



Civil
Site Planning
Environmental
Engineering

133 Court Street
Portsmouth, NH
03801-4413

April 20, 2016

Chris Di Matteo, Town Planner
Town of Kittery
200 Rogers Road
Kittery, Maine 03904

Re: **Cluster Subdivision**
Map 66, Lots 2A & 8
Betty Welch Road
Kittery, Maine
P-4567

**** Transmitted via Electronic Mail ****

Dear Mr. Di Matteo:

The *Subdivision – Sketch Plan Review* application for the subject property was approved by the Kittery Planning Board at their November 12, 2015 meeting. The applicant subsequently met with Norman Albert, DPW Director on December 16, 2015 to confirm the sight distance at the proposed site access. A Site Location of Development pre-application meeting was held on January 7, 2016 with representatives from the Maine Department of Environmental Protection and the Army Corps of Engineers. It was determined that wildlife studies should be conducted for New England Cottontail Rabbit and Northern Long-Eared Bats. Field work for the rabbit habitat was conducted in January and no evidence of Cottontail was found. A bat survey will be conducted during the pup season (late spring or early summer). It is not prudent for the applicant to move forward with additional design services for the subject project until the bat survey results are available, therefore, on behalf of the applicant, we request a 90-day time extension of the Sketch Plan Review approval to allow for filing of a Preliminary Subdivision Application.

Please call if you have any questions or require additional information

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey K. Clifford".

Jeffrey K. Clifford, P.E.
Vice President

JKC/jkc/4567.008.CD.ltr.doc

e-copy (w/ encl.):

Paul Kerrigan and Matt Assia, Chinburg Builders, Inc.
Scott Gove, The Gove Group



TOWN OF KITTERY
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329 Fax: 207-439-6806

REPORT TO TOWN COUNCIL

Meeting Date: [Click here to enter text.](#)
From: [Click here to enter text.](#)
Subject: [Click here to enter text.](#)
Councilor Sponsor: [Click here to enter text.](#)

EXECUTIVE SUMMARY

In many towns throughout Maine there is an increase in people interested in growing their own food because of cost and quality. We are seeing more people in Kittery raising chickens. Unfortunately without specific regulations, some issues have arisen that now warrant us to take a look at existing zoning concerning animal control.

STATEMENT OF NEED

To enable the citizenry to own and maintain animals to provide food, while protecting and maintaining order, health and the general welfare of the town. To apply controls for this ownership by enhancing Title 6 Animals and Title 16 Land use.

BACKGROUND

For the past few years people have been keeping chickens in Kittery. In many cases it is not evident chickens are being kept. In some situations, however, chickens run loose in neighborhoods defecating on a neighbor's property and running at large. In conversations with the animal control officer he states that no ordinance in town that regulates this. This past year code enforcement has had to respond to complaints of pigs and chickens in town.

FACTS BEARING ON THE EQUATION

Kittery Town Code Title 6 Animals. This title does not control animals other than dogs. Title 16 does not address domestic animals or the keeping of animals for food in a residential setting.

CURRENT SITUATION

In Admiralty Village there are chickens kept in at least two locations. Varying complaints from neighbors include chickens at large, chickens defecating on walkways and porches, people walking their dogs and the dogs being distracted by loose chickens. The animal control officer has informed CEO as he has no authority in the matter and does not plan to address as part of his duties and responsibilities. Questions concerning the keeping of chickens is a weekly event. There is nothing in the code that addresses the number of animals or the gender of animals. Potentially, the only control

over roosters would be the noise ordinance. There is nothing in the code that addresses the shelter for any of these animals. In one case chickens are housed in a structure built of used lumber and wooden pallets. Nothing in the code addresses the handling of manure.

PROPOSED SOLUTION/RECOMMENDATION

The first part of a solution would be to address Title 6, Animals. This is a good dog ordinance but it lacks language to address pigs, goats, horses, chickens etc. Attached to this document is a copy of Kittery Title 6 and the Town of York's Animal Control Ordinance. I believe that the York Animal Control Ordinance is a good model to emulate going forward.

The second part of a solution would be to address title 16, Land Use Code. What areas of town will the keeping of such typed of animals be allowed. How many animals and possibly what gender should be considered. What types of structures should be allowed for the keeping of these animals. Attached are chicken ordinances from the towns of the South Portland, Brunswick and Biddeford along with Maine Revised Statutes Title 7 Agriculture and Animals chapter 725 / 3948 Municipal Duties plus one article on urban agriculture.

RATIONALE FOR THE PROPOSED SOLUTION (INCLUDING COSTS)

List of attachments:

- 1. Kittery Title 6 Animals**
- 2. Town of York, Me Animal control**
- 3. So. Portland**
- 4. Brunswick**
- 5. Biddeford**

Title 6 ANIMALS

Chapter 6.1 DOGS

K. H. H. H.

6.1.0 Exceptions. Seapoint / Crescent Beaches; Fort Foster.

If in conflict with any section of this chapter, the provisions of Chapter 12.4 (Seapoint/Crescent Beaches) or Chapter 12.5 (Fort Foster) will apply.

6.1.1 Definitions.

For the purpose of this chapter, the following terms have the meaning ascribed to them in this section.

Animal control officer includes municipal police officer.

At large means off the premises of the owner unless:

- A. Controlled by a leash, cord or chain, of not more than eight feet in length;
- B. Within a vehicle, or under restraint in an open vehicle being driven or parked on a public way; or,
- C. Under the control of a person whose personal presence and attention would control the conduct of the dog.

Owner means any person keeping or harboring a dog.

6.1.2 Applicability to Visiting Nonresidents.

The licensing provisions of this chapter do not apply to any dog belonging to a nonresident visiting within the town without the intention of becoming a resident, but the owner of such dog must comply with the remaining provisions of this chapter.

6.1.3 Right of Entry to Inspect License, Dog.

For the purpose of discharging the duties imposed by this chapter and to enforce the provisions of this chapter, any animal control officer is empowered with the consent of the owner or occupant thereof, to enter upon any premises on which a dog is kept or harbored and demand the exhibition by the owner of the dog and the license of such dog.

6.1.4 Hindering Officers, Improperly Releasing Dogs Prohibited.

No person may interfere with, hinder or molest any animal control officer in the performance of the officer's duty, or seek to release any dog in the custody of an animal control authority, except as provided in this chapter.

6.1.5 Record to be Kept by Animal Control Officer—Contents.

It is the duty of an animal control officer to keep, or cause to be kept, an accurate and detailed record of the licensing, impoundment and disposition of all dogs coming into the officer's custody.

6.1.6 License Required.

No dog may be kept within the limits of the town unless such dog has been licensed by its owner in accordance with the statutes of the state.

6.1.7 Impoundment Authorized.

Unlicensed dogs, wherever found, or dogs found running at large will be taken by an animal control officer and impounded in an animal shelter. Such animal may be confined for a period of not fewer than ten (10) days unless earlier reclaimed under the provisions of Section 6.1.9.

6.1.8 Impoundment Fees.

Any dog impounded in accordance with this chapter may be reclaimed upon payment of the total fees for board. This fee is paid to the keeper of the animal.

6.1.9 Disposition of Impounded Dog, Notification of Impoundment.

A. A dog owner may reclaim an impounded dog upon compliance with Section 6.1.6, and upon payment of the boarding fees set forth in Section 6.1.8. Any dog impounded under the provisions of this chapter and not claimed by the owner within the ten (10) day period, is considered abandoned by the owner and the property of the animal shelter. The dog may be given, after consultation with the Humane Society and/or the Animal Refuge League, to the Humane Society or the Animal Refuge League or any person deemed to be responsible and a suitable owner who will agree to comply with the provisions of this chapter or humanely destroy the animal.

B. Where the ownership of an impounded dog is known, or can be reasonably ascertained by an animal control officer, such officer shall, if possible, notify the owner within three days of such impoundment, but failure to give such notice does not impose any liability upon the town for the destruction or transfer to another of any dog so impounded and not reclaimed within the required period.

6.1.10 Disposition of Dog Biting Person.

Whenever any dog bites a person the owner of such dog must immediately notify an animal control officer who may order the dog held on the owner's premises or have it impounded for a period of two weeks. The dog must be examined immediately after it has bitten any person and again at the end of the two-week period. If at the end of the two weeks a veterinarian is convinced that the dog is then free from rabies the dog is released from quarantine or from the pound as the case may be. If the dog dies within the period, its head must be sent to the state department of health for rabies examination.

6.1.11 Disturbing the Peace.

No person owning any dog may suffer or permit such dog to disturb the peace and quiet of the neighborhood by continuous barking, by making other loud or unusual noises or by running through or across cultivated gardens or fields.

6.1.12 Running at Large Prohibited.

No dog is permitted to run at large within the limits of the town, however, this section does not prohibit the owner of a dog from using such dog for hunting provided the dog is under the control of its owner.

6.1.13 Animal Waste.

It is a violation of this ordinance for any owner of a dog to fail to remove and properly dispose of feces left by his or her dog(s) on any improved portion of public ways or sidewalks.

6.1.14 Penalties.

A person who violates any provision of this chapter is subject to penalties set forth in Title 1.

Animal Control Ordinance



Town of York, Maine

Most Recently Amended: May 16, 2015

Prior Dates of Amendment: May 17, 2014
May 19, 2012
November 2, 2010
May 20, 2006

Date of Original Enactment: November 2, 1993

ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to amend this Ordinance: May 16, 2015.

Certified by the Town Clerk: Mary Anne Spenshif on June 19, 2015
(signature) (date)

ANIMAL CONTROL ORDINANCE

Table of Contents

Chapter and Subsections

Section 1 - Purpose

Section 2 - Definitions

Abandoned Animal

Abused

Animal

Animal Control

Animal Control Officer

Animal Shelter

At Large

Beach

Control

Dog

Domestic Animal

Leash

Owner

Responsible Party

Stray

Sunrise

Voice Control

Section 3 - Animal Control Officer

Section 4 - Control of Dogs

Section 5 - Impoundment or Return of At Large Dogs

Section 6 - Disposition of Impounded Animal

Section 7 - Impoundment Fee

Section 8 - Animal Noise

Section 9 - Control Animal Waste

Section 10 - Public Beaches and Restrictions

Section 11 - Other Prohibitions and Restrictions

Section 12 - Dangerous Dogs

Section 13 - Trespass

Section 14 - License and Registration Required

Section 15 - Tags and Stickers

Section 16 - Rabies Tags

Section 17 - Violations/Penalties

Section 18 - Waiver/Payment of Fines

Section 19 – Severability Clause

ANIMAL CONTROL ORDINANCE

Section 1 - Purpose

The purpose of this ordinance is to require all animals in the Town of York be kept under the control of their owner or keeper at all times so that they will not injure persons or other animals, damage property or create a public health threat.

The provisions of this ordinance that apply to the owner of an animal apply equally to any person keeping, or having control, custody, or possession of that animal.

Section 2 - Definitions

1. **ABANDONED ANIMAL:** an animal that has been deserted by its owner or keeper.
2. **ABUSED:** to treat an animal wrongfully or harmfully that results in injurious or improper treatment.
3. **ANIMAL:** every living, sentient creature not a human being.
4. **ANIMAL CONTROL:** control of dogs, cats and domesticated or undomesticated animals.
5. **ANIMAL CONTROL OFFICER:** any person appointed by the Town of York to enforce animal control laws.
6. **ANIMAL SHELTER:** a facility that includes a physical structure, or part of a physical structure, that provides temporary or permanent shelter to stray, abandoned, abused, or owner-surrendered animals.
7. **AT LARGE:** off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the dog.
8. **BEACH:** any beach area within the Town of York which is used by the general public.
9. **CONTROL:** the power or ability to direct the proper and safe activity of an animal.

10. **DOG:** any of large and varied groups of domesticated animals in the canine family.
11. **DOMESTIC ANIMAL:** animals that normally and customarily share human habitat and are normally dependant on humans for shelter and/or food, such as, but not limited to, dogs, cats, cattle, horses, swine, fowl, sheep and goats.
12. **LEASH:** a hand held device (lead, chain, or cord) which can be used to restrain a dog if the dog fails to respond to voice commands. In cases where a leash is required by law, ordinance or by order of a law enforcement officer, the owner or responsible party will be required to use a leash of 15 foot or less.
13. **OWNER:** any person or persons, firm, association or corporation owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.
14. **RESPONSIBLE PARTY:** as used in this ordinance, the term "responsible party" means any person who has possession or custody of a dog. If a dog is present on a beach in violation of the restrictions of this section, the owner of the dog and the responsible party are jointly and severally liable for the violation.
15. **STRAY:** off the owner's premises and not under the control of a person.
16. **SUNRISE:** the event or time of the daily first appearance of the sun above the eastern horizon. Time for sunrise can be found in local daily newspapers or at the U.S. Naval Observatory Astronomical Applications Department WEB site at http://aa.usno.navy.mil/data/docs/RS_OneDay.html
17. **VOICE CONTROL:** as used in this ordinance, the term "voice control" means that the dog returns immediately to and remains by the side of the responsible party in response to the responsible party's verbal command.

If a dog approaches or remains within 10 feet of any person other than the responsible party, that dog is not under voice control and a violation of this Ordinance occurs unless such person has communicated to the responsible party by spoken word or gesture that such person consents to the presence of the dog. In the case that such person approached by a dog is a minor child, an adult must be present with the child to consent to the presence of the dog.

Section 3 - Animal Control Officer

A qualified person(s) shall be employed by the police department who shall be known as and perform the duties of Animal Control Officer(s). The Animal Control Officer shall be principally responsible for the enforcement of all laws related to dogs, cats, and other domesticated animals. The ACO will also handle undomesticated (wild) animal complaints and either handle locally or refer to the appropriate outside agency for assistance.

Section 4 - Control of Dogs

When off the premises of the owner, a dog shall be on a leash and under control of a person responsible for the dog's behavior, except as follows:

1. dogs at use during hunting;
2. dogs used for law enforcement;
3. service dogs;
4. dogs on private property with that property owner's permission to be unleashed while within voice control; or
5. dogs at public beaches in accordance with Section 10.

The owner of any dog found in violation of the above provisions shall be subject to the civil penalties provided in this ordinance.

Section 5 - Impoundment or Return of At Large Dogs

All dogs found at large in violation to Title 7, M.R.S.A., Section 3911 may be impounded at an animal shelter or returned to the owner, at the discretion of the Animal Control Officer. If the Animal Control Officer returns the dog to its owner, the owner shall pay a \$25.00 (twenty-five dollars) return fee to the Town of York before the dog is returned. This payment must be made to the Animal Control Officer, who shall issue a receipt therefore. All fees will be deposited in the Town of York's Municipal Animal Welfare Account required by Title 7, M.R.S.A. 3945.

Section 6 - Disposition of Impounded Animal

An owner is entitled to resume possession of any impounded animal provided that all provisions of this ordinance have been met, and that all impoundment fees due under the provisions of this ordinance have been paid. Any animal not claimed after the owner has been notified may be classified as an abandoned animal, and the animal's owner may be subjected to all civil penalties authorized by this ordinance. If said animal is not claimed by its owner or

keeper at the expiration of the ten days from the date of impoundment, then the person in charge of said animal shelter may give away, sell or otherwise humanely dispose of said animal.

Section 7 - Impoundment Fee

An owner may reclaim an impounded animal by first paying to the Town of York, a fee of \$50.00 (fifty dollars) for the 1st offense and \$100.00 (one hundred dollars) for subsequent offenses for each animal impounded. This fee shall be paid at the York Police Department. Fees must be paid and a receipt from the Police Department must be presented to the animal shelter before the release of an animal. All fees will be deposited in the Town of York Municipal Animal Welfare Account required by Title 7, M.R.S.A. 3945.

Section 8 - Animal Noise

Owning, possessing, or harboring any domestic animal that frequently or for continued duration, makes loud and unreasonable sounds such that it creates a disturbance on other properties shall be prohibited. For purposes of this ordinance, a dog that barks, bays, cries, howls, or makes any other noise continuously and/or incessantly for a period of 10 (ten) minutes or barks intermittently for ½ (one-half) hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property. However, this shall not include a dog if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated, or for any other legitimate cause which teased or provoked the dog.

Section 9 - Control of Animal Waste

An owner must remove and dispose of any feces left by his/her animal on any sidewalk, street, beach, public property, or private property (other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his or her property) and deposit such feces into appropriate litter receptacle. An owner whose animal is present on any property from which the animal's feces is required to be removed pursuant to this section must have in his or her possession a plastic bag or similar container, not part of the human body, for collecting and removing the feces. This regulation shall not apply to any person who, by reason of physical handicap, is unable to comply with the requirement.

Section 10 – Public Beaches – Restrictions

The following restrictions apply to domestic animals on the following beaches: Cape Neddick Beach, Short Sands Beach, Long Sands Beach, and Harbor Beach:

1. No dogs shall be present on these beaches year round unless the dog is accompanied by an owner or responsible party who has voice control (see definition) over the dog and who is carrying a leash in hand, which can be used to restrain the dog. A responsible party with multiple dogs must have adequate leashes for the number of dogs under his or her control.
 - An owner or responsible party shall be required to leash their dog(s) during this period if directed by a law enforcement officer due to violations of the voice control or dog waste provisions of this ordinance.
2. No domestic animals shall be present on these beaches between the hours of 8:00 am. and 6:00 pm. from May 20th through September 20th.
3. Dogs on these beaches will be required to be on a leash between May 20th and September 20th between the hours of 6 p.m. and sunrise (see definition)
4. Between May 20th and September 20th dogs will be allowed to be unleashed between sunrise and 8 a.m. as long as the dog is under the voice control (see definition) of its owner or responsible party. The requirements of paragraph #1 regarding leashes is in effect during this period. (The purpose of this exception is to allow individuals to walk, jog, run, or engage in other physical exercise with their dogs in the early hours of the morning).
5. Horses and ponies are prohibited from being on these beaches from May 20th to September 20th, except by written permission of the Board of Selectmen.
6. When otherwise allowed to be present on these beaches pursuant to this section, all other domestic animals must be under the control of their owner or responsible party at all times.

Section 11 – Other Prohibitions and Restrictions

1. It will be a violation of this ordinance to maintain or harbor any domestic animal on the property known as the Cliff Path, pursuant to a written agreement between the Town of York and the property owners dated November 08, 2002. The Cliff Path includes

publicly owned sections beginning at York Harbor Beach Parking Area, proceeding in a northeasterly direction along the shores of York Harbor and the Atlantic Ocean.

2. It will be a violation of this ordinance to allow domestic animals on the property known as the Fishermen's Walk that are not on a leash, pursuant to a written agreement between the Town of York and the property owners dated November 11, 1997. The Fishermen's Walk includes publicly owned sections beginning at the Wiggley Bridge and proceeding in a northeasterly direction along the York River to Stage Neck Road.

Section 12 - Dangerous Dogs

Any person who is assaulted by a dog or any person witnessing an assault against a person or domestic animal by a dog or a person with knowledge of an assault against a minor by a dog, may make a written complaint to the Animal Control Officer that the dog is a dangerous dog within thirty days of the assault. The Animal Control Officer may issue a civil violation citation for keeping a dangerous dog pursuant to 7 M.R.S.A. subsection 3952. After issuing the citation and before a court hearing, if the dog poses an immediate or continuing threat to the public, the Animal Control Officer shall order the owner of the dog to muzzle, restrain or confine the dog to the owner's premises or to have the dog at the owner's expense at a place determined by the Animal Control Officer. If the owner fails to comply with such order, the Animal Control Officer may apply to the District Court, Superior Court, or a Justice of the Peace pursuant to 7 M.R.S.A. subsection 3952 for an ex parte order for authorization to take possession of the dog that poses an immediate or continuing threat to the public.

Section 13 - Trespass

An owner of an animal may not allow that animal to enter onto the property of another after the owner has been warned by the Animal Control Officer or a law enforcement officer that the animal was found on the property of another.

The owner of an animal is responsible, at the owner's expense, for removing such animal found trespassing. The Animal Control Officer, may, at the owner's expense, remove and control the animal if:

- the owner fails to remove the animal after having been notified by the Animal Control Officer that the animal was trespassing; or the animal is an immediate danger to itself, to persons or to another's property.

Any animal so removed shall be subject to the provisions of Sections 5, 6, and 7 of this ordinance in the same manner as an at large dog.

Section 14 – License and Registration Required

No dog shall be kept within the limits of the Town of York unless such dog is licensed in accordance with the Statutes of the State of Maine, MRSA sections 3923-A and 3923-C and regulations of the Town of York. This requirement shall be the responsibility of the owner (see definition) of the dog(s).

Section 15 – Tags and Stickers

The Town Clerk shall provide with each new license issued for a dog a tag indicating the year the license is issued and such other information as may be required under 7 MRSA subsection 3922-B. The tag remains with the dog for as long as the dog is kept in the Town of York. At each license renewal, the Town Clerk shall provide a sticker indicating the year for which the license is valid. The sticker must be attached to the back of the tag. The owner shall make sure that the sticker is securely attached to the back of the tag. The owner shall make sure that the tag is securely attached to a collar of leather, metal or material of comparable strength and that the collar is worn at all times by the dog for which the license was issued except when hunting, in training or in an exhibition. When the dog is hunting, in training or in an exhibition, its owner shall produce proof of license within twenty-four hours upon request by the Animal Control Officer. If a sticker and tag are lost, the owner shall obtain a new license, tag, and sticker. The Town Clerk shall issue another license tag and sticker upon presentation of the original license and payment of one dollar. The Clerk shall retain the one-dollar for a recording fee.

Section 16 – Rabies Tags

Rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to a collar of leather, metal or material of comparable strength that must be worn by the dog for which the tag was issued except when the dog is hunting, in training or in an exhibition or on the premises of the owner. When the dog is hunting, in training or in an exhibition, its owner shall produce proof of license and proof of rabies immunization within twenty-four hours upon request of the Animal Control Officer.

Section 17 - Violations/Penalties

Any person who violates this ordinance shall be subject to a civil penalty of \$100.00 for the first offense, \$150.00 for the second offense, and \$250.00 for the third and subsequent offenses, except as provided in Section 5 and Section 7.

Section 18 - Waiver / Payment of Fines

Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.

If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.

Section 19 - Severability Clause

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Note: The May 20, 2006 version of this Ordinance was re-created as a Word file by the Community Development Department on November 3, 2010, and the amendments passed on November 2, 2010 were made to this document. The mis-match of sections listed in the table of content and in the text was in the original document. This should be corrected the next time this Ordinance is amended.

ARTICLE II. DOMESTICATED CHICKENS

Sec. 3-51. 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 female chickens on a non-commercial basis 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 as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, or parasites, and non-confined animals leaving the owner's property. This article is intended to create licensing standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

Sec. 3-52. Permit Required.

An annual permit is required for the keeping of any domesticated chickens in the City of South Portland. Additionally, a building permit is required for the construction of a henhouse and chicken pen.

(a) The annual permit to keep chickens is personal to the permittee and may not be assigned. In the event the permittee is absent from the property for longer than sixty (60) days, the permit shall automatically terminate and become void.

(b) The first permit year shall be September 25, 2007 through December 31, 2008. Thereafter the permit year shall be January 1 through December 31. In the first permit year, no more than twenty (20) permits shall be issued. In each subsequent permit year, twenty (20) more permits may be issued in addition to new permits issued to previous permittees.

Sec. 3-53. Fees

The fee for an annual permit to keep chickens is twenty-five dollars (\$25.00). In addition, a twenty-five dollar (\$25.00) fee shall be required for the building permit for the construction of a henhouse or chicken pen.

Sec. 3-54. Number and Type of Chickens Allowed.

(a) 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 complexes without individually owned back yards, the maximum number of chickens allowed is six (6) per complex.

(b) Only female chickens are allowed. There is no restriction on chicken species.

Sec. 3-55. Non-Commercial Use Only.

Chickens shall be kept as pets and for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

Sec. 3-56. Enclosures.

(a) Chickens must be kept in an enclosure or fenced area at all times. During daylight hours, chickens may be allowed outside of their chicken pens in a securely fenced yard if supervised. Chickens shall be secured within the henhouse during non-daylight hours.

- (b) 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.
- (c) The hen house and chicken pen must provide adequate ventilation and adequate sun and shade and must both be impermeable to rodents, wild birds, and predators, including dogs and cats.
- (d) Henhouses.
 - (1) A henhouse shall be provided and shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
 - (a) The structures 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 bird-proof wire of less than one (1) inch openings.
 - (b) The materials used in making the structure shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials is prohibited. The henhouse shall be well-maintained.
 - (c) The structure shall be painted; the color shall be uniform around the structure and shall be in harmony with the surrounding area.
 - (2) Henhouses shall only be located in rear yards, as defined in Sec. 27-201. For a corner lot or other property where no rear yard exists, a side yard may be used as long as the setbacks generally applicable in the zoning district are met. In no case may a henhouse be placed in the front yard.
 - (3) If a henhouse is proposed to be located less than twenty (20) feet from any side or rear property line, the Code Enforcement Officer shall notify abutting property owners by mail at least twenty (20) days before issuing a permit, except that the permit may be issued in fewer than 20 days if all abutters have responded before the expiration of that time. For henhouses proposed to be located within twenty (20) feet from the side or rear property line, the burden of proof is on the applicant to demonstrate that the proposal will meet the criteria of this article and will not adversely impact the use or enjoyment of abutting properties.
- (e) Chicken Pens.
 - (1) An enclosed chicken pen must be provided consisting of sturdy wire fencing buried at least 12" in the ground. The pen must be covered with wire, aviary netting, or solid roofing. The use of chicken wire is not permitted.

(Ord. No. 6-10/11, 9/20/10 [Fiscal Note: Less than \$1000])

Sec. 3-57. 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 chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

Sec. 3-58. Lighting.

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

Sec. 3-59. Predators, Rodents, Insects, and Parasites.

The property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation shall be removed by the Animal Control Officer.

Sec. 3-60. 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.

Sec. 3-61. 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 structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing 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.

Sec. 3-62. Application for permit.

Every applicant for a permit to keep domesticated chickens shall:

- (a) Complete and file an application on a form prescribed by the Code Enforcement Officer;
- (b) Deposit the prescribed permit fee with the Code Enforcement office at the time the application is filed.

Any material misstatement or omission shall be grounds for denial, suspension or revocation of the permit.

Sec. 3-63. Approval of permit.

The Code Enforcement Officer shall issue a permit if the applicant has demonstrated compliance with the criteria and standards in this article.

Sec. 3-64. Denial, suspension or revocation of permit.

The Code Enforcement Officer shall deny a permit if the applicant has not demonstrated compliance with all provisions of this article.

A permit to keep domesticated chickens may be suspended or revoked by the Code Enforcement Officer where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this article or with the provisions of any other applicable ordinance or law.

Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.

Sec. 3-65. Appeal.

A person appealing the issuance, denial, suspension or revocation of a permit by the Code Enforcement Officer may appeal to the Board of Appeals within thirty (30) days of the decision being appealed.

Sec. 3-66. Penalty.

In addition to any other enforcement action which the city may take, violation of any provision of this article shall be a civil violation and a fine not exceeding one-hundred dollars (\$100.00) may be imposed. Each day that a violation continues will be treated as a separate offense.

Sec. 3-67. Removal of Chickens

In addition to the penalty stated in Sec. 3-68, any violation of the provisions of this article or of the permit shall be grounds for an order from the Code Enforcement Officer to remove the chickens and the chicken-related structures.

The Health Inspector, Health Officer, or Animal Control Officer may also 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.

Sec. 3-68. Annual Report to City Council

On or before December 31 annually, the Code Enforcement Officer shall submit to the City Council a report stating the number of permits issued in the permit year, the number of complaints reported in the permit year, the nature of any enforcement activities, and any other information relevant to the oversight of provisions in this article.

Sec. 3-69. Separability.

In the event that any section, subsection or portion of this article 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 article.

(Ord. No. 4-07/08, 9/5/07 [Fiscal Note: Less than \$1000])

Sec. 3-69 through 3-70 Reserved.

(Ord. No. 13-07/08, 5/5/08 [Fiscal Note: Less than \$1000])

CITY OF SOUTH PORTLAND – DEPARTMENT OF PLANNING & DEVELOPMENT

ANNUAL PERMIT TO KEEP CHICKENS

AN ANNUAL PERMIT IS REQUIRED FOR THE KEEPING OF ANY DOMESTICATED CHICKENS IN THE CITY OF SOUTH PORTLAND. ADDITIONALLY, A BUILDING PERMIT IS REQUIRED FOR THE CONSTRUCTION OF A HENHOUSE AND CHICKEN PEN. THE ANNUAL PERMIT TO KEEP CHICKENS IS PERSONAL TO THE PERMITTEE AND MAY NOT BE ASSIGNED. IN THE EVENT THE PERMITTEE IS ABSENT FROM THE PROPERTY FOR LONGER THAN SIXTY (60) DAYS, THE PERMIT SHALL AUTOMATICALLY TERMINATE AND BECOME VOID.

Application Fee \$25.00_____

Application #201_____

Permit #201_____

Application Date:_____

Date Permit Issued:_____

Address:_____

Property Owner:_____ Phone # _____

Permittee:_____ Phone # _____

Email address of permittee _____

Number of Chickens to be kept: _____

Note: Maximum number of chickens allowed is six (6). Only female chickens are allowed.

YOUR SIGNATURE ACKNOWLEDGES RECEIPT OF ORDINANCE #4-07/08 WHICH DETAILS DEFINITIONS, PURPOSE AND STANDARDS FOR KEEPING CHICKENS.

Applicant Signature

Date

APPROVED

Date

THIS PERMIT EXPIRES 12/31/201_____

CITY OF SOUTH PORTLAND
DEPARTMENT OF PLANNING & DEVELOPMENT
496 OCEAN STREET
P.O. BOX 9422
SOUTH PORTLAND, MAINE 04116-9422
PHONE: 207-767-7603
FAX; 207-767-2197

ARTICLE II. DOMESTICATED CHICKENS

Sec. 3-51. 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 female chickens on a non-commercial basis 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 as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, or parasites, and non-confined animals leaving the owner's property. This article is intended to create licensing standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

Sec. 3-52. Permit Required.

An annual permit is required for the keeping of any domesticated chickens in the City of South Portland. Additionally, a building permit is required for the construction of a henhouse and chicken pen.

(a) The annual permit to keep chickens is personal to the permittee and may not be assigned. In the event the permittee is absent from the property for longer than sixty (60) days, the permit shall automatically terminate and become void.

(b) The first permit year shall be September 25, 2007 through December 31, 2008. Thereafter the permit year shall be January 1 through December 31. In the first permit year, no more than twenty (20) permits shall be issued. In each subsequent permit year, twenty (20) more permits may be issued in addition to new permits issued to previous permittees.

Sec. 3-53. Fees

The fee for an annual permit to keep chickens is twenty-five dollars (\$25.00). In addition, a twenty-five dollar (\$25.00) fee shall be required for the building permit for the construction of a henhouse or chicken pen.

Sec. 3-54. Number and Type of Chickens Allowed.

(a) 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 complexes without individually owned back yards, the maximum number of chickens allowed is six (6) per complex.

(b) Only female chickens are allowed. There is no restriction on chicken species.

Sec. 3-55. Non-Commercial Use Only.

Chickens shall be kept as pets and for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

Sec. 3-56. Enclosures.

(a) Chickens must be kept in an enclosure or fenced area at all times. During daylight hours, chickens may be allowed outside of their chicken pens in a securely fenced yard if supervised. Chickens shall be secured within the henhouse during non-daylight hours.

- (b) 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.
- (c) The hen house and chicken pen must provide adequate ventilation and adequate sun and shade and must both be impermeable to rodents, wild birds, and predators, including dogs and cats.
- (d) Henhouses.
 - (1) A henhouse shall be provided and shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
 - (a) The structures 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 bird-proof wire of less than one (1) inch openings.
 - (b) The materials used in making the structure shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials is prohibited. The henhouse shall be well-maintained.
 - (c) The structure shall be painted; the color shall be uniform around the structure and shall be in harmony with the surrounding area.
 - (2) Henhouses shall only be located in rear yards, as defined in Sec. 27-201. For a corner lot or other property where no rear yard exists, a side yard may be used as long as the setbacks generally applicable in the zoning district are met. In no case may a henhouse be placed in the front yard.
 - (3) If a henhouse is proposed to be located less than twenty (20) feet from any side or rear property line, the Code Enforcement Officer shall notify abutting property owners by mail at least twenty (20) days before issuing a permit, except that the permit may be issued in fewer than 20 days if all abutters have responded before the expiration of that time. For henhouses proposed to be located within twenty (20) feet from the side or rear property line, the burden of proof is on the applicant to demonstrate that the proposal will meet the criteria of this article and will not adversely impact the use or enjoyment of abutting properties.
- (e) Chicken Pens.
 - (1) An enclosed chicken pen must be provided consisting of sturdy wire fencing buried at least 12" in the ground. The pen must be covered with wire, aviary netting, or solid roofing. The use of chicken wire is not permitted.

(Ord. No. 6-10/11, 9/20/10 [Fiscal Note: Less than \$1000])

Sec. 3-57. 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 chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

Sec. 3-58. Lighting.

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

Sec. 3-59. Predators, Rodents, Insects, and Parasites.

The property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation shall be removed by the Animal Control Officer.

Sec. 3-60. 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.

Sec. 3-61. 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 structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing 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.

Sec. 3-62. Application for permit.

Every applicant for a permit to keep domesticated chickens shall:

- (a) Complete and file an application on a form prescribed by the Code Enforcement Officer;
- (b) Deposit the prescribed permit fee with the Code Enforcement office at the time the application is filed.

Any material misstatement or omission shall be grounds for denial, suspension or revocation of the permit.

Sec. 3-63. Approval of permit.

The Code Enforcement Officer shall issue a permit if the applicant has demonstrated compliance with the criteria and standards in this article.

Sec. 3-64. Denial, suspension or revocation of permit.

The Code Enforcement Officer shall deny a permit if the applicant has not demonstrated compliance with all provisions of this article.

A permit to keep domesticated chickens may be suspended or revoked by the Code Enforcement Officer where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this article or with the provisions of any other applicable ordinance or law.

Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.

Sec. 3-65. Appeal.

A person appealing the issuance, denial, suspension or revocation of a permit by the Code Enforcement Officer may appeal to the Board of Appeals within thirty (30) days of the decision being appealed.

Sec. 3-66. Penalty.

In addition to any other enforcement action which the city may take, violation

of any provision of this article shall be a civil violation and a fine not exceeding one-hundred dollars (\$100.00) may be imposed. Each day that a violation continues will be treated as a separate offense.

Sec. 3-67. Removal of Chickens

In addition to the penalty stated in Sec. 3-68, any violation of the provisions of this article or of the permit shall be grounds for an order from the Code Enforcement Officer to remove the chickens and the chicken-related structures.

The Health Inspector, Health Officer, or Animal Control Officer may also 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.

Sec. 3-68. Annual Report to City Council

On or before December 31 annually, the Code Enforcement Officer shall submit to the City Council a report stating the number of permits issued in the permit year, the number of complaints reported in the permit year, the nature of any enforcement activities, and any other information relevant to the oversight of provisions in this article.

Sec. 3-69. Separability.

In the event that any section, subsection or portion of this article 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 article.

(Ord. No. 4-07/08, 9/5/07 [Fiscal Note: Less than \$1000])

Sec. 3-69 through 3-70 Reserved.

(Ord. No. 13-07/08, 5/5/08 [Fiscal Note: Less than \$1000])

BRUNSWICK

DOMESTICATED CHICKENS*

Sec. 4-61. Purpose.

The purpose of this article is to provide standards for the keeping of domesticated chickens. The article is intended to enable residents to keep a small number of female chickens while limiting the potential adverse impacts on the surrounding neighborhood.
(Ord. of 10-19-09)

Sec. 4-62. Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Chicken pen. An enclosure connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

Enclosure. The combined area of a henhouse and chicken pen.

Henhouse. A structure for the sheltering of female chickens. A legally existing nonconforming detached shed, garage or barn that may be located within the required district setback can be used for this purpose if it meets all other standards contained in this article.

Sec. 4-63. Keeping of domesticated chickens located in the growth area.

- (a) No more than six (6) chickens shall be allowed per single-family detached dwelling property. No chickens shall be permitted within multi-family complexes, including duplexes.
- (b) Only female chickens are permitted with no restriction on chicken species.
- (c) Chickens shall be kept only for personal use.
- (d) Advertising the sale of eggs, chicken breeding or fertilizer production is prohibited.
- (e) Outside slaughtering of chickens is prohibited.

Sec. 4-64. Enclosure.

- (a) Chickens must be kept in a secure henhouse or chicken pen area at all times. At no time shall chickens be kept in a residence including attached structures.
- (b) Chickens shall be secured within the henhouse during nondaylight hours.
- (c) 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 abutters due to noise, odor or other adverse impact.

- (d) An enclosure shall not be located in the front yard.

Sec. 4-65. Henhouse.

(a) A henhouse shall be provided and designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to abutters.

(b) The structures shall be fully enclosed with latchable doors and windows. Windows and vents must be covered with predator and birdproof wire of less than one-inch openings.

(c) The henhouse shall be well maintained. The use of scrap, waste board, sheet metal, or similar materials for the construction of the structure is prohibited.

(d) Henhouses shall only be located in rear yards. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks but in no case shall the henhouse be closer than ten (10) feet to the side property line.

(e) No henhouse shall be located within ten (10) feet of a rear or side property line.

Sec. 4-66. Chicken pens.

(a) Chicken pens may be provided. Where provided, the chicken pen shall be attached to the henhouse and the walls shall be constructed of sturdy wire fencing, other than chicken wire, and buried at least twelve (12) inches in the ground. The roof shall be covered with wire, aviary netting, chicken wire or solid roofing in a manner to prevent the escape of chickens.

(b) Chicken pens shall only be located in rear yards. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks but in no cases shall the henhouse be closer than ten (10) feet to the side property line.

(c) No chicken pen shall be located within ten (10) feet of a rear or side property line.
(Ord. of 10-19-09, § IV)

Sec. 4-67. Odor, noise and lighting.

(a) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.

(b) Perceptible noise from chickens shall not be a disturbance to abutters.

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

Sec. 4-68. 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 structure with a roof line or lid over the entire structure. All other manure not used for composting or fertilizing shall be removed from the property.

Sec. 4-69. Licensing requirements.

A person who keeps domesticated chickens shall obtain a license for a fee of ten dollars (\$10.00). The license shall expire annually on the last day of April. The license shall be issued by the town clerk after favorable inspection by the Brunswick Animal Control Officer or designee. The ten dollar (\$10.00) fee is nonrefundable if the license is not approved. There will be a late fee assessed to licenses that have expired, in the amount of ten dollars (\$10.00). The fine will double after the license has been expired for more than thirty (30) days.

Sec. 4-70. Penalty.

In addition to any other enforcement action which the town may take, violation of any provision of this article shall be a civil violation and a fine not exceeding one hundred dollars (\$100.00) may be imposed. Each day that a violation continues will be treated as a separate offense.

Sec. 4-71. Removal of chickens.

Any violation of the provisions of this article or of the license shall be grounds for an order from the code enforcement officer to remove the chickens and the chicken-related structures. The animal control officer may also 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.
(Ord. of 10-19-09, § IX)

City of Biddeford, ME
Thursday, April 21, 2016

Chapter 10. Animals

Article III. DOMESTICATED CHICKENS

[Adopted 6-7-2011 by Ord. No. 2011.33]

Sec. 10-55. Purpose.

- (a) The purpose of this article is to provide standards for the keeping of domesticated chickens within the City of Biddeford. This article is intended to reduce the potential for conflicts between neighbors that may arise if the keeping of domesticated chickens creates a nuisance. A nuisance may be created when the keeping of domesticated chickens is not done in a way that maintains the health, safety and welfare of the community. This includes, but is not limited to, noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of rodents and parasites/insects, nonconfined animals leaving the owner's property.
- (b) It is the responsibility of all owners of these animals to maintain conditions that will improve, rather than detract from, the quality of life outside of the RF Zone.

Sec. 10-56. Permit required.

[Amended 11-20-2012 by Ord. No. 2012.111]

A permit is required from the Code Enforcement Office for the keeping of domesticated chickens. Additionally, a building permit is required for the construction of a henhouse and chicken pen, or the conversion of any existing structure or portion of structure. A building permit shall not be required for a pre-built chicken coup that is less than 80 square feet. The permit is specific to the permittee and may not be assigned. In the event that the keeping of chickens is discontinued for longer than six months, the permit shall become void. Any fees related to domesticated chickens shall be set by City Council after a public hearing.

Sec. 10-57. Fencing and screening.

- (a) Fencing shall be erected to confine animals to an established area of the property. The fencing shall be of a height that does not allow the animals to leave the fenced-in area without human assistance. Fencing shall take into account existing conditions in the neighborhood. Appropriate types of fencing include chicken wire, stockade, and picket. The use of chain-link fencing for the enclosure of domesticated chickens is prohibited in the City.
- (b) Vegetative buffering must be used to completely screen the area from abutting properties when non-solid fencing is used. Free ranging shall be permissible in the RF Zone. Upon receiving more than one complaint, the owner of the chickens shall meet the fencing and screening requirements.

[Amended 11-20-2012 by Ord. No. 2012.111]

Sec. 10-58. Waste storage and removal.

Provision must be made for the storage and removal of chicken manure to the satisfaction of the Animal Control Officer. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure, except for a properly maintained compost pile. No more than three cubic feet of manure shall be stored at one time. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Odors from chickens or chicken manure shall not be perceptible at the property.

Sec. 10-59. Lighting.

Lighting to protect domesticated chickens from predators and intruders shall be a ninety-degree cut-off luminaire. All lighting must be set to a motion detector so that the lighting is turned off when no motion is detected.

Sec. 10-60. Proximity to bodies of water.

In cases where the domesticated chickens are kept on a property within 100 feet of a body of water or drainageway, provisions must be made to control the runoff of pollution to the body of water. To accomplish this goal, all manure must be kept within a roofed enclosure.

Sec. 10-61. Insects and parasites; rodents.

- (a) The property owner shall take necessary action to reduce the infestation of insects and parasites. Domesticated chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation shall be removed by the Animal Control Officer. The Animal Control Officer may delay the removal of the animals through the establishment and completion of a plan of action.
- (b) The property owner shall take necessary action to prevent the entry of rodents and/or predators into the domesticated chickens living area. Domesticated chickens that are not housed in an environment that prevents the infestation of rodents may be removed by the Animal Control Office.

Sec. 10-62. Number of animals per lot.

[Amended 11-20-2012 by Ord. No. 2012.111]

The maximum number of chickens allowed is six per lot regardless of the number of dwelling units on the lot. In the RF and SR-1 Zones, a maximum number of chickens shall be 12 per lot. Only female chickens are allowed. There is no restriction on chicken species. Chickens must be kept in a clean, dry and odor-free enclosure or fenced area at all times. During daylight hours, chickens may be allowed outside of the chicken pen in a securely fenced yard in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact. Chickens shall be secured within the henhouse during non-daylight hours.

Henhouses and chicken pens shall only be located in rear yards, and are subject to a ten-foot setback from all property lines. For a corner lot or other property where no rear yard exists, a side yard may be used as long as the ten-foot setback is met. A henhouse shall not be placed in a front yard.

Sec. 10-63. Prohibit acts.

No person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.
The slaughtering of chickens is prohibited.

Maine Revised Statutes

Title 7: AGRICULTURE AND ANIMALS

Part 9: ANIMAL WELFARE

Chapter 725: MUNICIPAL DUTIES

§3948. Animal control

1. Control. Municipalities shall control dogs running at large.

[1997, c. 690, §29 (AMD) .]

2. Medical attention. Law enforcement officers and animal control officers shall take a stray animal to its owner, if known, or, if the owner is unknown, shall ensure that any injured companion animal that is at large or in a public way is given proper medical attention.

[2009, c. 343, §21 (AMD) .]

3. Domesticated and undomesticated animals. A municipality shall control domesticated animals that are a cause of complaint in the community. A municipality shall control animals that pose a threat to public health or safety. A municipality may control undomesticated animals in matters on which no other department is charged by law to regulate.

[1997, c. 690, §31 (AMD) .]

SECTION HISTORY

1987, c. 383, §3 (NEW). 1987, c. 643, §4 (AMD). 1993, c. 468, §16 (AMD). 1995, c. 490, §17 (AMD). 1997, c. 690, §§29-31 (AMD). 2009, c. 343, §21 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.

Office of the Revisor of Statutes (mailto:webmaster_ros@legislature.maine.gov) • 7 State House Station •
State House Room 108 • Augusta, Maine 04333-0007

Page composed on 01/05/2016 12:44:07.

Urban farming growing in popularity

cm www.centralmaine.com/2011/11/28/urban-farming-growing-in-popularity/

By Erika Riggs, Zillow

Do your [neighbors](#) make strange clucking sounds? Have you noticed any nasal-awaking scents of earthy fertilizer?

With a local food movement, a downsized economy and more people eager to find practical and hands-on methods of satisfying some basic needs, it could mean finding yourself living amongst chickens, goats, rows of lettuce or a forest of towering tomato vines.

Additional Photos



This home in Austin, Texas, features a backyard chicken coop.

Search photos available for purchase: [Photo Store](#) →

Welcome to the new era of urban farming.

Residents within the limits of many U.S. cities are learning that some neighbors want to make more full use of their property. And that has put some pressure on municipalities to revisit local laws that regulate the occupancy and management of animals and crops.

[According to the USDA](#), urban farming is booming with around “15 percent of the world’s food now grown in urban areas.” The numbers have been goosed thanks to national, local and healthy food advocates like Michelle Obama and [her White House garden](#) and Detroit Mayor Dave Bing, who has a plan for converting vacant lots into farm space. The new interest in urban gardening and farming could push the movement beyond the victory gardens during World War II.

Erik Knutzen, author of “The Urban Homestead,” “Making it: Radical Home Ec for a Post-Consumer World” and the blog [rootsimple.com](#), said several factors are in play.

“Bad economic times get people thinking about common sense ways to use their yards. Why grow a lawn when you can grow food?” Knutzen said. “People are also concerned about where their food comes from. There’s been a lot of scandals with our factory farm system and the only way to deal with it is to grow your own.”

Many urban governments see it as a way to encourage healthy living. It is also a way for people to make a connection with nature. Judi Gerber, who writes the blog [LA Farm Girl](#), said urban farming can take shape in different ways, including a “mini-farm literally on one acre of more or even just a backyard edible garden.”

In all its forms, however, urban farming ultimately requires the support of the city, otherwise the lack of regulation pits neighbor against neighbor in a conflict over appropriate land use.

In July 2011, a woman in Oak Park, MI — a suburb of Detroit — was criminally charged for growing a vegetable garden in front yard space, [reported ABC News](#).

This incident makes it apparent that municipalities should have codes in place that citizens can easily understand so they are not unwittingly violating laws. Gerber suggests to check city, county and local laws and regulations that may limit how and what you grow and whether you can have farm animals at all. (Gerber says where she lives in L.A. prohibits animal husbandry.)

While some suburbs, like Oak Park, have shut down urban farms, some cities embrace it completely:

- [Seattle, WA](#): Allows residents to keep up to three small goats on standard lots. Residents with larger lots may keep up to four small animals, with additional animals permitted depending on lot size.
- [Cleveland, OH](#): Residents can keep up to eight chickens or rabbits on a regular-size urban lot.
- [San Francisco, CA](#): Up to four small animals total kept 20 feet from doors or windows in a coop or enclosure of approved type.
- [Los Angeles, CA](#): Unlimited number of chickens with space requirements.
- [Denver, CO](#): \$50 chicken permit plus additional annual \$70 fee.
- [Miami, FL](#): May have up to 15 hens, no roosters. But must be contained at least 100 feet from neighboring structures. The [South Florida Food Policy Council](#) advises cities on best urban farm practices.
- [Detroit, MI](#): No “farm animals.”
- [New York City, NY](#): Chickens are considered pets but must be kept following the specific Health Code.
- [Houston, TX](#): Chickens may be kept on a lot which measures at least 65 feet X 125 feet.

But regardless of your city codes, it’s best to be on good terms with your neighbors, said Knutzen. In places where some things aren’t legal, you can organize your neighbors and change the law.

“Some of my friends and neighbors helped change the code in Los Angeles to make growing fruit, flowers and nuts in a residential zone and selling them legal,” he said. “There’s some folks in LA working on making bees legal.”

If you’re interested in starting your own urban farm, start researching local regulations and zoning laws, advises Gerber.

“As for gardening,” says Knutzen, “It’s really important to get a soil test if you’re considering [buying a house](#).”

Contact a local lab and get a test for soil fertility as well as heavy metals such as lead, chromium and arsenic.”

With the growth of urban farming, Gerber advises that you check resources for the new gardener or chicken keeper.

“Get all the information you can before you get started,” Gerber said. “Take garden classes via local extension offices or master gardener programs, and use online and traditional print resources.”

Share

[Read or Post Comments](#)

Were you interviewed for this story? If so, please fill out our [accuracy form](#)

[Send questions/comments to the editors.](#)

