

AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, AMENDING THE CODE OF ORDINANCES OF THE CITY OF BEREA, BY REVISING SECTION 51.101 PROVIDING THAT THE HARBORING OR MAINTENANCE OF CHICKENS IN RESIDENTIAL ZONE CLASSIFICATIONS SHALL BE PERMITTED SUBJECT TO CERTAIN CONDITIONS AND LIMITATIONS; AND BY REPEALING THE PROVISIONS OF SECTION 403.9 OF THE LAND MANAGEMENT AND DEVELOPMENT ORDINANCE (SPECIAL CONDITIONAL USE RULES FOR CHICKENS IN RESIDENTIAL AREAS).

BE IT ORDAINED by the City Council of the City of Berea, Kentucky as follows:

SECTION I

That § 51.101 of the Code of Ordinances of the City of Berea, Kentucky, shall be amended so that such section shall read as follows:

§ 51.101 PROXIMITY TO RESIDENCES

(A) Pastures. It shall be unlawful for any person to keep, harbor or maintain any animal unit or units upon pasture land, within seventy-five (75) feet of any residence not owned or occupied by the owner of the animal unit or units.

(B) Feed lots. It shall be unlawful for any person to keep, harbor or maintain any animal unit or units upon a feed lot, within three hundred and fifty (350) feet of any residence not owned or occupied by the owner of the animal unit or units.

(C) Notwithstanding the foregoing, any person desiring to harbor, keep, or maintain chickens on residential property pursuant to the provisions of this Section may apply to the Office of Code Enforcement for a permit allowing such person to keep and maintain no more than six (6) female chickens on property which has a zoning classification of R-1, R-1A, R-1T, R-2, or R-3, and further which does not meet the definition of a "pasture area" as set out in § 51,100 of the Code of Ordinances of the City of Berea, under the following conditions and

provisions:

(1) No rooster or male chickens shall be permitted.

(2) All chickens conditionally permitted pursuant to this provision shall be contained and completely confined within a containment facility located no less than fifty (50) feet from a residential structure other than that of the permittee; provided, however, that this requirement may be reduced by action of the board of Adjustment in the event of written consent of all adjacent property owners or occupiers.

(3) Processing or slaughtering chickens on permitted property is prohibited.

(D) Applications made to the Office of Code Enforcement pursuant to this Section shall be made on a form provided by the Office of Code Enforcement, which application form shall at a minimum include:

(1) The applicant's name, address, telephone number;

(2) Payment of an application fee in the amount of \$ **35.00**;

(3) The names, addresses, and contact information for all adjacent property owners and/or occupiers;

(4) A certification that the property for which the permit is sought is not subject to any restrictive covenants or subdivision restrictions, or a copy of any restrictive covenants or subdivision restrictions that may apply to the property;

(5) The number of chickens to be harbored, kept, or maintained; and

(6) A specific acknowledgment by the applicant of the conditions of this Section and agreement to comply with same.

(E) The Office of Code Enforcement shall review the application and inspect the

property to be permitted, and shall issue a permit to harbor, maintain, and keep chickens in a residential area if the application complies with the foregoing requirements. In the event that a permit is issued under this Section, the Office of Code Enforcement may inspect any permitted premises for compliance with the terms and provisions of this Chapter and any other code provision, upon reasonable suspicion that any code violations are occurring. Upon such inspection, the Office of Code Enforcement shall issue a written report which shall describe the circumstances of the inspection and shall determine whether the permitted premises are in compliance with the provisions of applicable law and ordinances. In the event that the Office of Code Enforcement shall find that the premises are in violation of any law, code, or ordinance provision, the permittee shall be given written notice by certified mail to remedy the non-compliance within thirty (30) days from the date of the inspection, and upon failure to do so, the permit shall be revoked in writing by the Office of Code Enforcement. In addition, the Office of Code Enforcement may proceed with the formal code violation process.

(F) The provisions of this Section shall apply only to the areas with the residential zoning classifications set out above. This Section shall be subject to all existing or subsequently established restrictive covenants or subdivision restrictions applying to the property, and shall not be interpreted to override same.

## SECTION II

Section 403.9 of the Land Management and Development Ordinance (Special Conditional Use Rules for Chickens in Residential Areas)(Ordinance No. 18-10) is REPEALED IN ITS ENTIRETY.

## SECTION III

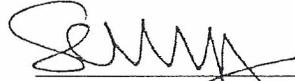
That all ordinances or parts of ordinances in conflict herewith are repealed. This ordinance shall be published

according to law.

FIRST READING: June 19, 2012.

SECOND READING AND ENACTMENT: July 3, 2012.

APPROVED BY:



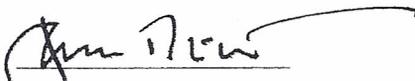
Steven Connelly, Mayor

ATTEST:

  
Clerk of the City Council

Published this 12th day of July, 2012.

PREPARED BY:



James T. Gilbert  
Corporation Counsel  
City of Berea, Kentucky