

PROPOSED DRAFT

TITLE 10

ANIMAL CONTROL

CHAPTER 3

POULTRY

SECTION

- 10-301. Keeping Poultry.
- 10-302 Allowed and Not Mandatory
- 10-303 Citation Enforcement

10-301. Keeping Poultry. Notwithstanding the provisions of Title 10 et seq., or any applicable zoning restrictions pertaining to the same, the keeping of poultry may be permitted subject to the following restrictions, prohibitions, and conditions:

- (1) The keeping of domesticated hens (female chickens) shall be allowed in the residentially zoned districts identified as R-1 and R-2.
- (2) Other types of fowl and poultry, such as ducks, geese, quail, pigeons, or turkeys shall not be considered domesticated hens.
- (3) Roosters shall be prohibited. Breeding of permitted hens shall be prohibited on property premises. On-site slaughtering is prohibited.
- (4) All domesticated hens shall be kept outside of a habitable structure in a fenced chicken enclosure (chicken run), and a portion of the chicken enclosure must include a covered coop structure (henhouse). The chicken coop shall provide at least two (2) square feet per chicken and shall not exceed fifty (50) square feet. The chicken enclosure shall provide at least six (6) square feet per bird, and the enclosure shall also include the coop within the enclosure, and the entire enclosure shall not exceed a total of four hundred (400) square feet. The maximum height of the coop shall be no more than eight (8) feet at the highest point as measured from the ground directly beneath the highest point of the coop. the enclosure and coop shall be located in the rear of the property ten (10) feet away from *any side or rear property line*. The lot area for keeping domesticated hens shall be a minimum of twelve thousand (12,000) square feet. The coop shall be covered and enclosed on all sides. The enclosure shall be open to the air above, or the enclosure may be covered by a permeable material approved

by the department of building and codes. A maximum of six (6) chickens may be permitted on any parcel or tract of property.

(5) Any food storage shall be kept in airtight, predator proof, and weather proof containers.

(6) There shall be an initial application fee of fifty dollars (\$50.00) for any person applying for a chicken permit. As a part of the permit process and at the time of the permit application the applicant shall provide a site drawing showing the location of the proposed chicken enclosure and the chicken coop in relationship to the applicant's real property line boundaries. Final permit approval shall be subject to inspection of the completed structure by the department of building and codes. A renewal permit shall be required annually on the anniversary date of the initial permit and a fee of \$25.00 will be assessed for the renewal request prior to consideration. A site visit shall be required prior to the issuance of the renewal permit.

(7) The permit applicant must own and occupy the property for which the permit is applied. The permit cannot be transferred or assigned to any other person. A permit shall expire upon the sale or other transfer of the property, or if the permit holder ceases to reside at the property for which the permit was granted.

(8) A permanent (six) 6 foot opaque fence shall be required. The fence shall be located no closer than the minimum front yard setback of the applicant's property and shall encompass the area of the coop.

(9) The chicken coop and enclosure shall be well maintained and regularly cleaned to control dust, odor, and waste, in order to not constitute a nuisance, safety hazard or health problem to surrounding property. As part of proper maintenance, the permit holder must remove any chicken waste on a regular basis, at least biweekly, and dispose of it in a proper manner. Chicken waste includes excrement, uneaten feed, feathers, or other waste items. If the enclosure and coop are not properly maintained and results in the occurrence of a nuisance, the department of building and codes may treat the nuisance as any other nuisance pursuant to existing law, regardless if the permit holder has an otherwise valid permit.

(10) Any permit issued may be revoked by town court upon a finding of any violation by any person of any provisions herein.

10-302. Allowed and not Mandatory. The above provisions for the allowance of keeping poultry or hens is a permissive ordinance for residents that reside in areas of the community where the conduct of keeping such poultry is available without further restrictions. In neighborhoods or communities that possess restrictions either via written deed, Homeowners Association or other contractual prohibition; the Town ordinance does not operate as Guarantee or “right” to supersede those contractual restrictions for the purpose of this Title and Section.

10-303. Citation Enforcement. Town Court adjudication, assessment of civil fine. Any Town law enforcement officer, and/or Town Department of Building and Codes official or his/her designee, is hereby empowered to issue a citation to any person for any violation of any of the provisions of this chapter. Citations so issued may be delivered in person to the violator or they may be delivered by registered mail to the person so charged if he cannot be readily found. Any citation so delivered or mailed shall direct the alleged violator to appear in Town court on a specific day and at a specific hour stated upon the citation; and the time so specified shall be not less than seventy-two (72) hours after its delivery in person to the alleged violator, or less than ten (10) days of mailing of same. Citations issued for violation of any of the provisions of this chapter shall be tried in the Town court. The Town court judge shall determine whether a violation has occurred and shall assess a civil monetary fine as penalty against any person convicted of violating any of the provisions of this chapter, said fine to be in an amount of fifty dollars (\$50.00) for each violation. Each day of violation shall be deemed a separate violation.