

Sec. 7-1-29 Keeping of Chickens on Residential Parcels.

- (a) **Purpose.** The purpose of this Section is to provide standards for the keeping of a limited number of domesticated chickens on residential parcels in the Village of Fall River on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The Village recognizes that the keeping of backyard chickens helps provide locally produced, affordable and sustainable food. In addition, the keeping of such chickens can also provide animal companionship, weed and insect control, and nitrogen-rich fertilizer. The Village of Fall River recognizes, however, that potential adverse impacts may result from the keeping of domesticated chickens as a result of odor, unsanitary waste removal and storage practices, noise, improper living conditions, non- confined poultry leaving the owner's property, and the attraction of predators, rodents or insects. This Section is intended to balance these interests. This Section is not intended to apply to indoor non-poultry birds kept as pets, including, but not limited to, parrots and parakeets, nor to the lawful transportation of fowl through the Village of Fall River.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Chicken.** Means a domestic chicken of the sub-species *Gallus gallus domesticus*.
 - (2) **Chicken Coop.** A structure or building for the sheltering of chickens. An existing shed or garage may be utilized for this purpose if it meets the standards of this Section, including required distances to property lines and neighboring residences. Also known as a "hen house" or "chicken house".
 - (3) **Chicken Pen.** An outdoor fenced area for poultry grazing and exercise use associated with a chicken coop structure. Also known as a "run".
- (c) **Where Permitted.** Chickens may be raised on one- or two-family residential-zoned parcels, as defined in the Village of Fall River Zoning Code, in accordance with the regulations prescribed in this Section where a principal residence exists on the parcel.
- (d) **Permit Required; Application Requirements.** No chickens may be kept in the Village of Fall River on parcels with a residential zoning classification except pursuant to a permit obtained from the Village of Fall River under this Section. A permit may be issued upon the applicant's meeting of the application requirements below and the husbandry and location standards of this Section:
- (1) **Consent From Adult Residents.** The applicant must provide the written consent from all adult residents residing on the parcel for which the permit is sought.
 - (2) **Consent From Two-Family Neighbors.** In the case of an applicant residing on a parcel with a two-family residence, the applicant must furnish with an application the written consent from the adult occupants of the other residential unit on the parcel.
 - (3) **Consent From Property Owner(s).** In the case of an applicant residing on a property not owned by the applicant, the applicant must furnish with an application the written consent from the owner(s) of the property.
 - (4) **Site Plan.** The applicant shall provide a site plan showing the location and dimensions of the proposed chicken coop and any associated pen, and the distance of the coop and pen from all lot lines and principal structures located on adjacent lots.

- (5) **Fee.** The applicant shall make payment of the initial permit fee or renewal fee prescribed in Section 1-3-1. Permit fees will not be pro-rated in the case of mid-year applications.
- (6) **Late Fees.** The Village Clerk-Treasurer shall assess and collect a late fee of Ten Dollars (\$10.00) from every applicant who fails to renew a permit prior to April 1 of each year. Said late fee shall be charged in addition to the required license fee.
- (7) **Inspection Consent.** Application and issuance of a permit under this Section constitutes consent by the applicant to the Village of Fall River and any of its employees or agents to enter upon the applicant's property to ascertain compliance with this Section and with the terms of the permit, for as long as a permit is in effect.
- (8) **Permit Issuance; Appeals.**
 - a. Permits will be issued by the Village Clerk-Treasurer upon a finding that all conditions for a permit have been met. Written notice of the granting or denial of an application shall be provided to the applicant and to any person who has filed an objection to the granting of the permit. If a permit is denied, the Village will provide the reasons for such denial.
 - b. The Village may specify maximum size limits for a chicken coop and/or pen as a condition of permit issuance.
 - c. Any person aggrieved by the granting or denial of a permit may have such grant or denial reviewed by the Village Board by filing a written request for review with the Village Clerk-Treasurer no later than ten (10) days after the mailing date of the notice of grant or denial.
 - d. Permits under this Section shall be valid for a period of one (1) year, expiring on December 31st of each year. Late fees will be assessed after April 1.
- (e) **Permit Revocation; Citizen Complaints.**
 - (1) **Revocation Grounds.** A permit issued under this Section may be revoked by the Village Board or its designee upon a finding that:
 - a. The permittee has committed a violation of this Section; or
 - b. The permittee has made a material misstatement or omission with his/her permit application.
 - (2) **Citizen Complaints.** A citizen may file a written complaint for consideration by the Village Board. Upon review, a revocation action may be initiated by the Village Board.
 - (3) **Revocation Procedures.** The Village Board shall provide written notice to the permittee upon the revocation of a permit and shall include in the notice a listing of the reasons for the revocation. The Village Board shall also provide a copy of the notice to any person who has filed a written and signed complaint regarding the permittee and shall also provide to any such person notice of a non-revocation on the basis of such complaint.
- (f) **Chicken Coop Standards.** A coop 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. Chickens shall be provided with a building or structure ("coop") that meets the criteria set forth below:
 - (1) **Location.** The coop shall be located no closer than twenty-five (25) feet to a lot line and

may not be located in the street yard or side yard, as that term is defined in the Village Zoning Code.

- (2) **Space Per Chicken.** Each mature chicken shall have a minimum of three (3) square feet of coop floor space.
- (3) **Nesting Boxes.** There shall be at least one (1) nesting box per mature chicken in the coop.
- (4) **Elevated Perches.** The coop shall include elevated perches.
- (5) **Soundness of Construction.** The coop must be structurally sound, moisture-proof, kept in good repair, and attractively finished and maintained. Coop structures shall have a roof and sides, be enclosed on all sides, have at least one (1) door, and be of a design that is secure from predators, including but not limited to dogs, cats, raccoons, skunks, rats, coyotes and hawks. Access doors must be able to be closed and locked to prevent the escape of chickens and the entry of predators. A coop, with attached pen, may be of a moveable design to facilitate grazing provided such unit meets the standards of this Section.
- (6) **Windows; Ventilation.** The coop shall have adequate windows and vents to provide for proper light and ventilation. A coop must have at least one (1) window. Window and vent openings shall be covered with predator- and bird-proof wire of less than one (1) inch openings. Coops shall be located in a manner so as to provide both shade and adequate sunlight.
- (7) **Chicken Run Access.** The coop must provide access to the chicken pen/run.
- (8) **Temperature.** The coop must be maintained at an internal temperature of not less than 25° F. A heating bulb may be utilized.
- (g) **Chicken Pens.** Chickens shall at all times be provided with an outdoor fenced area that meets the criteria set forth below:
 - (1) **Location.** The chicken pen must be no closer than twenty- five (25) feet to a lot line and may not be located in the street yard or side yard, as that term is defined in the Village Zoning Code.
 - (2) **Space Per Chicken.** Each mature chicken shall have a minimum of six (6) square feet of ground space within a chicken pen.
 - (3) **Minimum Dimensions.** The chicken pen must have minimum dimensions of three (3) feet wide by three (3) feet long by three (3) feet tall (3' x 3' x 3').
 - (4) **Fencing; Mesh Size.** The chicken pen sides shall be enclosed with sturdy wire fencing of a mesh size of not more than one (1) inch openings.
 - (5) **Chicken Pen Roof Fencing.** The chicken pen shall be covered with wire fencing or stout aviary netting with a mesh size of openings not more than one (1) inch square, or with solid roofing, to prevent entry by predators.
- (h) **Miscellaneous Requirements.**
 - (1) **Number Limits.** A maximum of six (6) chickens may be kept on a residential parcel.
 - (2) **Roosters.** Only female chickens are permitted on residential parcels.
 - (3) **Food and Water.** Chickens shall be provided with access to clean water and food at all times; steps shall be taken to keep such water and food unavailable to predators and rodents.

- (4) **Confinement Standards.** Chickens shall be kept confined in a coop or pen enclosure at all times.
- (5) **Manure Storage and Removal; Sanitary Standards.**
 - a. The coop shall be cleaned daily. Provision shall be made for the storage and removal of chicken manure and other waste generated. All stored manure shall be contained within a fully enclosed building or in a predator- and vermin-proof container with a secure lid. Manure not used for fertilizing or composting shall regularly be removed from the site.
 - b. Feed shall be stored in a predator- and vermin-proof container with a secure lid. Uneaten or spoiled feed shall be removed in a timely manner.
 - c. The coop, pen, and surrounding area shall be kept free from trash and accumulated droppings and shall at all times be clean and well-maintained.
 - d. Mobile chicken coops or pens shall be moved daily to prevent excessive manure or pathogen accumulation.
 - e. If a chicken dies, it shall be disposed of promptly in a sanitary manner.
 - f. Chickens shall not be kept in the principal residence past eight (8) weeks of age.
- (6) **Lighting.** Only motion-activated lighting may be used as a regular means of illuminating the exterior of the coop.
- (7) **Noise and Odor Impacts.**
 - a. Perceptible noise from chickens shall not be persistent or be of such loudness at the property boundaries to disturb persons of reasonable sensitivity.
 - b. Odors from chickens, chicken manure, or other substances related to the keeping of chickens shall not be perceptible at the property boundaries.
- (8) **Slaughtering of Chickens.** No slaughtering of chickens shall take place outside or within public view.
- (9) **Restrictive Covenants.** While the Village is not an enforcement authority for private restrictive covenants in place for certain subdivisions, it is the responsibility of the permittee to also investigate and be in compliance with any applicable land division restrictive covenants on the keeping of chickens within that subdivision.
- (i) **Sale of Eggs.** The selling of eggs in a residential neighborhood is not permitted.
- (j) **Penalties.**
 - (1) A forfeiture may be assessed for any violation of this Section in an amount as authorized under Sec. 7-1-28. Each day that a violation of this Section continues shall be deemed a separate violation. Any violation hereunder shall be deemed a separate violation for each chicken kept in violation of this Section.
 - (2) In addition to a forfeiture penalty, any violation of the provisions of this Section or of the permit shall be grounds for the enforcement authorities of the Village of Fall River to remove the chickens and the chicken-related facilities. Nothing in this Section, including but not limited to the issuance of a permit, shall be construed as limiting the Village from abating nuisance-type conditions on a property.