

Article III. Chickens

§ 106-11. Purpose and Applicability.

A. The purpose of this article is to provide standards for the keeping of chickens in non-agriculture zones. It is intended to enable residents to keep a small number of chickens on a noncommercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The Village recognizes that adverse neighborhood impacts may result from the keeping of chickens as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, or parasites, and unconfined animals leaving the owner's property. This article is intended to create licensing standards and requirements that ensure that chickens do not adversely impact the neighborhood surrounding the property on which the fowl are kept.

B. This article shall apply to all zoning districts except Agricultural Districts.

§ 106-12. Permit required.

An annual permit is required for the keeping of any chickens in the Village of Delhi.

A. The annual permit to keep chickens is personal to the permittee and may not be assigned. In the event that the permittee is absent from the property for longer than 60 days, the permit shall automatically terminate and become void.

B. The permit year shall be January 1 through December 31.

C. Permits shall only be issued to applicants residing at single-family residential properties located within the Village of Delhi. Renters of single-family homes must provide the Village written permission from the owner or landlord of the property with their application. The keeping and raising of fowl in a multifamily complex or apartment setting shall be expressly prohibited, as the keeping of fowl in close proximity to other residents of the same property is more likely to lead to disputes and enforcement difficulties.

§ 106-13. Fees.

The fee for an annual permit to keep chickens shall be fixed by the Village Board of Trustees.

§ 106-14. Number and type allowed.

A. The maximum total number chickens per lot is six.

B. Only female domesticated chickens are allowed. The keeping of roosters is prohibited.

§ 106-15. Commercial use prohibited.

Chickens shall be kept as pets and for personal use only; no person shall sell eggs or engage in fowl breeding or fertilizer production for commercial purposes. The slaughtering of chickens within the Village is prohibited.

§ 106-16. Enclosures and pens.

- A. Chickens must be kept in an enclosure or fenced area at all times.
- B. The area occupied by enclosures and pens may not exceed 200 square feet.
- C. Enclosures must be clean, dry, and odor-free, and kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
- D. The enclosure and pen must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats.
- E. Standards for enclosures.

(1) An enclosure 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.

(a) The structures shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator- and bird-proof wire of less than one-inch openings.

(b) The materials used in making the structure shall be uniform for each element of the structure such that the 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. The use of scrap, waste board, sheet metal, or similar materials is prohibited. The enclosure shall be well maintained.

(c) The structure shall be constructed of materials that are reasonably complementary to existing structures within the view shed of the pen or enclosure, in order to forestall complaints by neighbors or persons within viewing vicinity of the pen or enclosure.

(2) Enclosures and pens shall only be located in rear yards, as defined in § 300-7. For a corner lot or other property where no rear yard exists, a side yard may be used as long as the setbacks generally applicable in the zoning district are met. In no case may an enclosure or pen be placed in the front yard.

(3) If an enclosure or pen is proposed to be located less than 20 feet from any side or rear property line or less than 30 feet from a neighboring house, the permittee shall submit written approval from the owners of the neighboring property or properties, signed and dated by the same, approving the location of the enclosure closer than 20 feet from the lot line or closer than 30 feet from the neighboring house.

(4) Failure to provide approval from an abutting property owner(s) when the proposed enclosure is located closer than 20 feet from a lot line, or less than 30 feet from a neighboring house, will result in a denial of the permit application.

F. Standards for pens. An enclosed pen must be provided, consisting of sturdy wire fencing buried at least 12 inches in the ground. The pen must be covered with wire, aviary netting, or solid roofing.

§ 106-17. Odor and noise.

A. Odors from chickens, manure, or other fowl-related substances shall not be perceptible at the property boundaries.

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

§ 106-18. Lighting.

Only motion-activated lighting may be used to light the exterior of the enclosure.

§ 106-19. Predators, rodents, insects, and parasites.

The property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation, as determined by the Village Health Officer or Village Code Enforcement Officer, shall be ordered removed within seven days of such finding.

§ 106-20. Feed and water.

Chickens must be provided with access to feed and clean water at all times; such feed and water shall be unavailable to rodents, wild birds and predators.

§ 106-21. Waste storage and removal.

Provision must be made for the storage and removal of manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure and shall be stored no closer than thirty (30) feet from any property line. No more than three cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. In addition, the enclosure, pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

§ 106-22. Application for permit.

Every applicant for a permit to keep chickens shall:

- A. Complete and file an application on a form promulgated by the Village Board of Trustees;
- B. Provide any other documentation required by this article or requested by the Code Enforcement Officer;
- C. Deposit the prescribed permit fee with the Code Enforcement office at the time the application is filed. Any material misstatement or omission shall be grounds for denial, suspension or revocation of the permit.
- D. Application for a permit to authorize the keeping of fowl in the Village of Delhi shall constitute agreement to allow the Village Code Enforcement Officer to enter upon the premises of the applicant at any reasonable time during the daylight hours to inspect the pen or enclosure to verify compliance with the requirements of this local law. It is specifically understood, and a condition of the application, that the applicant shall allow such inspection without the necessity of prior notice. Because all pens or enclosures housing fowl are to be located in exterior lot areas inspected and authorized by the Code Enforcement Officer, it shall be permissible for the Code Enforcement Officer to enter upon the premises of any party maintaining a pen or enclosure sheltering fowl.

§ 106-23. Approval of permit.

Upon inspection of the premises and satisfaction that the applicant has demonstrated compliance with the criteria and standards set forth in this article, the Code Enforcement Officer shall issue a permit allowing the applicant to keep chickens pursuant to this article.

§ 106-24. Denial, suspension or revocation of permit.

The Code Enforcement Officer shall deny a permit if the applicant has not demonstrated compliance with all provisions of this article. A permit to keep chickens may be suspended or revoked by the Code Enforcement Officer where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this article or with the provisions of any other applicable law. Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.

§ 106-25. Penalties for offenses.

Any person or persons violating the provisions of this article shall be punishable by a fine not exceeding \$250, imprisonment for not more than 15 days, or both.

§ 106-26. Removal of chickens.

In addition to the penalty stated in § 106-25, any violation of the provisions of this article or of the permit shall be grounds for an order from the Code Enforcement Officer to remove the chickens and the related structures. The Health Officer may also order the removal of the chickens upon a determination that the chickens pose a health risk. If an animal dies, it must be disposed of promptly in a sanitary manner.

§ 106-27. Severability.

In the event that any section, subsection or portion of this article shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this article.