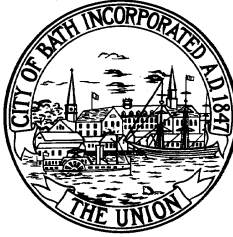


CITY OF BATH, MAINE

City Hall 55 Front Street
Bath, Me 04530
www.cityofbath.com



CODES ENFORCEMENT OFFICE

Phone (207) 443-8334
FAX (207) 443-8337
TDD (207) 443-8368

CHICKEN LICENSE
For a Small-scale Chicken Flock

Fee: \$40.00

Applicant: [Applicant must occupy the property. If the applicant is not the owner, written permission of the owner is required.]

Name: _____

Property Address: _____

Mailing Address: _____

Phone #: _____

Property Owner (if different):

Name: _____

Address: _____

Phone #: _____

Tax Map: _____ Lot: _____ Zoning: _____ Lot Size: _____ (min 6,000sf)

Number of Chickens: _____

The following must be submitted with this application:

1. A site plan, drawn to scale, showing the location of all existing and proposed structures (including the henhouse/coop and enclosure), waterbodies within 100' of the site, water supply sources within 100' of the site, any required screening, and property lines and dimensions.
2. Associated drawings and/or specifications detailing:
 - A. Construction and dimensions of all structures, including:
 - B. Coop
 - C. Enclosure
3. \$40.00 license fee

A building permit, electrical permit, flood hazard area development permit, and historic district approval may be required, as applicable, in addition to this license.

The keeping of chickens at the captioned property will be conducted per the standards below. I understand that failure to do so may result in enforcement action, and possibly the revocation of this permit.

Applicant's signature: _____

Email Address: _____

Telephone: _____

Date permit issued _____ Codes Enforcement Officer _____

If approved, conditions attached? _____

ARTICLE 3. SMALL-SCALE CHICKEN FLOCKS

Section 4.301. Purpose.

The purpose of this Article is to provide standards for the keeping of domesticated chickens in urban, residential areas in the City of Bath. It is intended to enable and to regulate the keeping of a small number of chickens on a non-commercial basis by residents while limiting the potential adverse effects on the surrounding neighborhood. The City recognizes that adverse neighborhood impacts may result from the keeping of small-scale chicken flocks as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and handling, the attraction of predators, rodents, insects, or parasites, and non-confined animals leaving the owner's property. This Article is intended to create licensing requirements and standards of use that ensure that small-scale chicken flocks do not adversely impact the neighborhood on which the chickens are kept.

Section 4.302. Definitions.

The terms in this Article shall be in accordance with the definitions in the Land Use Code, Article 2, Section 2.02.

Section 4.303. License Required; Fees.

A. License. A license is required for the keeping of any domesticated chickens in enclosed areas within the City of Bath where it is permitted. The license is personal to the permittee and may not be assigned or transferred and does not run with the land. An applicant for a license to keep chickens must be the occupant of the property and must demonstrate compliance with the criteria, requirements and standards in this Article in order to acquire a permit. Application for a license shall be submitted on a form provided by the City. Where the applicant for a license is not the owner of the property where the use is proposed, then written permission from the owner for a small-scale chicken flock is required.

B. Fees. The fee for the license shall initially be forty dollars (\$40.00). This fee may be revised and adjusted by the Bath City Council by Resolution. In addition, inspections and reviews may incur additional administrative fees.

Section 4.304. Use Limitations and Restrictions.

A. Number. The number of domesticated chickens kept on a lot shall not exceed six (6), regardless of the number of dwelling units on that particular lot. A condominium complex for purposes of the number of chickens shall be considered a single lot and shall be limited to six (6) chickens. Chicks that are acquired to replenish the flock or as pets and which are kept within the dwelling are not counted as part of the flock, until introduced into the flock.

B. Gender. The chickens (*gallus domesticus*) shall be female only. No males or roosters shall be allowed. There shall be no restriction on species.

C. Non-Commercial Use Only. The chickens shall be kept for personal use only. No sale of eggs, breeding, sale of fertilizer, or fertilizer production shall be permitted. The slaughtering of chickens is prohibited.

D. Confinement. The domesticated chickens shall at all times be within the coop and enclosure perimeters and shall not be allowed to run free on the property occupied by the permit holder. No trespassing on adjacent property shall be permitted.

E. No Other Poultry. No ducks, geese, turkeys, pea-fowl, roosters or any other type of poultry are permitted.

Section 4.305. Lot Requirements.

The following requirements are minimum requirements and are not subject to waiver or variance.

A. Lot Size. The minimum lot size for the keeping of domesticated chickens shall be six thousand (6,000) square feet.

B. Setbacks. Coop/henhouse and the enclosure shall meet setback requirements for the zoning district where located but not less than fifteen feet (15') from any lot line.

C. Location. The coop/henhouse and enclosure shall only be located in rear areas. For a corner lot, a rear area are the two areas that are not front areas. In no case may a henhouse/coop or enclosure be placed in a front area (i.e. between the dwelling and the street).

D. Screening. Natural screening or fencing shall be provided so that the henhouse/coop and enclosure are not visible from adjacent properties at any time of the year.

E. Restrictive Zones. Domesticated chickens are not allowed in the Shoreline and Natural Resource Protection Overlay Zones.

F. Building Permit. If the combined size of the enclosure and the henhouse/coop exceeds one hundred (100) square feet, then a building permit from the Codes Enforcement Officer shall be required.

Section 4.306. Housing.

A. General. Chickens must be kept in a secure, henhouse/coop or enclosure at all times during daylight hours and within the henhouse/coop during non-daylight hours. Neither chickens nor structures housing chickens may be located within a residential structure.

B. Coops/Henhouses Construction Standards.

1. The structure shall be enclosed on all sides and have a roof and doors. Access doors must be able to be shut and locked at night. Any openings or vents must be covered with predator and bird proof wire of less than one.five (1.5) square inch openings.

2. There shall be a minimum of six (6) contiguous square feet of interior floor space per chicken with a minimum of fifteen (15) continuous square feet of interior floor space regardless of the number of chickens.

3. The materials used in constructing the structure shall be uniform for each element of the structure such that walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials.

4. The structure shall be a minimum of four (4) feet in height and no more than seven (7) feet in height as measured from the mean grade level to the top surface of the roof. It shall be easily accessible for cleaning and maintenance.

5. The structure shall be covered and adequately ventilated and must be completely secured from access by predators, including all openings, ventilation holes, doors and gates. The structure shall be properly maintained so as to provide continuing security.

C. Enclosures.

1. The purpose of the enclosure is to provide an area where air and light may permeate but which will securely contain the chickens. It shall be a fully enclosed and protected space for chickens with unfettered access to the flock when in the enclosed outdoor space.

2. The enclosure must consist of sturdy wire fencing buried at least twelve (12) inches below ground level. The use of chicken wire is not permitted. The roof shall be covered with wire, aviary netting, or solid roofing material. The enclosure must be of substantial enough construction to prohibit the escape of the small-scale chicken flock and to exclude predators and to provide adequate shade for the flock.

3. A minimum of ten (10) contiguous square feet of exterior space per chicken shall be required with a minimum of twenty-five (25) contiguous square feet of exterior space regardless of the number of chickens.

4. The enclosure shall be no less than four (4) feet tall and shall have no greater height than seven (7) feet, measured as the vertical distance from the mean grade level to the top surface of the roof of the structure.

Section 4.307. Sanitation and Maintenance Standards.

A. Enclosures. Enclosures must 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 the neighboring lots due to noise, odor, or other adverse impact. The chicken enclosure must provide adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.

B. Henhouses/Coops. The chickens shall be secured within a coop/henhouse during non-daylight hours.

C. Odor. Odors from chickens, chicken manure, or any other chicken related substances shall not be perceptible at the property line.

D. Noise. Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

E. Feed and Water. Chickens must be provided with access to feed and clean water at all times. Such feed and water shall be protected so as to be unavailable to rodents, wild birds, domestic animals and predators.

F. Waste Storage and Removal. Provisions shall be made for the storage and removal of chicken manure and other waste material. All stored materials shall be covered and within a fully enclosed container. No more than three (3) cubic feet of manure may be stored. All other manure shall be removed from the site. The henhouse/coop, enclosure and surrounding area shall be kept free from trash and accumulating droppings. Uneaten feed shall be removed in a timely manner.

G. Vicinity to Water. No manure shall be stored within one hundred (100) feet of a waterbody or water supply.

H. Predators, Rodents, Insects and Parasites. The owner of the chickens and/or property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.

I. Removal. Chickens found to be infested with insects and parasites that may result in unhealthy condition to human habitation shall be removed by the Animal Control Officer, Health Officer, or Codes Enforcement Officer or their designee(s). They may also order removal of

chickens upon a determination that chickens otherwise pose a health risk. If a chicken dies, it shall be disposed of properly by the owner in a sanitary manner.

Section 4.308. Administration, Enforcement and Penalties.

A. Administration. The license required in Section 4.302 shall be issued by the Codes Enforcement Officer or designee upon a favorable inspection of the site, to determine that all of the provisions and requirements of this Ordinance have been met.

B. Enforcing Agent(s). Provisions of this Ordinance shall be enforced by the Codes Enforcement Officer, Animal Control Officer and/or Health Inspector or their designee(s).

C. Non-Waiver. The standards set forth in this Article are considered minimal standards and are not subject to waiver.

D. Violation(s) Enforcement. Failure to conform to the provisions of this Article or to obey an Order issued pursuant to the provisions of this Ordinance shall be considered a violation. In addition to any other enforcement action which the City may take, including injunctive relief if determined to be necessary, a violation of any provision or Order issued under this Article shall be enforced pursuant to the provisions of 30-A M.R.S. § 4452. Penalties and costs, including attorney's fees, shall enure to the benefit of the City.

E. Revocation. A license for the keeping of chickens in urban, residential areas may be revoked where it has been determined that there is a risk to the public health or safety or for any violation of or failure to comply with any of the provisions of this Ordinance or any other applicable Ordinance or Law. Revocation may also occur where the violation is determined to be a repeat violation. A repeat violation is a violator of a provision of this Ordinance by a person who has been previously found, through a codes enforcement action, to have violated or who has admitted violating the same provision within a five (5) year period, notwithstanding that the violations may have occurred at different locations.