a practicing butcher on the chicken owner's property out of the sight of the owner's neighbors. Said butcher shall have an occupational license with the City of Elsmere and any other permits required.

(11) Provisions 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. The surrounding area shall be kept free from trash and accumulated droppings or feed.

(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(s) 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 Animal Control Officer(s), Elsmere Police Department or Code Enforcement Officer or legal action instituted against the violator in a Court of appropriate jurisdiction.

(5) Nothing in this Section is meant to preclude or usurp the existing authority of the Animal Control Officer(s) or the Elsmere 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.

(7) Violations of this chapter shall be subject to the jurisdiction, terms, conditions and due process proceedings of the Code Enforcement Board.

(C) Permits: A permit shall be required from the City of Elsmere for residents who keep

non-crowding chickens at their residences within the City limits in accordance with this Section.

(1) The one-time fee for the permit is One Hundred Dollars (\$100.00). 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 obligations to the City of Elsmere. No person residing at the residence at that time of a violation at that location may obtain a permit.

(2) No permit shall be granted to any person who has previously been found in violation of this Section.

(3) An applicant for a permit shall certify that he/she has notified and received signed approval by abutting property owners of the application.

(4) The Elsmere Police Chief or his designee may deny an application for a permit if the applicant cannot meet the criteria established herein, or if abutting neighbors object to the application prior to a permit being issued.

(5) A denial of a permit may be appealed to the City Administrator within 30 days of the denial.

(6) The City Administrator may revoke any permit if: the permittee is in violation of the terms and conditions of this ordinance; or the harboring of the chickens substantially interferes with the neighbors' enjoyment of their property due to foul odors, noise or attraction of predators; the harboring endangers the safety of and/or caused a nuisance and/or property damage or personal injury to other persons or properties.

(7) Any permittee agrees as a condition of a permit to indemnify and hold harmless the City of Elsmere, its employees, officers and elected leaders from any claims for property damage, personal injury or other damages arising from the issuance of the permit and maintenance of chickens on their property.

SECTION 3

Any ordinances or parts thereof in conflict herewith are to the extent of such conflict, hereby repealed, including but not limited to Ordinance 1822-2023; as well as those portions of Section 90.20 (B) and Section 94.03 (N) prohibiting the raising of chickens. All other provisions of 90.20 and 94.03 will remain in full force and effect.

SECTION 4

That this ordinance shall take effect and be in full force when passed, published and recorded according to law.

FIRST READING: February 13, 2024

SECOND READING: March 12, 2024

APPROVED:



HON. MARTY LENHOF MAYOR

ATTEST:



KATIE HEHMAN
CITY CLERK