



City of NORFOLK

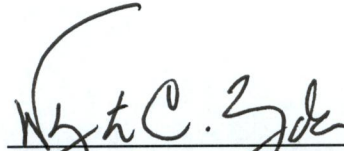
To the Honorable Council
City of Norfolk, Virginia

October 28, 2014

From: Norfolk City Council

Subject: Chicken Ordinance – Amend
Regulations and Permit
Requirements

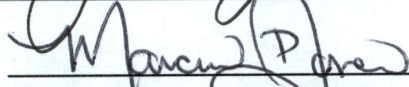
Reviewed:



Wynter C. Benda, Deputy City Manager

Ward/Superward: Citywide

Approved:



Marcus D. Jones, City Manager

Item Number:

R-14

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk

III. **Description**

This is an ordinance to amend and reordain Section 6.1-7 of the Norfolk City Code to further modify regulations and permit requirements for the keeping of chickens within the City of Norfolk (the "City").

IV. **Analysis**

To support Norfolk residents' expressed interest in keeping chickens within the City, City Council adopted an ordinance on September 10, 2013 to establish chicken regulations, permit requirements and identify specific controls by the Virginia Department of Health (Norfolk Health District) (the "Health Department").

Following adoption of this ordinance as a one-year pilot program and based on low permit numbers after the initial year, City Council recently recommended amending the Norfolk City Code to continue to allow for the keeping of chickens with the following amendments: (1) increase the number of chickens per lot from four to six, (2) clarify the required coop square footage, (2) reduce the required distance from waterways from 100 feet to 50 feet, and (4) reduce the minimum lot size for properties which may be eligible to apply from 10,000 to 5,000 square feet in area.

The increased number of allowable chickens to six corresponds to Virginia Code Section 3.2-6510 which requires that no person shall sell, give away, or offer for sale any living chicks under two months old in quantities less than six. Based on this state statute, the City of Hampton recently amended its city code to allow up to six chickens. The Cities of Chesapeake and Portsmouth both allow no more than six chickens, as well.

V. Financial Impact

Applicants seeking a permit to keep chickens within the City will continue to pay a nonrefundable application/annual fee of \$50.00 which is established by the Health Department.

VI. Environmental

No permit will be issued for property located within 50 feet of the point of mean high water of any waterway, measured from the nearest property line and the chickens must be kept at least 20 feet from the nearest boundary of any city drainage easement.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action

N/A

IX. Coordination/Outreach

This agenda item has been coordinated with the City Attorney's Office.

Form and Correctness Approved: *RAP*

By *Adam Matt*
Office of the City Attorney

Contents Approved:

By *Nytc. Zdn*
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO AMEND AND REORDAIN SECTION 6.1-7(a) OF THE CODE OF THE CITY OF NORFOLK, VIRGINIA, 1979, SO AS TO REDUCE THE MINIMUM LOT SIZE AND SETBACK REQUIREMENTS FOR PROPERTIES WHICH MAY BE ELIGIBLE TO APPLY FOR A PERMIT FOR THE KEEPING OF CHICKENS AND TO INCREASE THE MAXIMUM NUMBER OF CHICKENS.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 6.1-7(a) of the Norfolk City Code, 1979, is hereby amended and reordained so as to reduce the minimum lot size and setback requirements for properties which may be eligible to apply for a permit for the keeping of chickens from 10,000 square feet to 5,000 square feet and to increase the maximum number of chickens that may be kept from four to six. The amendment shall read as follows:

Sec. 6.1-7. Keeping of certain animals within the city.

(a) It shall be unlawful for any person to keep in any building or on any premises within the limits of the city any livestock or any poultry other than chickens. No chicken shall be kept within the limits of the city without a permit issued by the Department of Public Health. Such permit shall only be granted and held in accordance with the following provisions:

(1) Prior to keeping any chicken, the applicant seeking a permit shall provide all of the following to the Department of Health:

(A) Name and mailing address of applicant.

(B) Physical address where the chickens will be housed and signed, written consent of property's owner.

- (C) Drawings showing design of coop and location of placement of the coop on the property.
 - (D) Nonrefundable application fee of an amount established by the director of the Department of Health.
- (2) No permit allowing the keeping of chickens shall be issued when the property proposed for housing the chickens is:
- (A) Improved with a two-family or multiple-family residential use, a manufactured home, or a day care facility licensed by the Commonwealth;
 - (B) Less than 5,000 square feet in area;
 - (C) Located within 50 feet of the point of mean high water of any waterway, measured from the nearest property line, except where applicable provisions of the Chesapeake Bay Preservation Act require a greater setback, in which case the greater setback shall be required; or
- (3) The holder of any permit allowing the keeping of chickens shall be in violation of this section and may have the permit revoked in the event any of the following conditions are not consistently and adequately maintained:
- (A) No more than six (6) hens and no rooster or capon shall be kept on any lot.
 - (B) When kept at a residential property, no eggs or chicken meat may be sold from the property.
 - (C) Chickens shall be kept at least fifteen (15) feet from any property line and any occupied building, at least 20 feet from the nearest boundary of any city drainage easement, and shall be located on areas of the property that, at all times, are

not visible from any improved public right-of-way.

- (D) Each chicken shall be tagged with an identification band provided at the time the permit is issued, which shall be attached to either the leg or wing.
- (E) All chickens shall be kept in a coop consisting of a covered, predator-proof shelter that is thoroughly ventilated, provides adequate protection from elements, is designed to be easily cleaned, can be accessed with at least one door sufficient to accommodate a human, and provides a feeder and watering space sufficient for the number of birds being kept.
- (F) Coops shall provide not less than six (6) square feet of total area for each chicken authorized to be kept and one-half of the total area shall be a weatherproof, inside area.
- (G) Any electrical power provided to the coop shall be installed according to applicable building code requirements and no extension cord shall be used.
- (H) All coops shall be maintained in orderly and working condition at all times and must be cleaned regularly so as to prevent odors from being perceptible from other properties. All feed shall be stored and waste shall be disposed of in a manner that prevents the attraction of rodents, flies, and other pests.
- (I) Neither the chickens nor the coop shall be permitted to create or constitute a nuisance in accordance with the provisions of section 6.1-76 of this Chapter or Chapter 27.
- (J) No chicken shall be killed nor kept in any manner or condition that constitutes

either cruelty to animals, in accordance with the provisions of section 6.1-78 of this Chapter, or a failure to perform any duties of ownership, in accordance with the provisions of section 6.1-77 of this Chapter.

(K) All exterior areas of the property in the vicinity of where the chickens are kept, the coop, and any chicken kept on the property shall be made available for immediate inspection on request by any city law enforcement officer, duly designated sworn special police officer, the fire marshal or any of his assistants, the director of public health or his authorized designee, or the Virginia State Veterinarian or his authorized designee.

(L) At all times a copy of the permit shall be maintained on the property where the chickens are kept.

(4) Each permit shall be effective through December 31 of the year in which it is issued.

Section 2:- That this ordinance shall be in effect from the date of its adoption.