

**AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF VIENNA TO
ESTABLISH REGULATIONS FOR BACKYARD CHICKEN RAISING IN SINGLE FAMILY RESIDENTIAL
DISTRICTS (R-1, R-1MH and A-R)**

WHEREAS, the Mayor and City Council of the City of Vienna, Georgia (hereinafter "City") is charged with providing the health, safety and welfare of the citizens of the City; and

WHEREAS, allowing the raising of chickens in backyards of single family residences may provide certain benefits for the homeowners and the entire community by providing educational benefits on raising as pets said chickens for the children in the community; and

WHEREAS, in order to preserve the health, safety and welfare of the City, certain regulations must be imposed on chicken raising in order to prevent excessive noise, odor, disease or potential predators; and

WHEREAS, the first read of this ordinance occurred on December 10, 2018 and a properly advertised public hearing and second read of this ordinance occurred on January 14, 2019.

**NOW THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF VIENNA HEREBY ORDAIN AS
FOLLOWS:**

ARTICLE I. – IN GENERAL

Sec. 10-14. – Chickens in Single Family Residence Districts

- a) Purpose and Intent. The purpose and intent of the City Council in enacting the following regulations is to allow Vienna citizens the right to keep and raise backyard chickens in single family residential zoning districts (R-1, R-1MH and A-R) in the City of Vienna. Further the City Council finds it appropriate to regulate backyard chicken raising in the manner presented in this section, so as to be permissive enough to easily allow citizens to keep chickens on their property, but restrictive enough to protect the interests of neighboring residents from unnecessary noise, odor, and the invitation of rodents, wild birds and predatory animals to the property. Additionally, these regulations are intended to ensure the humane treatment of animals.
- b) Prior Authorization.
 - (1) The City Administrator or their designee shall devise an application form and determine the submittal requirements for the review of these requests. A person seeking to keep and raise chickens on a single-family property shall first submit a complete application to the City Administrator.
 - (2) In order to obtain approval, persons keeping chickens must show that they can meet the requirements of this Ordinance by providing a conceptual site plan showing the property with dimensions and the location of existing and required structures. The City may conduct site inspections of the subject property to make compliance determinations under this Ordinance prior to and after approval. The City Administrator or their designee is

application if the determination is made that the application fails to meet the requirements of this Ordinance.

- (3) Prior to obtaining approval, the City may inspect the applicant's lot for compliance with City Codes and zoning approval. Applicant shall grant the right to a City Code Enforcement Officer to enter onto applicant's lot at any time to investigate any chicken-related complaint or concern.
- (4) This Ordinance does not authorize persons to violate applicable restrictive covenants and/or homeowner's association rules and regulations. Persons applying for and receiving approval under this Ordinance are solely responsible for compliance with all applicable restrictive covenants and homeowner's association rules and regulations.
- (5) Approval for the keeping and raising of chickens shall be granted to the applicant only and shall not transfer to any future occupant or property owner.

c) General regulations.

- (1) For the purposes of this section:
 - i. The term "coop" means an enclosure, cage or pen, usually with bars or wires, in which chickens are traditionally confined; and
 - ii. The term "chicken" refers to female chickens only (i.e., hens). The keeping and raising of roosters, crowing hens, ducks, geese, turkeys and other poultry or fowl are prohibited in the City of Vienna.
- (2) Feed and any other food source provided to the chickens shall be stored in predator-proof containers.

Every person who owns, controls, keeps, maintains or harbors chickens must keep them confined on the premises at all times within a chicken coop or chicken run, unless a person is supervising the chickens within the confines of a fenced rear yard on the same premises as the coop. After a person has completed the personal interaction and supervision of chickens within the confines of the fenced rear yard, the chickens shall be returned to the coop or run enclosure.
- (3) Chickens shall be kept for personal use only. Selling chickens, eggs, or chicken manure, or the breeding of chickens for commercial purposes is prohibited.
- (4) Chickens shall not be slaughtered on premises.
- (5) The construction of chicken coops and runs shall comply with all applicable building codes.
- (6) Maximum number of chickens allowed per residential lot:

No more than six (6) chickens may be kept on a lot.

d) Requirements for Chicken Coops and Enclosures/Runs.

- (1) Chickens shall be securely housed in coops and provided with runs.
- (2) Coops 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. The maximum single coop footprint size is forty (40) square feet. The minimum ground space required per chicken in a run is five (5) square feet. Runs must be located under coops or otherwise covered at all times.

- (3) Coops and runs must be kept clean, sanitary and free from standing water at all times. Coops and runs shall be constructed, designed and maintained in such a way as to be impermeable to and free of rodents, vermin, wild birds, and predators, including, but not limited to cats, coyotes, dogs, raccoons and skunks.
 - (4) Coops and runs must be located in the rear yard of the lot.
 - (5) Coops and runs must be setback no less than fifteen (15) feet from the rear property line and no less than fifteen (15) feet from side property lines. Coops and runs must be a minimum of twenty (20) feet from corner side lot lines.
 - (6) The maximum size of the total coop and run area shall be one hundred (100) square feet. Mobile coops shall be prohibited unless properly anchored to the satisfaction of the Building Official or his/her designee.
 - (7) Nothing in this section shall prevent construction of a coop or pen that abuts the applicant's house.
 - (8) Runs must be situated on a well-drained area that allows the chickens to have access to dry ground at all times. Feces shall be removed and disposed of, composted or land applied in a manner to avoid odor.
 - (9) As provided for herein, the keeping of chickens is not considered an 'agricultural' activity.
- (e) Health, sanitation and nuisance as applied to the keeping of chickens.
- (1) Chickens shall be kept within a coop and run. No person shall release or set any chicken free from such coop or enclosure except as set forth in section (c)(3), above. Chickens shall not be permitted to trespass on neighboring properties.
 - (2) Chicken coops and runs shall be maintained in a clean and sanitary condition at all times. Chickens shall not be permitted to create a nuisance consisting of odor, noise or pests, or contribute to any other nuisance condition on-site or on adjacent property.
- (f) Violations.
- (1) Failure of the applicant to abide by all the applicable regulations of this section, the City of Vienna Code of Ordinances, or any state or federal law regarding chicken-raising and/or coops, shall be a violation of the City of Vienna Code of Ordinances.
 - (2) The applicant and/or property owner shall be jointly responsible for compliance with all provisions of this Section.
 - (3) No person convicted as a repeat violator of subsections (a)-(e) of this Ordinance will be permitted to, or continue to keep chickens on their premises.
 - (4) Any person violating any provision of this Ordinance shall be punished in accordance with Sec. 10-2 of the City of Vienna Code of Ordinances.
 - (5) If the provisions of this section conflict with any other provisions of the City of Vienna Code of Ordinances, the provisions contained in this section shall control.

The First Reading of Ordinance: December 10, 2018

The Second Reading of Ordinance: January 14, 2019

ORDAINED by the Mayor and Council of the City of Vienna this 14th day of January, 2019.

ATTEST:

By: Margaret Shelley
City Clerk

Mayor: Harry Shapley
City of Vienna

(AFFIX CITY SEAL)

Approved as to Form

City Attorney

Verlin L. Jones, Jr.
Verlin L. Jones, Jr.

