

ORDINANCE (2020) _____

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES,
TITLE IX, CHAPTER 90, ANIMALS, TO ADD CHICKENS OR SIMILAR FOWL**

Section 1. Amend Section .01 Livestock

It shall be unlawful for any person, firm, corporation or group of persons to keep ponies, horses, mules, cows, swine, ~~poultry~~ or other livestock in the town or to maintain a stable, lot or other area for any pony, horse, mule or other livestock. If, at the time of annexation, a parcel of land is in active use for the purpose of grazing horses or cattle, this use may be continued. If active use of the parcel of land for this purpose is discontinued for a continuous period of two years, the use thereafter shall not be permitted. Subsequent to annexation, if the parcel of land is used for other purposes than grazing of cattle or horses then its use cannot be reverted back to grazing. The use shall also be discontinued if the parcel of land adversely affects enjoyment and use of nearby properties by creating excessive noise or odor, promoting unhealthful vectors or a haven for pests or otherwise endanger public health or safety. This is not intended to prevent the sale of baby chicks, ducklings, or other fowl provided all other provisions are met.

Section 2. Insert the following new Section 90.03:

FOWL

(A) LOT SIZE, TOTAL ALLOWABLE, SETBACK REQUIREMENTS:

| Lot Size | Maximum Number of Chickens Allowed | Minimum Setback from Adjacent Residential Structure |
|---------------------|---|--|
| 1 Acre or Greater | 10 | 32' |
| .5 to 0.99 Acres | 10 | 30' |
| .25 to .49 Acres | 5 | 28' |
| Less than .25 Acres | 5 | 28' |

(B) No male chickens (Roosters) will be allowed.

(C) Chickens may not be free range, but must be caged.

(D) Animals shall only be kept on owner occupied parcels or on parcels occupied by renters with the permission of the owners. No animals shall be kept on undeveloped parcels zoned for residential or commercial use.

- (E) Setbacks established in 90.03 (A) shall not apply to residences constructed after the establishment of such livestock containment area, however, the containment area may not encroach further towards the newly established residence.
- (F) A covered enclosure or fenced enclosure must not be located closer to a neighboring principal structure than one's own principal structure.
- (G) A covered enclosure or fenced enclosure shall not be located closer than ten (10) feet to any adjacent property line or side street right of way, however, this requirement can be waived as follows:
- (1) If the principal use of applicant's property is for a single-family dwelling, to obtain such a waiver the applicant shall present at the time of applying for a permit the written statements of all adjacent landowners that there is no objection to the issuance of the permit.
 - (2) If the principal use of the applicant's property is for a two-family dwelling, to obtain such a waiver the applicant shall present at the time of applying for a permit the written statements of all adjacent landowners and of the occupants of the other dwelling stating that there is no objection to the issuance of the permit.
 - (3) For purposes of this section, adjacent property means all parcels of property that the applicant's property comes into contact with at one or more points, except for parcels that are legally adjacent to but are in fact separated from the applicant's property by a public or private street.
- (H) Chickens or similar fowl shall not be kept in the front yard, side yard, or corner side-yard of the residence.
- (I) Permit Required – Before any person shall keep chickens or similar fowl on their property, they must obtain a permit from the Town. The property owner will complete and submit the required application form to the Town' Planning Department and include a sketch drawing showing the location, size, and materials to be used for fencing and enclosures.
- (1) Fencing and Enclosures must be of adequate size and of appropriate materials for the safe and humane keeping of the specific chicken or similar fowl as determined by the Town's Animal Control Officer.
 - (2) All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
 - (3) If the above requirements are not complied with, the Town may revoke any permit granted under this section and/or initiate prosecution for a civil violation.

A person who has been issued a permit shall submit it for examination upon demand by any police officer or code enforcement officer.

(J) Appeals – Appeals of staff decisions are made to the Town’s Board of Adjustment.

(K) Permit Revocation – Permits can be revoked by staff if

(1) Fencing and enclosures are not kept in a well maintained state or if the animals are not humanely cared for.

(2) Any requirements listed in 90.03 are not met.

Section 3. Insert the following new Section 90.23:

MAINTENANCE OF PENS, LOTS, ETC.:

(A) Every person who owns or maintains a penned lot, shelter, or other place where animals are kept shall maintain the same in a sanitary and humane manner.

(B) All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.

(C) If the condition of the shelter and/or other items associated with the keeping of chickens shall be found not to be healthy or humane, then this condition shall be reported to the Animal Control Officer and/or Code Enforcement Officer.

(D) Odors and noise created by the keeping of chickens or similar fowl shall not be objectionable to adjacent residences as determined by the town’s Animal Control Officer and/or Code Enforcement Officer.

Section 4. All ordinances or parts of ordinances of the Town of Farmville which are in conflict herewith are hereby repealed to the extent of the extent of such conflict.

Section 5. This ordinance becomes effective upon adoption.

Adopted, this _____ day of _____, 2020, by the Town of Farmville Board of Commissioners.

John O. Moore, Mayor

Amy B. Johnson, Town Clerk