

ORDINANCE NO. 2464

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 6.05 URBAN CHICKENS OF THE SALISBURY CITY CODE TO ADD PROVISIONS RELATED TO URBAN DUCKS AND TO AUTHORIZE THE KEEPING OF DUCKS SUBJECT TO CERTAIN REGULATIONS.

WHEREAS, the City of Salisbury recognizes the benefits of locally produced food; and

WHEREAS, the City of Salisbury currently allows the keeping of chickens in the corporate limits of the city of Salisbury; and

WHEREAS, the City of Salisbury deems it to be in the best interest of the City of Salisbury to allow residents to also keep a limited number of ducks; and

WHEREAS, the City Council of Salisbury, Maryland, (i) desires to modify Chapter 6.05, to add definitions related to urban ducks and to authorize the keeping of ducks subject to certain regulations as set forth below, and (ii) finds such action reasonably furthers the health, safety, and general welfare of the citizens of Salisbury.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that Chapter 6.05 be modified as follows:

Chapter 6.05 - URBAN CHICKENS/DUCKS

Sections:

6.05.010 - Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

"Urban chicken" means a hen chicken permitted under this article.

"Urban duck" means a hen duck permitted under this article.

6.05.020 - Purpose.

The purpose of this article is to provide standards for the keeping of domesticated chickens and ducks. It is intended to enable residents to keep a small number of chickens and ducks 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 and ducks due to noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, or parasites, and unconfined animals leaving the owner's property. This article is intended to create standards and requirements that ensure that domesticated chickens and ducks do not adversely impact the neighborhood surrounding the property on which the chickens and ducks are kept.

6.05.030 - Unlawful acts.

- A. It shall be unlawful for any person to keep chickens or ducks in violation of any provisions of this article or any other provisions of the Salisbury Municipal Code.
- B. It shall be unlawful for any owner, renter, or leaseholder of property to allow chickens or ducks to be kept on the property in violation of the provisions of this article or any other provisions of the Salisbury Municipal Code.
- C. No person shall keep chickens or ducks inside a dwelling unit.
- D. No person shall keep chickens or ducks on a vacant or uninhabited parcel of land.
- E. No person shall raise any animal for fighting.

6.05.040 - Number of chickens and ducks permitted.

- A. The maximum number of chickens or ducks, or combination of the two, allowed is six per occupied single-family dwelling unit.
- B. No roosters are permitted.
- C. No Drakes (male ducks) are permitted.

6.05.050 - Registration.

Chickens and ducks shall be registered with the State Department of Agriculture, Domestic Poultry and Exotic Bird Registration Division, pursuant to MD Agriculture Article Section 3-804 before being housed on an allowed property site.

6.05.060 - Enclosures.

- A. Chickens and ducks shall be kept in an enclosure or fenced area at all times. During daylight hours, chickens and ducks may be allowed outside of their pen in a securely fenced yard if supervised by the owner or responsible person. Chickens and ducks shall be secured within the henhouse or duckhouse during non-daylight hours.
- B. Enclosures shall 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 impacts.
- C. The henhouse and chicken pen and duckhouse shall provide adequate ventilation and adequate sun and shade, and both must be resistant to rodents, wild birds, and predators, including dogs and cats.
- D. Enclosures, henhouses, duckhouses and pens may not be closer than five feet to any residence or property line.

6.05.070 - Henhouses.

- A. A henhouse shall provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
- B. An enclosed chicken pen shall consist of sturdy wire fencing. Opening windows and vents shall be covered with predator- and bird-proof wire with openings of less than one inch. The pen shall be covered with wire, aviary netting, or solid roofing.
- C. The enclosed chicken pen area shall be kept clean to prevent manure-borne pathogens such as coccidia and nematodes.
- D. The structure shall be enclosed on all sides and shall have a roof and doors. Access doors shall be equipped to be shut and locked at night.
- E. Full sized hens shall be given at least two square feet of personal covered living space and an additional three square feet of yard space in which to move freely about. The square footage may be in any reasonable configuration.
- F. The henhouse shall have a well maintained interior and exterior.

6.05.071-Duckhouses.

- A. A duckhouse shall provide safe and healthy living conditions for the ducks while minimizing adverse impacts to other residents in the neighborhood.
- B. An enclosed duck pen shall consist of sturdy wire fencing. Opening windows and vents shall be covered with predator- and bird-proof wire with openings of less than one inch. The pen shall be covered with wire, aviary netting, or solid roofing.
- C. The enclosed duck pen area shall be kept clean to prevent manure-borne pathogens such as coccidian and nematodes.
- D. The structure shall be enclosed on all sides and shall have a roof and doors. Access doors shall be equipped to be shut and locked at night.
- E. Each full sized duck shall be given at least three square feet of personal covered living space and an additional four square feet of yard space in which to move freely about. The square footage may be in any reasonable configuration.
- F. The duckhouse shall have a well maintained interior and exterior.

6.05.080 - Odor and noise impacts.

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

6.05.090 - Lighting.

Only motion-activated lighting may be used to light the exterior of the henhouse, duckhouse and the pen.

6.05.100 - Predator, rodent, insect and parasite reduction.

The property owners shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.

6.05.110 - Feed and water.

Chickens and ducks shall be provided with feed and clean water at all times; such feed and water shall be rodent-proof.

6.05.120 - Waste storage and removal.

Provisions shall be made for the storage and removal of chicken and duck manure. The proper methods for removal of chicken and duck waste are composting or double bagging and placing in tightly covered trash receptacles. All stored manure shall be made rodent-proof by using a fully enclosed structure with a secured roof or lid over the entire structure. All other manure not used for composting or fertilizing shall be removed. The henhouse, duckhouse, chicken/duck pen and surrounding area shall be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

6.05.130 - Veterinary care.

All chickens and ducks shall be afforded veterinary care if they are known or suspected to be sick or injured.

6.05.140 - Removal of chickens and ducks.

- A. Detection of the Avian Influenza Virus (HPAI), as known as "avian flu" or "bird flu," or any other disease determined by the Maryland Secretary of Agriculture, may result in immediate culling of the flock. Removal of the flock shall be determined by the Maryland Department of Agriculture.
- B. If an order of removal is issued, the violator shall be given thirty (30) days to remove the chickens, ducks, or any chicken or duck related structures that are in violation. If the City is required to expend resources to remove the chickens, ducks, or any chicken or duck related structure, the violator shall be responsible for all related removal fees.
- C. Any City enforcement officers in Section 6.05.150(A) or inspector in subsection A of this section, may order the removal of the chickens or ducks upon a determination that the chickens or ducks pose a health risk.
- D. If a chicken or duck dies, it shall be disposed of promptly. Carcasses shall be buried on site at a depth not less than two feet, then firmly covered with soil. Bricks, large stones, concrete blocks or other heavy, solid objects shall be placed over the filled hole to discourage digging by dogs or other animals. These may be removed once decomposition is assured.

Powdered lime may be spread on the carcass before filling the hole to hasten decomposition and minimize odor. It is illegal to place animal carcasses of any kind in city trash containers.

6.05.150 - Violations and penalties.

- A. The Animal Control Officer or ~~Neighborhood Services and Code Compliance~~ Housing and Community Development Department Officer may issue violations and fines.
- B. Any person found in violation of any code in this Chapter may be issued a corrective action letter or notice of violation or a municipal infraction. They will be ordered to comply within a reasonable amount of time. If a person has five violations on the same property within a three hundred sixty-five (365) day period, said property will be designated a chronic nuisance property.
- C. Any person who trains or uses a dog, bird, fowl, cock, or any other animal; or who permits same to be trained or used for the purpose of fighting; or who arranges or conducts an animal fight or participates as a spectator of an animal fight shall be subject to a criminal penalty of One Thousand Dollars (\$1,000.00) and/or imprisonment of not less than ninety (90) days but not more than six months. The Court may also impose an order requiring a psychological evaluation of the convicted offender.

6.05.160 - Appeals.

A person appealing the issuance of any violations and/or fines by the Permitting Officer may appeal to the Housing Board of Appeals and Adjustments within twenty-one (21) days of the decision being appealed, (or Apply Section 15.27.060 from Ordinance No. 2265, Chronic Nuisance Property Owners on Appeals).

Underlined- language added to the Code

~~Strikeout~~ – language stricken from the Code

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately upon adoption.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 23rd day of October, 2017, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the 13th day of November, 2017.

ATTEST:



Kimberly R. Nichols, City Clerk



John R. Heath, City Council President

Approved by me this 15 day of NOVEMBER, 2017



Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

To: Julia Glanz, City Administrator
From: Nathaniel Sansom, Intern
Subject: Proposed Amendments to the Salisbury Code of Ordinances Chapter 6.05 –“Urban Chickens”
Date: November 9, 2017

The Administration has received requests from residents who would like to raise ducks at their residence. Currently, residents are permitted to raise urban chickens in compliance with the standards set forth in chapter 6.05 of the Salisbury Code of Ordinances.

These amendments, if enacted, would allow for ducks to be raised under similar conditions as is appropriate for the health and well-being of ducks.

The Administrations has no objections to the amendments as they are presented in the enclosed attachment.