

Be it Ordained by the Yarmouth Town Council in Town Council assembled that Chapter 701 of the Yarmouth Town Code (Zoning) Ordinance is hereby amended at Article II by adding subsection DD to read:

Proposed Zoning Amendment to Allow Keeping of Domesticated Chickens

CHAPTER 701 ARTICLE II

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

Article II, DD. KEEPING OF DOMESTICATED CHICKENS

1. Purpose

This ordinance is intended to create standards and requirements for the keeping of domesticated chickens on a noncommercial basis in all districts accessory to the 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 that ensure that domesticated chickens shall not create a nuisance and shall not disturb or adversely impact the use and enjoyment of adjacent properties. Adverse neighborhood impacts may include, but are not limited to, noise, odor, unsanitary living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, parasites, and loose animals leaving the owner's property.

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. Nothing in this ordinance shall be deemed to amend, alter, modify, invalidate, or abrogate any private covenant or deed restriction otherwise applicable to property in the Town of Yarmouth.

2. Definitions

~~*Chicken Pen* — an enclosure connected to or surrounding a Henhouse for the purpose of allowing chickens to leave the Henhouse while remaining in an enclosed, safe environment.~~

Commented [NT1]: Shannon amendment #1
PASSED 5-1 (Waldner opposed)

Henhouse – a structure for the sheltering of chickens.

3. Permit Required

- (a) An annual permit is required for the keeping of domesticated chickens in accordance with this ordinance. The permit is personal to the permit holder and property and may not be assigned.
- (b) The permit holder must provide written proof of approval and acceptance of liability from the lot owner, if the permit holder is not the lot owner.
- (c) The annual fee for a permit to keep chickens is twenty-five dollars (\$25.00).
- (d) An applicant for a permit to keep chickens must demonstrate compliance with the criteria and standards in this ordinance in order to obtain a permit.
- (e) In the event the keeping of chickens is discontinued for longer than six (6) months, the permit shall become void.

~~(f) A building permit is required for the construction of a Henhouse and Chicken Pen, or the conversion of an existing structure or portion of a structure.~~

Commented [NT2]: Shannon Amendment #2
PASSED 6-0

4. Keeping of chickens: Number, type, and use of chickens

- (a) The maximum number of chickens allowed is six (6) per lot one acre or less, and twelve (12) per lot larger than one acre, regardless of how many dwelling units are on the lot.
- (b) Only female chickens are allowed. No roosters shall be permitted. There is no restriction on breed of chicken.

~~(e) Chickens shall be kept for personal, non-commercial use only; no person shall engage in breeding, fertilizer production, or the production of eggs for commercial purposes. The slaughtering of chickens is prohibited.~~

~~(c) The sale of eggs produced by six or fewer hens at a single residential location shall not be deemed to be a commercial activity.~~

Commented [NT3]: Shannon Amendment #5
PASSED 6-0

Commented [NT4]: Abbott Amendment #7
PASSED 6-0

5. Enclosures

- (a) ~~Chickens shall be confined to an established area of the property at all times.~~

Commented [NT5]: Shannon Amendment #3
FAILED 3-3 (Cromarty, Waeldner, Humphrey opposed)

Enclosures must be clean, dry and odor-free, kept in a neat and sanitary condition, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact. All Chicken Pens and Henhouses shall be of sufficient size to provide safe, sanitary and otherwise proper containment of the chickens inside them. ~~The free ranging of chickens outside of the Chicken Pen is not allowed.~~

Commented [NT6]: Part of Amendment #3
(Failed- see above re: #3)

(b) ~~Fencing shall be erected to confine chickens to a Chicken Pen. Fencing shall be of a sufficient height to restrict the chickens from leaving the fenced-in area without human assistance. Fencing shall be buried at least 12 inches in the ground.~~ Fencing shall take into account existing conditions for, and the character of, the neighborhood.

(c) During non-daylight hours, chickens shall be secured within a Henhouse.

(i) Henhouses are not allowed to be attached to or located in any part of a dwelling unit.

(ii) 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. ~~The use of scrap, waste board, sheet metal or similar materials is prohibited.~~ Henhouse materials and construction shall take into account the existing conditions for, and character of, the neighborhood.

Commented [NT7]: Shannon Amendment #4
PASSED 5-1 (Waldner opposed)

(iii) The Henhouse shall be at least ten (10) feet from any residential structure and at least ~~twenty (20) ten (10)~~ feet from all property lines.

Commented [NT8]: Shannon Amendment # 8
PASSED 5-1 (Waldner opposed)

(iv) Henhouses (permanent or portable) ~~and Chicken Pens~~ shall only be located in rear or side yards behind the principal structure on the lot and shall meet applicable zoning setbacks, including setbacks for detached accessory structures. Under no circumstances shall Chicken Pens-Henhouses be closer than 10' from any property line.

(d) The Chicken ~~Pen and~~ Henhouse must provide adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including cats and dogs.

6. Lighting

- (a) Only motion-activated lighting may be used to light the exterior of the Henhouse
- (b) Exterior lighting on the Henhouse shall be a 90-degree cut-off luminaire.

7. Waste Storage and Removal

Provisions must be made for the storage and removal of chicken manure. The Henhouse, Chicken Pen and surrounding area shall be kept free from trash, uneaten or decaying food, and accumulated droppings. Manure shall be managed by composting, spreading, removal or other means to prevent groundwater contamination or run-off beyond property boundaries. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure, except for a properly maintained compost pile. No more than three (3) cubic feet of manure shall be stored at one time.

8. 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.

9. Odor and Noise.

Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries. Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb people of reasonable sensitivity.

10. 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.

11. Proximity to Bodies of Water

In cases where the domesticated chickens are kept on a property within 100 feet of a body of water or drainage way, provisions must be made to control the runoff of pollution to the body of water. To accomplish this goal, all manure must be kept within a roofed

enclosure.

12. Violations and Revocation of Permit.

(g) 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 fine of \$ _____ shall be assessed and a permit may be revoked. The burden of proving compliance with all aspects of this ordinance is on the applicant/permit holder.

13. Removal of chickens.

If a chicken dies, it must be disposed of promptly in a sanitary manner. The cost of removing dead or sick chickens, or any chicken that poses a health hazard, by the animal control officer, or designee, shall be borne by the property owner and/or chicken owner.

14. 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.

**MOTION TO DIVIDE THE QUESTION TO VOTE ON THE CROMARTY
AMENDMENT (#6) SEPARATELY AFTER THE VOTES ON THE SHANNON AND
ABBOTT AMENDMENTS PASSED 6-0**

Amend Chapter 701 (Zoning) to add the definition of "Hobby Chickens" and list it as a Permitted Use wherever "Farm Animals for Personal Use" is currently permitted;

Commented [NT9]: Cromarty Amendment # 6

Animal Husbandry: Permits dairying, raising of livestock, breeding or keeping of animals, fowl or birds as a business or gainful occupation.

Farm Animals for Personal Use: The keeping bovines, horses, birds, goats, sheep and other related animals for personal pleasure and/or consumption. This use shall not include "**Hobby Chickens**" as hereinafter defined.

Hobby Chickens: The raising or keeping of up to six (6) domestic female chickens (Gallus gallus domesticus) on a single parcel of land accessory to residential use on the same parcel. Amend the list of Permitted Uses and Special Exceptions for the various zones in Article IV to add Hobby Chickens as follows:

RR: Permitted Uses:

Already listed: "Farm Animals for Personal Use"

- Add: Hobby Chickens

RR: Special Exceptions:

Already listed: "Animal Husbandry"

LDR: Permitted Uses:

Already listed: "Farm Animals for Personal Use"

- Add: Hobby Chickens

LDR: Special Exceptions:

Already listed: "Animal Husbandry"

MDR: Permitted Uses:

Already listed: "Farm Animals for Personal Use on lots of 2 or more acres"

- Add: Hobby Chickens

MDR: Special Exceptions:

Already listed: "Farm Animals for Personal Use on lots of 2 or more acres"

RPD: Permitted Uses:

Already Listed: "Farm Animals for Personal Use (Planning Board Permit Required)"

- Add: Hobby Chickens

Commercial: Permitted Uses:

Already listed: "Farm Animals for Personal Use"

- Add: Hobby Chickens

Commercial II: Permitted Uses:

Already listed: "Farm Animals for Personal Use"

- Add: Hobby Chickens

Original Main Motion by Tim Shannon as amended (Amendments #1,2,4,5,7,8)

3-3 (Cromarty, Waeldner, Humphrey opposed)

Motion to Table Action on the Cromarty Amendment (#6) to a future meeting and to refer the matter to the Operations Committee on June 24. PASSED 6-0