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**TOWN OF YARMOUTH**  
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**To:** Chair Bates and Members of the Town Council  
**From:** Nicholas Ciarimboli, Code Enforcement Officer/Planning Assistant  
**Subject:** Proposed Ordinance for the Keeping of Domesticated Chickens  
**Date:** January 29, 2021

On January 13, 2021, the Yarmouth Planning Board unanimously accepted and recommended the proposed addition to CH. 701 Zoning Ordinance of Article II. DD. *Keeping of Domesticated Chickens*. This ordinance was proposed by Yarmouth residents in an attempt to provide opportunities to have chickens in areas where chickens are currently prohibited or require a Special Exception from the General Board of Appeals for their keeping. This ordinance does not further restrict any keeping of chickens that may already be a permitted use through the allowance for the Keeping of Farm Animals for Personal Use, or as permitted by Special Exception from the General Board of Appeals. If a resident currently has chickens in a zone where they are permitted, this ordinance is not applicable to them. If a resident currently has chickens through a Special Exception, the resident may abandon the Special Exception and avail themselves of this ordinance. If a resident currently has chickens in an area where they are prohibited and does not have a Special Exception for their keeping, the passing of this ordinance will be an opportunity for them to come into compliance with the Zoning Ordinance.

# Proposed Zoning Amendment to Allow Keeping of Domesticated Chickens – Draft 1/7/2021

## CHAPTER 701 ARTICLE II

The following provisions shall apply to all districts except where listed:

### DD. KEEPING OF DOMESTICATED CHICKENS

#### 1. Purpose

The purpose of this article is to provide standards for the keeping of domesticated chickens in all districts accessory to permitted Detached Single-Family and Two-Family Dwellings. It is intended to enable residents to keep a small number of female chickens while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept. This ordinance does not supersede Farm Animals for Personal Use in districts where permitted or previously permitted through Special Exception by the General Board of Appeals.

#### 2. Permit Required

- (a) A permit is required for the keeping of domesticated chickens in accordance with this ordinance. The permit is personal to the permittee and property and may not be assigned.
- (b) The fee for a permit to keep chickens is twenty-five dollars (\$25.00).
- (c) An applicant for a permit to keep chickens must demonstrate compliance with the criteria and standards in this Article in order to obtain a permit.

#### 3. Keeping of chickens: Number, type, and use of chickens

- (a) The maximum number of chickens allowed is six (6) per lot under 1 acres, and Twelve (12) per lot over 1 acres.
- (b) Only female chickens are allowed. There is no restriction on breed of chicken.
- (c) Chickens shall be kept as pets and for personal use only; no person shall engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

#### 4. Enclosures

- (a) Chickens shall be secured within an enclosed permanent henhouse or enclosed portable henhouse during non-daylight hours.

- (1) Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times.
- (2) Any henhouse shall be at least ten (10') feet from any residential structure or any other structure on adjacent lots. The henhouse shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird-proof wire of less than one (1) inch openings. The henhouse must be well-maintained.
- (3) Henhouses (permanent or portable) shall only be located in rear or side yards, and shall meet zoning setbacks applicable to detached accessory structures, but at no time shall be less than ten (10') feet from any property line.

- (b) Chickens must be secure at all times and may not trespass or free range on other people's property.

#### 5. Odor and Manure Management

Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property

boundaries. Manure shall be managed by composting, spreading, removal or other means to prevent groundwater contamination or run-off beyond property boundaries.

**6. Predators, rodents, insects, and parasites**

The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites that may result in unhealthy conditions to human habitation.

**7. Feed and water.**

Chickens must be provided with access to feed and clean water; such feed and water shall be unavailable to rodents, wild birds and predators.

**8. Violations and Revocation of Permit.**

If the Town deems a risk to public health or safety or any other violation of or failure to comply with any of the provisions of this or any other applicable law or ordinance, a permit may be revoked.

**9. Removal of chickens.**

If a chicken dies, it must be disposed of promptly in a sanitary manner.

**10. Separability.**

In the event that any section, subsection or portion of this article shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this article.

If any Councilor has comments or requests to modify the suggested amendment, I would be happy to prepare revised versions for the next available meeting. Thank you for your time.

Very Respectfully,

Nicholas J. Ciarimboli

