

007-16
Ordinance No. ~~2017-~~_____

Urban Domesticated Fowl

An ORDINANCE entitled “Urban Domesticated Fowl” to establish guidelines for having domesticated fowl within the town limits of Onley.

WHEREAS, the Mayor and Town Council understand the many benefits of raising domesticated fowl; and

WHEREAS, the Town Council desires to establish language for having domesticated fowl within the town limits of Onley.

Urban Domesticated Fowl

§ 1 Definitions.

Domesticated fowl – shall mean a member of the chicken, duck, or goose family.

Urban Domesticated fowl – shall mean a domesticated fowl permitted under this Ordinance.

Permitting Officer – shall mean the Town Manager.

Single Family Dwelling – shall mean any building that contains only one dwelling unit used, intended, rented, leased, or let or hired to be occupied for living purposes.

Permittee – shall mean an applicant who has been granted permission to raise, harbor or keep domesticated fowl pursuant to this Ordinance.

Domesticated Fowl Pen – shall mean a wire enclosure connected to a henhouse for the purpose of allowing domesticated fowl to leave the henhouse while remaining in an enclosed, predator-safe environment.

Henhouse – shall mean a structure for the sheltering of domesticated fowl. An existing shed or garage can be used for this purpose if it meets the standards contained in this Ordinance including the required distance from property lines.

§ 2 Purpose.

The purpose of this ordinance is to provide standards for the keeping of domesticated fowl. It is intended to enable residents to keep a small number of domesticated fowl on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The Town recognizes that adverse neighborhood impacts may result from the keeping of domesticated fowl as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attractions of predators, rodents, insects, or parasites, and non-confined animals leaving the owner’s property. This Ordinance is intended to create licensing standards and

requirements that ensure that domesticated fowl do not adversely impact the neighborhood surrounding the property on which the domesticated fowl are kept.

§ 3 Zoning Districts Allowed.

Permits will only be granted for property located in the residential districts.

§ 4 Non-Commercial Use Only.

A permit shall not allow the permittee to engage in domesticated fowl breeding or fertilizer production for commercial purposes.

§ 5 Permit Required.

An annual permit is required for the keeping of any domesticated fowl in the Town of Onley.

§ 6 Fees.

The fee for an annual permit to keep domesticated fowl is ten dollars (\$10.00).

§ 7 Number and Type of Domesticated fowl Permitted.

- A. The maximum number of domesticated fowl allowed is twelve (12) per single family dwelling unit.
- B. Only two (2) Roosters are permitted.

§ 8 Enclosures.

- A. Domesticated fowl must be kept in an enclosure or fenced area at all times. During daylight hours, domesticated fowl may be allowed outside of their domesticated fowl pen in a securely fenced yard if supervised. Domesticated fowl shall be secured within the henhouse during the non-daylight hours.
- B. 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 impacts.
- C. The hen house and domesticated fowl pen must provide adequate ventilation and adequate sun and shade and must both be resistant to rodents, wild birds, and predators, including dogs and cats.

§ 9 Henhouses.

- A. A henhouse shall be provided and shall be designated to provide safe and healthy living conditions for the domesticated fowl while minimizing adverse impacts to other residents in the neighborhood.

(1) 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 – bird –proof wire of less than 1 (one) inch openings.

(2) The henhouse shall be well-maintained.

§ 10 Domesticated Fowl Pens.

An enclosed domesticated fowl pen must be provided consisting of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing. Domesticated fowl pens must be moved frequently to minimize turf destruction and the buildup of manure borne pathogens such as coccidiosis and roundworms.

§ 11 Location

Enclosures, henhouses and pens are not permitted in the front yard of any property and may not be closer than twenty five (25) feet from any neighbor's residence, and five (5) feet from any property line.

§ 12 Odor and Noise Impacts.

- A. Odors from domesticated fowl, domesticated fowl manure, or other domesticated fowl-related substances shall not be perceptible at the property boundaries.
- B. Perceptible noise from the domesticated fowl shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

§ 13 Predators, Rodents, Insects, and Parasites.

The property owners shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.

§ 14 Feed and Water.

Domesticated fowl must be provided with access to feed and clean water at all times; such feed and water shall be rodent-proof.

§ 15 Waste Storage and Removal.

Provision must be made for the storage and removal of domesticated fowl manure. All stored manure shall be rodent-proof by a fully enclosed structure with a roof or lid over the entire structure. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse, domesticated fowl pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

§ 16 Veterinary Care

All domesticated fowl must be afforded veterinary care if they are known or suspected to be sick or injured.

§ 17 Unlawful Acts.

- A. It shall be unlawful for any person to keep domesticated fowl in violation of any provisions of this Ordinance or any other provisions of the Town of Onley Code.
- B. It shall be unlawful for any owner, renter, or leaseholder of property to allow domesticated fowl to be kept on the property in violation of the provisions of this Ordinance.
- C. No person shall keep domesticated fowl inside a single family dwelling unit, multi-family dwelling unit(s) or rental units.
- D. No person shall slaughter any domesticated fowl within the Town of Onley.
- E. No person shall keep domesticated fowl on a vacant or uninhabited parcel of land.

§ 18 Denial, suspension or revocation of permit.

- A. The Permitting Officer shall deny a permit if the applicant has not demonstrated compliance with all provisions of this Ordinance.
- B. A permit to keep domesticated fowl may be suspended or revoked by the Permitting Officer where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this Ordinance or with the provisions of any other applicable ordinance or law.
- C. Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.

§ 19 Appeal.

A person appealing the issuance, denial, suspension or revocation of a permit by the Permitting Officer may appeal to the Board of Appeals within thirty (30) days of the decision being appealed.

§ 20 Penalty.

In addition to any other enforcement action which the Town may take, violation of any provision of this Ordinance shall be civil violation and a fine for the first (1st) offense of fifteen dollars (\$15.00), a fine for the second (2nd) offense of fifty dollars (\$50.00), and a third (3rd) offense of

one-hundred dollars (\$100.00) shall be imposed. Each day that a violation continues will be treated as a separate offense.

§ 21 Removal of Domesticated fowl.

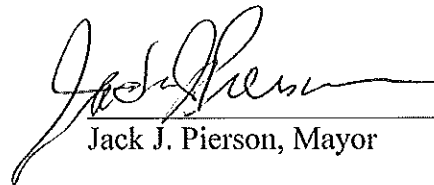
- A. Avian influenza — known informally as avian flu or bird flu. Detection of a HPAI virus may result in immediate culling of the flock. Removal of the flock will be determined by the Virginia Department of Agriculture.
- B. In addition to the penalty, any violation of the provisions of this Chapter or of the permit shall be grounds for an order from the Permitting Officer to remove the domesticated fowl and the domesticated fowl related structures.
- C. The health inspector, Health Officer, Animal Control Officer may also order the removal of the domesticated fowl upon a determination that the domesticated fowl pose a health risk.
- D. If a domesticated fowl dies, it must be disposed of promptly in a sanitary manner.

SECTION II. SEVERABILITY. Should any provision, section, paragraph or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having competent jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, sections, paragraph or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

SECTION III. ADDITION TO CODE. It is the intention of the Council, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, and the Sections of this ordinance may be renumbered to accomplish such intention.

NOW THEREFORE, BE IT ORDAINED BY THE ONLY TOWN COUNCIL THAT THE FOREGOING ORDINANCE BE ADOPTED & EFFECTIVE THIS 5th DAY OF June, 2017.

Henry E. Finney	yes
Woody W. Zember	yes
Melvin T. Bliss	yes
Dawn E. Dize	yes
Susan M. Rillo	yes
Matthew D. Hart	absent



 Jack J. Pierson, Mayor

ATTEST:



 Janye Salazar, Town Clerk