

VILLAGE OF ESSEX JUNCTION, VT
MUNICIPAL CODE
CHAPTER 17.
ORDINANCE REGULATING KEEPING OF
DOMESTICATED CHICKENS IN BACKYARDS

PURPOSE: The purpose of this Ordinance is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female chickens while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

SECTION 1701. PERMIT REQUIRED

- (a) An annual permit is required for the keeping of any domesticated chickens. The annual permit is personal to the permittee and may not be assigned.
- (b) The initial fee for the annual permit to keep chickens is thirty-five dollars (\$35.00). Said fee to include the cost of staff inspection and zoning permit (if required). The annual permit will expire twelve (12) months from date of issuance. The fee for a renewal of an annual permit shall be ten dollars (\$10.00). Accessory structures less than fifty square feet (50 s.f.) do not require a zoning permit under the Land Development Code, but the structure may not be placed within the property line setbacks.
- (c) A Permit is not valid until fifteen (15) days after the date of issuance.
- (d) The Permit may be appealed within fifteen (15) days of its issuance.
- (e) The applicant shall post the Permit immediately after receipt of the Permit on the property to which it refers in a location visible from the street until the development is complete.
- (e) An applicant for a Permit to keep chickens must demonstrate compliance with the criteria and standards in this Ordinance in order to obtain a permit.
- (f) The application for a Permit shall be submitted to the Village Manager or his/her designee.

SECTION 1702. EXCEPTIONS

- (a) "Agriculture" and/or "farming" practices and/or structures as defined by the Vermont State Statutes or Vermont Secretary of Agriculture shall be exempt from this Ordinance.
- (b) Any use permitted as "Keeping of Livestock" under the Village of Essex Junction Land Development Regulations shall be exempt from this Ordinance.

SECTION 1703. NUMBER AND TYPE OF CHICKENS

- (a) The maximum number of chickens allowed is four (4) total per lot regardless of how many dwelling units are on the lot.
- (b) Only female chickens are allowed. There is no restriction on chicken species.

SECTION 1704. NON-COMMERCIAL USE ONLY

Chickens shall be kept for personal use only. Slaughtering of chickens is not permissible in public view.

SECTION 1705. ENCLOSURES

- (a) Chickens must be kept in an enclosure, such as a henhouse, chicken tractor, or fenced area at all times during daylight hours. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact. Enclosures may be portable, but cannot be set up within the

property line setbacks.

(b) Chickens shall be secured within a structure (such as henhouse or chicken tractor) during non-daylight hours. The structure shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night.

(c) Enclosures shall not exceed fifty (50) square feet in size but may be located within a larger structure approved through the Land Development Regulations.

(d) Henhouses, enclosures, chicken tractors, and fenced areas are not permitted in the front yard of any property and must meet either minimum setback requirements of the zoning district or be kept no less than ten (10) feet from side yard property lines, and fifteen (15) feet from the rear yard property lines, whichever is greater.

(e) If a primary residence exists on the property, henhouses, enclosures, chicken tractors and fenced areas shall be located only in rear yards. For a corner lot or other property where no rear yard exists, these facilities shall not be located within the front yard setback for the zoning district.

(f) Chickens are not allowed to be located in any part of a home or garage.

SECTION 1706. 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.

SECTION 1707. LIGHTING

Lighting for the exterior of the henhouse shall not impact or illuminate adjoining properties or disrupt the neighbors.

SECTION 1708. PREDATORS, RODENTS, INSECTS, AND PARASITES

The property/chicken owner shall take all necessary action to reduce the attraction of predators and rodents. Infestation of insects and parasites that may result in unhealthy conditions to human habitation will result in the chicken facility being removed by the Village, through the animal control officer, or any other designee, and the cost of the same shall be borne by the property/chicken owner. In tandem with any removal of a chicken facility the Village will revoke any permit for same.

SECTION 1709. 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.

SECTION 1710. WASTE STORAGE AND REMOVAL

Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed container or compost bin. No more than one, twenty (20) gallon container of manure shall be stored on any one property housing chickens. All other manure shall be removed or composted. 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.

SECTION 1711. VIOLATION

Each violation of this ordinance shall be subject to a daily \$25.00 fine. Each day a violation continues shall constitute a separate offense. The Village shall retain the right to inspect any property to determine

whether a violation has been corrected.

SECTION 1712. PERMIT REVOCATION

- (a) A permit may be revoked without reimbursement of any fee for:
1. Misrepresentations on an application;
 2. Violation of the provisions of this ordinance or other Village of Essex Junction regulations, and failure to correct said violation upon re-inspection.
 3. Any revocation or suspension pursuant to this section may be appealed to a Committee appointed by the Board of Trustees.

SECTION 1713. APPEAL PROCEDURE

A person aggrieved by a revocation, suspension or penalty pursuant to this Ordinance may appeal as outlined in the Trustees' Policy regarding the Ordinance Appeals Board.

SECTION 1714. ENFORCEMENT

Any violation of this ordinance may be enforced by injunction or other action available at law.

SECTION 1715. REMOVAL OF CHICKENS

- (a) In addition to the penalty stated in Section 1711, any violation of the provisions of this Ordinance shall be grounds for an order from the Village to remove the chickens and the chicken-related structures. The health officer, animal control officer and/or Village Manager designee may order the removal of the chickens upon a determination that the chickens pose a health risk and/or there is probable cause of abuse or neglect.
- (b) If a chicken dies, it must be disposed of promptly in a sanitary manner by the Permit holder.

SECTION 1716. SEVERABILITY

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

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