

CITY OF VALDEZ, ALASKA
ORDINANCE NO. 24-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, AMENDING TITLE 6 OF THE VALDEZ MUNICIPAL CODE BY AMENDING SECTION 6.04.010 TITLED DEFINITIONS AND CREATING CHAPTER 6.14 TITLED POULTRY

WHEREAS, the raising and keeping of poultry on a non-commercial basis at a residential property, and their associated henhouses, coops and runs are appropriate if certain conditions are met; and

WHEREAS, the city desires to ensure that raising and keeping of poultry and their associated structures are conducted in a way as to not adversely affect the safety and general welfare of the citizens of Valdez, and not create any public nuisance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA that the following amendments be made to Title 6, by amending Section 6.04.010 and creating Chapter 6.14 of the Valdez Municipal Code.

Section 1. Section 6.04.010 is amended to read as follows:

6.04.010 Definitions.

For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Abandon” means intentionally, knowingly, recklessly or with criminal negligence leaving an animal at a location where it will not be provided proper food, water, shelter and care in a manner which might cause harm to the animal.

“Animal” means a vertebrate, living creature, not a human being, not including fish but including ~~few~~ poultry.

“Animal control officer” means the individual designated “animal control officer” by the chief of police, or if none has been designated, the chief of police.

“Animal shelter” means the city facility for the keeping of animals impounded or otherwise taken into custody under this chapter.

“At large” means an animal that is not under restraint.

“Birds of prey” means eagles, hawks, owls, falcons, and other.

“Cattery” means a location designated for the keeping or harboring of more than four but not to exceed ten cats that are four months of age or older.

“Chief” means the chief of the Valdez police department.

“Coop” or “henhouse” means an enclosed structure designed to provide shelter for poultry.

“Dangerous animal” means an animal which without provocation has inflicted injury on a person or another animal on public or private property. The following exceptions, however, shall apply:

1. No animal may be declared dangerous if any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing an unlawful trespass or other tort upon the premises occupied by the owner or keeper of the animal, or was testing, tormenting, abusing or assaulting the animal, or was committing or attempting to commit a crime.
2. No dog may be declared dangerous if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.
3. No dog may be declared dangerous if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog or predator control dog on the property of, or under the control of, its owner, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.
4. No dog shall be declared dangerous if the dog has been trained to attack persons independently or upon oral command while under the control and supervision of an authorized government or law enforcement unit and the act is directly associated with the proper execution of its duties.

“Deleterious exotic wildlife” means any starling, English sparrow, or raccoon; any Muridae rodent (to include true mice and rats, gerbils, and their relatives), rockdove or Belgian hare that is unconfined or unconstrained; and any feral ferret or feral swine, or feral domestic rabbit.

“Department” means the Valdez police department.

“Dog” means both male and female dogs, including both domestic and wild canines.

~~“Fowl” means any bird, including the larger domestic birds such as chicken, duck, goose, turkey, etc.~~

“Hen” means a female chicken or other female poultry.

“Hybrid animal” means an animal that is an offspring of a domesticated animal and a wild animal.

“Injury” means to damage, harm or cause pain and suffering.

“Kennel” means a facility operated by a person engaged in the commercial buying, selling, training, keeping or boarding of dogs for profit, or a facility designed for the keeping or harboring of six or more dogs that are over three months old.

“Livestock” means generally accepted outdoor farm animals such as goats, horses, pigs, poultry ~~barnyard fowl~~, etc., not to include cats, dogs and other house pets.

“Officer” means the animal control officer, any deputy animal control officer, or any police officer.

“Owner” means any person owning, keeping, harboring, caretaking or having custody or control of an animal.

“Pen or run” means a fenced enclosure this is mostly open to the elements, for the purpose of allowing poultry to leave the coop while remaining in a predator-safe environment. The pen or run is typically attached to the coop.

“Pet shop” means a place or vehicle in or on which any dogs, cats, rodents, reptiles, fish, pet birds, exotic birds or exotic animals not born and raised on those premises are kept for the purpose of sale to the public.

“Poultry” means chickens, turkeys, ducks, geese, quail and other domestic fowl.

“Provocation” means conduct which is directed by a person or an animal towards an animal that may reasonably be expected to arouse fear, rage, protective instinct or fury in the animal. Any animal which is at large cannot be considered to be provoked by an animal under restraint.

“Restraint” means and includes physical confinement, as by leash, chain, fence or building.

“Rooster” means a male chicken.

“Sanitary living conditions” means the animal’s living area is reasonably clear of excrement and standing water. The area is clear of broken glass, trash, nails and other items that may cause injury or death to the animal.

“Vicious animal” means and includes:

1. An animal which when unprovoked has ever bitten or attacked a human being, serious enough to require treatment by a medical professional, without provocation on public or private property; or
2. An animal in violation of Section 6.08.060 which has been previously adjudged by a court to be dangerous.

“Wild animals” means moose, bear, coyote, wolverine, fox, or other wild mammals. (Ord. 19-04 § 1 (part): Ord. 18-01 § 1 (part): Ord. 09-07 § 1 (part): Ord. 07-07 § 1: Ord. 00-09 § 1; Ord. 93-20 § 1: prior code § 4-1)

Section 2. Chapter 6.14 is hereby created to read as follows:

**Chapter 6.14
POULTRY**

Sections:

- 6.14.010 Purpose.
6.14.020 Roosters and excessively noisy or dangerous poultry prohibited.

- 6.14.030 Excessive numbers prohibited.
- 6.14.040 General requirements.
- 6.14.050 Enforcement.
- 6.14.060 Penalty.

6.14.010 Purpose.

This chapter sets forth City of Valdez regulations regarding the keeping of poultry within the City of Valdez. This chapter is intended to protect human health and safety while allowing the keeping of poultry in a manner that minimizes the risks and negative impacts of such activities.

6.14.020 Roosters and excessively noisy or dangerous poultry prohibited.

It shall be unlawful to own, keep, or maintain roosters, turkeys, geese, emus, ostriches, and pea fowl. It shall also be unlawful to own, keep, or maintain excessively noisy poultry in a manner that violates Section 6.08.090.

6.14.040 Excessive numbers prohibited.

A. It shall be unlawful to maintain more than six hens or female poultry on any lot under 40,000 square feet within the city.

B. It shall be unlawful to maintain more than 24 hens or female poultry on any lot equal to or greater than 40,000 square feet within the city.

6.14.050 General requirements.

A. Structures, runs, pens, henhouses, and coops.

1. Poultry runs, pens, henhouses and coops shall be set back at least ten (10) feet from all adjacent property lot lines and shall not encroach into the setback as defined in Title 17 of this code.

2. Poultry may only be kept at a person's place of residence. No person may keep poultry on an uninhabited or vacant tract of land.

3. Runs, pens, henhouses and coops shall be enclosed and constructed of durable materials to prevent entry by predators or the escape of poultry. All walls and ceiling and roof areas shall also be protected against entry by predators. No poultry shall

be allowed to roam freely. Any fencing surrounding a run, pen, henhouse, or coop shall be buried at least one (1) foot below grade to prevent predators from gaining access under the fence.

4. Runs, pens, henhouses and coops shall be constructed of weather-resistant material that can readily be cleaned and maintained and kept in good appearance. The use of scrap, waste board, sheet metal, or similar materials is prohibited.

5. Runs, pens, henhouses, and coops shall be surrounded on all sides by electrified fencing, except for any side abutting a solid wall or structure which would prevent a bear or other predator from climbing over. All chicken coop or henhouse access doors shall also be protected by electric fencing. The electrified fencing shall consist of mesh fabric commonly referred to as poultry fencing constructed from poly-wire or wire which can carry an electrical current. The energizer for the fencing shall be an alternating current (AC) system with at least 0.7 joules of current. If a solar or battery powered system is utilized it must be capable of at least 0.7 joules. The system shall be functioning at all times that poultry are present, except from October 15th to May 1st of each year. Additional electrified fencing layouts may be required if it is determined that the level of protection is not adequate. The electrified fencing shall be signed to warn humans of its presence.

6. The henhouse or coop shall provide not less than one square foot (144 square inches) of area per chicken or other poultry, as well as separate roosting or egg-laying areas.

7. A pen or run shall be provided, and be large enough to allow freedom of movement, but shall provide not less than four (4) square feet per chicken or other poultry.

B. Adequate food and water shall be continuously provided, with protection against freezing.

C. All feed for poultry shall be stored in a secure manner that prevents rodent and predator access.

D. Byproducts and waste must be removed in an environmentally responsible manner from the premises where poultry are kept. Manure shall not be allowed to accumulate within 100 feet from any private well, in a way that causes an unsanitary condition, or cause odors detectible on another property.

E. No person shall keep poultry inside a dwelling unit as defined in Title 17 of this code.

6.14.060 Enforcement.

A. This chapter shall be enforced by the animal control department.

B. Animal control may impound and destroy poultry as provided in Chapter 6.16.

6.14.070 Penalty.

Court appearance for violation of the provisions of this chapter shall be optional. The penalty for such violations shall be \$50.00 for a first offense, \$100.00 for a second offense, and \$300.00 for third and subsequent offenses.

Section 3. This ordinance shall take effect 90 days following adoption by the Valdez City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this _____ day of _____, 2024.

CITY OF VALDEZ, ALASKA

Sharon Scheidt, Mayor

ATTEST:

Sheri L. Pierce, MMC, City Clerk

APPROVED AS TO FORM:

Adoption:
Yeas:
Noes:
Absent:
Abstaining:

Jake Staser, City Attorney
Brena, Bell, & Walker, P.C.