

3-33 Keeping of Hens/Poultry

(a) Purpose

The purpose of this ordinance is to regulate the keeping of hens for the purposes of pets, home egg production, gardening, or similar purposes. This ordinance details the obligations of the hen keeper so as to prevent a nuisance to surrounding lots or any public health concerns, as well as the permit issuing process.

(b) Definitions

- (1) Hen – a female chicken. “Chicken” may also be used to refer to hens.
- (2) Henhouse or coop – a structure designed to house chickens.
- (3) Pen or run – a completely enclosed outdoor area designed to allow chickens access to the outdoors while providing protection from predators.
- (4) Predator – any creature that would seek to harm or consume chickens.
- (5) Pests – any unwanted animal that would seek access to chicken feed, such as mice or rats. (c)

(c) Nuisance Control

(1) Noise

- a. No roosters (male chickens) are permitted.
- b. The number of hens shall be limited to 6.
- c. Perceptible noise from chickens at the property boundary must conform to all existing noise ordinances.

(2) Odor

- a. Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.
- b. If possible, waste must be composted with carbonaceous material such as hay, bedding, or leaves. If the weather is too cold, or composting is otherwise not possible, waste must be stored in a sealed container until disposal.
- c. Weekly cleaning of henhouses is required, more frequent cleanings may be required as needed to prevent odor.

- d. The henhouse and attached pen must conform to all relevant property setbacks for accessory structures as specified in Appendix A – Zoning.
- (3) Other
 1. All chickens shall be confined to the permit holder’s property at all times to prevent wandering and straying onto other properties.

(d) Predator and Pest Control

- (1)** Chicken feed must be stored securely in a rodent-proof container.
 - (1) (2)** Chicken feed leftover from feeding may not remain past dusk in an area accessible to rodents or other pests.
- (2)** Henhouse Construction
 - a.** Henhouse and attached pen must be constructed securely so as to exclude predators.
 - b.** The pen must be completely enclosed, including aviary netting or other predator-proof material across the top of the pen.
 - c.** Henhouse and food sources must be constructed and stored so as to exclude pests.
 - d.** Necessary measures must be taken to prevent a buildup of pest or rodent populations due to the presence of hens on the property.

(e) Health & Disease Concerns

- (1) Hens must be enclosed and segregated from wild migratory fowl. They may only be allowed out of the enclosure into a securely fenced area when supervised.
- (2) All henhouses shall be located not less than 200 feet from the high water mark of any known source of drinking water supply or any tributary thereof, and not less than 50 feet from any well.
- (3) The Board of Health or its agent may order the removal of the chickens upon a determination that the chickens pose a health risk.
- (4) Chickens may not be slaughtered on a residential property within the border of the City of Everett.
- (5) If a chicken dies, it must be disposed of promptly in a sanitary manner.

(f) Humane Treatment

- (1)** Chickens must be treated in a humane manner at all times, including access to fresh food, water and protection from the elements as needed.
- (2)** Chickens shall not be subject to de-beaked or forced molting.
- (3)** The henhouse must have a minimum interior floor surface of at least 2 square feet per bird.
- (4)** A pen area is required and must have a minimum ground surface of at least 5 square feet per bird.

(g) Regulation and Permit Process

- (1)** No person shall keep hens within the limits of the City of Everett, in any building, or on any premises of which he is the owner, lessee, tenant or occupant, without first obtaining an annual permit from the Board of Health.
- (2)** In order to receive a permit the following must be completed:
 - a.** A completed application form provided by the Board of Health.
 - b.** A submitted plan drawn to scale which includes the following information: Size of entire lot with existing structures as well as the henhouse and pen, including fences; distance of henhouse and pen from all abutters;
 - c.** A submitted written maintenance plan describing cleaning schedule, pest and predator control measures, and nuisance prevention measures.
 - d.** Verification that all abutters have been notified, not more than thirty (30) but no less than fourteen (14) days in advance of the hearing before the Board or its Agent, of the applicant's intent. Such verification shall be in the form of a signed letter or receipt from the U.S. Post Office that a certified letter has been received by each abutter.
 - e.** The Health Department will notify all abutters in writing once the verification process is approved by the Board of Health. Such verification shall be in the form of a signed letter or receipt from the U.S. Post Office that a certified letter has been received by each abutter.
 - f.** If the property where the hens are to be located is owned by multiple owners, written statements signed by all property owners granting permission.
- (3)** Action by Health Department and Code Enforcement on Initial Permit

- a. Upon receipt of a completed application as defined above, the Board or its Agent shall inspect the property.
 - b. The Board or its Agent shall provide a hearing for the applicant to speak regarding their application, and for abutters to express any concerns, questions, support or opposition to the application. The Board or its Agent may require the applicant to furnish additional information needed to make a determination whether to grant the permit.
 - c. The Board or its Agent(s) shall act on the completed application. Notice of the Board's or its Agent(s)' decision shall be mailed to the applicant within seven (7) working days of the decision and will include any conditions imposed by the Board or its Agent(s).
 - d. If the permit is issued, it shall be issued to the owner of the property or the tenant of the property with the written permission of the property owners. If permission from the property owners is rescinded, the permit shall be valid until the end of its annual renewal period; and
 - e. The issuance of such permit does not in any way relieve the permit of the necessity to comply with other laws and regulations concerning zoning and construction. A henhouse and attached pen is considered an accessory structure similar to a greenhouse for zoning purposes.
- (4) An initial inspection fee or an annual renewal fee for a permit shall be set by the Board of Health. The appropriate fee shall be paid at the time the application is submitted for review. The fee shall not exceed the expected cost of processing the application.
- (5) Fines may be charged for re-inspection or violations of this article, to cover the cost of any personnel time or expense. The amount of any fines may be set by the Board of Health; the amount of such fines shall be publicly known in a manner that is customary and consistent with other Board of Health processes. The set fines are as follow: First Offense \$25.00, Second Offense \$50.00. Applicant has one week to correct any violations between the first and second offense, also between the second and third offense. Third Offense is \$300.00. Once applicant receives third offense, their permit will be temporarily suspended and the applicant must appear before the Board of Health for hearing at the closest to date Board meeting.
- (6) Any Second violation appearance before the Board of Health, the Permit shall be automatically revoked by the Board of Health. The chickens and the chicken-related structures shall be removed.

(h) Severability

- (1)** The provisions of this section are severable; and if any of the provisions of this section shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.