

**ORDINANCE NO. 3, 2022 SERIES**

**AN ORDINANCE AMENDING THE CITY OF FRANKFORT CODE OF ORDINANCES, SECTION 90.07 RELATING TO STOCKYARDS/BARNS/PENS FOR LIVESTOCK OR EXOTIC ANIMALS AND ADOPTING A NEW 90.08 RELATING TO URBAN BACKYARD CHICKENS**

WHEREAS, the Board of Commissioners of the City of Frankfort recognizes that urban backyard chickens are increasing in popularity; and

WHEREAS, the Board of Commissioners also recognizes the need for appropriate regulation of said urban backyard chickens to ensure protection of the public health, safety and welfare;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY, that Section 90.07 of the City of Frankfort Code of Ordinances is hereby amended to read as follows, and Section 90.08 of the City of Frankfort Code of Ordinances is adopted:

**90.07 STOCKYARDS/BARNS/PENS FOR LIVESTOCK OR EXOTIC ANIMALS.**

(A) (1) Except as otherwise provided in this Section, it is unlawful for any person, firm or corporation to operate or maintain a stockyard, barn or enclosure for the purpose of buying, selling, keeping, harboring, or boarding one or more of the following animals within the limits of the City of Frankfort:

(a) Livestock such as horses, mules, cattle, hogs, sheep, goats, oxen, ponies, ratites (ostrich, rhea, emu), poultry (chicken, ducks, geese, or turkeys); or

(b) Exotic animals such as tigers, lions, monkeys, bears, zebras, alligators, venomous reptiles, or other similar animal(s) commonly held captive at a zoo.

(2) Any person, firm or corporation desiring an exception to Subsection (A)(1) of this Section shall obtain the permission of the Board of Commissioners granted at a regular meeting thereof, upon written application therefor filed in the Office of the City Clerk at least ten days prior to the granting thereof.

(B) The Board of Commissioners shall not grant permission to any person, firm or corporation to operate or maintain within the limits of the city a stockyard, barn or enclosure for a purpose set forth in (A) above, unless it shall appear to the satisfaction of the Board of Commissioners that:

(1) The stockyard, barn or enclosure be located at least 300 feet from all residences and buildings occupied as either a residence or place of business adjoining thereto;

(2) The stockyard, barn or enclosure be equipped with a concrete floor with proper drains into enclosed city sewer and appropriate water facilities to enable a thorough washing away of all offal or other refuse at least once each day;

(3) The public welfare will not be harmed or negatively affected; and

(4) Property shall be zoned Agriculture and contain at least five acres.

**90.08 URBAN BACKYARD CHICKENS**

(A) General Requirements: Notwithstanding the provisions of Section 90.07, residents within the City of Frankfort shall be allowed to keep backyard chickens as an exception from the requirements of Section 90.07 with the proper Permit from the Planning Department and under the following conditions:

(1) Only the keeping of non-crowing chickens shall be allowed. Adult roosters, turkeys, guineas, ducks, geese or other domestic fowl are specifically prohibited.

(2) There shall be no more than six (6) chickens kept on a property within the city limits at any one time.

(3) A property housing chickens shall keep the chickens enclosed in the backyard only. The backyard shall be enclosed with a six foot (6') fence.

(4) In addition to the fencing requirement, the chickens shall be kept in a henhouse/coop/tractor/run with a roof, that is enclosed on all sides, that has adequate ventilation, and that is able to be locked and secured to ensure chickens cannot run at large or leave the property and are safe from predators. Whenever left unattended, the chickens shall be kept in the secured henhouse/coop/tractor/run to ensure they cannot run at large or leave the property.

(5) The henhouse/coop/tractor and any associated run attached to it shall be located in the backyard and be a minimum of twenty-five feet (25') from the nearest residence, not including the residence of the owner of the chickens. For the purposes of this section, "residence" shall be defined to include both the principal structure and any decks, porches or sunrooms attached to the principal structure. This requirement shall be met at the time of permit issuance and is not meant to be retroactively applied in the event an adjacent residence constructs an addition of some type that encroaches upon an existing chicken henhouse/coop/tractor/run.

(6) Chickens shall not be kept in a manner that would allow a perceptible odor beyond the property line.

(7) There shall be no breeding or slaughtering of backyard chickens within the City of Frankfort.

(8) Provision shall be made for storage and removal of chicken manure. All manure for composting or fertilizing shall be contained in a well-aerated garden compost pile. All other manure not used for composting or fertilizing shall be removed from the property. In addition, the henhouse/coop/tractor/run and surrounding area shall be kept free from trash and accumulated droppings or feed.

(9) All feed shall be stored inside or in a weather and rodent resistant container designed to prevent access by animals.

(B) Enforcement and Penalties:

(1) The requirements of this Section may be enforced by the Animal Control Officer(s), the Frankfort Police Department or the Planning Department via code enforcement staff.

(2) Any person who keeps chickens without a valid permit as required by Subsection (C) of this Section or who otherwise violates any of the provisions of this Section shall be deemed guilty of a violation and shall be issued a Notice of Violation. In the event that the violation is not corrected within the timeframe referenced in Subsection (B)(3) of this Section following the issuance of a Notice of Violation, a Citation may be issued and a civil penalty applied in accordance with the following: First Offense/Citation - \$100; Second Offense/Citation - \$200; any additional Offenses/Citations - \$300 each.

(3) A violator of this Section shall be given a prescribed reasonable timeframe to correct the violation(s) up to a maximum of seven (7) days from the date of Notice of Violation.

(4) A violator who remains in violation after the prescribed timeframe for correction shall have their permit revoked and shall immediately discontinue the keeping of chickens at their residence. Failure to comply may result in removal of the chickens from the residence by Animal Control Officer(s) or legal action instituted against the violator in a Court of appropriate jurisdiction.

(5) Nothing in this Section is meant to preclude or usurp the existing authority of the Animal Control Officer(s) or the Police Department.

(6) Nothing in this ordinance is intended to relieve a resident from liability related to the harboring of chickens that would otherwise result in a violation of local, state or federal law.

- (C) Permits: A permit shall be required to be obtained from the Planning Department for residents wishing to keep non-crowing chickens at their residence within the City limits in accordance with this Section. Each permit shall be accompanied by a fifty dollar (\$50.00) permit fee. A permit shall not be issued to any person who has previously been found in violation of this Section.

First Reading on the 20 day of December, 2021.

Final Adoption on the 24 day of January, 2022.

S/Layne Wilkerson  
T/Mayor

Attest:

S/Chermie Maxwell  
T/City Clerk

Summary: This ordinance (1) amends City of Frankfort Ordinance 90.07 relating to Stockyards/ Barns/ Pens for Livestock or Exotic Animals to clarify language relating to the agricultural zone exemption; and (2) establishes a new Section 90.08 governing Urban Backyard Chickens, including requirements for the type and number of birds allowed; standards for housing chickens in a safe and sanitary condition; permitting requirements; and enforcement and penalties for noncompliance.

S/Laura Milam Ross  
T/City Solicitor

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