



Legislation Details (With Text)

**File #:** 22-0012      **Version:** 1      **Name:** City Code Amendment - Agricultural Animals  
**Type:** Ordinance-Coded      **Status:** Passed  
**File created:** 12/27/2021      **In control:** City Council Legislative Session  
**On agenda:** 1/12/2022      **Final action:** 1/12/2022  
**Title:** Ordinance to Amend and Re-Enact Chapter 5 of the City Code of the City of Hampton, Virginia Entitled "Animals" by Amending Article II, Sections 5-24 and 5-24.1 - Location and Maintenance of Poultry and Animal Yards and of Domestic Chickens

**Sponsors:**

**Indexes:** , Animal Control

**Code sections:**

**Attachments:** 1. Redline, 2. Presentation Reference

Date	Ver.	Action By	Action	Result
1/12/2022	1	City Council Legislative Session	approved	Pass

Ordinance to Amend and Re-Enact Chapter 5 of the City Code of the City of Hampton, Virginia Entitled "Animals" by Amending Article II, Sections 5-24 and 5-24.1 - Location and Maintenance of Poultry and Animal Yards and of Domestic Chickens

**Background Statement:**

In recent years, staff have received numerous requests and complaints from residents regarding animal-related uses and care. Last year, staff began addressing these concerns by clarifying requirements for kennels and animal daycare facilities; these amendments continue that effort to clarify how animals are regulated within the City Code and the Zoning Ordinance. HART has worked closely with Community Development to coordinate this effort.

If adopted, this amendment would remove location-based regulations, which are being added to the Zoning Ordinance, including setbacks and permitted zoning districts for the keeping of poultry and animal yards. The proposed amendment retains animal welfare regulations in the City Code.

This amendment is being brought forward in conjunction with items 22-0005, 22-0006, and 22-0007.

**Recommendations:**

The Hampton Animal Response Team and the Animal Control Advisory Committee recommend approval.

**BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Chapter 5 of the City 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 except in

conformance with the city's Zoning Ordinance.

(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, excrement, and rodents.

(d) Every poultry or animal yard shall be adequately enclosed.

(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.**

After complying with all requirements of the city's Zoning Ordinance, any person keeping domestic chickens within the city shall comply with the following:

(a) Up to six (6) chickens may be kept on lots with a single family residence as the primary use. No chickens shall be allowed on lots with a primary use of townhouse, duplex, multifamily, or manufactured housing park.

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

(c) No slaughter of chickens for consumption or otherwise shall occur as part of this use.

(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.

(e) 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.

(f) 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.

(g) 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. 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.

(h) 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.

(i) 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.

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