

ORDINANCE NO. 13-2016

INTRODUCED BY : _____

AN ORDINANCE OF THE TOWN OF TRAPPE TO AMEND THE TRAPPE ZONING ORDINANCE BY ADDING SECTION 12.100 TITLED “CHICKENS WITHIN RESIDENTIAL DISTRICTS” TO REGULATE THE KEEPING OR MAINTAINING OF CHICKENS WITHIN THE TOWN OF TRAPPE AS AN ACCESSORY USE ON PROPERTIES IN THE R1, R2 AND R3 DISTRICTS WHERE A SINGLE FAMILY RESIDENCE IS LOCATED WHICH HAS A MINIMUM LOT SIZE OF 8,000 SQUARE FEET

WHEREAS, the Town of Trappe is authorized by Md. Code Ann. Local Government Article § 5-202 to adopt such ordinances not contrary to the Constitution of Maryland, public general law, or public local law as it deems necessary to assure the good government of the municipality, to preserve peace and order to secure persons and property from damage and destruction and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, the Town of Trappe is authorized by Md. Code Ann. Land Use Article § 4-102 to develop and adopt zoning restrictions to promote the health, safety, morals or general welfare of the community, including regulating uses of land; and

WHEREAS, the Council of Trappe has determined that it is desirable and in the public interest to permit the keeping of chickens as an accessory use on certain properties with minimum regulations and standards to protect the health, safety and welfare of the citizens of Trappe.

NOW, THEREFORE, THE COUNCIL OF TRAPPE hereby ordain as follows:

Section 1. Title IV of the Trappe Zoning Ordinance, Section 12 titled “Supplementary District Regulations”, is hereby amended to include Subsection 12.100 to be titled “Chickens Within Residential Districts”, as follows:

Subsection 12.100 – Chickens Within Residential Districts. The keeping of chickens (excluding roosters or crowing hens) shall be permitted only for personal enjoyment for household use and not as a business, and only as set forth in this subsection. The keeping and maintaining chickens as an accessory use shall only be permitted upon properties in the R-1, R-2 and R-3 Districts where a single family residence is located, and on a property which has a minimum lot size of 8,000 square feet, and subject to the following requirements:

- 1) No person shall keep chickens within the Town without first obtaining a permit from the Town office. The property owner shall also register the chickens through the Maryland Poultry Premises Registration Program, with the Maryland Department of Agriculture, and shall provide the Town with a copy of such registration annually.

- 2) A maximum of four (4) chickens are allowed on any one property.
- 3) All chickens shall be kept in the backyard only and in a secure enclosure or coop. The enclosure or coop shall be constructed, repaired and maintained in a manner that is free of all odors and to prevent rodents from being harbored underneath, within or within the walls of the enclosure. All coops or enclosures must not be closer than ten (10) feet from a neighboring property line. Enclosures shall not exceed six (6) feet in height above grade and must allow for a footprint of at least two (2) square feet per chicken housed in the coop or enclosure. The maximum total allowable footprint for an enclosure or coop is forty (40) feet.
- 4) All enclosures or coops shall be kept in a clean and sanitary condition at all times and the owner of an enclosure shall as often as is necessary remove the accumulations of manure or other excreta in order to prevent the same from becoming a public nuisance.
- 5) All feed for animals shall be stored in predator-proof containers.
- 6) If, at any time, it appears that the keeping of any chicken creates a nuisance, the Town's designee may, whether or not a permit has been issued, order the owner to abate the nuisance and/or remove the chicken(s) from the Town of Trappe. If an owner fails to abate the nuisance and/or remove said chickens in the time provided in the notice, the Town's designee may summarily remove the chickens and abate the nuisance.
- 7) No person shall slaughter any chickens on the property.
- 8) Violations of the provisions of this subsection shall be punishable as a municipal infraction.

Section 2. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance, which can be given effect without the invalid section, subsection, sentence, clause or phrase, and to that end, all provisions of this Ordinance are hereby declared to be severable.

Section 3. This Ordinance shall become effective on the _____ day of _____, 2016.

Norman Fegel

Rosalee Potter

Tonya Pritchett

Robert Diefenderfer, Jr.

C. Donald English

I hereby certify that the foregoing Ordinance Number 13-2016 of the Town of Trappe was duly read and enacted in accordance with the applicable provisions of the Charter of the Town of Trappe.

Attest: _____
Erin Braband, Clerk/Treasurer
Town of Trappe