



CITY COUNCIL STAFF REPORT

DATE OF MEETING: July 1, 2025

NAME OF APPLICANT: City of Midway

AGENDA ITEM: Ordinance 2025-20: Proposed Code Text Amendment to Midway City Code Sections 16.07.020, 16.08.020, 16.09.020, 16.10.020, 16.11.020, and 16.12.020 Permitted Uses (all residential zones) to raise the points for Rabbits, hens (females), pigeons, pheasants, and other similar birds from two (2) to five (5) points for purposes of calculating the number of animals permitted in residential zones.

ITEM: 8

Ordinance 2025-20: Proposed code text amendment to Midway City Code Sections 16.07.020, 16.08.020, 16.09.020, 16.10.020, 16.11.020, and 16.12.020 Permitted Uses (all residential zones) to raise the points for rabbits, hens (females), pigeons, pheasants, and other similar birds at H(2)(a) in each section from two (2) to five (5) points for purposes of calculating the number of animals permitted in each residential zone.

BACKGROUND:

The Midway Municipal Code regulates *“the keeping of animals and fowl in numbers according to the following point system on lots/parcels that are at least one acre in size.”* Each of the referenced sections at subsection (H) provides:

1. *Animals may total 50 points per ½ acre.*
2. *Animals shall be worth the following points each:*
 - a. *Rabbits, hens (female), pigeons, pheasants, and other similar birds; 2 points.*
 - b. *Geese, ducks, peafowl, turkey and other similar birds; 10 points;*

- c. Sheep, llamas, calves, foals, and other similar sized animals; 25 points;*
- d. Horses, cattle, and other similar sized animals; 40 points;*
- e. For the purpose of this point system, an animal and one offsprings shall be considered to be one animal until 6 months after the birth of the offspring.*

The proposed amendment is to replace “2 points” with “5 points” at H (2)(a) in each of Midway Code Sections 16.07.020, 16.08.020, 16.09.020, 16.10.020, 16.11.020, and 16.12.020.

Code text amendments fall under the category of legislative action. Therefore, the City Council has broad discretion regarding the proposal.

DISCUSSION:

- The City has received past complaints of residential homeowners keeping excessive numbers of animals, and particularly birds, in residential zones. For example, complaints received last year included thousands of pheasants kept on an approximately one acre lot and home necessitating enforcement. Chickens are ongoing complaints. The current code allows 25 hens, pheasants, and similar sized birds per half acre, or 50 per acre. The proposed amendment would allow 10 such birds per half acre, or 20 per acre.
- With increasing development and infill, increasing the points and in turn reducing numbers of birds in residential areas may aid enforcement and better suit residential zones.
- The increase to 5 points makes the classification more consistent with the general point system set forth in this section, which makes geese, ducks, and turkeys worth 10 points. Chickens and pheasants would now be worth half the point value of geese, ducks, and turkeys rather than 1/5th.

POSSIBLE FINDINGS:

1. The current code allows 25 rabbits, hens (female), pigeons, pheasants, and similar sized birds per half acre, or 50 per acre. The proposed amendment would allow 10 per half acre, or 20 per acre
2. The City receives ongoing complaints about birds. With increasing development and infill, increasing the points and in turn reducing numbers of birds in residential areas may aid enforcement and better suit residential zones.
3. The increase to 5 points makes the classification more consistent with the general point system set forth in this section, which makes geese, ducks, and turkeys worth 10 points.

Chickens and pheasants would now be worth half the point value of geese, ducks, and turkeys rather than 1/5th.

PLANNING COMMISSION RECOMMENDATION:

At its regularly scheduled meeting held June 10, 2025, the Midway City Planning Commission made the following recommendation:

Motion: Commissioner Linebeck: I make a motion that we recommend approval of the proposed amendment of the Midway City Code Chapters 16.07.020, 16.08.020, 16.09.020, 16.10.020, 16.11.020, 16.12.020: Permitted Uses (all residential zones). The proposal would raise the points for chickens, pigeons, pheasants and other similar birds from two (2) to five (5). We also approve the staff report and staff findings.

Seconded: Commissioner Miles

Chairman Garland: Any discussion on the motion?

Chairman Garland: All in favor.

Ayes: Commissioners: Lineback, Osborne, Nokes, Miles, Knight and Facer

Nays: None

Motion: Passed

ALTERNATIVE ACTIONS:

1. Recommendation of Approval. This action can be taken if the City Council finds that the proposed language is an acceptable amendment to the City's Municipal Code.
 - a. Accept the staff report
 - b. List accepted findings
2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
 - a. Accept the staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again.
3. Recommendation of Denial. This action can be taken if the City Council finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.
 - a. Accept the staff report
 - b. List accepted findings
 - c. Reasons for denial



Midway

ORDINANCE 2025-20

AN ORDINANCE TO AMEND SECTIONS OF THE MIDWAY CITY LAND USE CODE REGARDING THE NUMBER OF ANIMALS ALLOWED IN EACH RESIDENTIAL ZONE.

WHEREAS, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

WHEREAS, Midway City Code Sections 16.07.020, 16.08.020, 16.09.020, 16.10.020, 16.11.020, and 16.12.020 govern permitted uses in residential zones; and

WHEREAS, these code sections use a point system to determine how many animals are permitted in each residential zone; and

WHEREAS, rabbits, hens, pigeons, pheasants, and other similar birds have historically been attributed two (2) points each; and

WHEREAS, the City now desires to change this number to five (5) points each to reduce the number of birds in residential areas, which will better suit such zones and aid in code enforcement.

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

Midway Code Sections 16.07.020 (H), 16.08.020 (H), 16.09.020 (E), 16.10.020 (E), 16.11.020 (E), and 16.12.020 (D) shall be amended to read as follows:

1. Animals may total 50 points per $\frac{1}{2}$ acre.
2. Animals shall be worth the following points each:
 - a. Rabbits, hens (female), pigeons, pheasants, and other similar birds: 5 points.
 - b. Geese, ducks, peafowl, turkey, and other similar birds: 10 points.

- c. Sheep, llamas, calves, foals, and other similar sized animals: 25 points.
- d. Horses, cattle, and other similar sized animals: 40 points.
- e. For the purpose of this point system, an animal and one offspring shall be considered one animal until six (6) months after the birth of the offspring.

This ordinance shall take effect upon publication as required by law.

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PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this ____ day of _____, 2025.

AYE

NAY

Council Member Jeff Drury

Council Member Lisa Orme

Council Member Kevin Payne

Council Member Craig Simons

Council Member JC Simonsen

APPROVED:

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)