

1 **Ordinance to Amend and Re-Enact Chapter 5 of the City Code of the City of Hampton,**
2 **Virginia Entitled “Animals” by Amending Article II, Sections 5-24 and 5-24.1 – Location**
3 **and Maintenance of Poultry and Animal Yards and of Domestic Chickens**
4

5 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Chapter 5 of the
6 City Code of the City of Hampton, Virginia be amended and re-enacted to read as follows:
7

8 **Sec. 5-24. - Location and maintenance of poultry and animal yards generally.**
9

10 (a) It shall be unlawful for any person to maintain in the city any poultry or animal yard *except*
11 *in conformance with the city’s Zoning Ordinance.* ~~within 175 feet of any buildings used for~~
12 ~~residential purposes or within 250 feet of any church or school building; provided, however,~~
13 ~~that the person maintaining such yard may do so within 175 feet of such person's own personal~~
14 ~~residence and further provided, that this subsection shall not apply to the keeping of pigeons.~~
15

16 (b) For the purposes of this section, the term "poultry or animal yard" shall include every yard,
17 pasture, enclosure, shed or structure used to house:
18

- 19 (1) Live fowl, including in the term "fowl," ducks, geese and other poultry, except as
20 provided otherwise herein; or
21 (2) One (1) or more of the following animals: Cattle, horses, sheep, goats or other
22 domestic animals, other than dogs or cats.
23

24 (c) Every person maintaining a poultry or animal yard shall keep the same clean and sanitary
25 and free from all refuse, decaying food, ~~and excrement,~~ *and rodents.*
26

27 (d) Every poultry or animal yard, ~~except when located in an area zoned agricultural under any~~
28 ~~existing zoning ordinances,~~ shall be adequately enclosed. ~~and free from any rodents. The~~
29 ~~presence of any rodent in any poultry or animal yard shall be prima facie evidence that such~~
30 ~~yard is maintained in violation of this section.~~
31

32 (e) Nothing contained in this section shall be construed to authorize the keeping of animals of
33 any kind at any place, irrespective of distance from any building, when the keeping of such
34 animals is prohibited by any other ordinance. Conversely, nothing in this section shall be
35 construed to prohibit the keeping of animals of any kind at any place, irrespective of distance
36 from any building, when the keeping of such animals is permitted by any other ordinance.
37

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

38 ~~Except as specified in Section 5-24, it shall be unlawful for~~ *After complying with all*
39 *requirements of the city’s Zoning Ordinance, any person to keep keeping* domestic chickens
40 within the city *shall comply with the following:* ~~without first demonstrating compliance with this~~
41 ~~section and applying for and obtaining a permit to do so.~~
42

43 (a) Up to six (6) chickens may be kept on lots with a single family residence as the primary use.
44 No chickens shall be allowed on *lots with a primary use of* townhouse, duplex, *multifamily,*
45 *condominium,* ~~apartment~~ or manufactured housing park properties.
46

47 (b) Only hens, no roosters, shall be kept.
48

49 (c) No slaughter of chickens for consumption or otherwise shall occur *as part of this use.* ~~on~~
50 ~~the property. Chickens shall be kept for domestic purposes and no commercial activity such as~~
51 ~~the selling of eggs or chickens for meat, shall be permitted.~~
52

53 (d) Chickens shall be provided with a covered, predator-proof shelter that is thoroughly
54 ventilated, provides adequate sun, shade, protection from the elements and is designed to be
55 easily accessed and cleaned. ~~Such structures shall not be located in the front or side yards.~~
56

57 ~~(e) Shelters, pens, coops, or cages shall not be located within the required building setbacks~~
58 ~~and shall be a minimum of 25 feet away from any neighboring residence or place of business.~~
59

60 ~~(f)~~ (e) Shelters, pens, coops, or cages shall be kept in a sanitary condition at all times, and must
61 be cleaned on a regular basis so as to prevent odors perceptible at the property boundaries. All
62 feed for the chickens shall be kept in a secure container or location to prevent the attraction of
63 rodents and other animals.
64

65 ~~(g)~~ (f) No person shall store, stockpile or permit any accumulation of chicken litter and waste
66 in any manner whatsoever that, due to odor, attraction of flies or other pests, or for any other
67 reason diminishes the rights of adjacent property owners to enjoy reasonable use of their
68 property.
69

70 ~~(h)~~ (g) Any person wishing to keep chickens pursuant to this section shall first obtain a permit.
71 Applications for such permit shall be obtained from the Treasurer for the City of Hampton upon
72 payment of an application fee of \$25. Hampton Animal Control shall conduct an investigation
73 of the information contained in the application within a reasonable time and either approve or
74 deny the permit.
75

76 ~~(i)~~ (h) Violation of any provision of this section may result in the revocation of the permit if,
77 after investigation it is determined that the permittee has not complied with the provisions of
78 this section or has been convicted of two or more violations of this section. Residential chicken-
79 keeping operations shall be subject to periodic inspection to assure compliance with the
80 performance standards established in this section. Any Animal Control Officer is authorized to
81 inspect the shelter, pen, coop or enclosure without prior notice, to determine that it is adequately
82 maintained in a clean and sanitary manner and ensures the security of the chickens.
83

84 ~~(j)~~ (i) No chicken kept pursuant to the terms of this section shall be deemed a companion animal
85 for the purpose of a determination that any dog attacking same is a dangerous dog.
86

87 ~~(k)~~ (j) A violation of any provision of this section shall be punishable by a fine of not less than
88 \$250.
89

90 ~~(l) The City Manager or his designee shall develop policies and guidelines to aid in the~~
91 ~~implementation and enforcement of the requirements of this section.~~