

**MAYOR AND COUNCIL WORKSHOP
TUESDAY, SEPTEMBER 20, 2022, 6:00 P.M.**

AGENDA

- 1. CALL TO ORDER, PLEDGE, AND ROLL CALL**
- 2. NEW BUSINESS**
 - a. Ordinance 588 – Back Yard Chickens
 1. Council Discussion
 2. Public Comments – each speaker limited to 3 minutes
- 3. ADJOURNMENT**

**MAYOR AND COUNCIL OF BRUNSWICK
ORDINANCE NUMBER 588**

AN ORDINANCE OF THE MAYOR AND COUNCIL TO AMEND THE CODE OF ORDINANCES AND ENACT CODE ALLOWING THE POSSESSION OF BACK YARD CHICKENS THE CITY OF BRUNSWICK, MARYLAND.

WHEREAS, pursuant to the Annotated Code of Maryland, Local Government Municipalities Article, Title 4, and the City of Brunswick Charter, Section 16-3, "Powers Generally", the Mayor and Council desire to enact provisions allowing backyard chickens in the City of Brunswick, and;

WHEREAS, pursuant to Section 1-1203, "Adding new subject matter to this Code", it is the intention of the Mayor and Council of Brunswick 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, and;

WHEREAS, it is ordained Section 3-1202 will be renumbered as 3-1202 (A), and;

WHEREAS, Chapter 3, Article 1, Title 2, Animal Control, Section 3-1202, Livestock, will be amended with deleted portions indicated as ~~bold strikethrough~~, and;

WHEREAS, Section 3-1202 of the Code of Ordinances is hereby amended to read as follows: "Livestock. It shall be unlawful for any person to maintain and/or house any livestock including but not limited to hogs, pigs, ~~chickens~~, sheep, cattle, horses, goats, or more than two (2) rabbits. Potbelly pigs are not considered livestock. More than one potbelly pig or external enclosures for the same are prohibited". and;

WHEREAS, Section 3-1202 (B), "Backyard Chickens" will be added and enacted as indicted by addendum incorporated herein, and;

NOW THEREFORE BE IT ENACTED by the Mayor and Council of Brunswick, the Code of Ordinances will be amended and revised.

PASSED this ___ day of _____, 2022 by a vote of ___ for; ___ against; ___ abstaining; and ___ absent.

ATTEST:

COUNCIL OF THE CITY OF BRUNSWICK

David B. Dunn
City Administrator

By: _____
Name: Andrew St. John
Title: Mayor Pro Tem

APPROVED this ___ day of _____.

ATTEST:

David B. Dunn
City Administrator

Nathan Brown, Mayor
Date: _____

Language below is a compilation from four other municipal ordinances. Text in *Italics* is suggestions from Council and other municipal ordinances.

APPENDIX F

Backyard Chickens

Definitions. For the purposes of this article, the following terms have the meaning indicated:

1. Back yard. "Back yard" means that portion of a lot, extending between the two side lot lines, between the rear lot line and a line drawn parallel thereto at the point where the back façade of the dwelling unit is closest to the rear lot line. A structure placed in the back yard shall not be visible from the street.
2. Chicken. "Chicken" refers to a Hen and does not include roosters or fowl of any other kind.
3. Chicken run. "Chicken run" means an enclosed outside yard for keeping chickens.
4. Coop. "Coop" means a structure for housing chickens made of wood or other similar materials that provides shelter from the elements.
5. *Flock. "Flock" refers to a group of hens owned by a single person, not to exceed one chicken per 500 square feet, and a maximum of six chickens per lot. - Council*
6. Own. "Own" means to keep, harbor, or have control, charge or custody of an animal, or permit to be kept, harbored or fed upon or within premises owned, leased, rented or occupied by a person and does not require actual legal title or claim to the animal.
7. Owner. "Owner" means any person keeping, harboring or having charge or control of, or permitting any animal to habitually be or remain on, or be lodged or fed within buildings or land owned, leased, used or occupied by such person, irrespective of whether such person has legal title or claim to the animal. "Owner" does not include veterinarians, kennel operators, or like persons temporarily keeping on their premises animals owned by others.
8. Premises. "Premises" means the property on which chickens are permitted to be owned under this article.

Purpose. It is hereby found and declared that the keeping of chickens in the city supports a local, sustainable food system as well as pest control, animal companionship, and pleasure. This section is intended to allow the keeping and maintenance of chickens in a clean and sanitary manner that is not a nuisance or detrimental to the public health, safety, or welfare of the town.

1. Scope. Except as otherwise provided in this section, a person may not own any live chickens except in compliance with all requirements of this chapter. This chapter does not apply to:
 - A. Owing chickens on property used for agricultural activity as defined in Title 17, Maryland Code, Agriculture Article.

B. The sale or use of chickens for commercial, industrial, or educational purposes, including but not limited to poultry packing or processing facilities, laboratories, or retail sales. *Including, but not limited to, egg sales, manure sales, live animal sales or any other commercial use not specified. Chickens and all bi-products will be allowed for private use only. - Council*

2. Other Laws. Nothing in this chapter shall be construed to eliminate the need for compliance with any other applicable law or regulation, including but not limited to those relating to building, zoning, property maintenance, agriculture, or health.
3. Registration. Chickens owned under this chapter must be registered with the State Department of Agriculture, Domestic Poultry, and Exotic Bird Registration Division, pursuant to the Annotated Code of Maryland, Agriculture Article 3-804, "Regulation of Livestock and Poultry", as amended.
4. Private Covenants. This chapter shall not supersede or allow the violation of any homeowners' association regulations, deed restrictions, or other private covenants.
5. Vested Rights. Neither this chapter nor a license issued under this chapter creates any vested rights in any individual to own or raise chickens.

Administration. The Mayor and Council by Resolution may implement regulations as needed for the efficient implementation and enforcement of this Ordinance.

Location. Subject to the provisions of this Section, in any zoning district, a person may own live chickens in the back yard of a residential lot containing:

1. A single-family detached dwelling unit; or
 - A. A duplex. For purposes of this section, "duplex" means a dwelling unit that is attached to another dwelling unit but separated by a vertical party wall, where each dwelling unit is located on its own lot and both dwelling units are separated from any other structure by yards or other green areas on all sides.
 - B. The lot must have an area of at least two thousand five hundred (2,500) square feet. *1,000 & 7,500 square feet. - Council*
2. *The back yard to be enclosed by fence at least four (4) feet high. The chickens to be confined to a covered "chicken run" within the enclosed fence. - Council*

Number and type of Chickens. A person may own no more than one chicken per every five hundred (500) square feet of back yard area, and a maximum of six chickens on one lot.

Salisbury – Six per occupied single-family dwelling unit.

Permits. "License"

1. A person may not own any live chicken without a valid permit issued in accordance with this section.
2. Permit Application Process - The City shall create and provide application forms for permits. The information required by the application will be the minimum information that is required of any applicant, and will include the following:
 - A. The name of the applicant, the address of the premises upon which the chickens will be kept, and if the applicant is not the owner of the premises, the name and address of the property owner; ***Must be 18 years old & provide DOB – Council***
 - B. The breed and number of chickens to be maintained on the premises;
 - C. A schematic drawing of the premises showing:
 - 1) The location or potential location of the coop;
 - 2) The size of the coop;
 - 3) Distances between the coop and the side and rear lot lines;
 - 4) The location, style, and height of a chicken run, if applicable; and
 - 5) the location, style, and height of any other fencing located on the premises
 - D. A statement that the applicant will at all times own the chickens in accordance with this section and any permit conditions prescribed by the City.
 - E. ***Signatures of all abutting neighbors to the backyard stating that they are aware and agree to neighbor keeping chickens. – Council***
 - F. Any person seeking a permit shall file a completed application with the "City".
 - G. The applicant must sign the application. If the applicant is not the owner of the premises on which the chickens will be kept, the property owner must sign the application.
 - H. Permit fees shall be established from time to time by policy, resolution, or ordinance by the town and shall be paid for by the applicant at the time of application.
 - I. The "City"? – ***Code Enforcer*** shall review a submitted application for compliance with this section. If the "City" finds that the applicant meets the requirements of this chapter, the "City" shall approve the application and shall issue a chicken permit to the applicant. If "City" finds that the applicant fails to meet the requirements of this section, the "City" deny the application. At the discretion of the "City", the review conducted under this paragraph may include an inspection of the premises.

Conditions.

1. A permit issued under this section authorizes the owning of chickens only by the permit holder and upon the premises described in the permit.
2. The permit holder must maintain a personal, primary residence on the premises on which the chickens are kept. the permit holder may not be absent from the premises for a period of longer than thirty (30) consecutive days.
3. The “City”? may attach additional reasonable conditions to the permit if reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or to protect the public health, safety, or welfare.
4. Term. A permit issued under this section is valid until it is revoked or until the permit holder requests, in writing, that the permit be terminated.

Transfer. Chicken permits are not transferrable to a new chicken owner or to a new property address.

Violation. Owning a live chicken without first obtaining a license as required by this section is a municipal infraction punishable by a fine of one hundred dollars (\$100.00) **Council - \$500.** Each day a violation continues is deemed a separate offense.

Premise Requirements

1. Enclosure.
 - A. Chickens must be confined to the back yard of the premises at all times.
 - B. If the back yard or portion of the back yard where the chickens are kept is not enclosed by a fence at least four (4) feet high, the chickens must be confined to a chicken run at all times. The chicken run must be either covered or at least four (4) feet high.
2. Coop.
 - A. In addition to the enclosure described in subsection A. of this section, chickens must be provided with a covered, predator-resistant coop.
 - B. Coop must be located in the back yard and at least ten feet from any lot line.
 - C. A coop must be:
 - 1) At least four(4) square feet, but no more than ten (10) square feet, per chicken in area; and **Council - Coops will not exceed 60 square feet. - Council**
 - 2) No more than six (6) feet in height.
 - 3) **Ten (10) feet from property line. – Council**

- D. A coop must be properly ventilated, provide adequate shade from the sun and the elements, and constructed in a manner to resist predators, including dogs and cats.
3. A permit holder shall ensure that chickens are secured within the coop during non-daylight hours.

Condition. A permit holder shall maintain a chicken run and coop in a neat, clean, odor-free, 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.

Waste Storage and Removal.

1. The permit holder shall ensure that the property is kept free from excessive accumulated droppings and shall provide for the storage and removal of chicken manure.
2. All manure for composting or fertilizing must be contained in a well-aerated garden compost pile. All other manure not used for composting or fertilizing must be removed.

Other Laws. A permit holder shall comply with any applicable legal requirements, including but not limited to obtaining zoning and building permits, if needed.

Care and feeding of chickens.

1. Generally. A permit holder shall keep the permit holder's chickens in a humane manner at all times.
2. Wings. All chickens must be wing-clipped periodically to prevent escape.
3. ***Chickens shall be secured in Coop from dusk to dawn. – Council***
4. ***Chickens shall not be left unattended in excess of seven (7) days.***
5. Food and Water. A permit holder shall ensure that the permit holder's chickens have access to adequate amounts of clean food and clean water at all times. All grain and food stored for the use of the chickens shall be kept in a rodent-proof container.

Death of a Chicken. If a chicken dies, it must be buried or otherwise disposed of promptly and in a sanitary manner.

Prohibited acts.

1. Chickens Living Inside. An individual may not own a live chicken inside a dwelling unit or other structure.
2. Chickens Running At Large. A permit holder may not deliberately or negligently allow chickens to escape outside the back yard of the premises.

3. Commercial Use Prohibited. A permit holder may own chickens for personal use only. An individual may not sell eggs or engage in chicken breeding, meat production, or fertilizer production for commercial purposes.
4. Slaughter. A permit holder may not slaughter chickens on the premises or on any other residential property. This prohibition does not preclude a permit holder from having chickens slaughtered at a facility properly zoned and permitted for such use.
5. Training. A permit holder may not use or train chickens for the purpose of fighting for amusement or sport.
6. Fighting. Chicken or rooster fighting is prohibited.

Enforcement.

1. Municipal Infraction. Except as otherwise provided in this chapter, violation of any provision of this chapter is a municipal infraction punishable by a fine of one hundred dollars (\$100.00). *\$50 Fred City, \$50 Council* For violations of a continuing nature, each day a violation continues shall be deemed a separate offense.
2. Other Laws. A violation of this article may also constitute a violation of another law, such as the prohibition against animals running at large.
3. Inspections. The "City" may, at all reasonable times and in a reasonable manner, enter upon and inspect the premises to determine whether the permit holder is in compliance with this article.

Suspension of Chicken Permit.

1. The "City" may suspend a permit issued under this article for a period of up to thirty (30) days, or a longer period if necessary to carry out the intent of this article, if the "City" finds:
 - A. There is a risk to public health or safety; or
 - B. The license holder has violated any of the provisions of this chapter, including but not limited to failure to obtain or comply with a permit issued under this article.
2. Upon suspending a license, the "City" shall provide written notice to the permit holder setting forth the grounds for the suspension, the effective date of the suspension, and the length of the suspension.
3. The "City" may reinstate a permit when the "City" is satisfied that the grounds for the suspension have been remedied.

Revocation of Chicken Permit.

1. The "City" may revoke a license issued under this article if the "City" finds:
 - A. The permit holder has misrepresented or provided false information on a permit application; or

- B. The permit holder has violated any of the provisions of this chapter, including but not limited to failure to comply with a permit issued under this article and the permit has been suspended within the previous twelve (12) months under subsection D of this section.
2. Upon revoking a permit, the "City" shall provide written notice to the permit holder setting forth the grounds for the revocation and effective date of the revocation.
 3. A new chicken permit will not be issued to the same permit holder for a period of one year after revocation.

Removal of Chickens.

1. The "City" may impound or remove, or cause to be impounded or removed, any chickens for the owner's violation of this article. The owner of the chickens is responsible for all costs associated with the impoundment or removal.
2. Within ten days after receipt of a notice of the suspension, revocation, or termination of a permit issued under this article, the permit holder shall remove all chickens from the premises.

Notices. Any written notice required by this article is deemed properly served if it is delivered personally to the individual to be served or is sent by first class mail to the person's last known mailing address. For purposes of this chapter, the last known mailing address of a chicken permit holder is the address on file with the department. Notice is deemed received when it is personally delivered or on the third business day after it is mailed.

Remedies Not Exclusive. In addition to the remedies set forth in this section, the town may seek any other remedies available to it at law or in equity.