

## ORDINANCE NO. 22-04

**AN ORDINANCE OF THE CITY OF SOUTHGATE, KENTUCKY AMENDING CITY OF SOUTHGATE CODE OF ORDINANCES, REPEALING § 91.09 AND ITS PENALTY AND CREATING §§ 99.14, 99.15, and 99.16 TO PERMIT AND REGULATE THE HARBORING OF FOWL WITHIN THE CITY; AND ESTABLISHING PENALTIES.**

**WHEREAS**, the need has arisen to regulate fowl within the City of Southgate, and to create a licensing system for such; and

**WHEREAS**, some residents have petitioned the City Council to permit limited fowl in the City and to enact specific regulations for residential property owners to follow if they are licensed to harbor fowl; and.

**WHEREAS**, other Campbell County cities have amended their ordinances to permit the keeping of fowl on residential properties; and,

**WHEREAS**, these regulations are necessary to prevent public nuisances and to protect the health, safety, and general welfare of Southgate citizens.

**NOW, THEREFORE**, be it ordained by the City of Southgate in Campbell County, Kentucky, as follows:

### **SECTION I**

That §91.09 of the City of Southgate Code of Ordinances is hereby amended and repealed, and therefore shall read as follows:

~~§91.09 LIVESTOCK OR FOWL~~

~~Livestock or fowl cannot be kept within the city.~~

### **SECTION II**

That Sections 91.14 and 91.15 of the City of Southgate Code of Ordinances, which shall be entitled "FOWL OR CHICKENS," is hereby created as follows:

#### **§ 91.14: DEFINITIONS OF FOWL**

**For the purposes of this ordinance, the term "fowl" means any hen, female chicken, chick, rooster, cockerel, duck, turkey, pheasant or any of several other usually gallinaceous birds.**

#### **§ 91.15: KEEPING OR MAINTAINING OF FOWL**

**(A) It shall be unlawful to keep, maintain, or raise any fowl for sale or profit in the city.**

**(B) It shall be lawful to keep, or maintain up to six (6) chickens, hens, or chicks in the city for personal, family or home use, provided that said chickens, hens, or chicks are kept in secured, outside enclosures located in the rear yard of the homeowner's residential lot, and which comply with the regulations in §91.16.**

**(C) Additionally, any person raising, keeping, or maintaining fowl agrees as part of the licensing process that the city, its officers or Code Enforcement Officer, or Animal Control are permitted at all times to inspect the premises for the purpose of determining whether they are maintained in a humane, safe and sanitary condition and whether all of the provisions of this Ordinance are observed.**

**(D) Additionally, all fowl must be kept from running at large and must be maintained in a securely closed fenced-in enclosure located on the residential property.**

**(E) These regulations may be enforced against any property owner who consents to or permits the harboring of fowl on property by any tenant, resident, and/or guest.**

#### **§ 91.16 REGULATIONS APPLICABLE TO FOWL.**

**(A) License Required. Any property owner wishing to harbor fowl on his or her residential property must first acquire a license from the City Clerk or his or her designee.**

**(1) The fee for this license shall be a one-time fee of \$25.00.**

**(2) Prior to the issuance of each license, the City Clerk shall notify each abutting property owner in writing that the license applicant has applied to harbor fowl on his or her property. The abutting property owners shall have 10 days to file a written objection to the application.**

**(3) The City Clerk may deny the license application if the applicant cannot meet the criteria set forth in the Code of Ordinances, or if an abutting property owner objects to the application.**

**(B) Appeal. A denial of a license application may be appealed to City Council within 30 calendar days.**

**(C) Any property owner licensed to harbor fowl shall adhere to the following requirements:**

**(1) The fowl enclosure shall be maintained in a safe and humane fashion and in a sanitary condition, free from offensive odors and accumulation of excrement and feed. All outside feed must be stored in a secured container so as not to attract vermin or predators.**

**(2) The fowl enclosure shall be covered and secured pen or enclosure so that the fowl cannot escape and predators cannot access the pen or enclosure. Such pen or enclosure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, then the sides must be embedded two feet in the ground and secured by concrete anchors to a depth of three feet at each corner.**

**(3) The fowl enclosure must be at least 25 feet from the nearest neighbor's property line and no closer than four feet to the owner's residential structure.**

**(4) No roosters, cockerels, pheasants, ducks, turkeys or other gallinaceous birds (other than provided in subsection (5) below shall be harbored, maintained, or kept on any property in the city.**

**(5) Only female chickens, female chicks or hens are permitted, and no more than 6 female chickens or hens shall be allowed per residential property parcel.**

**(6) Fowl permitted by the license shall not be harbored for a commercial purpose.**

**(7) Any enclosure or pen housing the fowl shall be located in the rear of the owner's residential structure, and shall not be within view of the public right of way.**

**(8) Any deceased fowl must be immediately removed and properly disposed of by the owner within twenty-four (24) hours of discovery. Animal remains shall not be deposited in the trash for regular garbage pick-up.**

**(D) The City Clerk shall create or cause to be created an application for a license and a form license to be used in furtherance of this Section.**

**(E) The City Clerk or his or her designee may revoke any license issued under this Section upon finding that:**

**(1) The license holder is not in compliance with the provisions of paragraph (C); or**

**(2) The harboring of fowl substantially interferes with the neighbors' enjoyment of their property through the emission of foul odors, noise, or attraction of predators or vermin onto neighboring properties or public rights of ways;**

**(3) The license holder's harboring of fowl endangers the safety of neighboring properties;**

**(4) The license holder's harboring of fowl has caused property damage or personal injury to other persons or properties.**

**(F) The revocation of a license may be appealed to the City Council within thirty (30) calendar days of the service of the revocation decision.**

**(G) The property owner shall upon revocation of the license immediately remove the fowl and any related structures or appurtenances within 7 calendar days.**

### **SECTION III**

Section 91.99 of the Code of Ordinances is hereby amended to read as follows:

- (A) Any person, firm, corporation, or other entity violating §§ through, § , or §- shall be fined in an amount of \$85 for the first offense and \$100 for the second and subsequent offenses. In addition, if it is determined that an animal running at large in violation of this chapter has not been spayed or neutered, an additional fine of \$15 for the first offense and \$25 for the second and subsequent offenses shall be imposed. The additional fine shall be reimbursed to the animal owner if the owner grants permission to the Campbell County Animal shelter to spay or neuter the animal prior to reclaiming the animal.
- (B) Any person, firm, or corporation violating § shall be fined in an amount of \$25 for the first offense, \$50 for the second offense in a one-year period, \$100 for the third offense in a one-year period, and \$200 for the fourth and each subsequent offense in a one-year period.
- (C) Any person, firm, or corporation violating §§ or shall be fined in an amount of not more than \$500, imprisoned not more than 60 days, or both fined and imprisoned. Each day of violation shall constitute a separate offense.
- (D) Any person, firm, corporation, or other entity who violates any provisions of § shall be fined in an amount not less than \$500 and/or imprisoned up to six months or both fined and imprisoned. Each day of violation shall constitute a separate offense.
- (E) (1) In addition to the revocation of a permit by the city, any person violating the provisions of § shall be deemed guilty of a Class B misdemeanor and shall be fined not more than \$250 or imprisoned for not more than 90 days or both for the first violation and shall be deemed guilty of a Class A misdemeanor and fined not more than \$500 or imprisoned for not more than one year or both for each subsequent violation. Each day of violation shall constitute a separate offense.  
  
(2) An animal control officer may impound any goat and may issue an administrative citation to the owner of a goat or animal found to be in violation of § , or both. In the event a citation is issued, the citation shall bear a civil penalty of \$50; and if the citation is not paid to the animal shelter or designated county office within seven days, excluding Sundays and holidays after its issuance, the civil penalties shall double and an animal control officer may cause to be issued a criminal complaint in the Campbell District Court for violation of § .

**(F) Any person failing to comply with the provisions of §91.15 or §91.16 shall be guilty of a violation, and in addition to any action on the license, shall on the first offense be fined not less than twenty-five dollars (\$25.00) nor more than one hundred (\$100.00) dollars; on a second or subsequent offense shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00). Each day constitutes a new and separate violation. Additionally, the City may direct Animal Control to remove the offending fowl from the property, and to charge the owner of the fowl for any fees, costs, expenses, incurred in removing and housing of the fowl.**

#### **SECTION IV**

Any and all ordinances or portions thereof in conflict with this Ordinance are hereby repealed to the extent of said conflict.

#### **SECTION V**

The provisions of this Ordinance are severable and the invalidity of any provision of this ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

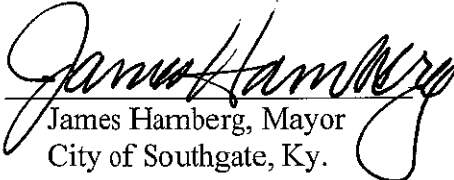
#### **SECTION VI**

That this ordinance shall take effect and be in full force when passed, published, and recorded according to law. Publication may be in summary form by alternative Internet publication.

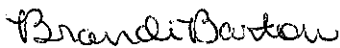
Adopted this 3rd day of August, 2022

1<sup>st</sup> Reading – July 20, 2022

2<sup>nd</sup> Reading – August 3, 2022

By:   
James Hamberg, Mayor  
City of Southgate, Ky.

Attest:

  
Brandi Barton, City Clerk