

NUMBER OF BIRDS

CODE CHAPTERS 16.07.020 ET SEQ

ITEM 8 - CODE TEXT AMENDMENT



CODE TEXT AMENDMENT

- Proposed code text amendment to Midway City 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 Permitted Uses (all residential zones) to raise the points for rabbits, hens (females), pigeons, pheasants, and other similar birds at (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.

EXISTING CODE

- 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 the subsection referencing *“the keeping of animals and fowl”* 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.*

LEGISLATIVE ACTION

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

PROPOSED CODE

The proposed amendment is to replace “2 points” with “5 points” in each of Midway Code Sections

16.07.020 H(2), 16.08.020 H(2), 16.09.020 E(2), 16.10.020 E(2), 16.11.020 E(2), and 16.12.020 D(2).

DISCUSSION

- The City receives ongoing complaints regarding birds in residential zones. For example, complaints received last year included thousands of pheasants kept on an approximately one acre lot with home necessitating enforcement. Chickens and roosters 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 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
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 $1/5^{\text{th}}$.

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: Linebeck, 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.
 1. Accept the staff report
 2. List accepted findings
2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
 1. Accept the staff report
 1. List accepted findings
 2. Reasons for continuance
 3. Unresolved issues that must be addressed
 4. 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.
 1. Accept the staff report
 2. List accepted findings
 3. Reasons for denial