

# PLANNING ADVISORY BOARD ZONING COMMISSION

**FEBRUARY 22, 2011**

*Case Number*

ZCA2011-2

*Applicant*

N/A

*Owners*

N/A

*Property Location*

N/A

*Parcel ID Number*

N/A

*Requested Action*

Amendment to Exhibit 20-1, Title 17, Chapter 20, Principal Uses by District and Title 17, Chapter 20, Article 6, Special Standards for Principal Uses.

*Recommendation*

No staff recommendation.

*Project Planner*

Mike Haynes

## Urban Chickens



**Chicken Coop and Run**

## Summary

### **Project Description**

The City Commission has directed planning staff to draft Ordinances for the regulation of Urban Chickens. Planning staff recommends that if the keeping of Urban Chickens is deemed appropriate in the City of Great Falls they be regulated through an amendment to Title 17 Chapter 20 by adding "Urban Chickens" to the list of Accessory Uses in Ex. 20-2 Accessory Uses By District. The amendment would allow Urban Chickens as a permitted accessory use in R-2, R-3, R-5, R-6 and R-9 residential zoning districts subject to meeting special standards in 17.20.7.015 that, in turn, refer to regulations

in Title 6, Chapter 12 Urban Chickens.

### **Overview**

Recently, cities throughout the U.S. have started to allow chickens in residential areas. Most of these communities have adopted strict regulations in an effort to ensure minimal impact on the surrounding neighborhood. This trend follows a growing interest in production of green, sustainable, organic and locally-grown foods. There are now hundreds of cities in the U.S. that permit urban chickens. Cities that permit urban chickens includes Missoula and Bozeman.

The primary benefit of keeping Urban Chickens is, of course, the supply of fresh, chemical-free, home-grown eggs. Adult hens

(18-20 weeks) generally lay one egg per day. According to Urban Chicken proponents there are added benefits from the generation of nitrogen-rich chicken waste for compost and chemical-free pest-control due to chickens appetite for insects.

Opponents claim Urban Chickens smell, are noisome, attract pests and attract predators. They also point to the issue of enforcement. Of course, the regulations that cities apply to Urban Chickens are intended to avoid the conditions that draw such complaints.

## Analysis:

### **Existing Code**

Title 6, Chapter 8 Animals was amended by Ordinance #2933 on January 16, 2007 based upon recommendations of the Blue Ribbon Committee for Animal Control Issues. Those amendments focused primarily on domestic pets, pet registration, leash laws, exposure to rabies, impoundment procedures and duties of Animal Control. No amendments were made at that time relative to chickens.

The definition of “livestock” in Section 6.08.005 is:

§ “Livestock” means cattle, sheep, swine, poultry, ostriches, emus, goats, horses, mules and llamas.

Former Acting City Attorney Chad Parker interpreted poultry to comprise ducks, geese, turkeys and chickens, thereby including chickens as a livestock animal and limiting them to being kept in the R-1 Residential Suburban Zoning District per City Code Subsection 6.8.1140B that states (underline added):

B. It is unlawful for any firm, person or corporation owning or having control of any goats, cattle, swine, or sheep to keep the same within the corporate limits of the City, except to bring the same to market for commercial or exhibition purposes, and when brought therein for that purpose the same shall be kept and cared for by the owner or person in charge thereof at such place as directed by the Chief of Police. It is unlawful to keep livestock, as defined in Section 6.08.005, within the corporate limits of the City with the exception of suburban districts, as defined in Title 17. In suburban districts livestock must be kept within fences or secured in such a manner which prevents them from running at large. Veterinarian’s premises are exempt from this provision.

Per city code chickens may now only be kept subject to the provisions of City Code Subsection 6.8.1140B in the R-1 Suburban Residential zoning district which comprises large lot homes generally located along the Sun River and some recently-annexed properties on Lower River Road.





## PROPOSED DRAFT ORDINANCES

In the spring/summer of 2010 the City Manager, at the request of the City Commission, directed the Planning and Community Development Department to draft an “Urban Chicken” Ordinance for consideration. In late 2010, the City Commission directed Staff to present the Ordinance to the Planning Advisory Board for their recommendation to the City Commission. In preparation for the drafting of the Ordinance, the Planning and Community Development Department has coordinated with Animal Control, researched the pros and cons of Urban Chickens and reviewed ordinances adopted by other communities. Should the City Commission determine that Urban Chickens be permitted in residential zoning districts, other than R-1 within the City of Great Falls, the Planning and Community Development Department proposes the attached draft Ordinances be adopted, see Exhibits A and B.

The proposed amendments would maintain the right of large-lot property owners in the R-1 zoning district to conduct agriculture, horticulture and nursery operations on their property as well as keep chickens and other livestock subject to the requirements of City Code Subsection 6.8.1140B.

In addition, it would allow property owners in other residential zoning districts the right to keep a limited number of Urban Chickens, subject to strict regulation, if the properties upon which the chickens shall be kept are of sufficient size and adequate configuration to accommodate a chicken coop (consisting of a chicken house and a secure outdoor enclosure) and meet the minimum setback requirements of a coop from property lines and neighboring homes.

Specifically, the draft Ordinances comprise:

Amendment to Title 17 Land Development Code, to add “Urban Chickens” to the list of Accessory Uses in Exhibit 20-2 Accessory Uses By District. Urban Chickens will be a permitted accessory use in the R-2, R-3, R-5, R-6, and R-9 residential zoning districts subject to meeting the special standards in 17.20.7.015. The special standards in 17.20.7.015 refer to the regulations in Title 6, Chapter 12 Urban Chickens. A summary of the regulations in Title 6 Chapter 12 is provided below:

1. No more than 6 female chickens may be kept, and no roosters over the age of 3 months may be kept.
2. A covered, predator proof chicken coop (consisting of a chicken house and secure outdoor enclosure) must be provided and kept in sanitary condition.
3. Chickens must be kept in their coop from sunset to sunrise and must be confined to the owners yard during daylight hours.
4. Coops must be set back at least 15 feet from any property line and 30 feet from any neighboring house.
5. Chicken keepers must be licensed and inspected by Animal Control, and the license must be renewed annually.
6. Violations may result in impoundment of the chickens, revocation of licenses, or in the case of animal abuse or neglect, court action.

Examples of secure covered, predator proof enclosures and chicken houses are provided in the images on page 2 of this report.

The City Commission, with ample input from the community, will weigh arguments from both sides and determine if an amendment to the city code to allow Urban Chickens in all residential zoning districts will, on balance, be beneficial or detrimental to the community.

City staff has received emails, letters and calls in support of, and in opposition to, Urban Chickens too numerous to include in this report. City staff have also received packets of information in support of, and in opposition to, Urban Chickens including various reports,



articles and editorials on the benefits of Urban Chickens, the experiences of other communities that allow Urban Chickens, health risks associated with raising chickens, avian diseases, etc. To avoid a report that runs into hundreds of pages, and in fairness to both proponents and opponents of Urban Chickens, those documents are on file and available for review in Room 112 Civic Center and only written comments received since the City Commission directed staff to bring Ordinance #3066 to the Planning Board for consideration are included as attachments to this staff report. Staff is confident the pros and cons of Urban Chickens will be fully addressed in testimony before the Planning Board at the public hearing.

### Recommendation:

The Planning Advisory Board, acting as the Zoning Commission, finds that keeping of Urban Chickens is appropriate in the City of Great Falls, and recommends the City Commission adopt Ordinance 3066.

OR

The Planning Advisory Board, acting as the Zoning Commission, finds that keeping of Urban Chickens is not appropriate in the City of Great Falls, and recommends the City Commission not adopt Ordinance 3066.

### Next Steps:

The recommendation of the Planning Advisory Board on Ordinance 3066 and 3069 will be forwarded to the City Commission for final action. Should the City Commission find that the keeping of Urban Chickens is appropriate in the City of Great Falls and adopts Ordinances 3066 and 3069, during the 30 days between final adoption and the effective date of the Ordinances, the Police Department will bring forward to the City Commission a Resolution to establish fees for initial inspection, annual registration and impoundment.

### Attachments:

Exhibit A: Draft Ordinance #3066

Exhibit B: Draft Ordinance #3069

Exhibit C: Public Comment Received

Cc: Jim Rearden, Public Works Director

Dave Dobbs, City Engineer

Brian Lockerby, Police Captain

Jamie Bennett, Animal Shelter, 1010 25th Avenue NE., Great Falls, MT 59404

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EXHIBIT A - DRAFT ORDINANCE #3066

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## ORDINANCE 3066

AN ORDINANCE AMENDING  
TITLE 17 CHAPTER 20  
OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS,  
REGULATING THE KEEPING OF CHICKENS  
WITHIN THE CORPORATE LIMITS  
OF THE CITY OF GREAT FALLS, MONTANA

\* \* \* \* \*

WHEREAS, it is the intent of the City Commission of the City of Great Falls to provide for and protect the health, safety and welfare of the citizens of Great Falls, promote residential harmony and ensure the well-being of properly maintained domestic chickens through effective regulation; and,

WHEREAS, the City Commission of the City of Great Falls acknowledges that having chickens within an urban environment has the potential to affect the interests of others; and,

WHEREAS, certain minimum standards for keeping chickens is necessary to protect the health, welfare and quality of life of both the animals and citizens of Great Falls; and,

WHEREAS, it is the intent of the City Commission of the City of Great Falls to provide and maintain, for the citizens of Great Falls, opportunities for the healthy consumption of locally produced foods and products; and,

WHEREAS, the City Commission of the City of Great Falls, acknowledges that the act of food production on one's own property may improve the quality of life of its residents; and,

WHEREAS, the City Commission of the City of Great Falls acknowledges that the husbandry of an appropriate number of domestic female chickens may provide a sustainable and cost-effective food source.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, STATE OF MONTANA:

Section 1. That Exhibit 20-2 of OCCGF Title 17, Chapter 20 Land Development Code be amended as depicted below which adds the Keeping of Chickens as an accessory land use in the City of Great Falls.

**Exhibit 20-2. Accessory uses by district**

Use	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	GFIA	I-1	I-2	Specific Standards
Agriculture, livestock	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	17.20.7.010
ATM, exterior	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	17.20.7.020
Bed and breakfast	C	C	C	C	C	C	-	C	-	-	-	P	P	P	-	-	-	-	-	17.20.7.030
Fences	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	17.20.7.040
Gaming, accessory	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-	P	P	P	17.20.7.050
Garage, private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	17.20.7.060
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	17.20.7.070
Private stable/barn	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	17.20.7.080
Residence, accessory	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	17.20.7.085
Roadside farmer's market	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	17.20.7.090
Storage containers	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P	P	P	17.20.7.100
<b>Urban Chickens</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>17.20.7.110*</b>

- The use is not permitted in the district

C The use is allowed in the district through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 7 of this chapter, as appropriate

\* **Specific Standards do not apply to the R-1 zoning district as Agriculture, livestock is a permitted land use**

**17.20.7.110 Urban Chickens**

- A. **The keeping of chickens shall be permitted only as an accessory land use to a single family detached residence, within a fenced yard which prohibits said chickens from leaving the yard.**
- B. **Any party(s) keeping chickens as an accessory land use in the R-2, R-3, R-5, R-6, and R-9 zoning districts must meet all of the provisions of Title 6 Chapter 12 OCCGF.**
- C. **The provisions of Title 6 Chapter 12 OCCGF shall not apply to the R-1 zoning district, as Agriculture, livestock uses are permitted in this district.**

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EXHIBIT B - DRAFT ORDINANCE #3069

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ORDINANCE 3069

AN ORDINANCE AMENDING  
TITLE 6, ANIMALS  
OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS,  
REGULATING URBAN CHICKENS  
WITHIN THE CORPORATE LIMITS  
OF THE CITY OF GREAT FALLS, MONTANA

\* \* \* \* \*

WHEREAS, it is the intent of the City Commission of the City of Great Falls to provide for and protect the health, safety and welfare of the citizens of Great Falls, promote residential harmony and ensure the well-being of properly maintained domestic chickens through effective regulation; and,

WHEREAS, the City Commission of the City of Great Falls acknowledges that having chickens within an urban environment has the potential to affect the interests of others; and,

WHEREAS, certain minimum standards for keeping urban chickens is necessary to protect the health, welfare and quality of life of both the animals and citizens of Great Falls; and,

WHEREAS, it is the intent of the City Commission of the City of Great Falls to provide and maintain, for the citizens of Great Falls, opportunities for the healthy consumption of locally produced foods and products; and,

WHEREAS, the City Commission of the City of Great Falls, acknowledges that the act of food production on one's own property may improve the quality of life of its residents; and,

WHEREAS, the City Commission of the City of Great Falls acknowledges that the husbandry of an appropriate number of domestic female chickens may provide a sustainable and cost-effective food source.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, STATE OF MONTANA:

Section 1. That the table of contents of Title 6 of the Official Code of the City of Great Falls (OCCGF) be amended to add the titled chapter reading as follows:

**6.12. Urban chickens (Gallus Gallus Domesticus)**

Section 2. That the following shall be added to Chapter 6.12 so that said chapter shall read as follows:

**Chapter 12  
CHICKENS****Sections:**

6.12.010	Applicability
6.12.020	Maintaining unlawful
6.12.030	License required
6.12.040	Number of Chickens
6.12.050	Identification required
6.12.060	Shelter requirement
6.12.070	Distance requirement
6.12.080	Chickens at large
6.12.090	Supply of feed and water
6.12.100	Sanitation
6.12.110	Penalties and violations

**6.12.010 Applicability**

The provisions of this chapter shall not apply to the R-1 residential zoning district where Agriculture, livestock is a permitted accessory use that allows for the raising of chickens with limited provisions and regulations.

**6.12.020 Maintaining unlawful**

It is unlawful for any party to keep chickens (Gallus Gallus Domesticus) without first obtaining an Urban Chickens license from the City of Great Falls. An annual fee shall be assessed on licensing as established by City Commission resolution. (Ord. 2705, 1997; Ord. 2394 (part), 1985).

**6.12.030 License required**

- A.** Prior to the keeping of any chickens, a party seeking to keep chickens shall obtain an Urban Chicken license from the City of Great Falls. Only one license shall be issued per household. An Urban Chicken license is specific to the license holder and the location of the license. Each licensed party shall be provided with a specific license number.
- B.** An Urban Chicken license shall not be issued to any party not meeting all of the requirements of this chapter. The following provisions shall apply to Urban Chickens licenses:
1. **Inspection.** The property shall be inspected by an Animal Control Officer; such inspection shall include the chicken house and secure enclosure, and setback of said structure from property lines and adjacent dwelling units.
  2. **Recommendation.** Following the inspection, the Animal Control Officer will recommend to the licensing authority either approval or disapproval of the application.
  3. **Fee.** An annual Urban Chicken license fee shall be established by resolution of the City Commission.
  4. **Renewals.** All Urban Chicken licenses shall expire one year from the date of issuance unless revoked prior to that date. An Urban Chicken license must be renewed within sixty days of the expiration date of the license, or the license will be treated as a new application. An Urban Chicken license renewal fee

shall be established by resolution of the City Commission.

5. License Revocation. An Animal Control Officer will investigate all complaints concerning licensing or improperly operated chicken keeping and may recommend revocation of the license if it is deemed necessary. The license holder will be given at least five days written notice of such recommendation during which time the license holder may appeal the Animal Control Officer's recommendation to the Animal Control Agency. The licensing authority will then take action as required. (Ord. 2534 §2(Exh. B(part)), 1989).

**6.12.040            Number of chickens**

- A. No more than six (6) female domestic chickens (hens) shall be kept on any property.
- B. No male domestic chicken (rooster) over the age of three (3) months shall be kept on any property.

**6.12.050            Identification required**

- A. Licensees shall be required to place and keep leg or wing bands on all chickens, clearly displaying the licensee's license number, as a means of identification and proof of licensing.

**6.12.060            Shelter requirement**

Chickens shall be provided with a chicken coop consisting of two adjacent and connected parts:

- A. A covered, secure, predator proof outdoor chicken enclosure, that is of sufficient size to admit free movement of the chickens; and
- B. A covered, predator-proof chicken house that is thoroughly ventilated, of sufficient size to admit free movement of the chickens, and designed and built to be easily accessed, cleaned and maintained by the licensed chicken keeper. The chicken house must be adjacent to and provide unrestricted access to the outdoor secure enclosure.

**6.12.070            Distance requirement**

A chicken coop, including the chicken house and secure enclosure, shall be located no less than 30 feet from any dwelling occupied by a person or persons other than the party licensed to keep the chickens, as measured from the exterior wall of the chicken coop to the closest exterior wall of the adjacent dwelling. In no case shall the chicken coop be located closer than 15 feet to any property line as measured from the nearest exterior wall of the chicken coop to such property line.

**6.12.080            Chickens at large**

- A. Chickens shall be kept within the chicken coop on the property of the licensed chicken keeper from sunset to sunrise.
- B. Chickens shall be contained within the boundaries of the licensee's property at all times.

**6.12.090            Supply of feed and water**

- A. Chickens shall have continuous access to adequate feed and water.
- B. Stored feed must be kept in a rodent and predator-proof container.

**6.12.100            Sanitation**

Chicken coops must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors and/or the spread of disease.

**6.12.110 Penalties and Violations**

- A. Any violation of this chapter shall be punishable pursuant to Section 1.4.070 of this Code. No jail sentence shall be imposed.
- B. In addition to any penalties specified in this Chapter, the Court in its discretion may Order any of the following conditions;
  - 1. The Court may order relinquishment of a chicken(s) deemed to be a public safety risk and/or a repetitive nuisance that has not been abated or a chicken(s) that is a victim of cruelty, neglect or abandonment to the Animal Shelter for disposition.
  - 2. Upon finding of chicken cruelty or neglect (including provoking, poisoning, abandonment of a chicken), the court may order no chicken ownership for a determinate period.
  - 3. Violations of this Chapter may result in immediate impoundment of the chicken(s).
  - 4. Violation of any provision of this chapter may result in revocation of any license(s).
  - 5. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of \$500

APPROVED by the City Commission on first reading \_\_\_\_\_, 2011.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading \_\_\_\_\_, 2011.

\_\_\_\_\_  
Michael J. Winters, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
James W. Santoro, City Attorney

State of Montana    )  
County of Cascade : ss.  
City of Great Falls    )

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 30\_\_ in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;  
On the Bulletin Board, first floor, Cascade County Court House;  
On the Bulletin Board, Great Falls Public Library

\_\_\_\_\_

Lisa Kunz, City Clerk

(CITY SEAL)

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## EXHIBIT C– PUBLIC COMMENT

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**From:** John Stone [<mailto:jstone80@bresnan.net>]

**Sent:** Friday, February 04, 2011 12:00 PM

**To:** Deb McNeese

**Subject:** Chickens In Residential Areas

**Importance:** High

Please - NO CHICKENS IN GREAT FALLS RESIDENTIAL AREAS. John & Jean Stone  
Neighborhood Council #5 (Speaking as individuals and not for NC-5 as a whole).

John & Jean Stone

3225 19th Avenue South

Great Falls, Montana USA (59405)

**From:** Lea Gorsuch [<mailto:leagorsuch@bresnan.net>]

**Sent:** Monday, February 07, 2011 9:28 PM

**To:** Deb McNeese

**Subject:** Urban chickens - NO-O-O-O

Dear Ms. McNeese,

Would you be so kind as to forward this to each member of the the City Planning Advisory Board? I will be working on the afternoon of 2/22/11 and may not be able to make the meeting.

Thank you,

Lea Gorsuch

Dear Member of the Planning Advisory Board:

Thank you very much for taking the time to read this letter. The issue is the urban chickens.

Please do not allow chickens to be raised in our neighborhoods. The cage free, non hormone eggs are wonderful - I buy them from a friend who has chickens on her place **outside of town**.

We have lived in the Prospect Heights area now for 22 years - great place w/ great neighbors. However, if one of our neighbors - particularly our neighbor to the south, were to put chickens in his yard, it would probably break the strong bond of friendship we have formed over the years. We have large unfenced back yards. From our decks, we can see each of our back yards but yet have privacy on our decks. If he were to put chickens in his yard, the southerly breezes would waft the smell over to our deck, where we often have dinner. . (Yum! Chicken scat!) According to the rules, he could have 6 hens in a coop, which could set below our bedroom window, where the gentle, southerly evening breezes could waft the avian fragrance into our bedroom. (aphrodisiac?)

I do not speak from ignorance. I grew up on a farm in Iowa where we raised chickens for the eggs for our own use, NOT an industrial outfit. Admittedly, we had more than 6 hens, however we were on a large farm - and the chicken coop was well away from the house. One of my duties while growing up was taking care of the chickens, feeding them and gathering the eggs. Chicken manure does smell & it's yucky to step in. When the weather is warm, the smell is worse.

I am finally a "townie" and very much like living in Great Falls, in our neighborhood. Please don't make me go back to the farm and deal w/ the chicken smells.

There are other issues, but for me, smell is the most important.

Chickens have their place but not in the backyard in a city. **PLEASE DO NOT RECOMMEND CHANGING THE ZONING LAWS TO ALLOW CHICKENS.**

Sincerely,

Lea Gorsuch

41 Prospect Drive

**From:** Don & Lea McGiboney [\[mailto:mcgiboney2@bresnan.net\]](mailto:mcgiboney2@bresnan.net)

**Sent:** Wednesday, February 09, 2011 8:52 PM

**To:** Deb McNeese

**Subject:** Urban Chicken issue

Hello Deb!

Would you please forward my letter to all the City Planning Advisory Board/Zoning Commission members?

Thank you!

Lea McGiboney  
Neighborhood Council 6  
124 Marillyn Drive

February 9, 2011

Planning Advisory Board/Zoning Commission  
PO Box 5021  
Great Falls, Montana 59403

RE: Chicken Ordinance

To the Planning Advisory Board/Zoning Commission:

Please accept this letter as my request for your support of sustaining the City ordinance on banning all livestock, which includes chickens, inside the City limits. I offer the following reasons:

1) Chickens Smell

Proponents for allowing urban chickens, Citizens for Legalizing Urban Chickens (CLUC), state that chickens do not stink. I used to raise chickens when I was younger and lived in a rural setting and I can tell you they can be pungent. The coops must be kept clean at all times. We cannot be guaranteed that all chicken owners will be responsible just like we are not guaranteed all dog and cat owners will be responsible. How many of you had had the pleasure of dog droppings in your front yard when you either don't have a dog or don't allow your dogs in the front yard? Or you go to plant flowers in your garden only to run into cat scat? CLUC claims the manure will lead to rich lush lawns. Chicken manure Ph is stronger than many other types of manure. Poultry manure (chicken in particular) is the richest animal manure in N-P-K. Chicken manure is considered "hot" and must be composted before adding it to the garden. Otherwise, it will burn any plants it comes in contact with (Manure Matters by Marion Owen). The feces from chickens, when wet from rain or sprinklers, are a smell to remember.

2) Chickens Make Noise

CLUC states that only roosters make noise. I beg to differ. Hens make noise when they are laying eggs, fighting for position in the pecking order (no pun intended), when they see food coming and when startled. I live in a semi-rural setting just on the outskirts of town. This area still has pockets of County land which hasn't been zoned into the City yet. One of my neighbors, about a quarter mile away, raises chickens and I can hear them.

3) Chickens Draw Pests

Flies and other pests are drawn to chicken coops and lawns where they reside due to the manure they deposit and their food. Chickens will eat the flies but not all of them. It is almost impossible to keep the manure cleared under the coops and that is where flies and other pests will lay their eggs. Other pests, such as mice, rats, raccoons, squirrels, skunks, etc. are drawn to their food. The smell of chickens will not deter them, unlike the smell of dogs or cats will.

4) Chickens Draw Predators

This was a major concern when we raised chickens. Stray dogs and cats are drawn to the noise and smell of chickens. It's an entertainment factor for dogs to chase chickens until they, virtually, scare them to death. Cats are a predator at day AND night and they love the taste of chicken. Chickens are bait for other predators, such as coyotes, foxes, and mountain lions (all species I have seen in the City limits). These predators bring with them their own set of parasites and diseases which are dangerous to humans, such as rabies, roundworm, and Hantavirus.

5) Enforcement

Neighbors Against Urban Chickens (NAUC) contends that a ban on urban chickens is enforceable. Animal Control can witness first-hand the presence of chickens in an unauthorized area and have them removed. NAUC also contends that any ordinance which allows urban chickens and attempts to address the associated problems is *not* enforceable. I agree with them, just as the "leash law" is not enforceable. For example, Animal Control will not be present at 2:30 in the morning when a cat spooks the chickens next door and they squawk in protest. Animal control will not be present on Sunday afternoon when the wind shifts and the stench from the chickens next door drives you and your guests from your patio. These problems will have to be addressed by the adversely affected neighbor: you. You will have to keep a chicken log documenting the dates and times of the occurrences. You will have to file a complaint. You will have to press the issue, and, eventually, you will have to appear in court and prove your case because Animal Control wasn't there; you were. Then, if convicted, the offending neighbor will temporarily fix the issues, slip back into old habits, and the process will start again. Allowing chickens will also open the doors for other livestock. How can you allow one type of poultry and not allow turkeys, duck, and geese? I have a pond in my back yard and would love to see cute little ducks paddling around in it. And anyone who has visited River's Edge Trail cannot tell me that geese don't pose problems. And many communities are allowing goats and sheep as "pets". Where will it end?

6) Cost to Remove the Ordinance

CLUC represents that Michael Haynes, Director of Planning & Community Development said that the cost of redoing the animal control ordinance would be \$100. NAUC contends the following: The average cost per full time equivalent (FTE) hour for the Planning Department is \$46.80. The average cost of Administration (which includes the City Commissioners) is \$36.82 per hour. The average cost of the Legal Department is \$42.50 per hour. NAUC estimates that the cost of the chicken issue has already far exceeded the \$100 estimate by Haynes. NAUC contends that, due to the contentious nature of this issue, the cost estimate of Michael Haynes will pale in comparison to reality. NAUC is tracking these costs and I will be interested to see how much this will actually cost the City's taxpayers.

7) Duplication of Effort

I truly do not understand why this issue keeps getting revisited. It was voted on in 2005 and was recently voted to keep it in place. It was brought before every Neighborhood Council, was put to a vote at Neighborhood Council 6, and most supported keeping the ordinance in place. Is this going to be allowed to continue repeatedly because CLUC keeps squawking?

8) Self Sustainability

CLUC has stated that our food comes from an average of 1,500 miles away and that we will not have eggs in the case of a disaster. According to my research, much of our food comes from local producers. I'm sure that we will be able to survive a natural disaster.

9) Other Communities Allow Chickens

This is true. I've been to Europe where many countries allow chickens in the cities and towns. They smell horrible plus the chickens find ways out of the yards and produce hazards on the streets. Although

Montana is still considered rural by many, there are cities and towns that have progressed beyond that point, such as Great Falls. Chickens need to be in rural settings where the neighbors aren't so close.

10) The residents favor chickens in Great Falls

CLUC states a poll was held and it shows that 59% of Great Falls' residents favor their cause. NAUC states the poll was "stacked". As polls can be skewed to benefit anyone, I don't hold much credence in them. You will have those for, those against, and those that say they don't care one way or another – until it affects them. I do know that most people that I've talked to about it, do not want chickens as neighbors.

Thank you for your time and attention to this serious matter. I hope that you decide against rescinding the livestock ordinance, to the pleasure and protection of the majority of the Great Falls citizens.

Sincerely,

Lea McGiboney  
124 Marilyn Drive

From: John Curtis [[mailto:j\\_jcurtis36@bresnan.net](mailto:j_jcurtis36@bresnan.net)]  
Sent: Friday, February 11, 2011 12:21 PM  
To: Deb McNeese  
Subject: Chicken issue

To Deb McNeese, Would you please forward my opposition to allowing chickens in residence within the city limits? Thank you so very much,

Jean M. Curtis

Members of the Planning Advisory Board:

I am amazed about a lack of consideration of neighbors, no matter the reason! I don't care what the advantages to Mr. Charles Bocock and Dr. Cheryl Reichert may seem to be. If they can afford to be owner and resident of an upper-class home in this neighborhood they can certainly afford to purchase fresh eggs and garden fertilizer in the local stores or farmers.

I have been a resident of 43 Prospect Drive since 1959.

Jean M. Curtis



**From:** GIL SUSAN CONRAD [<mailto:blumoon89@msn.com>]

**Sent:** Saturday, February 12, 2011 12:02 PM

**To:** Deb McNeese

**Subject:** Urban Chickens

Great Falls Planning Advisory Board Members,

Please do not allow the city of Great Falls to become a huge 'barnyard' by allowing residents to turn their yards into small farms for their chickens. Unlike many cities, there is a lot of land outside of the city limits to have this type of zone.

This would be another ordinance that the city cannot afford or have the will to enforce. The Animal Shelter is a disaster. The noise and junk ordinances are a joke and I don't want my tax dollars spent to lower my property values because my neighbor has a barnyard full of chickens.

Please do not let the few make bad policy for the majority. Do not open the door like the Medical Marijuana law did. That has worked out well, hasn't it.

Please forward this to all the Planning Board members.

Thank You.

Gil Conrad  
Great Falls, Mt  
771-4782

# Nicholas L. Bourdeau

PO Box 6363  
Great Falls, MT 59406

Phone (406) 727-8365  
Fax (406) 727-3708



## THE CASE AGAINST URBAN CHICKENS

### 1) Chickens Smell

The chicken proponents have stated that chickens do not smell. Neighbors Against Urban Chickens (NAUC) contend that all chickens smell all of the time. How much the chickens smell depends upon whether or not the chicken raiser takes steps to mitigate the smell. The regular cleaning of coops will reduce the smell within the coop. It will not reduce the smell in total, however, if the manure is simply moved to a compost heap as recommended by the chicken proponents. Removing chicken manure from lawns where chickens have been allowed to run is problematic. There is simply no way to remove it all. And, in fact, the chicken proponents indicate that having the chickens deposit their manure on the lawn is one of the key benefits to their presence. The manure is said to create a lush and green lawn. The manure also creates an odor which permeates the air and is especially pungent after a rain storm.

### 2) Chickens Make Noise

The chicken proponents have stated that roosters make a lot of noise, but hens do not, indicating that banning roosters will solve any noise issues. NAUC contend that all chickens, even hens, make noise that will disturb neighbors. The noise is most acute when the hens are in the process of, or have just, laid an egg. Responsible chicken raisers may take steps to mitigate the noise such as keeping the fowl cooped up at night when the noise will present the biggest problem. However, the chicken raisers recognize in their forums the existence of the problem and the seeming futility in trying to control a trait which is inherent in the species (e.g.: <http://www.backyardchickens.com/forum/viewtopic>).

### 3) Chickens Draw Flies and Other Pests

Flies have been proven to carry pathogens which are harmful to humans. Flies are drawn to manure no matter what the source. Chickens produce manure which may or may not be confined to a chicken coop. Fortunately, chickens eat some of the flies which they draw. However, in those situations where a chicken owner does not clean up after his or her chickens on a regular basis (every day), or does not take steps to mitigate fly problems in chicken runs, the flies will come out ahead. Rodents such as mice and rats are drawn to the smell of the chickens and their food. Responsible owners can mitigate the problem by storing food in rodent-proof containers; however, mice can still get into the chicken feeders. Mitigation in this area is dependent upon responsible chicken owners. It is highly unlikely that all chicken owners will be responsible.



#### 4) Chickens Draw Predators

The smell and noise created by chickens draws predators. It doesn't matter whether the predators can get to the chickens or not. Predators are drawn into an area and will stay because of garbage left out, compost heaps, and pet food. The list of predators includes, but is not limited to, domestic cats, dogs, coyotes, foxes, raccoons, mountain lions, skunks, and bobcats (all species indigenous to the Great Falls area). These predators come into conflict with domestic house pets, may become nuisance scavengers, and depending upon the species, pose a threat to humans. Raccoons are a unique problem in that they carry Raccoon Roundworm (*Baylisascaris*). Two children have died in Minnesota as a result of exposure to the parasite. Toddlers are at highest risk because they are closer to the fecal matter left by the raccoons and have a tendency to put things in their mouths. Three neighborhoods in Great Falls already report problematic raccoon infestations. Problems with predators will become problems for Great Falls Animal Control as home owners will ask for removal of the animals. Due to budgetary constraints, and the problems associated with wild animal relocation, there is a high probability such animal control procedures will be lethal in nature. This will undoubtedly end up a public relations problem for the City of Great Falls.

#### 5) Enforcement

NAUC contends that a ban on urban chickens is enforceable. Animal Control can witness first-hand the presence of chickens in an unauthorized area and have them removed. NAUC also contends that any ordinance which allows urban chickens and attempts to address the associated problems is *not* enforceable. For example, Animal Control will not be present at 2:30 in the morning when a cat spooks the chickens next door and they squawk in protest. Animal control will not be present on Sunday afternoon when the wind shifts and the stench from the chickens next door drives you from your patio. These problems will have to be addressed by the adversely affected neighbor: you. You will have to keep a chicken log documenting the dates and times of the occurrences. You will have to file a complaint. You will have to press the issue, and, eventually, you will have to appear in court and prove your case because Animal Control wasn't there; you were. Then, if convicted, the offending neighbor will temporarily fix the issues, slip back into old habits, and you will start again.

Allowing chickens in Great Falls will open the door to other types of livestock. The argument will simply be that chickens are livestock. If one type of livestock is allowed, there is no logical reason to preclude the presence of goats, sheep and cows. The problems with enforcement and the problems between neighbors will increase with every species which is permitted within the city.

The City of Great Falls has recently refused to participate in the construction of a new animal shelter citing lack of funds. No one has argued that the current shelter is inadequate. If the current animal shelter is not adequate for the animal species currently allowed in Great Falls, it can't possibly be adequate to handle



livestock. Where will the abandoned chickens go when their owners figure out that the birds are annoying and it's tiresome to clean up after them every day? Determining the sex of chicks is more of an art than a science. Where will the chickens go that turn out to be roosters? In 2010, the Animal Shelter had two abandoned chickens in residence. They live in a cage in a hallway as there was no other place to put them. Refusing to build a new Animal Shelter and then turning around and dumping a whole new problem on Animal Control is simply unacceptable.

#### 6) Cost

The chicken proponents have represented that Michael Haynes, Director of Planning & Community Development said that the cost of redoing the animal control ordinance would be \$100. The average cost per full time equivalent (FTE) hour for the Planning Department is \$46.80. The average cost of Administration (which includes the City Commissioners) is \$36.82 per hour. The average cost of the Legal Department is \$42.50 per hour. NAUC contends that the cost of the chicken issue has already far exceeded the \$100 estimate by Haynes. NAUC contends that, due to the contentious nature of this issue, the cost estimate of Michael Haynes will pale in comparison to reality. As this issue develops, NAUC will take steps to insure that the actual costs associated with revising the animal control ordinance are tracked. It is the intent of NAUC to present these costs to the City of Great Falls.

#### 7) Duplication of Effort

On February 15, 2005 the Great Falls City Commission created a Blue Ribbon Committee to review and amend the animal control ordinance for the City of Great Falls. On January 16, 2007 the City Commission adopted Ordinance 2933 in its current form. Considerable time and resources were expended developing the current ordinance. Rewriting the animal control ordinance would require duplicating of the work of the Committee and the Commission. The chicken proponents have stated that the ban on chickens provided for in the revised 2933 ordinance was "snuck in" at the last minute. The very first draft of the revised ordinance issued on September 22, 2005 included the ban on chickens. The ban on chickens was present during all of the public hearings. The public had every opportunity to protest the inclusion of chickens in the definition of livestock. The position of the chicken proponents that the ban on chickens was included in 2933 by deceit or subterfuge is without basis. It is the position of NAUC that the opinion of the majority of Great Falls citizens was fairly represented by the provisions of the revised 2933. The majority of citizens in Great Falls do not want chickens. Revisiting the ordinance is a waste of resources that the City of Great Falls does not have.

#### 8) Self Sustainability

The chicken proponents have claimed that there is value in being able to sustain yourself and your family in case of an emergency. NAUC contends that the eggs produced by a few chickens will do little, if anything, in the face of a substantive



disaster such as an earthquake. The chicken proponents have also stated that our food comes from an average of 1,500 miles away and that we will not have eggs in the case of a disaster. NAUC contends that Big Stone Colony, a major, local, egg producer, would be surprised to learn that Sand Coulee, MT is that far away from Great Falls.

#### 9) Other Communities Allow Chickens

In canvassing neighborhoods, NAUC consistently ran into responses to the proposed presence of urban chickens in the vein of, "You're kidding." "This is joke, right?" "Who in their right mind would want to raise chickens?" The responders were generally incredulous that anyone could be taking the prospect of urban chickens seriously. It is the opinion of NAUC that the citizens of other communities simply did not take the situation seriously or were totally unaware of the problem that was eventually inserted into their community. It is the position of NAUC that if one neighbor in Great Falls ends up with a chicken coop next door he or she will know exactly how it got there and who put it there.

#### 10) Great Falls Tribune Survey (The Buzz)

One of the chicken proponents (Charles Bocock) stated that a Tribune poll asking whether chickens should be allowed in Great Falls is representative of the desires of this community. The poll showed that 59% of responders favor chickens in our community. The chicken proponents stated that responders to the poll cannot vote more than once, therefore the poll is a true representation of the opinion of this community. The Great Falls Tribune was contacted, specifically Dan Hollow (Managing Editor) 5/24/10 and Donna Evarro (Reporter/Online Administrator) 5/28/10. Both stated there are no edits on the phone system or the computer system to prohibit multiple calls or "stacking" of votes. Consequently, one individual can change the results of any poll simply by voting multiple times. Dan Hollow stated that this is one of the reasons that the poll is not scientific and expressed the hope that our community leaders would not make policy based upon the results of the survey. NAUC echoes this hope. In counterpoint to the results of the Tribune survey, NAUC would refer our community leaders to the results of canvassing a part of only one neighborhood: Riverview. NAUC believes that increasing this canvass to several thousand residents will yield similar results.



## **The Vancouver mayor's chicken and egg problem**

The Globe and Mail

Published 4/7/10

By Gary Mason

"Vancouver Mayor Gregor Robertson's pledge to end homelessness now includes chickens.

I guess finding a warm room for the thousands of poor souls living on the streets of his city wasn't challenge enough for the young mayor. Today, city council will be debating the merits of his dream to see a family of chickens in everyone's backyard. And the 32-page staff report that provides the basis for that discussion includes a recommendation for a \$20,000 homeless shelter for chickens abandoned by owners who no longer find them so cute and cuddly or have tired of cleaning up their mess every day.

When the backyard chicken plan was hatched a few months ago, there was something quaint about the idea. Quirky but quaint. Now, however, the proposal is increasingly being talked about in other terms. Dumb and dumber are two that pop to mind.

With all the headaches that come with governing a city the size of Vancouver, many wonder why would the mayor want to create more problems for himself by encouraging people to raise farm animals whose constant clucking is sure to irritate and whose backyard homes will become a red-light district for all manner of rodents with the munchies? Now, it should be said that the report city staff has produced on the urban chicken is a thorough and competent piece of work, complete with graphs and diagrams of what a backyard coop might look like, and where it should be situated in relation to your neighbour's property.

It recommends the establishment of an online registry for chicken owners, a site that would also serve as a source of advice on "best management practices," and include a notice board of "upcoming chicken workshops." The report sets out rules for raising chickens, such as: Owners shall not slaughter chickens who cease to become productive. (Or are just too damn annoying). Instead, hens must be euthanized by a veterinarian (estimated cost – \$40) or taken to a farm or abattoir.

This recommendation is already bothering some. A woman calling into a local radio talk show the other day said: "Who is the city to tell me what I can and can't do with a chicken in my own backyard? I'll do whatever I want with them." No doubt she will. And so will others.



And how does the city plan on monitoring the activities of urban chicken owners? With already overworked city bylaw officers apparently. Although there is a caveat in the report that says: "if complaint volumes are larger than anticipated additional enforcement staff may be necessary."

Count on it.

Vancouver taxpayers will be thrilled to learn the report's recommendations were reviewed by a number of stakeholder groups, including several departments at city hall. There was likely tens of thousands of dollars in person hours spent producing this document. And there could be tens of thousands of dollars more needed to be spent once the chickens come home to roost, as it were.

For the good of how many people exactly?

City staff – carrying out the mayor's wishes – are trying to sell the backyard chicken by saying it provides benefits such as improving "food security." Right. A couple of chickens are going to help you survive an earthquake. Raising the feathered wonders will also help reduce greenhouse gas emissions, we're told. Uh, huh. Like having a few hens in the backyard are going to mean fewer trips to the grocery store in your gas guzzler.

Other backyard chicken advocates say it's all about "food sovereignty." Which is more trendy phraseology from the current fashion known as urban sustainability, the benefits of which are often overstated.

Just as the numbers of people supposedly joining the backyard chicken "craze" are often inflated. After extensive research, the online journal Slate recently declared raising backyard chickens "the bogus trend of the week."

While Mr. Robertson has handled many issues quite ably during his brief time as mayor, he needs to be careful that he isn't defined, ultimately, by questionable forays into what amounts to pet projects. His backyard chicken plan has most people rolling their eyes. Or rolling in the aisles.

And that is never good for a politician."



## CONCLUSION

In a perfect world, we would not need animal control, the police department, or lawyers to enforce our rights. In a perfect world we would not need laws, ordinances, or covenants to protect us. In a perfect world, neighbors would have respect, compassion, and empathy for each other. However, we, most assuredly, do not live in a perfect world. We live in a world where there are some who believe they are above the law. We live in a world where we have neighbors who may believe that their rights are superior to ours. We live in a world where there are some who don't ask what their neighbors think or simply don't care. We live in a world where there are some who do not understand the definition of intrusive. We live in a world where some people have to be threatened with jail or fines in order to obey the law. It is because of these individuals that our society needs Animal Control, the police department, lawyers, and enforceable laws.

It is the position of Neighbors Against Urban Chickens (NAUC) that the current ordinance banning chickens from the City of Great Falls is enforceable. That is, Animal Control can determine whether chickens exist at a prohibited location and require their removal. It is also the position of NAUC that *any* ordinance allowing chickens in urban Great Falls would essentially not be enforceable. That is, it would be unlikely that animal control would be present when neighboring chickens disturb sleep or the smell drives a neighbor to distraction. This means that enforcement of the provisions of the ordinance would be handed to neighbors. They would have to file a complaint with Animal Control, then the city attorney, gather evidence, and eventually prove their case in court. This process requires considerable time and resources. It also requires that offended parties enter into direct conflict with their neighbors. Many neighbors will not have the resources or the emotional strength necessary to enforce their rights. This means that, in many instances, the City of Great Falls will simply have failed to protect its citizens.

The passing of an ordinance allowing chickens will not resolve the problems that Bocock and Reichert's neighbors have with chickens. The neighbors complained because the chickens were annoying. Making chickens legal will not stop them from being annoying. The neighbors will continue to complain. Other neighbors will join them. These neighbors will continue to absorb the resources of our city by filing complaints with animal control, the city attorney, and eventually absorb the time of our court system.

The leaders of the City of Great Falls have stated that the city does not have the resources to construct a new animal shelter. The City of Great Falls is struggling to fund and fully staff animal control. Passing an ordinance which would saddle the animal shelter with an additional burden and further tax the resources of Animal Control is an act which is in direct contradiction to the economic realities

facing this city. These same economic realities make spending our resources changing the city ordinance governing livestock unconscionable.

The Great Falls Planning Advisory Board / Zoning Commission is responsible to the citizens of Great Falls. It is responsible to uphold and protect the wishes of the majority of the residents in this community. It is responsible for managing our scant resources as wisely as possible. Neighbors Against Urban Chickens asks that the Board act responsibly and leave intact the provisions of Ordinance 2933 which bans chickens in the City of Great Falls.

Respectfully Submitted,

Nicholas L. Bourdeau, Neighbors Against Urban Chickens