

State and Municipal Urban Chicken Legislation

This IPRO report summarizes the state and municipal laws about raising chickens in an urban environment.

Definition and Background

Urban chickens are chickens that are raised within city limits for their eggs, and, in some cases, for slaughter. Raising urban chickens is commonly referred to as backyard chicken farming and is associated with sustainable agriculture and the local-food movement, which emphasize participating in home-grown agriculture or buying from local producers.¹

Benefits and Concerns of Urban Chickens

Proponents of the urban chicken movement cite many benefits. First, advocates claim home-raised livestock helps minimize the fuel use and carbon emissions that result from transporting food to markets.² Second, urban chickens give owners control over how the chickens are treated and what they are fed. This is important to some owners because research has shown that chickens that have access to the outdoors³ produce more nutritious eggs than chickens raised indoors.⁴ Third, chicken droppings are good fertilizer and can be used in compost piles. Finally, chickens will eat garden pests and thus they provide a chemical free pest solution.⁵

Opponents of urban chickens are concerned with their risk to public health. They primarily worry that keeping the chickens in an urban environment could facilitate the spread of avian influenza if an outbreak were to occur. No avian influenza outbreaks have happened in the United States, but the disease could be passed to urban chickens if they would come into contact with the feces, secretions, or saliva of an infected wild migratory bird.⁶ Opponents are also concerned with the possibility of chickens being a nuisance because of odor and noises.⁷

State Legislation

IPRO researchers searched for state-level legislation in eleven Midwestern states: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. None of these states have laws regarding urban chickens. However, they all allow municipalities to set ordinances regarding chickens within their city limits.

Municipal Code

¹ Block, Ben. "U.S. City Dwellers Flock to Raising Chickens." *Worldwatch Institute* 6 Oct. 2008: n.pag. Web. 17 Nov. 2009. <<http://www.worldwatch.org/node/5900>>.

² Ibid.

³ United States . Department of Agriculture. *Food Labeling*. USDA, 24 Aug. 2006. Web. 1 Dec. 2009. <http://www.fsis.usda.gov/FactSheets/Meat_&_Poultry_Labeling_Terms/index.asp>.

⁴ Long, Cheryl, and Tabitha Alterman. "Meet Real Free-Range Eggs." *Mother Earth News* Oct.-Nov. 2007:n. pag. Web. 17 Nov. 2009. <<http://www.motheearthnews.com/Real-Food/2007-10-01/Tests-Reveal-Healthier-Eggs.aspx>>.

⁵ Labadie, Katherine. "Benefits of Urban Chickens." *Urban Chickens*. N.p., 2008. Web. 17 Nov. 2009. <<http://urbanchickens.org/benefits-urban-chickens>>.

⁶ "Bird Flu(Avian Flu)." *TeensHealth*. The Nemours Foundation, 2009. Web. 1 Dec. 2009. <http://kidshealth.org/teen/infections/colds_and_flu/bird_flu.html#>.

⁷ Block, Ben. "U.S. City Dwellers Flock to Raising Chickens." *Worldwatch Institute* 6 Oct. 2008: n.pag. Web. 17 Nov. 2009. <<http://www.worldwatch.org/node/5900>>.

A report that examined 25 major cities across the United States identified seven categories of municipal codes that concern urban chickens.⁸

- *Number of Birds permitted*: Most municipal regulations specify the maximum number of chickens that are allowed to be kept in the city. Other cities defined the amount of space necessary to raise specific numbers of chickens.
- *Regulation of Roosters*: Some municipalities allow roosters, but others do not because of a concern about noise.
- *Permits and Fees*: The necessity of obtaining a permit to keep chickens varies by municipality and can depend on the number of chickens kept. The price of a permit also varies and can be a onetime fee or an annual fee.
- *Enclosure Requirements*: Most municipalities require that chickens be kept in an enclosure and are not be allowed to roam freely off of the owner's property.
- *Nuisance Clauses*: Many municipal laws have regulations that deal with concerns over "noise, smells, public health concerns, attracting flies and rodents, and cleanliness of coops/disposal of manure."⁹
- *Slaughtering Regulations*: Some municipalities explicitly allow or prohibit the slaughter of chickens in urban areas. However, most cities are unclear on the subject.
- *Distance Requirements*: Many municipal ordinances specify the distance required between a chicken coop and a property line or neighboring residence.

Urban Chicken Codes in a Sample of Iowa Cities

IPRO researchers examined the municipal codes of several large Iowa communities for urban chicken regulations. Not all cities have codes, but the codes of those that do are summarized below.

Council Bluffs: A permit is required. Chickens must be 10 feet from owners' home and 150 feet from any other dwelling. The code also requires the chickens be fenced in.¹⁰

Davenport: It is unlawful to harbor domestic chickens, unless the area the chickens are kept is zoned as agricultural property.¹¹

Des Moines: The chickens' confinement (coop) must be 25 feet from neighbors' homes and not kept in the front yard. People owning less than an acre of land may own a maximum of 30 chickens. People who own more than an acre may own a maximum of 50 chickens for the first acre of land and more 50 for each additional acre. The code also requires the chickens must not make disturbing noises or cause health or safety hazards.¹²

Dubuque: A maximum of four chickens may be kept for egg production. The chickens must be in an enclosure at least 10 feet from any lot line and at least 50 feet from any dwelling. In addition, it is unlawful for chickens to "run at large."

⁸ Labadie, Katherine. "Residential Urban Chicken Keeping: An Examination of 25 Cities." 7 May 2008. <<http://urbanchickens.org/files/Ordinance%20research%20paper.pdf>>.

⁹ Ibid.

¹⁰ Council Bluffs, Iowa. Municipal Code § 4.20.

¹¹ Davenport, Iowa, Municipal Code § 6.04.055

¹² Des Moines, Iowa. Municipal Code §18-4. <http://www.ci.desmoines.ia.us/departments/pol/patrol/Sec_18_Agricultural_nondomestic_animals_and_exotic_animals.htm>.

Sioux City: A permit is required to possess chickens. Individuals may not own roosters over four months old and can own no more than 50 birds total. The chickens must be at least 25 feet from the owner's home and at least 150 feet from neighboring homes.¹³

Waterloo: Fowl is prohibited from "running at large within the city." Owners of animals must have the animals penned and restrained.¹⁴

¹³ Sioux City, Iowa. Municipal Code § 7.06. <http://www.sioux-city.org/codemaster/Title_7/06/index.html>.

¹⁴ "Animal Code of Ordinance." City of Waterloo, Iowa. <<http://www.cityofwaterlooiowa.com/animalordinance>>.