



City of Hampton, Virginia

Ordinance - Coded

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 13-0346

Enactment Number: 13-0018

Ordinance To Amend And Reenact Chapter 5 Of the Code Of City Of Hampton, Entitled "Animals", Article II "Agricultural Animals" By Amending And Reenacting Section 5-24, Adding Thereto A New Section 5-24.1 "Location And Maintenance Of Domestic Chickens Generally" And Repealing Section 5-25.

BE IT ORDAINED by the City Council of Hampton, Virginia, that the Code of the City of Hampton, Virginia, be amended and re-enacted to read as follows:

Sec. 5-24. - Location and maintenance of poultry and animal yards generally.

- (a) It shall be unlawful for any person to maintain in the city any poultry or animal yard within one hundred seventy-five (175) feet of any buildings used for residential purposes or within two hundred fifty (250) feet of any church or school building; provided, however, that the person maintaining such yard may do so within one hundred seventy-five (175) feet of such person's own personal residence and further provided, that this subsection shall not apply to the keeping of pigeons.
- (b) For the purposes of this section, the term "poultry or animal yard" shall include every yard, pasture, enclosure, shed or structure used to house:
 - (1) Live fowl, including in the term "fowl," ducks, geese and other poultry, except as provided otherwise herein; or
 - (2) One (1) or more of the following animals: Cattle, horses, sheep, goats or other domestic animals, other than dogs or cats.
- (c) Every person maintaining a poultry or animal yard shall keep the same clean and sanitary and free from all refuse, decaying food and excrement.
- (d) Every poultry or animal yard, except when located in an area zoned agricultural under any existing zoning ordinances, shall be adequately enclosed and free from any rodents. The presence of any rodent in any poultry or animal yard shall be prima facie evidence that such yard is maintained in violation of this section.
- (e) Nothing contained in this section shall be construed to authorize the keeping of animals of any kind at any place, irrespective of distance from any building, when the keeping of such animals is prohibited by any other ordinance. Conversely, nothing in this section shall be construed to prohibit the keeping of animals of any kind at any place, irrespective of

distance from any building, when the keeping of such animals is permitted by any other ordinance.

Sec. 5-24.1 - Location and maintenance of domestic chickens generally.

Except as specified in Section 5-24, it shall be unlawful for any person to keep domestic chickens within the city without first demonstrating compliance with this section and applying for and obtaining a permit to do so.

- (a) Up to four (4) chickens may be kept on lots with a single family residence as the primary use. No chickens shall be allowed on townhouse, duplex, condominium, apartment or manufactured housing park properties.
- (b) Only hens, no roosters, shall be kept.
- (c) No slaughter of chickens for consumption or otherwise shall occur on the property. Chickens shall be kept for domestic purposes and no commercial activity such as the selling of eggs or chickens for meat, shall be permitted.
- (d) Chickens shall be provided with a covered, predator-proof shelter that is thoroughly ventilated, provides adequate sun, shade, protection from the elements and is designed to be easily accessed and cleaned. Such structures shall not be located in the front or side yards.
- (e) Shelters, pens, coops, or cages shall not be located within the required building setbacks and shall be a minimum of twenty-five (25) feet away from any neighboring residence or place of business.
- (f) Shelters, pens, coops, or cages shall be kept in a sanitary condition at all times, and must be cleaned on a regular basis so as to prevent odors perceptible at the property boundaries. All feed for the chickens shall be kept in a secure container or location to prevent the attraction of rodents and other animals.
- (g) No person shall store, stockpile or permit any accumulation of chicken litter and waste in any manner whatsoever that, due to odor, attraction of flies or other pests, or for any other reason diminishes the rights of adjacent property owners to enjoy reasonable use of their property.
- (h) Any person wishing to keep chickens pursuant to this section shall first obtain a permit. Applications for such permit shall be obtained from the Treasurer for the City of Hampton upon payment of an

application fee of \$25.00. Hampton Animal Control shall conduct an investigation of the information contained in the application within a reasonable time and either approve or deny the permit.

- (i) Violation of any provision of this section may result in the revocation of the permit if, after investigation it is determined that the permittee has not complied with the provisions of this section or has been convicted of two or more violations of this section. Residential chicken-keeping operations shall be subject to periodic inspection to assure compliance with the performance standards established in this section. Any Animal Control Officer is authorized to inspect the shelter, pen, coop or enclosure without prior notice, to determine that it is adequately maintained in a clean and sanitary manner and ensures the security of the chickens.
- (j) No chicken kept pursuant to the terms of this section shall be deemed a companion animal for the purpose of a determination that any dog attacking same is a dangerous dog.
- (k) A violation of any provision of this section shall be punishable by a fine of not less than two hundred fifty dollars (\$250.00).
- (l) The City Manager or his designee shall develop policies and guidelines to aid in the implementation and enforcement of the requirements of this section.
- (m) Council shall review this section one year after its implementation.

Sec. 5-25. – Repealed.

Adopted at the regular meeting of the City Council of the City of Hampton, Virginia held on August 14, 2013.

Signed by _____
Molly Joseph Ward, Mayor

Date _____

Attested by _____
Katherine K. Glass, CMC
Clerk of the Council

Date _____

