



AGENDA ITEM REPORT

Meeting Date: July 19, 2022

Staff Contact: Carol Lahman, City Attorney

Department: Legal

Subject: Consider an ordinance amending the Enid Municipal Code, 2014, Title 5, "Public Safety", Chapter 7 "Animal Welfare"; to add Section 5-7-27 "Conditional, Limited, Hen Waiver"; to provide waiver for six hens as pets on a lot less than an acre; providing for repealer, savings clause, severability and codification.

Background:

This ordinance was studied at the July 7, 2022 study session and was requested by Commissioner Siragusa due to the number of residents that have spoken with him about relaxing the prohibition against female chickens.

If this ordinance passes, Animal Welfare would be authorized to issue a conditional waiver to a resident that would allow them to have up to six hens as pets. Animal Welfare will review their application, inspect the property in question, and issue the waiver. The waiver is conditional on the continued maintenance of the property, the yard, and the shelter. If the applicant does not own the property, the owner must provide consent in writing. Roosters may only be kept on property zoned agriculture and this prohibition is not affected by this ordinance.

The conditional waiver may be pulled at any time by Animal Welfare.

Attachments:

[Hen Waiver Ordinance July 19, 2022](#)

[Limited Conditional Hen waiver](#)

[Hen Application](#)

ORDINANCE NO. 2022-

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 5, “PUBLIC SAFETY”, CHAPTER 7 “ANIMAL WELFARE”; TO ADD SECTION 5-7-27 “CONDITIONAL, LIMITED, HEN WAIVER”; TO PROVIDE WAIVER FOR SIX HENS AS PETS ON A LOT LESS THAN AN ACRE; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section I: That Title 5, Chapter 7, Section 5-7-27 is hereby adopted to read:

5- 7- 27: CONDITIONAL, LIMITED, HEN WAIVER

A. Animal Welfare may issue a waiver of Section 5-7-17 to a allow person who resides on a lot, that is not zoned Residential Estates (R-1) and is less than an acre, to conditionally allow the resident to have up to six hens as pets.

B. To qualify for the waiver the resident must have adequate space for the upkeep and care of the hens. If the property is leased, the renter must provide a letter from the owner consenting to the keeping of the hens.

C. The property, the shelter or coop, and the yard must be maintained consistent with this chapter. The person seeking the waiver must consent in writing to inspections from Animal Welfare. Animal Welfare will provide notice of an inspection prior to the inspection.

D. Failure to comply with the conditions will result in the loss of the conditional waiver and the removal of the hens from the property.

Section II: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance are hereby repealed.

Section III: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section IV: Severability. If any one or more of the sections, sentences, clauses or part of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of

the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section V: Codification. This ordinance shall be codified as Title 5, Chapter 5, Sections 5-7-27 of Enid Municipal Code 2014.

This Ordinance was approved by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on July 19, 2022.

George C. Pankonin, Mayor

(SEAL)

ATTEST:

Summer Anderson, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney

**ENID ANIMAL WELFARE
CONDITIONAL, LIMITED, HEN WAIVER**

Date: _____

The applicant _____ has applied for a conditional, limited waiver for up to six hens to be kept as pets at _____ in Enid, Oklahoma.

1.

_____ The residence is owned by the applicant.

_____ The residence is owned by _____. The owner _____ has consented in writing that the applicant may have hens as pets on the rented property.

2. The residence has been inspected and the set up for hens is appropriate for hens. The applicant has consented to inspections when required by Animal Welfare. The applicant is aware that failure to maintain the hens, the shelter, coop, or yard consistent with The Enid Municipal Code could result in the waiver being canceled. The applicant is aware that roosters are forbidden in the City limits other than on property zoned Agriculture.

Based upon the application and the inspection of the residence, Animal Welfare approves the conditional, limited, waiver. The waiver may be canceled if the hens become a nuisance, the shelter is improperly maintained and waste accumulates, or if the hens are at large. Complaints received will be considered by Animal Welfare.

Animal Welfare

Copy to be filed with Enid City Clerk

CITY OF ENID ANIMAL WELFARE
Application for Limited, Conditional Waiver for keeping hens

Date: _____

Applicant

Name _____

Address _____

Home telephone number _____

Cellphone number _____

Business telephone number _____

PLEASE PROVIDE THE FOLLOWING INFORMATION:

1. Where will the hens be housed on the property? (be specific)

2. Do you own your house? _____ If not do you have written permission from the owner? _____
If so attach a copy of the permission.

Contact information for property owner:

Name _____

Address _____

Telephone number _____

Email _____

3. What sort of coop, shelter, shed, or barn will the hens be in? _____
4. Does the property have a fence? _____
5. Do you plan on releasing the hens from their shelter, coop, or barn during the day? _____
6. Why do you want pet hens? _____

7. How large an area you're your hens occupy? _____

8. Have you had chickens before? _____

If no, what research have you done on chickens?

books _____

friends _____

9. Where do you plan on getting your hens? _____

10. Will the hens be adult hens, pullets or chicks? _____

By signing below:

I understand that male chickens, roosters, are prohibited under the waiver and can only be raised on property zoned agriculture. I understand that the waiver is conditioned upon continually to comply with Title 5, Chapter 7 of the Enid Municipal Code. I understand that Animal Welfare will inspect my property and that the waiver is for no more than six pet hens. I understand the waiver is personal to me and applies to this location only and that additional inspections by Animal Welfare may be required in the future.

Date _____ Applicant _____

Witness _____ Animal Welfare Department _____