

**ORDINANCE NO. 1630**

**AN ORDINANCE TO REGULATE THE KEEPING OF FOWL**

WHEREAS the City of Manchester has recently experienced a number of complaints regarding the noise, odors and sanitation issues which attend the keeping of fowl; and

WHEREAS the current provisions of Manchester Municipal Code regulate the keeping of fowl only in the most general terms and provide no guidance to the Health Officer in evaluating the proper issuance of a permit; and

WHEREAS the Board of Mayor and Aldermen of the City of Manchester believes it in the best interest of the City to address issues pertaining to the keeping of fowl; and

WHEREAS the Street Committee, after study of the present problems and the ordinances of other cities, believes the following provisions to be beneficial to the health and well-being of the citizens of Manchester; and

WHEREAS the Board of Mayor and Aldermen finds the following provisions are necessary to promote the health and well-being of the citizens of Manchester.

BE IT THEREFORE ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MANCHESTER, TENNESSEE:

A) That there be added to current Code Section 10-102 the following sentence:

**“The keeping of fowl and the permit therefore shall comply with and be further governed by Code 10-104.”**

B) To enact the following as Code 10-104:

**“10-104.**

**These provisions shall specifically apply to the keeping of fowl within the City of Manchester. These provisions are supplementary to any other provisions of Manchester Municipal Code. To the extent there is a conflict; the more stringent provisions shall control.**

- A. **No person shall keep fowl within the City of Manchester in such a manner that a nuisance is created.**
  - B. **The keeping of fowl shall be in compliance with all applicable zoning laws of Manchester Municipal Code.**
  - C. **Only the keeping of domesticated hens is permitted. Keeping of male fowl of any type is not permitted. Keeping of pea fowl of any type is not permitted.**
  - D. **An annual permit issued by the City shall be required for the keeping of domesticated hens where allowed by Manchester Municipal Code, provided that no permit shall be required for property that is zoned for agricultural uses.**
1. **The annual permit to keep domesticated hens may not be assigned to another person. In addition, the permit authorizes the keeping of domesticated hens only upon the property described in the permit. The permittee must occupy the residence on the property where the domesticated hens are kept as the permittee’s personal, primary residence. An applicant for a permit for residential property must either own the property or have written permission from the property owner to be eligible for a permit.**

2. Only one permit is allowed per permittee. In the event the permittee is absent from the property for longer than sixty (60) days; the permit automatically shall terminate and become void. The issuance of a permit does not create a vested right to renewal of the permit beyond the stated term thereof.
  3. The first permit year shall extend from the date of issuance through December 31, 2021. Thereafter the permit year shall be January 1 through December 31.
  4. Fees. The fee for an annual permit to keep domesticated hens is Twenty-Five Dollars (\$25).
  5. In the event a permit is denied or revoked; the affected permittee or potential permittee may appeal that decision to the Street Committee. The Street Committee's decision shall be final. Any such appeal to the Street Committee must be in writing and filed with the Finance Director no later than ten (10) days after the first adverse action.
- E. Food storage and removal. All stored food for the domesticated hens must be kept either indoors or in a weather-resistant container designed to prevent access by animals. Uneaten food shall be removed daily.
- F. Enclosure.
1. All domesticated hens shall be kept outside of a habitable structure in a predator-proof enclosure, a portion of which must be a covered henhouse, and a portion of which must be a fenced area complying with the provisions of Manchester Municipal Code applicable to the construction of fences.
  2. In addition to the fenced enclosure, hens shall be provided with a covered, predator-resistant henhouse. A minimum of two square feet per hen shall be provided for henhouses and six square feet per bird for fenced enclosures.
  3. Fenced enclosures and henhouses must be properly ventilated, clean, dry and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
  4. The henhouse and fenced enclosure must provide adequate ventilation, adequate sun and shade and must be constructed in a manner to resist access by rodents, wild birds and predators, including dogs and cats.
  5. Henhouses 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-resistant wire of less than one inch openings.
- G. Sanitation, Nuisance and Humane Treatment.
1. Waste storage and removal. Provision must be made for the storage and removal of chicken manure. All manure for composting or fertilizing soil shall be contained in a well-aerated garden compost pile. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse and surrounding area must be kept free from all trash and accumulated droppings.
  2. No perceptible odor from the hens or the hen enclosure shall be present at any property line.
  3. All feed shall be stored in a rodent and predator-proof container having a metal lid.
  4. No slaughtering of domesticated hens may occur on the property.
  5. No breeding of chickens shall occur on the property.
  6. No domesticated hens shall be used or trained for the purpose of fighting for amusement, sport or financial gain.
- H. Application for Permit. Every applicant for a permit to keep domesticated hens shall:
1. Complete and file an application on the form prescribed by the Board of Mayor and Aldermen.
  2. Deposit the prescribed permit fee with the Finance Director at the time the application is filed. Any material misstatement or omission shall be grounds for denial, suspension or revocation of the permit.
  3. Include with the application a picture, rendering or design plans of the henhouse(s) to be constructed.

- I. **Approval of Permit.** The Health Officer (Superintendent of Public Works) shall issue a permit if the applicant submits an affidavit attesting that he/she is in compliance with the criteria and standards in this section or signs the permit under penalty of perjury.
- J. **Denial, Suspension or Revocation of Permit.** The Health Officer shall deny a permit if the applicant fails to submit an affidavit demonstrating compliance with all provisions of this section (or fails to sign the permit under penalty of perjury). A permit to keep domesticated hens may be suspended or revoked by the Health Officer where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this section or with the provisions of any other applicable ordinance or law, provided that a permit to keep domesticated hens shall be revoked in the event a court of competent jurisdiction finds three or more separate violations of the provisions of this section within a twenty-four (24) month period. Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal. In the event a permit to keep domesticated hens at a particular address is revoked pursuant to the provisions of this subsection; no new permit shall be issued for the same address unless the property changes ownership from the permittee violating this provision or a new tenant is residing at the address and no person violating the terms of this section own or reside on the premises.
- K. **Penalty.** In addition the any other enforcement action which the City of Manchester may take; violation of any provision of this section shall be subject to a fine of Fifty Dollars (\$50). Each day that a violation continues shall be treated as a separate offense.
- L. **The Street Committee of the City of Manchester shall have the authority to adopt and implement rules and regulations necessary to further the provisions of this section, provided they are not in conflict with the requirements of this section.**
- M. **The provisions of this Section are severable. If any are found to be unenforceable; the remainder shall be enforced.”**

C) That the permit form attached as Exhibit “A” is adopted as the initial permit form.

BE IT FURTHER ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MANCHESTER, TENNESSEE this ordinance shall take effect on and after its publication and passage, the public welfare of the City of Manchester, Tennessee requiring it.

PASSED FIRST READING: \_\_\_\_\_ September 7, 2021

PASSED SECOND AND FINAL READING: \_\_\_\_\_ October 5, 2021

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Marilyn Howard, Mayor

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Bridget Anderson, Finance Director