

ORDINANCE NO. 3-2022

AN ORDINANCE OF THE TOWN OF TRAPPE AMENDING TITLE IV, SECTION 12 TO PERMIT THE KEEPING OF CHICKENS IN THE R-1, R-2, AND R-3 DISTRICTS PROVIDED CERTAIN CONDITIONS ARE MET

WHEREAS, the Town of Trappe is authorized by the Md. Code Ann. § 4-102 to adopt a comprehensive Zoning Ordinance;

WHEREAS, in accordance with Md. Code Ann. Land Use Article, §4-204, the Town of Trappe is authorized to amend, supplant or modify the Zoning Ordinance; and

WHEREAS, the Trappe Planning Commission has recommended that the Zoning Ordinance be amended to permit the keeping of up to twelve (12) chickens provided that certain conditions are met in the R-1, R-2, and R-3 Districts, and to eliminate the requirement for property owners to receive a special exception for the keeping of said chickens; and

WHEREAS, the Council of Trappe has determined that it is desirable and in the public interest to amend the Zoning Ordinance as recommended by the Council.

NOW, THEREFORE, be it ordained by the Council of Trappe as follows:

Section 1: Title IV, Section 12, Subsection 12.05 of the Trappe Zoning Ordinance is hereby amended as follows:

Subsection 12.105 – Chickens Within Residential Districts ~~by Special Exception~~. The keeping of chickens (excluding roosters or crowing hens) shall be permitted as ~~a special exception use~~, 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 shall be permitted ~~by special exception~~ 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)~~ *twelve (12)* 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 *meet the required setbacks for minor accessory structures for the underlying zoning of the property 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, *including a surrounding fence*, is *two-hundred and fifty (250) square feet 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.
- ~~9) Any person keeping or maintaining chickens as of December 7, 2016, shall not be required to obtain a special exception provided that they obtain a permit from the Town by February 1, 2017. While a special exception shall not be required, all other provisions of Section 12.105 1) through 8) shall apply to any owner whose use is grandfathered under this subsection.~~

Section 2: Title IV of the Trappe Zoning Ordinance, Section 2, titled "R-1" District, is hereby amended to eliminate the following as a special exception use under Subsection 2.20:

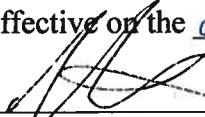
Subsection 2.20 – Special Exceptions. The following principal uses and structures may be permitted by special exception in the "R-1" district:

.....

~~8) Chickens, provided that the requirements of Article IV, Subsection 12.105 are satisfied.~~

Section 3. 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.

This ordinance shall become effective on the 24th day of August, 2022.



Nicholas Newnam

absent

Brian Schmidt



Walter Chase

absent

Tonya Pritchett



Gregory Fries

I hereby certify that the above Ordinance was adopted by a yea and nay vote of the Council
this 3rd day of August, 2022.



Erin Braband, Town Administrator/Town Clerk

