

ORDINANCE NO.2014-03

THE MAYOR AND TOWN COUNCIL OF BOONSBORO, MARYLAND

AN ORDINANCE TO AMEND AND ADD CERTAIN PROVISIONS TO THE ZONING
ORDINANCE TO INCORPORATE STANDARDS FOR DOMESTICATED CHICKENS
WITH CHANGES RELATING TO ITS TEXT

WHEREAS, the Town of Boonsboro adopted the Boonsboro Zoning Ordinance on June 2, 1975, which Zoning Ordinance became effective July 1, 1975, and enacted certain amendments to the Ordinance thereafter; and

WHEREAS, the Mayor and Town Council repealed said Zoning Ordinance and enacted the Boonsboro Zoning Ordinance of 1995 on the 5th day of September 1995, with an effective date of October 2, 1995 (the "Zoning Ordinance"); and

WHEREAS, pursuant to a duly advertised public meeting held on August 4, 2014 it has been recommended to the Mayor and Town Council by the Boonsboro Planning Commission that certain amendments pertaining to domesticated chickens should be made to the Zoning Ordinance of 1995; and

WHEREAS, pursuant to Section 1103 of the Zoning Ordinance, the Mayor and Town Council held a public hearing on August 4, 2014 for the purpose of taking testimony on the proposed Text Amendments pursuant to public notice duly given in accordance with Article 66B, Section 4.04 of the Annotated Code of Maryland; and

WHEREAS, following the public hearing, the Mayor and Town Council considered comments received as a part of the public hearing; and

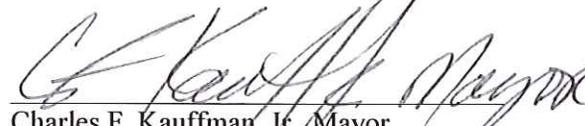
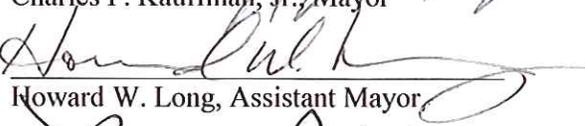
WHEREAS, the Mayor and Town Council believe the enactment of the amendments as set forth in the Text Amendment are intended to enable residents to keep a small number of female chickens on a noncommercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept, thus in the best interest of the citizens of Boonsboro, Maryland; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that certain provisions of the Zoning Ordinance, as amended, be further amended as follows in EXHIBIT A attached hereto and incorporated herein. Note new language/amendments are in **BOLD** and deletions are in ~~strikethrough~~.

ATTEST:


Michelle Higman, Clerk

BOONSBORO MAYOR AND TOWN COUNCIL:


Charles F. Kauffman, Jr., Mayor

Howard W. Long, Assistant Mayor

Barbara B. Wetzel, Councilmember



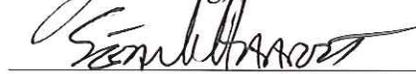
Brigitte M. Schmidt, Councilmember



Cynthia J. Kauffman, Councilmember



Janeen N. Solberg, Councilmember



Sean K. Haardt, Councilmember

Date of Introduction: July 7, 2014

Date of Passage: September 1, 2014

Effective Date: September 22, 2014

Exhibit A

201.5 Agriculture

The cultivation of soil and the raising and harvesting of products of the soil, including customary soil and water conservation practices, but not including the raising or keeping of livestock, poultry, pigs, horses, sheep or the like, **with the exception of domesticated chickens, subject to the requirements found in Article 5, Section 516.**

Section 516. Standards for Domesticated Chickens

A. Permit required.

- (i) An annual permit, signed by the Property Owner, is required for the keeping of any domesticated chickens. The annual permit is personal to the permittee and may not be assigned.**
- (ii) 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.**
- (iii) The application for a permit shall be submitted to the Town Planner or his/her designee.**
- (iv) Proof of registration with the Maryland Department of Agriculture is required and the property owner's signature, along with the Town permit.**

B. Number and type of chickens allowed.

- (i) The maximum number of chickens allowed is three (3) per lot regardless of how many dwelling units are on the lot.**
- (ii) Only female chickens are allowed. There is no restriction on chicken species.**

C. Non-commercial use only.

- (i) Chickens shall be kept for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.**

D. Enclosures.

- (i) Chickens must be kept in a maximum of a 32 square foot area which includes the enclosure and fenced area (chicken pen) at all times during daylight hours. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact. The chicken pen must provide adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats. It shall be constructed with sturdy wire fencing buried at least 12" in the ground or securely wrapped on all sides and the bottom. The pen must be covered with wire, aviary netting, or solid roofing.**
- (ii) Chickens shall be secured within a henhouse during non-daylight hours. The structure 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 birdproof wire of less than one (1) inch openings. The use of scrap, waste board, sheet metal, or similar materials is prohibited. The henhouse must be well-maintained.**
- (iii) Henhouses, enclosures, and fenced areas shall be kept no less than twenty (20) feet from all property lines. This requirement may be reduced to five (5) feet from a**

property line with written approval from the neighboring property owner. Such written approval must be granted no greater than thirty (30) days prior to submittal of an application under this Ordinance.

(iv) Henhouses, enclosures, and fenced areas shall only be located in rear yards if a primary residence exists on the property. For a corner lot or other property where no rear yard exists, these facilities shall not be located any closer to a public street than the primary residence. Henhouses are not allowed to be located in any part of a home.

E. Odor and noise impacts.

(i) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.

(ii) Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

(iii) The slaughtering of chickens is prohibited within Town limits.

F. Lighting.

(i) Only motion-activated lighting may be used to light the exterior of the henhouse.

G. Predators, rodents, insects, and parasites.

(i) 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 may be removed by the Town, through the animal control officer, or any other designee, and the cost of the same shall be borne by the property owner and/or chicken owner.

H. Feed and water.

(i) Chickens must be provided with access to feed and clean water at all times; such feed and water shall be unavailable to rodents, wild birds and predators.

I. Waste storage and removal.

(i) Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed container or compost bin. No more than one, twenty (20) gallon container of manure shall be stored on any one property housing chickens. All other manure shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

J. Violation.

(i) Any violation of the above requirements shall be considered a Municipal Infraction and subject to the Municipal Infraction Ordinance.

K. Permit Revocation

(i) A permit may be revoked without reimbursement of any fee for:

- Misrepresentations on an application;
- Violation of the provisions of this ordinance or other Town regulations, and failure to correct said violation upon re-inspection.
- Where there is a risk to public health or safety

L. Removal of chickens

(i) In addition to the penalty stated in Sec. J, any violation of the provisions above shall be grounds for an order from the Town to remove the chickens and the chicken-related structures. The Code Enforcement officer may order the removal of the chickens upon a determination that the chickens pose a health risk. If a chicken dies, it must be disposed of promptly in a sanitary manner.

305 TABLE OF USE REGULATIONS

A. *NATURAL RESOURCES AND AGRICULTURAL USES*

	MR	RR	SR	TR	TC	GC	NC	EC
4. Agriculture, as defined in Article 2.	P	P	P	P	N	P	P	P
i. Domesticated Chickens	N	P	P	P	N	N	N	N