ORDINANCE AMENDING AND RE-ENACTING SECTION

15-2-24

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 15-2-24 Fowl, chickens and other domestic birds is amended as shown:

(a) *Definitions. Fowl* is defined as any of various domestic birds by way of example but not limited to: Chickens, roosters, ducks, geese, turkeys, guinea fowl, emus, rheas, ostriches and pigeons.

(b) It shall be unlawful for any person to keep, permit or allow any domesticated fowl within the corporate limits of the city, or to allow any domesticated fowl to run at large within the corporate limits of the city, except as specifically permitted below.

(c) It shall only be lawful for a person to keep, permit or allow chickens within the corporate limits of the city on residentially used property ~~only,~~ containing single family detached dwellings. No chickens shall be allowed on townhouse, duplex, apartment, or manufactured housing park properties. Chickens shall not be permitted on any parcel of land that is within five hundred (500) feet or less from any poultry processing plant, poultry hatchery, poultry feed mill, poultry truck lot, poultry farm, or from property where facilities are operated by the Virginia Department of Agriculture and Consumer Services. If any portion of a parcel is located in the prohibited 500 feet area described above, no chickens shall be kept on that entire parcel. People keeping chickens must also abide by ~~under~~ the following terms and conditions:

(1) No more than four (4) chicken hens shall be allowed for each single-family dwelling. ~~No chickens shall be allowed on townhouse, duplex, apartment or manufactured housing park properties.~~ Chickens allowed under this section shall only be raised for domestic purposes and no commercial use such as selling eggs or selling chickens for meat shall be allowed.

~~(2)~~ ~~Each single family dwelling shall contain at a minimum two (2) acres of land.~~

~~(3)~~(2) No roosters shall be allowed.

~~(4)~~(3) There shall be no outside slaughtering of birds.

~~(5)~~(4) All chicken hens must be kept at all times in an enclosed and covered, secure, movable or stationary pen that contains at a minimum four (4) square feet per bird.

~~(6)~~(5) ~~All enclosed pens must be situated at least twenty-five (25) feet from adjoining property lines and shall not be located in storm drainage area that would allow fecal matter to enter any city storm drainage system or stream.~~ Pens shall be located in the rear yard and shall be situated at least five (5) feet from all property lines. In addition, all pens shall be located at least twenty (20) feet from streams, tributaries, ditches, swales, stormwater management facilities, drop-inlets, or other storm drainage areas that would allow fecal matter to enter any city storm drainage system or stream.

~~(7)~~(6) All ~~enclosed~~ pens must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors. ~~Once a permit is obtained pursuant to this section, the permittee agrees to semi-annual inspections by the Virginia Department of Agriculture and Consumer Services veterinarians.~~

~~(8)~~(7) All feed for the chickens shall be kept in a secure container or location to prevent the attraction of rodents and other animals.

~~(9)~~(8) Chicken litter and waste shall not be deposited in any trash container that is collected by any public or private waste collector and shall be disposed of by ~~either~~ composting on site, ~~or~~ collected by a bona fide poultry litter service, or bagged and taken to ~~at~~ the county landfill. ~~in accordance with the applicable permit.~~

(9) ~~Also a~~Any dead bird shall not be deposited in any trash container that is collected by any public or private waste collector but shall be either composted or buried on site or taken to the county landfill. ~~to be composted in accordance with the applicable permit.~~ Further, all unexplained bird deaths shall be reported to the Virginia Department of Agriculture and Consumer Services prior to composting, burial, or transport to the county landfill.

(10) Application Submission Requirements and Permit Continuance:

a. Persons wishing to keep chicken hens pursuant to this subsection must file an application with the city's department of Planning and Ceommunity Ddevelopment, which application shall include:

i. A sketch showing the area where the chickens will be housed and the types and size of ~~enclosures~~ pens in which the chickens shall be housed. The sketch must show all dimensions and setbacks.

ii. ~~along with a~~ A twenty-five dollar ($25.00) application fee. ~~The sketch must show all dimensions and setbacks.~~

iii. ~~As part of the application process all persons must~~ Verification that the applicant has completed the Virginia Livestock Premises Registration with the Virginia State Veterinarian's Office ~~prior to the issuance of a permit~~.

iv. Applicants are encouraged but not required to give notice and educational material provided by the City to adjacent property owners. For purposes of this section, adjacent property means all parcels of privately owned land that the applicant's property comes into contact with at one or more points, except for parcels that are legally adjacent to but are separated from the applicant's property by a public or private street.

b. Once the site and ~~enclosures~~ pens have been inspected and approved by the city's animal control officer, the city's animal control officer shall issue a permit, which permit shall be valid for one (1) year.

c. The permit shall be displayed and maintained at all times in a conspicuous location on the approved pen.

d. Each existing permit must be renewed annually by filing a renewal application with the city's department of Planning and Ceommunity Ddevelopment along with the payment of the twenty-five dollar ($25.00) annual fee and by having the city's animal control officer make another inspection of the site.

(d) The above subsection (c) shall not apply to indoor birds, such as, but not limited to, parrots or parakeets, or to the lawful transportation of fowl through the corporate limits of the city. Neither shall it apply to fowl kept in areas of the city as a legal nonconforming use.

(e) Fowl currently existing in the city shall not be "grandfathered" or permitted to remain after the effective date of this section; however, owners of the fowl will have ninety (90) days from the effective date to come into compliance with this section.

(f) Any person found guilty of violating this section shall be guilty of a Class 3 misdemeanor and subsequent violations of this section by the same person shall constitute a Class 2 misdemeanor.

This ordinance shall be effective from the 14 day of June, 2016.
Adopted and approved this 14 day of June, 2016.

MAYOR

ATTESTE:

CITY CLERK