



A Proposal of Changes to Houston's Chicken Ordinance

Memorandum to City Council and Mayor

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Thank you to the work of dozens of our volunteers, without whom this movement could not continue. We also appreciate advice and support from local organizations and city staff, including Biodiverse for Life, Rice University Environmental Club, Rice University Geographical Information Systems Data Center, and the bureaus of animal control in Houston, Dallas, San Antonio, Bellaire, and Alvin, TX.

We appreciate the support of local businesses in supporting our petition, including the Root Bistro, Whole Earth Provision, Grace Lutheran Church Central City Co-op, Southwest Fertilizer, Wabash and Quality Feed, and Georgia Farmers Market.

We also appreciate the ongoing support shown by local media, including the Houston Chronicle, KUHF 88.7, KFPT 90.1, KHOU Channel 11, and the Examiner.

Finally, much warm thanks to friends and family of volunteers of Hens for Houston. We wouldn't be anywhere without your encouragement!

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Executive Summary

Hens for Houston is an organization whose 250+ members believe that Houstonians should be allowed to keep chickens responsibly inside city limits. In doing so, Houston would be joining a national trend of other sustainability-minded cities.

Since January 2012, Hens for Houston has engaged in discussion with hundreds of Houstonians: chicken owners, neighbors, business owners, city officials; and organizations: Bureau of Animal Regulation and Care (BARC), non-profits, other Texas cities, media. We have researched the ordinances and the effects on Houstonians, the results of which we publish in detail on our website.

Our proposal to city council, mayor and BARC, summarized:

- 1) Eliminate the distance constraint which requires coops and chickens to observe a 100 ft setback from neighboring residences.
- 2) Protect the rights of neighbors by punishing violations of the chicken ordinance to the same degree as violations by cats and dogs.
- 3) Recognize chicken waste as a valuable fertilizer.

This proposal respects BARC. In an interview with KUHF, BARC spokesman stated that citizens should be able to realize the benefits of chickens, without negatively impacting neighbors. But with the current ordinance, almost no one can legally keep chickens.

This ordinance affects not only the thousands of current chicken owners in Houston, but businesses. There is a burgeoning market and demand for chicken keeping supplies and locally grown eggs, and many individuals already benefit from living next door to chickens. By supporting Hens for Houston's proposal, city council and the mayor would be supporting an already existing network of thousands of Houstonians.

Thank you for your time and consideration of this proposal. We welcome your opinion and look for your support in future city council meetings.



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What is the fuss about chickens?

"The HEB where I get all of my magazines has a plethora of chicken and urban farming and backyard chicken magazines, and every time I go they're picked through."

-“Jane”, a local chicken owner, interviewed by KUHF on July 9, 2012

As many Houstonians already know, chickens make excellent pets which provide tasty eggs. Some of the reasons to support urban chickens:

- Economic, high-value eggs
- Entertaining pets
- Sustainable local food
- Education about nature and food
- Stronger, healthier communities
- Green way to diminish food deserts
- Diminished waste stream
- Pest and weed management
- Organic fertilizer
- Animal welfare
- Preservation of heritage breeds
- A smaller carbon footprint

No other pet provides such benefits! The fact that the city of Houston prohibits its citizens from enjoying these benefits forces thousands to risk penalty by keeping these pets hidden or forgoing them completely.

A misunderstood pet

In the course of our outreach events across the city, we've found that the most commonly raised concerns are in fact myths brought about by a lack of familiarity with chickens.

Healthy chickens...

Don't smell if their coops are maintained. Chicken manure is highly compostable, unlike dog and cat waste.

Aren't loud. Only roosters crow if disturbed, and can be silenced at night with a properly built coop. Hens only make noise briefly when laying an egg, and never at night.

Don't need a rooster. Well fed hens will lay tasty eggs just fine without a rooster present.

Aren't space hogs. A chicken needs only 5 - 10 sqft of space. Unlike dogs or cats, they don't roam into the street or in front yards. Most backyard coops go completely undetected by neighbors and neighborhood visitors.

Don't attract pests any more than dogs or cats do. Chickens love to eat the roaches and bugs that plague vegetables and other pets. Larger pests, like rodents, are only attracted to coops when owners leave feed outside, the same as dog or cat food.

Are healthy! Backyard chickens are at much less risk of diseases than factory farmed birds. Problems like bird flu (which has never been found in North America) originate in industry farms opposed to backyard flocks. Salmonella is actually better prevented by properly cleaning backyard eggs than depending on factory farmed eggs.

The current ordinance

The majority of this ordinance has existed since 1948, having its roots in antiquated rural-urban tensions, that cities were not places for producing food. The current version is at odds with today's understanding of the necessity of green living to make our cities more sustainable, combat food deserts, and reacquaint our children with the food cycle.

A summary of the ordinance

The Houston city code functionally prohibits chickens on most city lots. Up to 30 (roosters or hens) can be kept on 65x125 ft², as long as the coop is 100 ft from any building, school, residence not owned by the chicken keeper. It is also prohibited to compost the manure. The only exception is for a medical condition requiring unfertilized eggs, and then up to 7 hens can be kept. This exception, while on the books, is no longer granted.

Code of Ordinances, Chapter 6, Article II, Sections 6-31, 6-33 – 36, 6-38

Full text of the ordinance is found in the appendix draft proposal, and on our website.

What does this mean for Houstonians?

It is all well and good to read the written ordinance, but what implications does the 100ft rule have for Houstonians?

As part of our research, Hens for Houston teamed up with **Rice University's Geographical Information Systems (GIS) Data Center** to show just who in Houston can legally have chickens under the current rules. We mathematically analyzed City of Houston property data to create sample maps of two neighborhoods in District C.

The algorithm for creating these maps uses Harris County appraisal district data to show which houses should be able to raise chickens under the constraint "a coop must be X ft from the nearest building". The algorithm also stipulates that the coop must be in the backyard. Because of the structure of the building footprint data set, all buildings on residential lots are assumed to be residences.

For a given case, the lots are color coded as follows:

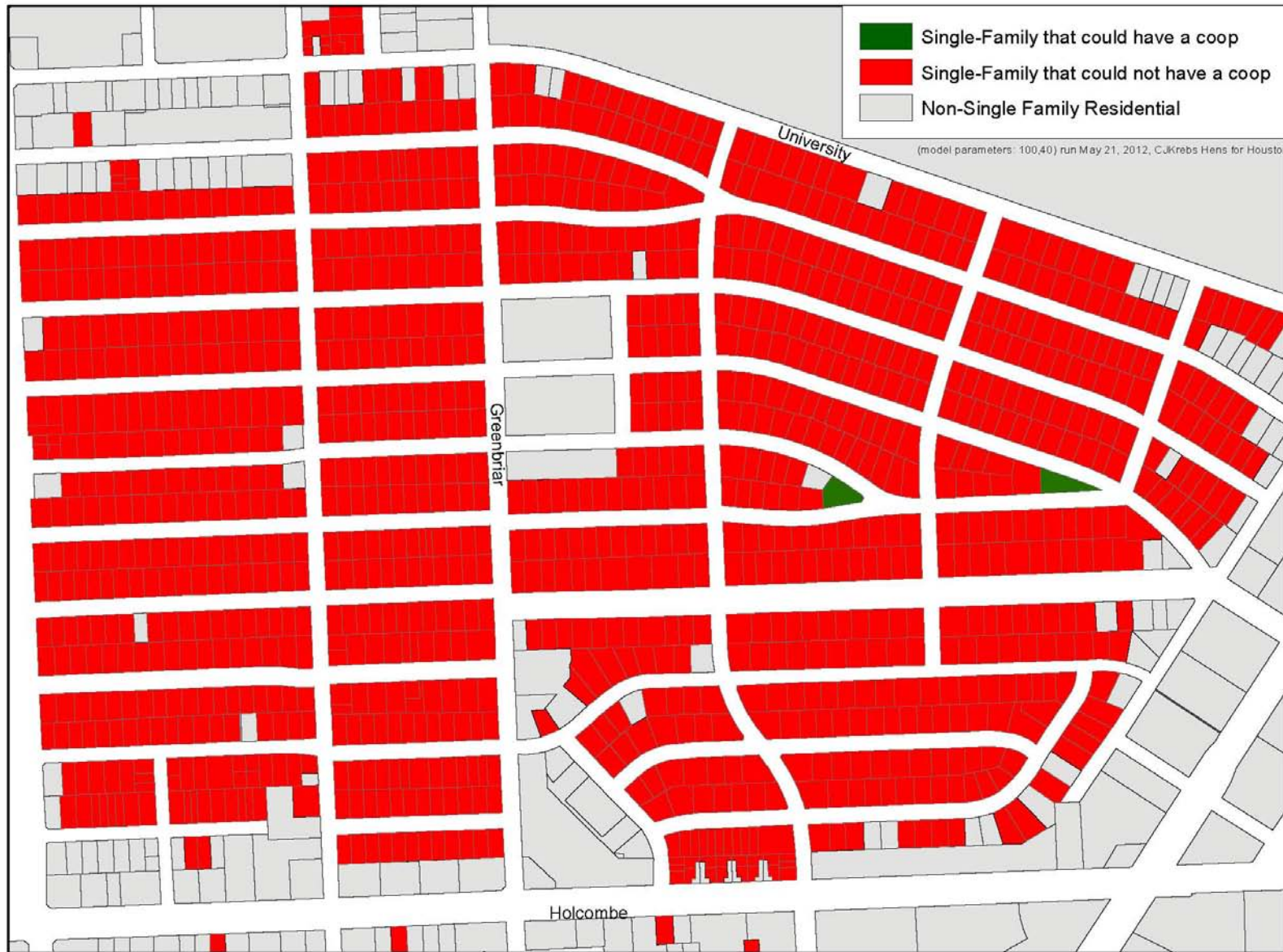
Gray - not a single family lot.

Green – single family lot with at least 12 sq ft available for a coop.

Red - single family lot which could not have a coop.

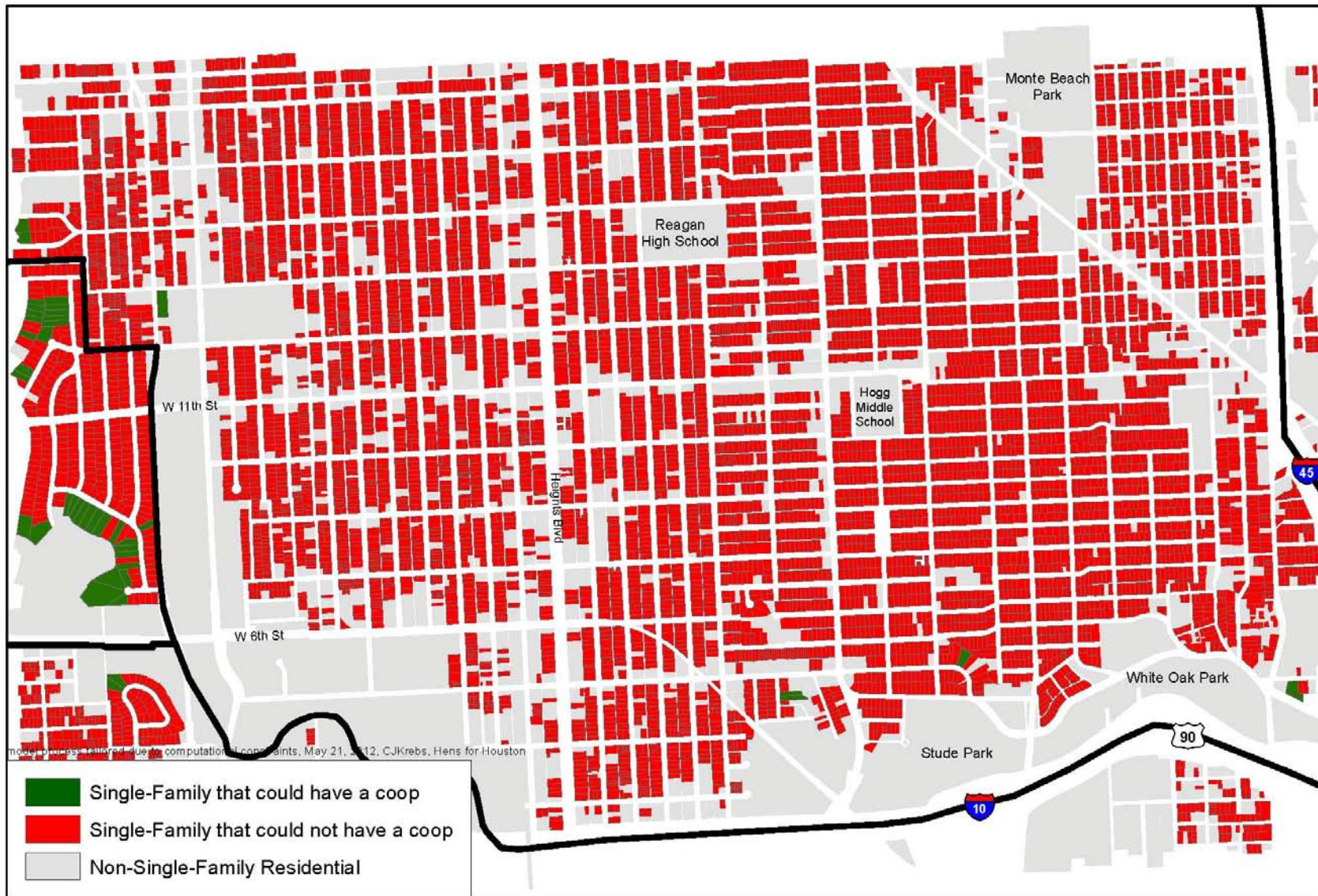
As is implied from the maps on the next two pages of Southgate and the Greater Heights, over 99% of families in Houston cannot keep chickens under the current ordinance, and cannot realize any of the benefits of owning chickens.

Southgate (Council C) - Current Ordinance: Coops being 100 ft from neighboring buildings



In Southgate, only two abnormally large corner lots can legally raise chickens.

Greater Heights South (District C & H)
Current Ordinance: Coops being 100 ft from neighboring buildings



In the Heights, only a handful of abnormally large, isolated lots can legally raise chickens.

What about the neighbors?

The neighbors love the eggs and bring [the hens] scraps to eat too. Yes, they need to be taken care of and also they need a clean place to live. This is a must for any animal, people or bird.

-Billie Stafford, chicken owner in Bellaire, TX, which allows chickens

Already many Houstonians enjoy the perks of living next to chickens, and support the practice, as long as it done in a responsible manner. The cornerstone of Hens for Houston’s proposal is that the rights of neighbors must be respected, and that violations of the ordinance must be punished in a manner comparable to that of infractions by any other pet.

The general ordinances already protect neighbors against any disruptive animals:

Article II	Sec. 6.2	No running at large
	Sec. 6.6	Animals must be kept in sanitary conditions
Article XI	Sec. 10-451	No offensive odors
	Sec. 30-3	No noisy animals or birds in residential areas

Complaints about dogs vastly outweigh complaints about chickens. **Last year, in Houston there were 1,170 complaints about chickens, and 37,183 complaints about dogs.**

Other cities’ perspectives

In updating the ordinance, Houston would join a long list of sustainability minded cities across the United States, including New York, Chicago, and Los Angeles.

The table below summarizes requirements on chicken ownership and chicken complaints in Texas cities. The number of chicken complaints in Dallas as compared to Houston (1,170) suggests that a more reasonable distance requirement would not increase complaints.

City	Restrictions on Chickens	Complaints
Bellaire, TX	No distance requirements or permitting process; noise and nuisance clauses apply	2 in the last 7 years
Dallas, TX	Chickens are allowed as domestic animals. Roosters must be confined and 20 ft. away from neighboring property lines. Noise clauses apply	465 last year (vs. 38,000 dog complaints)
San Antonio, TX	3 chickens allowed without a permit, and they must have an enclosure. More than 3 requires permit and 50 ft. distance requirement from neighboring residence. Noise, sanitation, and nuisance clauses apply	278 last year (vs. 72,500 dog complaints)

BARC's perspective

"Our overriding concern is that fowl in general be kept in a way so that the owners of the animals can realize the benefit and not negatively impact or impose a cost on their neighbors."

-Christopher Newport, BARC spokesman, interviewed by KUHF on July 9, 2012

According to reports requested from the Bureau of Animal Regulation and Care (BARC) by Hens for Houston, and according to direct testimony from BARC spokesman Christopher Newport, **complaints are never about where the coop is located.** Most complaints are because of odor, noise, or loose animals. Data from other Texas cities suggest that the number of complaints is not related to the distance setback for coops.

BARC has already voiced interest in hearing our suggestions. In drafting our proposal, we have tried to incorporate their request that changes should:

- 1) Reduce irresponsible chicken keeping
- 2) Have clear expectations for citizens
- 3) Provide effective enforcement tools

We believe that these requests can be honored with minimal changes to the existing ordinance, as outline in our draft proposal.

Our proposal

Based on our research and discussions with BARC, we propose three primary changes to the ordinance.

- 1) Eliminate the distance constraint which requires coops and chickens to observe a 100 ft setback from neighboring residences.
- 2) Protect the rights of neighbors by punishing violations of the chicken ordinance to the same degree as violations by cats and dogs.
- 3) Recognize chicken waste as a valuable fertilizer.

These suggestions are implemented in the attached draft ordinance.