

ORDINANCE NO. 2009-12

AN ORDINANCE **AMENDING** SECTION 18.68.130 OF THE HEBER CITY MUNICIPAL CODE, *BARN LOCATION RESTRICTIONS* and **ADOPTING** SECTION 18.68.125 OF THE HEBER CITY MUNICIPAL CODE, *CHICKENS IN RESIDENTIAL ZONES*.

BE IT ORDAINED by the City Council of Heber City, Utah that Section 18.68.130, *Barn Location Restrictions*, is amended and that Section 18.68.125, *Chickens in Residential Zones*, is adopted as follows:

**Section 18.68.130 Barn Location Restrictions.**

No barn, corral or coop shall be constructed closer than one hundred feet from any existing dwelling or public street, nor shall any corral, pen or coop be constructed or maintained closer than twenty feet to any open waterway that drains into a natural stream. The location of chicken coops in the R-1, R-2, R-3, and R-14 Residential Zones shall be regulated by Section 18.68.125. Surface drainage from corrals or coops shall not be permitted to drain into a waterway that drains into a natural stream.

**Section 18.68.125 Chickens in Residential Zones.**

Chickens may be kept within the R-1, R-2, R-3, and R-14 Residential Zones, subject to the following:

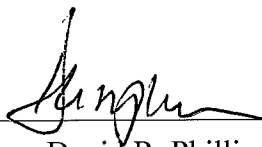
- A. Hens (females) of any chicken species may be kept. However, roosters (males) are prohibited.
- B. Chickens shall be kept for personal family use only. Commercial uses (the selling of chicken products) of chickens are prohibited.
- C. Chickens shall be kept controlled on the property at all times.
- D. Coops shall not be located within the front yard, and shall be located at least twenty-five (25) feet from any neighboring dwellings, and shall be located at least twenty (20) feet from the edge of any open waterway that drains into a natural stream. Surface drainage from coops shall not be permitted to drain into a waterway that drains into a natural stream.
- E. Up to three (3) chickens may be kept on a detached single-family home lot which contains at least 5,000 square feet. One (1) additional chicken may be kept for each 1,000 square feet of lot area above the 5,000 square foot minimum, for a maximum of eight (8) chickens permitted on each lot.
- F. The premises upon which chickens are kept shall be maintained in a clean, sanitary, and reasonably odor-free condition.
- G. Definitions.
  1. "Coop" means a cage, pen, enclosure, or building for the sheltering of chickens.
- H. The provisions of this Section (Section 18.68.125) do not impair, enhance, or otherwise regulate the uses of other zones which expressly permit the keeping of chickens.

This Ordinance shall take effect and be in force from and after (a) its adoption, (b) a copy has been deposited in the office of the City Recorder, and (c) a short summary of it has been published in the Wasatch Wave or a complete copy has been published in the Wasatch Wave or a complete copy has been posted in three public places within Heber City but not prior to the 6<sup>th</sup> day of August, 2009.

**ADOPTED and PASSED** by the City Council of Heber City, Utah this 6<sup>th</sup> day of August, 2009, by the following vote:

	AYE	NAY
Councilmember Jeffery M. Bradshaw	<u>X</u>	_____
Councilmember Elizabeth Hokanson	<u>X</u>	_____
Councilmember Eric Straddeck	_____	_____ <u>Absent</u>
Councilmember Nile D. Horner	<u>X</u>	_____
Councilmember Robert L. Patterson	_____	_____ <u>Absent</u>

APPROVED:

  
\_\_\_\_\_  
Mayor David R. Phillips

ATTEST:

  
\_\_\_\_\_  
RECORDER

RECORDER

(Seal)

Date of First Publishing:

October 21, 2009