

ORDINANCE NO. 3367

“AN ORDINANCE AMENDING THE STILLWATER CITY CODE, BY AMENDING CHAPTER 6, ANIMALS, TO CREATE ARTICLE V, BACKYARD CHICKENS, SECTION 6-81, DEFINITIONS; SECTION 6-82, KEEPING OF BACKYARD CHICKENS PERMITTED, REQUIREMENTS; AND SECTION 6-83, VIOLATION; PROVIDING FOR REPEALER AND SEVERABILITY”

(AMENDMENTS HIGHLIGHTED BY STRIKETHROUGH AND UNDERLINING)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STILLWATER, OKLAHOMA THAT:

SECTION 1: That the Stillwater City Code, Chapter 6, Animals, be amended to create Article V, Backyard Chickens, to read as follows:

ARTICLE V. BACKYARD CHICKENS

Section 6-81. Definitions

Coop means a structure designed for the housing and keeping of chickens.

Hen means a female chicken sixteen (16) weeks of age or older maintained for the production of eggs.

Section 6-82. Keeping of backyard chickens permitted; requirements.

Notwithstanding other provisions of this Chapter to the contrary, the keeping of no more than six (6) hens in the rear yard of property zoned for single-family residential use shall be permitted provided that the facilities for the keeping of such chickens complies with the following requirements:

1. Eggs produced by hens kept pursuant to this section shall be for the personal consumption of the owner/resident; commercial marketing of such eggs is expressly prohibited and shall be deemed a violation punishable by a fine as provided herein.
2. *Housing:* The coop shall be constructed in a manner that can be secured to protect the hens from predators and withstand adverse weather conditions. It shall provide no less than two (2) square feet of floor space per hen, be well ventilated, and include roost capacity and nesting boxes consistent with the number of hens kept.
3. *Run:* A separate outside enclosure shall be attached to the coop. The enclosure shall be of sufficient size and dimension to provide a minimum of ten (10) square feet of ground space per hen. The enclosure shall be constructed of metal wire or a similar material adequate to permit the unimpeded flow of air and sunshine through the enclosure area and of a sufficient height and density to prevent the escape of the hens during occupancy. The use of electric wire for this purpose is expressly prohibited.
4. *Setback:* The coop and run shall not be located closer than twenty-five (25) feet to any dwelling unit located on an adjoining or neighboring property, nor shall it be located closer than five (5) feet from any side or rear yard property line. The owner/resident shall be responsible for screening the coop and run from adjoining or neighboring properties. Maintenance of an opaque wooden or masonry fence along the side and rear property lines shall be deemed sufficient under this section provided the height of the coop or run does not exceed the maximum height of the side and rear yard fencing and is not visible from adjoining or neighboring properties despite such fencing.
5. *Portable Housing/Run:* Portable housing such as "chicken tractors" and attached runs are permitted provided said facilities are constructed and located consistent with the building and setback requirements set forth herein.
6. *Flock Maintenance:* Hens shall be confined to the coop between dusk and dawn and shall be confined to the coop and run areas at all other times. Adequate food and water shall be available at all times the hens are present.
7. *Sanitation:* The coop and run shall be cleaned daily to prevent the accumulation of unconsumed food, fecal matter, bedding or nesting material. Any waste not composted shall be properly bagged and placed in garbage containers.
8. This section is not intended to be construed in derogation of or in conflict with any restrictive covenant or lease agreement that may be applicable.

Section 6-83; Violation.

Any person who violates any provision of this article shall, upon conviction thereof, be subject to punishment for a Class C offense.

SECTION 2: REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 3. SEVERABILITY. If any section, sub-section, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF _____, 2019.

WILLIAM H. JOYCE, MAYOR

(SEAL)
ATTEST:

ELIZABETH CHRZ, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS ____ DAY OF _____, 2019.

JOHN E. DORMAN, CITY ATTORNEY

First Reading:
Second Reading: