



## Legislation Text

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**File #:** ORD. 2018-294, **Version:** 1

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To amend and reordain City Code §§ 4-92, concerning the keeping and running at large of hogs, pigs, and fowl, 4-124, concerning permit requirements for chickens, and 4-126, concerning requirements for the area in which female chickens are maintained, for the purpose of increasing the number of female chickens permitted in the City from four to six.

### THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 4-92, 4-124, and 4-126 of the Code of the City of Richmond (2015), as amended, be and are hereby **amended** and reordained as follows:

#### **Sec. 4-92. Keeping and running at large of hogs, pigs and fowl.**

(a) No hog or pig shall be kept on any premises or allowed to go at large within the City, provided that hogs and pigs may be kept at the Maymont Park as educational exhibitions.

(b) The keeping, placement or maintenance of fowl shall be unlawful unless any person keeping, placing or maintaining fowl on any parcel of real property in the City has complied with the applicable requirements of Chapter 30 and other applicable provisions of this Code and State law.

(c) All fowl shall be kept in securely and suitably fenced areas, pens or structures designed for the purpose of the keeping of fowl.

(d) Except as provided in Subsections (e) and (f) of this section, no fenced area, pen or structure for fowl shall be permitted closer than 500 feet to any house or other building used for residential purposes by anyone other than the person having a permit in accordance with Section 4-124 and maintaining such fowl for such person's immediate family.

(e) Fenced areas, pens or structures for the keeping, placement or maintenance of fowl for noncommercial purposes shall be located not less than 200 feet from all property lines. However, this subsection shall not apply to the keeping, placement or maintenance of [~~not more than four female~~] chickens as

allowed by Article II, Division 4 of this chapter.

(f) Fenced areas, pens or structures for the keeping, placement or maintenance of [~~not more than four female~~] chickens as allowed by Article II, Division 4 of this chapter shall not be located closer than 15 feet to any dwelling on an adjacent lot, provided that no such fenced area or pen shall be located within any front yard or street side yard required by applicable provisions of Chapter 30, as the terms “front yard” and “street side yard” are defined in Section 30-1220, and no structure accessory to any such fenced area or pen shall be located within any yard required by Chapter 30.

(g) Every person maintaining any area, pen or structure for keeping fowl shall comply with the requirements set forth in Division 4 of this article and shall keep such area, pen or structure clean, sanitary and free from refuse. All feed or other material intended for consumption by birds shall be kept in containers impenetrable by rats or other rodents, and such containers shall be equipped with tightly fitting caps or lids. The presence of rats in an area, pen or structure used for the keeping of fowl shall be prima facie evidence that such area, pen or structure is maintained in violation of this section.

#### **Sec. 4-124. Permit requirements.**

(a) *Permit required; initial and annual renewal fee.* The Director may issue permits to persons for the keeping, placement or maintenance of female chickens on any parcel or real property in residential zoning districts of the City. Roosters shall not be permitted. No person shall keep, place or maintain female chickens in the city unless, in accordance with this section or section 4-128, if applicable, such person has filed an application for a permit, obtained a permit from the director and has complied with the applicable provisions of this chapter and other applicable provisions of this Code and state law. Any person requesting permission to keep, place or maintain female chickens in the city shall complete an application, on a form provided by the director, and shall submit such application to the director within the applicable time frames prescribed in this section or as otherwise prescribed in the regulations established in accordance with this division. The director

shall review any applications submitted in accordance with this section and may issue a permit, deny the applicant's request for a permit or lawfully require further information from the applicant as may be necessary to process the application. Any initial application shall be accompanied by the payment of a permit fee as set forth in Appendix A to this Code. Any permit issued in accordance with this division shall expire within 12 months from the date on which such permit was last issued and may be renewed annually upon submission of a new permit application and payment of a new permit fee in the amount set forth in Appendix A to this Code within the time frame prescribed in the regulations established in accordance with this division. Any failure to submit a new permit application or payment of the permit fee provided for in this section within the time frame prescribed in the regulations established in accordance with this division shall result in revocation of any permission to keep, place or maintain female chickens in the city upon the day after the date on which the last permit that was issued is to expire. However, in the case of an applicant whose permit expires during the director's processing of such applicant's application for a new permit that has been filed within the time frames prescribed in the regulations established in accordance with this division and who has complied with the provisions of this division and other applicable provisions of this Code and state law, such applicant shall not be deemed to be in violation of this division due solely to the expiration of the permit that was last issued in accordance with this section. No permit issued in accordance with this division shall permit the keeping, placement or maintenance of any more than [~~four~~] six female chickens on any parcel of real property in residential zoning districts of the city within the 12 month period to which such permit applies. No permit shall be issued to any person having more than [~~four~~] six female chickens on any parcel to which any such permit applies.

(b) *Filing deadline for first year after effective date of the ordinance from which this division is derived.* For the first year after the enactment date of this division, all applications for a permit in accordance with this section shall be filed within 90 days after the enactment date of this division. For the second year after the enactment date of this division and all subsequent years, unless otherwise provided by law, all applications

for permits in accordance with this section shall be filed within the applicable time frames prescribed in the regulations established in accordance with this division.

(c) *Persons eligible for a permit.* Any person who owns residential real property in a residential zoning district of the city at which female chickens are to be kept, placed or maintained or who has received written approval from a person who owns residential real property in a residential zoning district of the city to keep, place or maintain female chickens on such property may apply for a permit in accordance with this section.

(d) *Background investigation.* Upon the submission of an application for a permit in accordance with this section, the director shall conduct a background check and investigation of the applicant to determine if the applicant has been convicted of or has any pending charges for or complaints of animal cruelty or neglect. Prior to the issuance of a permit, the director shall also conduct a site inspection of the area in which the applicant purports to keep, place or maintain any female chickens. If, after completing the background investigation and site inspection for which this subsection provides, the director determines that the applicant has been convicted of or has pending charges for or complaints of animal cruelty or neglect or determines that the area in which the applicant purports to keep, place or maintain any female chicken does not meet the applicable requirements of this Code or state law, the director shall deny the permit application. Notwithstanding the requirements of this subsection, the director may otherwise deny any permit application if any person requesting permission to keep, place or maintain female chickens has not complied with the applicable provisions of this chapter and other applicable provisions of this Code and state law.

(e) *Revocation of permit for noncompliance.* Any permit issued in accordance with this section is subject to revocation by the director upon the failure of any person to whom the director has issued a permit to comply with relevant provisions of this Code or state law or with any rules or regulations established in accordance with this division.

(f) *Applicant obligations.* Any person applying for a permit in accordance with this section shall

sign a written statement, on a form provided by the director, confirming that such person has read and reviewed the provisions of this division and other applicable provisions of this Code and state law concerning the keeping, placement or maintenance of female chickens and any rules or regulations established in accordance with this division.

**Sec. 4-126. Requirements for area in which female chickens are maintained.**

- (a) No permit shall be issued to any person who has not complied with the requirements of this section.
- (b) Any area in which female chickens are kept, placed or maintained or the area in which any applicant or permittee proposes that any female chickens be kept, placed or maintained, either or both, shall be in accordance with the requirements set forth in section 4-92.
- (c) Any female chickens kept, placed or maintained pursuant to a permit issued in accordance with section 4-124 shall remain within the fenced area, pen or structure required by section 4-92 at all times.
- (d) Any person to whom a permit has been issued in accordance with section 4-124 shall provide at least three square feet of space for each female chicken within a structure designed for such purpose and consisting of four walls and a roof, provided that the number of such female chickens does not exceed a total of ~~four~~ six for the affected parcel of real property.

§ 2. This ordinance shall be in force and effect upon adoption.