

A Comparison—Regulating Chickens in a Municipality
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Comparing the Model Ordinance from the Environment Law Report, “Illegal Fowl: A Survey of Municipal Laws Relating to Backyard Poultry and a Model Ordinance for Regulating City Chickens” by Jaime Bouvier to the May 2015 Draft of Sustainable Code Project: Proposed Urban Agriculture Amendments.

Planning Commission was provided a copy of the conclusions the environmental lawyer, Jaime Bouvier, reached after researching how more than 100 municipalities addressed chicken regulations in their communities. At the May Planning Commission meeting, Jim Mazzacco indicated that he felt that City of Tucson’s May draft was quite similar; I stated that I did not agree. Below is a point-by-point comparison of the two documents. Bouvier’s Recommendations are listed as J.B. in bold caps; COT’s is in *italics*.

1. Placement of Animal Regulations in City Code

JB: CHICKEN REGULATIONS WITHIN A SECTION IN CITY CODE CONCERNING ANIMALS

COT: some in UDC, some in City Code Chapter 4; if conflict, UDC prevails 6.6.5.F 1.a.

2. Number of Chickens “By Right”

JB: MAXIMUM OF 6 CHICKENS—no regulations to follow

*COT: Uses an Animal Unit calculation which allows 2 chickens/1000 sq. ft. of gross lot area. If all units are used for chickens, a 7,000 sq. ft. lot is allowed 14; a 10,000 sq. ft. lot is allowed 20. 6.6.5.F3
Any other small farm animals on the premise changes the number allowed.*

3. Setback of Coop/Animal Shelter

JB: 25’ FROM DOOR OR WINDOW OF ANY DWELLING OR OCCUPIED STRUCTURE OTHER THAN OWNER’S DWELLING; 5’ SIDE LOT LINE SET-BACK; 18” REAR YARD SETBACK; NO COOPS/ CAGES IN FRONT YARD

COT: Depends on height, size of coop. If 6’ or less and 16 sq. ft., no setback, but 20’ from principal dwelling unit on the abutting property. 6.6.5.F b. If over that size, set back determined as accessory use in 6.6.2. but 20’ distance still applies. No coops/cages in front yard 6.6.5.F5 a

4. Enclosure

JB: PROTECTED SHELTER, 2 SQ. FT. /HEN AND ACCESS TO FENCED ENCLOSURE

COT: Protected shelter 6.6.5.F.4 , Tucson Code Chapter 4 also addresses; no sq. ft. requirements

5. Sanitation

JB: COOPS AND OUTDOOR ENCLOSURE SANITARY AND FREE FROM OFFENSIVE ODORS

COT: Addressed in Tucson City Code Chapter 4.58

6. Slaughtering

JB: NO OUTDOOR SLAUGHTERING OF CHICKENS

COT: Not addressed; state regulations are said to apply but didn’t find that in writing. Not sure if or how the State addresses backyard chicken butchering in an urban setting.

7. Roosters

JB: UNLAWFUL TO KEEP

COT: Tucson City Code 4-59 Male fowl prohibited.

8. Permitting of Exceptions

JB: ONE PERMITTING PROCESS USED FOR ANY REQUESTS FOR EXCEPTIONS, BE IT NUMBER OF CHICKENS OR LOCATION OF COOP

COT: Separate processes for different requests.

1. Exception for existing pen or shelter setbacks 6.6.5.F.8
2. Exception for requirements to reduce setbacks for new shelters 3.1.1.1. DDO
3. Exception for number of permitted small farm animals 3.3.4 50' Notice Procedure

Conclusion: Drawing this document together was a tedious chore. How COT could ever expect an ordinary citizen to figure out what it allows, in terms of number of chickens, care requirements and shelter regulations, is beyond my comprehension. No municipal code on a specific topic should ever be this scattered and confusing.

I find COT's May 2015 draft to address the following urban chicken topics in a significantly different manner than that recommended by the researcher of best practice, Jaime Bouvier:

- Number 1. Placement of Animal Regulations in City Code
- Number 2. Number of Chickens "By Right"
- Number 3. Setback of Coop/Animal Shelter
- Number 6. Slaughtering
- Number 8. Permitting of Exceptions