

## **§61-5 Residential Chickens. [Added 4-4-2024]**

### **Intent:**

The purpose of this ordinance is to provide standards for the keeping of domesticated chickens. The intention is to allow residents to keep a small number of female chickens on a non-commercial basis while creating standards and requirements that ensure that these chickens do not adversely impact the neighborhood or surrounding properties on which the chickens are kept.

### **Permit Required.**

- (a) An annual permit is required for the keeping of any domesticated chickens. The annual permit is personal to the permittee and may not be assigned.
- (b) The fee for an annual permit to keep chickens is \$20.00. This permit may be renewed on an annual basis for \$10.00.
- (c) The applicant shall demonstrate compliance with all the criteria and standards within this ordinance in order to obtain a permit.
- (d) The application for a permit shall be submitted to the Town of Wilton, Building Department.

### **Exceptions.**

Any use specially permitted under Agricultural with animals by the Zoning Board of Appeals or those that fall within the established Saratoga County Agricultural Districts.

### **Number and type of chickens allowed.**

- (a) The maximum number of chickens allowed is twelve (12) per residential lot regardless of how many dwelling units are on the lot.
- (b) Only female chickens are allowed. There is no restriction as to the species of chickens.

### **Non-Commercial use only.**

Chickens shall be kept for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes under this permit.

### **Enclosures.**

- (a) Chickens shall be kept in an enclosure, chicken tractor, or fenced area (chicken pen) always during daylight hours. Enclosures must be clean, dry, and odor free, always kept neat and in a sanitary condition. They shall be kept in a manner that will not disturb the use or enjoyment of neighboring properties due to noise, odor, or other adverse impacts. The chicken pen shall provide adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats. It shall be constructed with sturdy wire fencing buried at least 12" in the ground or securely wrapped on all sides and the bottom. The pen must be covered with wire, aviary netting or solid roofing.

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- (b) Chickens shall be secured within a henhouse during non-daylight hours. The structure 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 1-inch openings. The use of scrap, waste board, sheet metal or similar materials is prohibited. The hen house shall always be maintained and in good working condition.
- (c) Henhouses, enclosures, chicken tractors, and fenced areas shall be kept no less than 10 feet from any rear or side property line, located behind the primary residence located on the property, and a minimum of 25 feet from a primary residence. Henhouses shall not exceed 30 square feet in size.

**Odor and Noise impacts.**

- (a) Odors from chickens, chicken manure, or other chicken 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 as determined by the Town, Codes Enforcement Officer.

**Lighting.**

Only motion activated lighting shall be used to light the exterior of the henhouse, and no such lighting shall be detectible beyond the property boundaries.

**Feed and Water.**

Chickens must be always provided with feed and clean water; such feed and water shall be located so it is unavailable to rodents, wild birds and predators.

**Waste and Storage removal.**

Provisions shall be made for the storage and removal of chicken manure and chicken related waste. All stored waste shall be covered by a fully enclosed container not larger than 20 gallons in size. No more than one such container per property housing chickens. Uneaten feed shall be removed in a timely manner so as not to attract pests.

**Violation.**

Each violation of this ordinance shall be subject to a \$25.00 fine; each day a violation continues shall constitute a separate offense. The Town of Wilton shall retain the right to inspect any property to determine whether a violation has been corrected.

**Permit Revocation.**

A permit may be revoked without reimbursement of any fee for:

- (a) Misrepresentation on an application.

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- (b) Violation of the provisions of this ordinance, or failure to correct said violation upon reinspection.
- (c) Where it has been determined by the enforcement officer that there is a risk to public health or safety.

**Enforcement.**

Any violation of this ordinance may be enforceable by injunction or other action available under law.

**Removal of Chickens.**

In addition to the penalty under the section labeled as Violation, any violation of the provisions of this ordinance shall be grounds for an order from the Town to remove the chickens and chicken related structures from the property. The enforcement officer may order the removal of the chickens upon determination that the chickens pose a health risk. In the case that a chicken dies, it must be disposed of immediately and in a sanitary manner.