

## ORDINANCE NO. 2352

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 6.04 DOGS, FOWL AND OTHER ANIMALS OF THE SALISBURY CITY CODE TO ADD DEFINITIONS RELATED TO URBAN CHICKENS AND ENACTING CHAPTER 6.05 TO AUTHORIZE THE KEEPING OF CHICKENS SUBJECT TO CERTAIN REGULATIONS.

WHEREAS, the city of Salisbury recognizes the benefits of locally produced food; and

WHEREAS, the city of Salisbury currently prohibits the keeping of chickens in the corporate limits of the city of Salisbury; and

WHEREAS, the city of Salisbury deems it to be in the best interest of the city of Salisbury to allow residents to keep a limited number of chickens for providing eggs for the residents' personal consumption; and

WHEREAS, the City Council of Salisbury, Maryland, (i) desires to modify Chapter 6.04, Salisbury City Code and enact Chapter 6.05, Salisbury City Code, to add definitions related to urban chickens and to authorize the keeping of chickens subject to certain regulations as set forth below, and (ii) finds such action reasonably furthers the health, safety, and general welfare of the citizens of Salisbury.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that Chapter 6.04 be modified and that an additional Chapter 6.05 be added as follows:

### Chapter 6.04

#### DOGS, FOWL AND OTHER ANIMALS

##### **6.04.040 Maintenance of fowl within residential districts prohibited.**

No person shall keep, own, maintain, use or have in his possession any live turkeys, guineas, geese, ducks or pigeons within any residential district within the corporate limits of the city of Salisbury, other than in a municipal park or licensed slaughterhouse; except as set forth in Chapter 6.05.

##### **6.04.270 Farm animals prohibited.**

No person shall keep, raise, maintain, or have in his possession any live cows, goats, sheep or other farm animals within the corporate limits of the city other than a licensed slaughterhouse; except as permitted in Chapter 6.05 and Chapter 6.06.

## Chapter 6.05

### URBAN CHICKENS

#### Sections:

6.05.010 Definitions

6.05.020 Purpose

6.05.030 Unlawful acts

6.05.040 Number of chickens permitted

6.05.050 Registration

6.05.060 Enclosures

6.05.070 Henhouses

6.05.080 Odor and noise impacts

6.05.090 Lighting

6.05.100 Predator, rodent, insect and parasite reduction

6.05.110 Feed and water

6.05.120 Waste storage and removal

6.05.130 Veterinary care

6.05.140 Removal of chickens

6.05.150 Violations and penalties

6.05.160 Appeals

#### 6.05.010 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

“Urban chicken” means a hen chicken permitted under this article.

#### 6.05.020 Purpose.

The purpose of this article is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of chickens while limiting the potential adverse impacts on the surrounding neighborhood. The City recognizes that adverse neighborhood impacts may result from the keeping of domesticated chickens due to noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, or parasites, and unconfined animals leaving the owner's property. This article is intended to create standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

#### 6.05.030 Unlawful acts.

- A. It shall be unlawful for any person to keep chickens in violation of any provisions of this article or any other provisions of the Salisbury Municipal Code.
- B. It shall be unlawful for any owner, renter, or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this article or any other provisions of the Salisbury Municipal Code.

- C. No person shall keep chickens inside a dwelling unit.
- D. No person shall keep chickens on a vacant or uninhabited parcel of land.
- E. No person shall raise any animal for fighting.

#### **6.05.040 Number of chickens permitted.**

- A. The maximum number of chickens allowed is six (6) per occupied single-family dwelling unit.
- B. No roosters are permitted.

#### **6.05.050 Registration.**

Chickens shall be registered with the State Department of Agriculture, Domestic Poultry and Exotic Bird Registration Division, pursuant to MD Agriculture Article §3-804, before being housed on an allowed property site.

#### **6.05.060 Enclosures.**

- A. Chickens shall be kept in an enclosure or fenced area at all times. During daylight hours, chickens may be allowed outside of their pen in a securely fenced yard if supervised by the owner or responsible person. Chickens shall be secured within the henhouse during non-daylight hours.
- B. Enclosures shall 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 henhouse and chicken pen shall provide adequate ventilation and adequate sun and shade, and both must be resistant to rodents, wild birds, and predators, including dogs and cats.
- D. Enclosures, henhouses and pens may not be closer than five (5) feet to any residence or property line.

#### **6.05.070 Henhouses.**

- A. A henhouse shall provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
- B. An enclosed chicken pen shall consist of sturdy wire fencing. Opening windows and vents shall be covered with predator- and bird-proof wire with openings of less than one inch. The pen shall be covered with wire, aviary netting, or solid roofing.

- C. The enclosed chicken pen area shall be kept clean to prevent manure-borne pathogens such as coccidia and nematodes.
- D. The structure shall be enclosed on all sides and shall have a roof and doors. Access doors shall be equipped to be shut and locked at night.
- E. Full sized hens shall be given at least two square feet of personal covered living space and an additional three square feet of yard space in which to move freely about. The square footage may be in any reasonable configuration.
- F. The henhouse shall have a well maintained interior and exterior.

#### **6.05.080 Odor and noise impacts.**

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

#### **6.05.090 Lighting.**

Only motion-activated lighting may be used to light the exterior of the henhouse and the pen.

#### **6.05.100 Predator, rodent, insect and parasite reduction.**

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

#### **6.05.110 Feed and water.**

Chickens shall be provided with feed and clean water at all times; such feed and water shall be rodent-proof.

#### **6.05.120 Waste storage and removal.**

Provisions shall be made for the storage and removal of chicken manure. The proper methods for removal of chicken waste are composting or double bagging and placing in tightly covered trash receptacles. All stored manure shall be made rodent-proof by using a fully enclosed structure with a secured roof or lid over the entire structure. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken pen and surrounding area shall be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

#### **6.05.130 Veterinary care.**

All chickens shall be afforded veterinary care if they are known or suspected to be sick or injured.

#### **6.05.140 Removal of chickens.**

- A. Detection of the Avian influenza virus (HPAI), as known as "avian flu" or "bird flu", or any other disease determined by the Maryland Secretary of Agriculture, may result in immediate culling of the flock. Removal of the flock shall be determined by the Maryland Department of Agriculture.
- B. If an order of removal is issued, the violator shall be given 30 days to remove the chickens or any chicken related structures that are in violation. If the City is required to expend resources to remove the chickens or any chicken related structure, the violator shall be responsible for all related removal fees.
- C. Any City enforcement officers in 6.05.150 (A) or inspector in 6.05.140 (A), may order the removal of the chickens upon a determination that the chickens pose a health risk.
- D. If a chicken dies, it shall be disposed of promptly. Carcasses shall be buried on site at a depth not less than two (2) feet, then firmly covered with soil. Bricks, large stones, concrete blocks or other heavy, solid objects shall be placed over the filled hole to discourage digging by dogs or other animals. These may be removed once decomposition is assured. Powdered lime may be spread on the carcass before filling the hole to hasten decomposition and minimize odor. It is illegal to place animal carcasses of any kind in city trash containers.

#### **6.05.150 Violations and penalties.**

- A. The Animal Control Officer or Neighborhood Services & Code Compliance officer may issue violations and fines.
- B. Any person found in violation of any code in this Chapter may be issued a corrective action letter or notice of violation or a municipal infraction. They will be ordered to comply within a reasonable amount of time. If a person has five (5) violations on the same property within a 365-day period, said property will be designated a chronic nuisance property.
- C. Any person who trains or uses a dog, bird, fowl, cock, or any other animal; or who permits same to be trained or used for the purpose of fighting; or who arranges or conducts an animal fight or participates as a spectator of an animal fight shall be subject to a criminal penalty of One Thousand Dollars (\$1,000.00) and/or imprisonment of not less than ninety (90) days but not more than six (6) months. The Court may also impose an order requiring a psychological evaluation of the convicted offender.

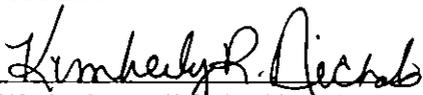
#### **6.05.160 Appeals.**

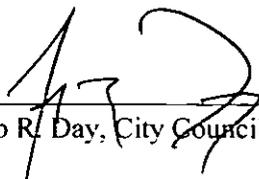
A person appealing the issuance of any violations and/or fines by the Permitting Officer may appeal to the Housing Board of Appeals and Adjustments within 21 days of the decision being appealed. (or Apply 15.27.060 from Ordinance no.2265, Chronic Nuisance Property Owners on Appeals)

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately upon adoption.

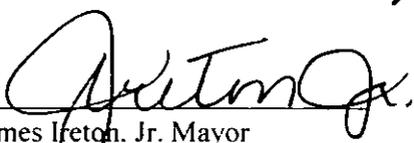
THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 10 day of August, 2015, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the 24 day of August, 2015.

ATTEST:

  
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Kimberly R. Nichols, City Clerk

  
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Jacob R. Day, City Council President

Approved by me this 27<sup>th</sup> day of August, 2015

  
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James Iretch, Jr. Mayor

# City of Salisbury

Salisbury



2010

JAMES IRETON JR.  
MAYOR

TOM STEVENSON  
CITY ADMINISTRATOR



Maryland

699 W. SALISBURY PARKWAY  
SALISBURY, MD 21801  
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BARBARA DUNCAN  
CHIEF OF POLICE

July 14, 2015

TO: Tom Stevenson  
City Administrator

FROM: Colonel David Meienschein

SUBJECT: Urban Chicken Ordinance

Attached is an ordinance of the City of Salisbury amending title 6, animals, of the Salisbury City Code to add definitions related to chicken keeping and enacting chapter 6.05 to authorize the keeping of chickens, subject to certain regulations.

Unless you or the Mayor has further questions, please forward this Ordinance to the Salisbury City Council.

A handwritten signature in black ink, appearing to read "David Meienschein".

David Meienschein  
Assistant Chief of Police

Attachment: Urban Chicken Ordinance