

BILL NO. 23 - 10

ORDINANCE NO. 4.629

AN ORDINANCE AMENDING CHAPTER 105 – ANIMAL REGULATIONS IN TITLE II – PUBLIC HEALTH, SAFETY, AND WELFARE IN THE GLADSTONE CITY CODE RELATING TO DOMESTICATED FOWL AND BEES.

WHEREAS, by its own motion, the City Council of the City of Gladstone has requested to amend Chapter 105. – Animal Regulations in Title II – Public Health, Safety, and Welfare in order to allow for the keeping of domesticated fowl and bees;

WHEREAS, a public hearing on said amendment was held by the Planning Commission of the City of Gladstone on the 7th day of November, 2022, pursuant to the required public notice; and

WHEREAS, the Planning Commission has submitted its recommendation to the City Council of the City of Gladstone to amend the Public Health, Safety, and Welfare Code as set forth herein; and

WHEREAS, the City Council held a public hearing on the 28th day of November, 2022 pursuant to the required notice; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Gladstone to enact the following use regulations within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

Section 1. That Chapter 105. – Animal Regulations of the Code be amended as follows:

Chapter 105. – Animal and Insect Regulations

Section 2. That Section 2.105.010. – Definitions of the Code be amended by adding a definition as follows:

Domesticated fowl means a bird, such as a chicken, duck, goose, or turkey, that is raised to produce eggs.

Section 3. That Section 2.105.160 of the Code be amended to read as follows:

Sec. 2.105.160. – Keeping horses and livestock

Horses and livestock must be kept on a lot containing at least three acres under the following conditions. Horses, ponies, cattle, hogs, pigs, mules, sheep, goats, and other similar animals shall be kept in a detached accessory building which shall be located not less than 100 feet from any street, and not less than 50 feet from any property line. Not more than one horse, pony, cattle, swine, mule, sheep, goat, and other similar animal shall be kept on each 10,000 square feet of land area.

Section 4. That Chapter 105 of Title II of the Code be amended by adding Sec. 2.105.161. – Keeping Domesticated Fowl to read as follows:

Sec. 2.105.161 – Keeping Domesticated Fowl

For single-family residential lots smaller than one hundred and thirty thousand and six hundred and eighty (130,680) square foot in an area (3 acres) may keep up to ten (10) domesticated fowl in accordance with the following provisions:

- a. Prior to keeping or housing fowl, a person shall first submit an application for a fowl permit to the City of Gladstone Community Development Department. Said permits are a one-time fee and non-transferable. Each applicant must submit information or evidence of the following for a permit:
 - i. All fowl must have access to a covered enclosure (or coop) that allows for the housing of fowl. In addition, all coops must have direct access to an enclosed run area. All coops and runs shall be located in the rear yard and be designed in a manner to minimize their visual impact. All coops and runs shall be at least ten (10) feet from any property line and at least fifty (50) feet from any residential structure, deck, or porch not owned by the permittee.
 - ii. The coop and run may not exceed one-hundred (100) square feet.
 - iii. The maximum height of the coop shall be eight (8) feet.
- b. The keeping of roosters, guinea hens, geese, and turkeys are prohibited.
- c. Fowl shall be kept in a secured enclosure or fenced area at all times. The fencing material must consist of wood, vinyl, composite, or chain link and constructed in a manner to contain the domestic fowl.
- d. All feed and other items associated with the keeping of fowl shall be kept clean and sanitary at all times and be protected so as to prevent the infestation of rats, mice, or other rodents.
- e. The fowl are not raised for the purpose of slaughtering.
- f. Individuals that wish to own or maintain domesticated fowl on property that they do not own must include written permission from the property owner or landlord that explicitly indicates that the permittee has permission to own or maintain hens on the subject property. Such written permission shall be supplied as part of the fowl license application.
- g. If an inspection is required as a result of a nuisance complaint, the Animal Control Officer and/or Code Enforcement Officer will inspect the property.
- h. Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and may prohibit the keeping of fowl as provided herein. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
- i. If the requirements of this section are not fully complied with, the city may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation.
- j. The Community Development Director and/or the Police Chief and/or their designee have the authority to order the removal of the fowl, coop, and run if a

nuisance is determined and/or there is a proven impact to the general safety, health, and welfare of the general public.

- k. Special exceptions for the increased number of domestic fowl up to fifteen (15) may be considered by the Chief of Police and/or the Community Development Director for medical conditions documented by a licensed medical physician for immediate family residing on the property. Any exception granted shall be for an initial period of one (1) year and shall be subject to annual inspection. Refusal to allow such inspection by the person who has been granted the exception shall void the exception

For single-family residential lots larger than one hundred and thirty thousand six hundred and eighty (130,680) square foot in area (3 acres) may keep up to fifteen (15) domestic fowl.

Section 5. That Chapter 105 of Title II of the Code be amended by adding Sec. 2.105.162. – Residential Bee Keeping to read as follows:

Sec. 2.105.162. – Residential Bee Keeping

For single-family residential lots smaller than one hundred and thirty thousand and six hundred and eighty (130,680) square foot in area (3 acres) may keep one (1) beehive in accordance with the following provisions:

- a. Prior to keeping or housing bees, a person shall first submit an application for a residential bee keeping permit to the City of Gladstone Community Development Department. Said permits are a one-time fee and are nontransferable. Each applicant must submit information or evidence of the following for a permit.
 - i. All bees must have a man-made hive (house, structure, etc.) that they call home. The hive shall be located in the rear yard and be designed in a manner to minimize their visual impact. All hives must be at least ten (10) feet from any property line and at least fifty (50) feet from any residential structure, deck, or porch not owned by the permittee.
 - ii. The beehive may not exceed 25 inches by 16 inches.
- b. Beekeepers that wish to own or maintain a beehive on property that they do not own must include written permission from the property owner or landlord that explicitly indicates that the beekeeper has permission to own or maintain a beehive on the subject property. Such written permission shall be supplied as part of the beekeeping application.
- c. Hives shall not be located within 50 feet of a pre-existing swimming pool or pre-existing kenneled animal.
- d. A supply of fresh water shall be maintained in a location readily accessible to the hive on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
- e. If an inspection is required as a result of a nuisance complaint, the Animal Control Officer and/or Code Enforcement Officer will inspect the property only.
- f. It shall be unlawful for any beekeeper to keep a hive in such a manner as to cause any unhealthy condition or interfere with the normal use of adjoining properties.

- i. Hive placement and related bee movement such that bees, without provocation, interfere with the reasonable freedom of movement of persons in a public right-of-way, or the location of bees have a proven impact to the general safety, health, and welfare of the general public.
- g. Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and may prohibit the keeping of bees as provided herein. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
- h. If the requirements of this section are not fully complied with, the city may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation.
- i. The Community Development Director and/or the Police Chief and/or their designee have the authority to order the removal of the bees and hive if a nuisance is determined and/or there is a proven impact to the general safety, health, and welfare of the general public.

For single-family residential lots larger than one hundred and thirty thousand six hundred and eighty (130,680) square foot in area (3 acres) may keep a maximum of two (2) bee hives.

Section 6. Severability Clause. The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of the Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect; it being the legislative intent that this Ordinance shall remain in effect notwithstanding the invalidity of any part.

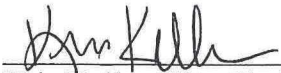
Section 7. Effective Date. This ordinance shall become effective from and after its passage.

INTRODUCED, READ, PASSED, AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 27TH DAY OF FEBRUARY, 2023.



Bill Garnos, Mayor

ATTEST:



Kris Keller, City Clerk

First Reading: February 27, 2023

Second Reading: February 27, 2023

File # 2023 -



Request for Council Action

RES # City Clerk Only

BILL # 23-10

ORD # 4.269

Date: 2/22/2023

Department: Community Development

Meeting Date Requested: 2/27/2023

Public Hearing: Yes Date: [Click here to enter a date.](#)

Subject: Domesticated Fowl & Bee Ordinance

Background:

At the Monday, November 28, 2022, City Council meeting, City Council members considered a draft Ordinance to address domesticated hens and bees in the City of Gladstone. Through the public hearing process, there was a positive conversation between residents, City Council, and City Staff about the proposed Ordinance and possible additions.

City Council directed City Staff to work with the residents in attendance at that meeting to find adequate resolutions to their comments and questions. City Staff reached out to that community on multiple occasions and received minimal feedback.

The City Council also directed City Staff to work with the Planning Commission to hone in on the number of domesticated fowl for residents. City Staff and the Planning Commission held an open study session on this topic on February 6, 2023.

There were four (4) topics that emerged from that public hearing at the City Council meeting on November 28, 2022.

- Allow ducks to be included into the flock.
 - o City Staff has no issue with this request therefore changed the language to domesticated fowl. Depending on the number of domesticated fowl chosen, a duck would be included in that number count. For example, if the number of fowl chosen is six (6) then there could be any combination between hens and ducks to equal six (6) domesticated fowl.
- Allow for free roaming domesticated fowl.
 - o City Staff has no issue with this request and added section C. to the Ordinance that states the following: Fowl shall be kept in a secured enclosure or fenced area at all times. The fencing material must consist of wood, vinyl, composite, chain link and constructed in a manner to contain domesticated fowl.
- Size of the coop. This is a simple math equation once the number of domesticated fowl are decided. City Staff is using 10 sq. ft. per domesticated fowl with a maximum square footage of 100 sq. ft.
- The number of allowed domesticated fowl for residents and residents with documented medical conditions.

- City Staff has also incorporated section K. to the Ordinance to allow for more domesticated fowl (15) related to documented medical conditions.

Below, are examples of how many domesticated fowl other cities allow:

- Columbia, MO allows six (6)
- Springfield, MO allows six (6)
- Liberty, MO allows six (6)
- Independence, MO allows five (5)
- Prairie Village, KS allows six (6)
- KCMO allows fifteen (15)

On average, four (4) hens will lay approximately 24 eggs per week depending on the time of year.

Three (3) Planning Commissioners said they would be agreeable to staff's recommendations, which are six (6) domesticated fowl and twelve (12) domesticated fowl with a medical exemption.

As the conversation came to a close with the Planning Commission, six (6) Planning Commissioners voted to allow for fifteen (15) domesticated fowl and to remove the medical exemption. Three (3) Planning Commissioners voted against this motion.

After all of the discussion between City Staff, Planning Commissioners, and residents, City Staff believes that a compromise of allowing ten (10) domesticated fowl for those residents without a medical condition and allowing fifteen (15) domesticated fowl for those residents with a documented medical condition is reasonable.

Public/Board/Staff Input:

Public: Approximately 12-15 residents participated and voiced their support for an Ordinance allowing for domesticated fowl and bees. In summary, those residents are in favor of allowing 15 + domesticated fowl.

Board: The Planning Commission recommended allowing 15 domesticated fowl without a medical exemption. (6 Yes – 3 No)

Staff Input: Staff recommends approval.

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor.

Austin Greer
Department Director/Administrator

JM
City Attorney

SW
City Manager

PLANNING COMMISSION
GLADSTONE, MISSOURI
Gladstone City Hall
Monday, February 6th, 2023
7:00 pm

Item 1 on the Agenda: Roll Call.

Present: Brenda Lowe, Secretary
Kate Middleton
Bill Turnage
Mike Ebenroth, Chair
Jennifer McGee
Kim Murch
Chase Cookson, Vice Chair
Steve Beamer
Cameron Nave

Absent: James New
Spencer Davis
Gary Markenson

Council & Staff Present:

Austin Greer, Community Development Director
Angie Daugherty, Admin. Assistant
Jean B. Moore, Mayor Pro Tem
Alan Napoli, Building Official

Item 2 on the Agenda: Pledge of Allegiance.

Chair Ebenroth led the group in reciting the Pledge of Allegiance to the United States of America.

Item 3 on the Agenda: Approval of the December 19th, 2022 Minutes. Chair Ebenroth asked if there was a motion to approve the minutes from the December 19th, 2022.

Mr. Nave moved to approve the minutes; Mr. Turnage seconded. The minutes were approved, 9-0.

Item 4 on the Agenda: Open Study Session: Draft on Domesticated Fowl & Bee Ordinance.

Mr. Greer read the staff report,

At the Monday, November 28th City Council meeting, City Council members considered a draft ordinance to address domesticated hens and bees in the City of Gladstone. Through the public hearing process, there was a positive conversation between residents, City Council, and City Staff about the proposed ordinance and possible additions.

City Council directed City Staff to work with the residents in attendance at that meeting to find adequate resolutions to their comments and questions.

The City Council also directed City Staff to work with the Planning Commission to hone in on the number of domesticated fowl for residents.

There were four (4) topics that emerged from that public hearing at the City Council meeting.

- Allow ducks to be included into the flock.
 - o City Staff has no issue with this request therefore changed the language to domesticated fowl. Depending on the number of domesticated fowl chosen, a duck would be included in that number count. For example, if the number of fowl chosen is six (6) then there could be any combination between hens and ducks to equal six (6) domesticated fowl.
- Allow for free roaming domesticated fowl.
 - o City Staff has no issue with this request and added section C. to the ordinance that states the following: Fowl shall be kept in a secured enclosure or fenced area at all times. The fencing material must consist of wood, vinyl, composite, chain link and constructed in a manner to contain domesticated fowl.
- Size of the coop. This is a simple math equation once the number of domesticated fowl are decided. City Staff is using 10 sq. ft. per domesticated fowl.
- The number of allowed domesticated fowl for residents and residents with documented medical conditions. This is the primary feedback that City Council is looking for at Monday night's discussion. All other topics have been resolved.
 - o City Staff has also incorporated section K. to the ordinance to allow for more domesticated fowl due to documented medical conditions.

City Staff is still recommending to Planning Commission and City Council to allow for six (6) domesticated fowl. Below, are examples of how many domesticated fowl other cities allow:

- Columbia, MO allows six (6)
- Springfield, MO allows six (6)
- Liberty, MO allows six (6)
- Independence, MO allows five (5)
- Prairie Village, KS allows six (6)
- KCMO allows fifteen (15)

On average, four (4) hens will lay approximately 24 eggs per week.

Through discussion at Monday night's Planning Commission meeting, City Staff is hoping the Planning Commission can provide the following information:

- Recommend a number of domesticated fowl allowed for a resident residing on less than 3 acres.
- Recommend a number of domesticated fowl allowed for a resident with documented medical conditions residing on less than 3 acres.

There were residents that attended the meeting and spoke in favor of having domesticated fowl and bees. There were approximately 12-15 people in the audience.

The Planning Commissioners had much discussion in regard to the number of how many domesticated fowl they wanted to recommend to the City Council.

Three (3) Planning Commissioners said they would be agreeable to staff's recommendations which are six (6) domesticated fowl and twelve (12) domesticated fowl with a medical exemption.

As the conversation came to a close, six (6) Planning Commissioners voted to allow for fifteen (15) domesticated fowl and remove the medical exemption. Three (3) Planning Commissioners voted against this motion.

Item 5 on the Agenda: Communication from the Public

No communication

Item 6 on the Agenda: Communication from the City Council

Council Member Moore stated that she wanted to thank everyone for being part of this Planning Commission and providing their valuable input.

Item 7 on the Agenda: Communications from the City Staff

Mr. Greer stated that there are two new commissioners and asked them to introduce themselves.

Item 8 on the Agenda: Communications from the Planning Commission Members

No communication

Item 9 on the Agenda: Adjournment

Chair Ebenroth adjourned the meeting at 8:03 pm.

Respectfully submitted:

_____ Approved as submitted _____
Mike Ebenroth, Chair

_____ Approved as corrected _____
Angie Daugherty, Recording Secretary