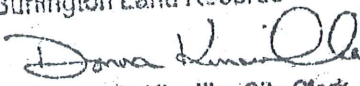


Backyard Chicken Ordinance



southbur**lington**
VERMONT

CITY CLERK'S OFFICE
Received OCT. 20 2015 at 8:15 AM
Recorded in Vol. 020.1 on page 97 — 103
Of So. Burlington Land Records
Attest: 
Donna S. Kinville, City Clerk

The Council of the City of South Burlington hereby ordains:

1. Authority and Purpose

This Ordinance is enacted by the City Council under the authority granted in 24 V.S.A. Section 2291(14) and the South Burlington City Charter. The purpose of this Ordinance is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female 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 shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

2. Permit Required

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 fees to be paid for permits issued under this Ordinance shall be designated by resolution of the City Council. 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. The application for a permit shall be submitted to the City Manager or his or her designee.

3. Exceptions

"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. Any use permitted as "Keeping of Livestock" under the South Burlington Land Development Regulations shall be exempt from this Ordinance.

4. Number and Type of Chickens Allowed

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. The maximum number of chickens allowed on land owned by a fire district is fifteen (15). Only female chickens are allowed. There is no restriction on chicken species.

5. Non Commercial Use Only

Chickens shall be kept for personal use only; no person shall sell eggs or chicken meat or engage in chicken breeding or fertilizer production for commercial purposes.

6. 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 shall be kept no less than twenty (20) feet from all property lines. This requirement may be reduced to five (5) feet from a property line with written approval from the neighboring property owner. Such written approval must be granted no greater than thirty (30) days prior to submittal of an application under this Ordinance. 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.

(D) Henhouses, enclosures, chicken tractors, and fenced areas located on land owned by a fire district shall be kept no less than thirty (30) feet from all property lines. This requirement may be reduced to ten (10) feet from a property line with written approval from the neighboring property owner. Such written approval must be granted no greater than thirty (30) days prior to submittal of an application under this Ordinance. Henhouses located on land owned by a fire district shall not exceed seventy (70) 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.

7. Odor and Noise Impacts

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

8. 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.

9. Lighting

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

10. 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 may be removed by the City, through the Animal Control Officer, or any other designee, and the cost of the same shall be borne by the property owner and/or chicken owner.

11. 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.

12. 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.

13. Enforcement

Any person who violates a provision of this Ordinance or who violates any condition of a permit issued hereunder shall be subject to a civil penalty of up to \$800 per day for each day that such violation continues. The South Burlington Code Officer and the Animal Control Officer shall be authorized to act as Issuing Municipal Officials to issue and pursue before the Judicial Bureau a municipal complaint. A municipal complaint may, at the discretion of the Issuing Municipal Official, be dismissed upon the successful completion of a restorative justice program through the South Burlington Community Justice Center.

14. Civil Penalty; Waiver Fee

An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

First offense	\$160
Second offense	\$320
Third offense	\$480
Fourth offense	\$640
Fifth and subsequent offenses	\$800

An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee:

First offense	\$100
Second offense	\$250
Third offense	\$400
Fourth offense	\$550
Fifth and subsequent offenses	\$700

15. Other Relief

(A) In addition to the enforcement procedures available before the Judicial Bureau, the City Manager is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

(B) A permit may be revoked without reimbursement of any fee for: (i) misrepresentations on an application; (ii) violation of the provisions of this Ordinance or other City of South Burlington regulations; or, (iii) where there is a risk to public health or safety. Any revocation pursuant to this section may be appealed to the City Council by filing a notice thereof with the secretary of the Council within ten (10) days of such revocation or suspension.

(C) In addition to the penalty stated in Section 14, any violation of the provisions of this Ordinance shall be grounds for an order from the City to remove the chickens and the chicken-related structures. The Health Officer or Animal Control Officer 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.

16. Severability

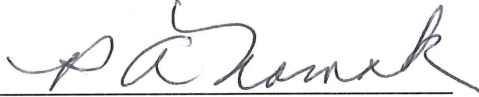
In the event that any section, subsection or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

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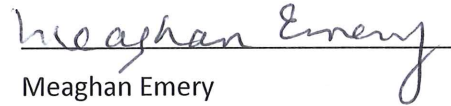
BACKYARD CHICKEN ORDINANCE

Adopted at South Burlington, Vermont this 19th day of October, 2015, and to be effective upon adoption.

SOUTH BURLINGTON CITY COUNCIL



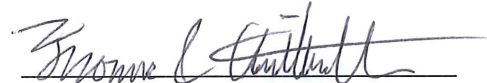
Pat Nowak, Chair



Meaghan Emery



Chris Shaw, Vice Chair



Thomas Chittenden



Helen Riehle, Clerk

Received and recorded this 20 day of October, 2015.



Donna Kinville, City Clerk

