

BACK YARD CHICKENS

Sec. 1-01. Definitions.

- (a) *In general.* For the purposes of this article, the following terms have the meaning indicated.
- (b) *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.
- (c) *Chicken run.* "Chicken run" means an enclosed outside yard for keeping chickens.
- (d) *Coop.* "Coop" means a structure for housing chickens made of wood or other similar materials that provides shelter from the elements.
- (e) *(f) Code Enforcement Officer.* "Code Enforcement Officer" means the Code Enforcement Officer or the Code Enforcement Officer's designee.
- (f) *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.
- (g) *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.
- (h) *Premises.* "Premises" means the property on which chickens are permitted to be owned under this article.

Sec. 1-02. Generally.

- (a) *Purpose.* It is hereby found and declared that the keeping of chickens in the Town of Thurmont supports a local, sustainable food system as well as pest control and animal companionship and pleasure. This article 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.
- (b) *Scope.* Except as otherwise provided in this subsection, a person may not own any live chickens except in compliance with all the requirements of this article. This article does not apply to:
 - (1) owning chickens on property used for agricultural activity, as that term is defined in the LMC;
 - (2) the activities of the annual Community Show, or other agricultural
 - (3) 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, in accordance with the LMC and all other applicable regulations.
- (c) *Other laws.* Nothing in this article 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.
- (d) *Registration.* Chickens owned under this article 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,.
- (e) *Private covenants.* This article shall not be construed to supersede or allow the violation of any homeowners' association regulations, deed restrictions, or other private covenants.

- (f) *Vested rights.* Neither this article nor a license issued under this article creates any vested rights in any individual to own or raise chickens.

Sec. 1-03. Administration.

The Code Enforcement Officer may develop and implement administrative regulations as needed for the efficient implementation and enforcement of this article.

Sec. 1-04. Location.

- (a) Subject to the provisions of this article, 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
 - (2) 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 2,500 square feet.

Sec. 1-05. Number and type of chickens.

A person may own no more than one chicken per every five hundred (500) square feet of backyard area, and a maximum of six (6) chickens on one lot. Only female chickens are permitted; roosters are prohibited.

Sec. 1-06. Licenses.

- (a) *Generally.* A person may not own any live chicken without a valid license issued in accordance with this section.
- (b) *License application process.*
- (1) The Code Enforcement Officer shall create and provide application forms for licenses. An individual who is at least 18 years old may submit an application in accordance with this section. 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 and date of birth 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;
 - (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 locations 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 article and any license conditions prescribed by the Department.
 - (2) Any person seeking a license shall file a completed application with the Department.

- (A) The application must be signed by the applicant. If the applicant is not the owner of the premises on which the chickens will be kept, the application must be accompanied by an agent authorization form signed by the property owner.
- (B) The application must be accompanied by any application fee as specified in the Town's fee schedule ordinance.
- (3) The Code Enforcement Officer shall review a submitted application for compliance with this section. If the Code Enforcement Officer finds that the applicant meets the requirements of this article, the Code Enforcement Officer shall approve the application and shall issue a chicken license to the applicant. If the Code Enforcement Officer finds that the applicant fails to meet the requirements of this section, the Code Enforcement Officer shall deny the application. At the discretion of the Code Enforcement Officer, the review conducted under this paragraph may include an inspection of the premises.
- (c) *Conditions.*
 - (1) A license issued under this section authorizes the owning of chickens only by the license holder and upon the premises described in the license.
 - (2) The license holder must maintain a personal, primary residence on the premises on which the chickens are kept. The license holder may not be absent from the premises for a period of longer than thirty (30) consecutive days.
 - (3) The Code Enforcement Officer may attach additional reasonable conditions to the license 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.
- (d) *Term.* A license issued under this section is valid until it is revoked or until the license holder requests, in writing, that the license be terminated.
- (e) *Transfer.* Chicken licenses are not transferrable to a new chicken owner or to a new property address.
- (f) *Violation.* Owning a live chicken without first obtaining a license as required by this section is a municipal infraction punishable by a fine of five hundred dollars (\$50.00). Each day a violation continues is deemed a separate offense.

Sec. 1-07. Premises requirements.

- (a) *Enclosure.*
 - (1) Chickens must be confined to the back yard of the premises at all times.
 - (2) 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.
 - (3) If the back yard or portion of the back yard where the chickens are kept is enclosed by a fence at least four (4) feet high, the chickens may be provided with a chicken run but are not required to be confined to the run.
- (b) *Coop.*
 - (1) In addition to the enclosure described in subsection (a) of this section, chickens must be provided with a covered, predator-resistant coop.
 - (2) A coop must be located in a back yard and at least ten (10) feet from any lot line.
 - (3) A coop must be:
 - (A) at least four (4) square feet, but no more than ten (10) square feet, per chicken in area; and

- (B) no more than six (6) feet in height.
- (4) 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.
- (5) A license holder shall ensure that chickens are secured within the coop during non-daylight hours.
- (c) *Condition.* A license 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.
- (d) *Waste storage and removal.* The license holder shall ensure that the property is kept free from excessive accumulated droppings and shall provide for the storage and removal of chicken manure. 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.
- (e) *Other laws.*
 - (1) A license holder shall comply with any applicable legal requirements, including but not limited to obtaining a building permit or receiving approval from the Planning and Zoning Commission, if needed.

Sec. 1-08. Care and feeding of chickens.

- (a) *Generally.* A license holder shall keep the license holder's chickens in a humane manner at all times.
- (b) *Wings.* All chickens must be wing-clipped periodically to prevent escape.
- (c) *Food and water.* A license holder shall ensure that the license 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.
- (d) *Death of a chicken.* If a chicken dies, it must be buried or otherwise disposed of promptly and in a sanitary manner.

Sec. 1-09. Prohibited acts.

- (a) *Chickens living inside.* An individual may not own a live chicken inside a dwelling unit or other structure except for the coop required by Section 1-xx of this article.
- (b) *Chickens running at large.* A license holder may not deliberately or negligently allow chickens to escape outside the back yard of the premises.
- (c) *Commercial use prohibited.* A license 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.
- (d) *Slaughter.* A license holder may not slaughter chickens on the premises or on any other residential property. This prohibition does not preclude a license holder from having chickens slaughtered at a facility properly zoned and permitted for such use.
- (e) *Training.* A license holder may not use or train chickens for the purpose of fighting for amusement or sport.

Sec. 1-10. Enforcement.

- (a) *Municipal infraction.* Except as otherwise provided in this article, violation of any provision of this article is a municipal infraction punishable by a fine of fifty dollars (\$50.00). For violations of a continuing nature, each day a violation continues shall be deemed a separate offense.
- (b) *Other laws.* A violation of this article may also constitute a violation of another law, such as the prohibition against animals running at large. Nothing in this article shall be construed to limit the imposition of penalties under such other law.

- (c) *Inspections.* The Code Enforcement Officer may, at all reasonable times and in a reasonable manner, enter upon and inspect the premises to determine whether the license holder is in compliance with this article.
- (d) *Suspension of chicken license.*
 - (1) The Code Enforcement Officer may suspend a license 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 Code Enforcement Officer 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 comply with license issued under this article.
 - (2) Upon suspending a license, the Code Enforcement Officer shall provide written notice to the license holder setting forth the grounds for the suspension, the effective date of the suspension, and the length of the suspension.
 - (3) The Code Enforcement Officer may reinstate a license when the Code Enforcement Officer is satisfied that the grounds for the suspension have been remedied.
- (e) *Revocation of chicken license.*
 - (1) The Code Enforcement Officer may revoke a license issued under this article if the Code Enforcement Officer finds:
 - (A) the license holder has misrepresented or provided false information on a license application; or
 - (B) the license holder has violated any of the provisions of this chapter, including but not limited to failure to comply with license issued under this article and the license has been suspended within the previous twelve (12) months under subsection (d) of this section.
 - (2) Upon revoking a license, the Code Enforcement Officer shall provide written notice to the license holder setting forth the grounds for the revocation and the effective date of the revocation.
 - (3) A new chicken license will not be issued to the same license holder for a period of one year after revocation.
- (f) *Removal of chickens.*
 - (1) The Code Enforcement Officer 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 (10) days after receipt of a notice of the suspension, revocation, or termination of a license issued under this article, the license holder shall remove all chickens from the premises.
- (g) *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 license 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.
- (h) *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.