

*Item 9 was moved to the end of the agenda.*

**ITEM NO. 10      AMENDMENTS TO DEVELOPMENT CODE; CHICKENS & DUCKS (SDM)**

**TA-4-3-09:** Consider Text Amendment to various sections of the Development Code to establish the keeping of chickens and ducks within the City consistent with the provisions of Chapter III of the City Code.

**STAFF PRESENTATION**

Mr. Scott McCullough presented the item.

Commissioner Moore asked if the definition of fowl was in the Ordinance not the Development Code.

Mr. McCullough said the definition of fowl is in Chapter 3 of the City Code, not the Development Code.

Commissioner Moore asked if roosters were allowed.

Mr. McCullough replied no.

**PUBLIC HEARING**

No public comment.

**ACTION TAKEN**

Motioned by Commissioner Hird, seconded by Commissioner Harris, to approve Text Amendment (TA-4-3-09) to various sections of the Development Code to establish the keeping of chickens and ducks within the City consistent with the provisions of Chapter III of the City Code, and forward to the City Commission.

Commissioner Rasmussen said he would vote against the text amendment because he did not think it was a good idea to have chicken and fowl within city limits based on recommendations by the Center for Disease Control (CDC). He said that the CDC website states that chickens, ducks, and other poultry often carry bacteria such as salmonella and that the risk of infection is especially high for children, elderly, and people with weakened immune systems. He did not think the current Development Code considers those recommendations. He said he has a friend undergoing chemo treatment and her immune system is compromised that she is vulnerable to such infections.

Commissioner Moore said he was hesitant too but that there is currently an ordinance allowing it.

Mr. McCullough said to complete the legality of permitting fowl in the city there needs to be an amendment to the Development Code.

Commissioner Harris asked Commissioner Rasmussen if the CDC was referring to small numbers of fowl within the city.

Commissioner Rasmussen read a statement he found on [www.cdc.gov](http://www.cdc.gov):

*Many families raise a small number of chickens, particularly in rural areas. In recent years, however, raising chickens has become a popular hobby for people who live in urban areas as well. Information that promotes raising chickens touts the birds as being good pets, stress relievers, and easy to keep. Most people though, choose to keep flocks because they believe the meat and eggs they grow will be safer and less expensive than store purchased products. Whether they are pets or a source of food, there are some issues that need to be considered*

*before deciding to raise chickens. In addition to the fact that many urban areas will not allow chickens to be raised within city/town limits, keeping chickens poses a potential health risk.*

Commissioner Harris asked if the information about disease specifically says that they find those conditions in urban environments.

Commissioner Rasmussen said no. He stated that the CDC says that chicks are particularly susceptible because they are often raised in large breeding areas and chicks shed the salmonella bacteria in their feces more than adults because they are more sensitive to the stress. He did not think it was a good idea and did not want to help implement it.

Commissioner Finkeldei said it is a philosophical issue and that they face it often in different ways. He stated in his opinion City Commission has said that fowl is legal and they are asking Planning Commission to help write the enforcing languages.

Commissioner Rasmussen said he recognized Planning Commission was not being asked to approve the keeping of fowl in the city but he did not want to help implement it so he would vote in opposition.

Commissioner Blaser asked if the law overrides subdivision covenants.

Mr. McCullough said subdivision covenants are typically a civil matter. He stated the city would not enforce it, it would be up to the homeowners association to bring a civil action against a property owner.

Commissioner Finkeldei said a city ordinance does not trump a covenant.

Motion carried 7-2, with Commissioners Moore and Rasmussen voting in opposition. Student Commissioner Shelton voted in the affirmative.