

Health Commissioner's Order
September 20, 2012

Regulations for Enforcement of Ordinance #68463 as codified in chapter 10 of the Revised Code of the City of St. Louis, as pertaining to noncommercial kennel permit applications which include chickens

By Order of the Health Commissioner
City of St. Louis, Department of Health

Chapter 10.20.13.A. of the Revised Code of the City of St. Louis states that the Health Commissioner shall promulgate rules and regulations as in the interest of public health, safety and general welfare to interpret and implement the provisions of this Chapter to secure the intent thereof.

Chapter 10.20.13.B. sets forth information which will be obtained from an applicant for a noncommercial kennel permit. This section of the Code specifically states that the Health Commissioner can require any additional information from the applicant for such permit.

In addition, Chapter 10.20.13. E. states that the Health Commissioner may condition any noncommercial kennel permit with additional requirements which the Health Commissioner has determined, with regard to the particular facility, to be necessary to protect human health, safety or welfare of animals to be housed therein.

Chapter 10 of the Revised Code of the City of St. Louis has been from time to time amended, and Ordinance #68463 was so amended as to include the possibility of chickens (no more than 4 in number) being allowed under Chapter 10.20.015.C. if they are included in a noncommercial kennel permit approved by the Department of Health.

It has become necessary to review and revise the requirements of a noncommercial kennel permit to include rules and regulations that apply to the applicant seeking to keep chickens under the above-referenced law. In addition to existing rules and regulations which are used in the evaluation of a noncommercial kennel permit application, the Health Commissioner adds the following rules and regulations to be followed when a noncommercial kennel permit includes the keeping of chickens:

Rules and Regulations as to the Noncommercial Kennel Permit and the Lawful Keeping of Chickens Within the City of St. Louis

1. Only hens will be allowed to be kept within the City of St. Louis; no rooster will be lawfully kept in the City of St. Louis under a noncommercial kennel permit. Throughout these rules and regulations, the word "chicken" will mean a female animal.
2. Chickens will be kept and maintained only for private, noncommercial and non-breeding use. Chickens may not be used for slaughter.

3. Any person applying to keep chickens must include on his or her application for noncommercial kennel permit the location and nature of the facilities to be provided, the size of the premises of the applicant, the number and type of each animal to be kept, the purpose of the keeping, and the names and phone numbers of persons who can respond to any emergency involving the animals in the owner's absence.
4. The Health Department will notify all neighbors within 100 feet of the property lines of the application and invite the neighbors to submit comments for or against the application to the Health Department within 15 days of the date of the notice. Within 10 days after the close of the comment period, the Health Department shall determine whether the application meets the rules and regulations imposed by law, including the rules and regulations herein imposed by the authority of the Health Commissioner.
5. **Any applicant or aggrieved neighbor within 100 feet of the applicant's property line may appeal the decision of the Health Department to (the Health Commissioner, the Health Commission-we can discuss what you would like your procedure to be, any of you would like to include it herein).**
6. A noncommercial kennel permit may be revoked by the Health Department for failure to follow the rules and regulations set forth herein, and for failure to comply with any special condition that the Health Department set in place when the permit was issued, and made part of the terms and conditions of the permit.
7. A permit for the keeping of any chicken or chickens may be revoked without hearing if the Health Department determines that an infectious avian agent of potential significant co-pathogenicity, such as avian flu, is identified within the continental United States. At such time, the owner shall take such steps as health officials of the City, State or Federal government instruct as to the quarantine or destruction of any such chicken.
8. Required facilities.
 - A. All chickens permitted to be kept within the City of St. Louis shall be securely restrained and enclosed in a suitable shelter, chicken coop, aviary, or other outbuilding or enclosure, upon the premises of the owner, and shall not be permitted to be at large at any time. Enclosures for chickens shall be completely enclosed, and any enclosure shall include a roof to prevent chickens from escaping it. Such enclosure may not be nearer than 100 feet to any portion of any dwelling, residence or living quarters of person other than their owner.
 - B. Chickens are limited to parcels zoned single-family residential, and with occupancy permits for single-family residential. Chickens will not be allowed on lots less than 7,500 square feet of unimproved land, except through a variance, and only after consideration of the variance by the Health Commission.
 - C. Areas containing any shelter, chicken coop, aviary, or other outbuilding, and any other appurtenances thereto must either be of level grade or graded in a direction away from the property line preventing run off to adjacent property.
9. Maintenance of Sanitary Conditions.

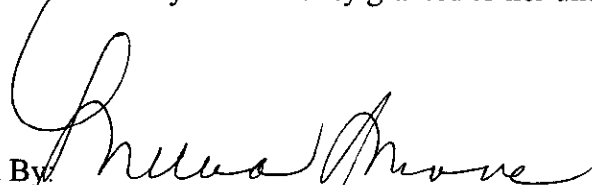
- A. All shelters, chicken coops, aviaries or other outbuildings, and any appurtenances thereto where any chickens permitted by the City are kept shall be maintained so that the premises is in a clean and sanitary condition, and free from all obnoxious smells or substance; otherwise they shall be deemed and treated as a public nuisance.
- B. The presence of numerous flies or the presence of fly larvae in the vicinity of any such premises, enclosures or structures shall be evidence of a lack of sanitary maintenance of the premises, and of a public nuisance.
- C. Where manure will remain on the premises in excess of 24 hours, a fly proof receptacle shall be provided for containing such manure. Any unnecessary accumulation of debris, refuse, or manure or other removable material upon any surface within any such enclosed area or premises, or within any structure used or intended to be used for the housing of chickens, shall be evidence of a lack of sanitary maintenance of the premises, and of a public nuisance.
- D. Any obnoxious odor or allergen arising from any condition existing within the enclosure, or form within any structure used or intended to be used for the housing of chickens, shall be evidence of a lack of sanitary maintenance of the premises, and of a public nuisance.
- E. E. All premises, enclosures, or structures, used or intended to be used for the keeping or housing of chickens permitted by the City shall be thoroughly cleaned, and all debris, refuse, manure or other removable material removed from there as often as may be necessary to effect satisfactory compliance with the provisions of these rules and regulations.
- F. Deceased chickens must be disposed of either through burial or incineration in accordance with Federal, State and City regulations.
- G. All enclosures, refuse containers, and all feed containers intended for the use of domestic animals, including chickens permitted by the City, shall be constructed, maintained and kept in such a manner as to be completely rodent proof. The floors of every such container shall be smooth and tight, and maintained so as to prevent accumulation of filth or water or harboring of vermin thereunder.

10. Cruelty Prohibited.

No person shall be allowed to torment, cruelly beat or needlessly mutilate or kill any animal within the City, including chickens.

11. The commissioner of Health has and reserves the authority to make and promulgate any additional rules and regulations as to the permitting and keeping of chickens as authorized by the authority granted to her under the laws of the City of St. Louis.

As Ordered By:



Melba R. Moore, MS, CPHA
Commissioner of Health
City of St. Louis Department of Health

Date:

9/20/12