

ORDINANCE NO. 2022-03

FIRST READING 2/15/2022  
SECOND READING 3/15/2022

AN ORDINANCE DEFINING GUIDANCE AND RESTRICTIONS FOR  
OWNERSHIP OF FOWL WITHIN THE CITY LIMITS

WHEREAS, some residents and property owners do own and harbor fowl; and

WHEREAS, the existing city ordinances do not provide guidance or an adequate tool for addressing nuisance issues and concerns involving fowl within the city limits; and

WHEREAS, city residents, citizens, and property owners have expressed concerns about repeated issues involving fowl, which may disrupt the peace, safety, and well-being in residential areas; and

WHEREAS, the City Council desires to supplement the Mt. Sterling Code of Ordinances by establishing basic guidance and restrictions for property owners and residents to follow within the city limits in order to protect public health, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOUNT STERLING, KENTUCKY AS FOLLOWS:

SECTION 1 – GENERAL INFORMATION

(A) The City of Mt. Sterling seeks to address the frequent questions and complaints which have been received involving the ownership and harboring of fowl within the city limits. The Code Enforcement Officer does not currently have an ordinance in place to deal with complaints or questions from residents which involve nuisances created by fowl in residential areas as well as private ownership of the same. These complaints and questions often deal with noise and odors which are created with ownership of large numbers, or types, of fowl. The council of this city desires to find a solution to issues created with fowl and to set guidance and provide instructions for all concerned.

(B) This ordinance does not apply to public nuisances, which are addressed by separate ordinances. This ordinance does not apply to criminal nuisances.

SECTION 2 – GENERAL INSTRUCTIONS – VIOLATIONS -- PENALTIES FOR  
VIOLATION - IDENTIFIED VIOLATIONS AND NOTICE TO PROPERTY OWNERS –  
HEARING BOARD - LEINS

(A) No person shall own in any area, district, or zone of the city any chicken, duck, guinea, goose, pigeon, or dove, or any species of fowl of the avian or aquatic family for commercial purposes, within 100 feet of any residence therein.

(B) Areas zoned as Business, Industry, or Agriculture may be used for commercial purposes as related to fowl. Conditional Use permits may not be granted in residential zones for commercial use as related to fowl.

(C) No person shall permit any such chicken, duck, guinea, goose, dove, pigeon, or any fowl of the avian or aquatic family to run or be at large within the city.

(D) Male chicks or chickens, referred to as roosters, may not be kept in a residential area.

(E) Non-crowing fowl, such as hens, may be kept in the city limits for non-commercial purposes, subject to the following provisions.

- 1) A housing structure must be built for all fowl that is:
  - a. Covered and predator proof.
  - b. Thoroughly ventilated and odor-free.
  - c. Designed to prevent any bird from leaving the owner's property.
  - d. Of sufficient size to admit free movement of each bird.
  - e. Designed to be easily accessed, cleaned, and maintained by the owners.
- 2) The housing structure must be in good repair. All gates and doors to the fence or structure shall fit properly and shall be locked or secured by a latch.
- 3) The housing structure must be located in the side or back yard and may not be visible from a public street or adjacent property.
- 4) Non-crowing fowl shall not be located closer than three (3) feet from any property line.
- 5) Stored feed must be kept in a rodent and predator proof container.

(F) Although the City does not wish to set a maximum number of egg producing fowl which may be kept on a property, property owners or residents should keep only the number of fowl required to produce enough eggs for personal or family consumption.

(G) Penalties/fines for violations of this ordinance are as follows:

- 1) 1st offense within 1-year period – Notice of violation and request to correct violation provided to resident or property owner. All notices or violations must be corrected within 30 days of notice.
- 2) 2nd offense within 1-year period - \*Not less than \$25.00 and nor more than \$250.00
- 3) Each additional offense within 1-year period - \* Not less than \$50.00 and no more than \$500.00.

\* Failure to pay a penalty or fine with 30 days will result in a lien being placed upon the property by the City of Mt. Sterling, Kentucky.

(H) Property owners shall be notified of any initial offenses and provided a notice to address the violation. The Code Enforcement Officer will provide notice through written notice and request a meeting before the Code Enforcement Board.

(I) Property owners shall be notified of any subsequent offenses provided a notice to address the violation. The Code Enforcement Officer will provide notice through written notice and request a meeting before the Code Enforcement Board before any penalties or fines are assessed.

(J) The city Code Enforcement Board shall have the authority to conduct hearings and hear all appeals. Any property owner receiving a notice who wishes to appeal must notify the city in writing of a desire for a hearing within 30 days. A hearing will be scheduled at the monthly scheduled Code Enforcement Board meeting (2nd Thursday of every month at 4:00 PM.)

### SECTION 3- SEVERABILITY

Each word, phrase, sentence, section, and provision (each "portion") of this Ordinance is hereby declared to be independent and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any portion of said Ordinance, the adoption thereof, or the application thereof to any person or circumstance is held to be invalid, the remaining portions and the application of such portions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is declared that such portions would have been passed independently of such portion or portions so held to be invalid.

### SECTION 4-CONFLICTING CODE PROVISIONS REPEALED

Any provision(s) in the City of Mt. Sterling Code of Ordinances specifically in conflict with any provision in this Ordinance is hereby deemed inoperative and repealed.

### SECTION 5-PUBLICATION

This Ordinance shall become effective upon passage and publication. Publication is authorized to be made in summary form as authorized in KRS 83.060 (9).



AL BOTTS, MAYOR

ATTEST:



JEANETTE BERTRAM

CITY CLERK