

TOWN OF WILLISTON, VERMONT

CARE AND KEEPING OF CHICKENS

Adopted: ??

Williston Selectboard

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The purpose of this Ordinance is to provide standards for the keeping of domesticated female poultry (chickens). It is intended to enable residents to keep a small number of 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.

Table of Contents

| | |
|---|---|
| Article I. Authority and Purpose..... | 3 |
| Article II. Permit required..... | 3 |
| Article III. Exceptions..... | 3 |
| Article IV. Number and type of chickens allowed. | 3 |
| Article V. Non-commercial use only. | 4 |
| Article VI. Enclosures..... | 4 |
| Article VII. Odor and noise impacts..... | 4 |
| Article VIII. Lighting..... | 5 |
| Article IX. Predators, rodents, insects, and parasites..... | 5 |
| Article X. Feed and water..... | 5 |
| Article XI. Waste storage and removal..... | 5 |
| Article XII. Enforcement..... | 5 |
| Section 1: Power & Authority of Inspectors | 5 |
| Section 2: Administrative Enforcement..... | 6 |
| Section 3: Enforcement Appeals..... | 6 |
| Section 4: Judicial Enforcement..... | 7 |
| Section 5: Penalties..... | 7 |
| Article XIII. Permit Revocation..... | 8 |
| Article XIV. Removal of chickens..... | 8 |
| Article XV. Separability | 8 |

Article I. Authority and Purpose.

This Ordinance is enacted by the Selectboard under the authority granted in 24 V.S.A. Section 2291(14) and the Williston Town Charter. This Ordinance shall constitute a civil Ordinance within the meaning of 24 V.S.A. Chapter 59.

The purpose of this Ordinance is to provide standards for the keeping of domesticated female poultry (chickens). It is intended to enable residents to keep a small number of 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.

This Ordinance is permissive and does not override any restrictions related to the care and keeping of chickens established by a private homeowners' association within the municipal boundaries of Williston.

Article II. Permit required.

(a) An annual permit is required for the keeping of any domesticated chickens. The annual permit is personal to the permittee and may not be assigned. The permit is valid for a 12-month period from April 1 through March 31.

(b) The fee for an initial permit to keep chickens is twenty dollars (\$20.00). The fee for the renewal of an existing permit shall be ten dollars (\$10.00).

(c) 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.

(d) The application for a permit shall be submitted to the Town Manager or his/her designee for review.

Article III. Exceptions.

(a) "Agriculture" and/or "farming" practices and/or structures as defined by the Vermont State Statutes or Vermont Secretary of Agriculture shall be exempt from this Ordinance.

Article IV. Number and type of chickens allowed.

(a) The maximum number of chickens allowed is six (6) per lot regardless of how many dwelling units are on the lot. In the case of residential condominium buildings without individually-owned back yards, the maximum number of chickens allowed is six (6) per each such building.

(b) Only female poultry (chickens) are allowed. There is no restriction on chicken species.

Article V. Non-commercial use only.

Chickens shall be kept for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. Slaughtering of chickens is not permissible in public view.

Article VI. Enclosures.

(a) Chickens must be kept in an enclosure, chicken tractor, or 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.

(b) 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.

(c) Henhouses, enclosures, chicken tractors, and fenced areas along with the storage of bedding and feed shall adhere to minimum property line setbacks as established in the Village and Residential Zoning Districts in Chapters 39 and 42 of the Town's Unified Development Bylaw. These structures shall also adhere to watershed protection buffers established in Chapter 29 of said bylaw.

(d) Henhouses shall not exceed thirty (30) square feet in size and may be located within a structure approved through the Land Development Regulations or be freestanding.

(e) Henhouses, enclosures, chicken tractors 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.

Article VII. Odor and noise impacts.

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

(b) Noise impacts and enforcement shall adhere to the provisions outlined in the Town of Williston Noise Ordinance.

Article VIII. Lighting.

Lighting for the exterior of the henhouse shall not impact or illuminate adjoining properties or disrupt the neighbors.

Article IX. 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. The cause of an unhealthy condition may be removed by the Town following the steps and provisions outlined in Article XII (Enforcement) of this Ordinance.

Article X. Feed and water.

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.

Article XI. Waste storage and removal.

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.

Article XII. Enforcement

Section 1: Power & Authority of Inspectors

The zoning administrator, health officer and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties subject to regulation under this Ordinance for the purposes of inspection, observation and measurement in accordance with the provisions of this Ordinance.

If an authorized person is refused access to any part of the property containing facilities and chickens subject to regulation under this Ordinance, and if the authorized person is able to demonstrate probable cause to believe that there may be a violation of this Ordinance that constitutes a threat to overall public health, safety, and welfare of the community, then the authorized person may seek issuance of a search warrant from any court or competent jurisdiction.

Section 2: Administrative Enforcement

Any person found to be violating any provision of this Ordinance shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the correction thereof. Such notice may require without limitation:

- (a) The modification of an enclosure, chicken tractor, fenced area (chicken pen) and/or henhouse to comply with the required specifications in Article VI of this Ordinance;
- (b) Relocation of structure(s), bedding and/or feed to adhere to the setback requirements;
- (c) Odor and noise abatement;
- (d) Removal of chickens and/or manure due to a public health threat or practice that is considered abuse to the birds including malnourishment or unsanitary living conditions;
- (e) The requirement to obtain or renew a care and keeping of chickens permit;
- (f) Establishment of time limits for the completion of all required work;
- (g) Payment of a fine; and/or
- (h) State that the Notice may be appealed in the manner set forth in the appeals process as set forth in Article XII, Section 3 (enforcement appeals).

If a violation has not been expeditiously corrected pursuant to the requirements set forth in the Notice of Violation that constitutes a threat to overall public health, safety, and welfare of the community, the Town or persons retained by the Town may enter upon the subject property to take any and all measures necessary to abate the violation and/or restore the property under 24 V.S.A. § 2291. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Town or designated person to enter upon the premises for the purposes of protecting the overall public health, safety and welfare of the community.

Section 3: Enforcement Appeals

- (a) The following process shall be followed for appeals to decision pertaining to this Ordinance:
 - a. Step 1: Any aggrieved chicken owner shall have the right of appeal by filing a written notice of appeal within 30 calendar days of said decision to the Town health officer who shall issue a written decision within 30 days. The notice of appeal shall specify the legal basis for the appeal.
 - b. Step 2: If said appeal is denied by the health officer the said aggrieved party shall have the right to appeal by filing a written notice of appeal to the Town Manager, provided that said is entered within 30 days from the issue of the decision of the health officer.
 - c. Step 3: If said appeal is denied by the Town Manager, then said aggrieved party shall have the right to appeal to the Selectboard by filing a written notice of appeal with the Town Clerk, provided that said appeal is entered

within 30 calendar days from the issuance of the decision of the Town Manager.

- d. Step 4: If said appeal is received in accordance with Section 3(a)(c), then the Selectboard shall hold a hearing to consider the appeal in open session and provide the aggrieved party and the Town an opportunity to present their positions on the matter. The hearing shall be held within 30 days of receiving the appeal.
- (b) The Selectboard shall issue its decision on the appeal in writing, which decisions shall be final.
- (c) The filing of an appeal shall not relieve a chicken owner of the obligations of this Ordinance. In circumstances where a threat to public health is identified an appeal cannot delay its mitigation.

Section 4: Judicial Enforcement

- (a) This Ordinance shall constitute a Civil Ordinance within the meaning of 24 V.S.A. Chapter 59.
- (b) Any law enforcement officer or other individual designated by the Town Selectboard to enforce this Ordinance may act as an issuing Municipal Official and issue and pursue before the Judicial Bureau (formerly the Traffic and Municipal Ordinance Bureau) a municipal complaint for any violation of any provision of this Ordinance.
- (c) In addition to the enforcement procedures available before the Judicial Bureau, the Town is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

Section 5: Penalties

(a) Waiver Fee

An issuing municipal official who is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amounts, for any person who declines to contest a municipal complaint and pays the waiver fee. Each and every day that the violation exists after the time allowed under the notice of violation has expired, shall constitute a separate offense and shall incur the following fees:

First Offense: \$75.00

Second Offense: \$150.00

Third Offense and subsequent offenses: \$300.00

Offenses shall be counted on a twelve (12) month basis beginning with the date of the first offense.

(b) Civil Penalty

An issuing municipal official who is authorized to recover civil penalties in the following amounts for each violation of this Ordinance. Each and every day that the violation

exists after the time allowed under the notice of violation has expired, shall constitute a separate offense and shall incur the following fees:

First Offense: \$100.00

Second Offense: \$200.00

Third Offense and subsequent offenses: \$400.00

Offenses shall be counted on a twelve (12) month basis beginning with the date of the first offense.

Article XIII. Permit Revocation

A permit may be revoked or suspended without reimbursement of any fee for:

- (a) Misrepresentations on an application;
- (b) Violation of the provisions of this Ordinance or other Town of Williston regulations, and failure to correct said violation upon re-inspection;
- (c) Where there is a risk to public health or safety;
- (d) Any revocation or suspension pursuant to this section may be appealed by following the procedures set forth in Article XII, Section 3 of this Ordinance.

Article XIV. Removal of chickens

A violation of the provisions of this Ordinance may be grounds for an order from the town to remove the chickens and the chicken-related structures. The health officer or designated municipal official 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.

Article XV. Separability

In the event that any section, subsection or portion of this Ordinance 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 Ordinance.