

ORDINANCE NO. 14-2016

AN ORDINANCE OF THE TOWN OF TRAPPE AMENDING THE TRAPPE ZONING ORDINANCE, TITLE III AND SECTION 2 TO ADD A DEFINITION OF “FARM ANIMAL”; AND TO AMEND TITLE IV, SECTION 12 TO PROHIBIT THE KEEPING OF FARM ANIMALS IN ALL ZONING DISTRICTS OTHER THAN THE AGRICULTURAL (“A”) ZONING DISTRICT AND TO PROHIBIT THE KEEPING AND MAINTAINING OF ANY EXOTIC ANIMALS AS DESCRIBED AND REGULATED BY STATE LAW; TO AMEND ARTICLE IV, SECTION 7 TO PERMIT AN ANIMAL SHELTER OR ANIMAL SANCTUARY IN THE “A” AGRICULTURAL DISTRICT BY SPECIAL EXCEPTION; AND TO PERMIT THE KEEPING OF CHICKENS IN THE R-1, R-2 AND R-3 DISTRICTS BY SPECIAL EXCEPTION

WHEREAS, the Town of Trappe is authorized by the Md. Code Ann. § 4-102 to adopt a comprehensive Zoning Ordinance;

WHEREAS, in accordance with Md. Code Ann. Land Use Article, §4-204, the Town of Trappe is authorized to to amend, supplant or modify the Zoning Ordinance; and

WHEREAS, the Trappe Planning Commission has recommended that the Zoning Ordinance be amended to prohibit farm animals in all zoning districts other than the Agricultural (“A”) District, other than permitting chickens by special exception in certain residential districts, and to prohibit exotic animals as described and regulated by state law, in all zoning districts; and

WHEREAS, the Council of Trappe has determined that it is desirable and in the public interest to amend the Zoning Ordinance as recommended by the Council.

NOW, THEREFORE, be it ordained by the Council of Trappe as follows:

Section 1: Title III, Section 2 of the Trappe Zoning Ordinance is hereby amended to add the following definition:

Farm animal - for the purpose of this Ordinance, shall include, but not be limited to: cows, horses, mules, donkeys, goats, sheep, hogs, lama, chickens, turkeys, ducks, geese and pigeons, or similar fowl or hooved animals.

Section 2: Title IV of the Trappe Zoning Ordinance, Section 12 titled “Supplementary District Regulations”, is hereby amended to include Subsection 12.100 to be titled “Farm Animals and Exotic Animals prohibited”, as follows:

Subsection 12.100 – Farm Animals and Exotic Animals Prohibited.

- 1) ***Except as provided in Subsection 12.105, the keeping of farm animals is prohibited in any zoning district other in the Agricultural (“A”) District.***
- 2) ***No property owner shall allow any exotic animal described and regulated pursuant to Md. Code Ann. Criminal Law Article § 10-621 to be kept, possessed or maintained in any zoning district.***
- 3) ***Notwithstanding the provisions of 1) and 2) above, nothing set forth in this Subsection 12.100 shall prevent an animal from being treated, kept or maintained in a veterinarian clinic or an animal shelter or animal sanctuary where such use is authorized and permitted under this Zoning Ordinance.***

Section 3: Title IV of the Trappe Zoning Ordinance, Section 12 titled “Supplementary District Regulations”, is hereby amended to include Subsection 12.105 to be titled “Chickens within Residential Districts by Special Exception”, as follows:

Subsection 12.105 – Chickens Within Residential Districts by Special Exception. The keeping of chickens (excluding roosters or crowing hens) shall be permitted as a special exception use, only for personal enjoyment for household use and not as a business, and only as set forth in this subsection. The keeping and maintaining chickens shall be permitted by special exception upon properties in the R-1, R-2 and R-3 Districts where a single-family residence is located, and on a property which has a minimum lot size of 8,000 square feet, and subject to the following requirements:

- 1) ***No person shall keep chickens within the Town without first obtaining a permit from the Town office. The property owner shall also register the chickens through the Maryland Poultry Premises Registration Program, with the Maryland Department of Agriculture, and shall provide the Town with a copy of such registration annually.***
- 2) ***A maximum of four (4) chickens are allowed on any one property.***
- 3) ***All chickens shall be kept in the backyard only and in a secure enclosure or coop. The enclosure or coop shall be constructed, repaired and maintained in a manner that is free of all odors and to prevent rodents from being harbored underneath, within or within***

the walls of the enclosure. All coops or enclosures must not be closer than ten (10) feet from a neighboring property line. Enclosures shall not exceed six (6) feet in height above grade and must allow for a footprint of at least two (2) square feet per chicken housed in the coop or enclosure. The maximum total allowable footprint for an enclosure or coop is forty (40) feet.

- 4) *All enclosures or coops shall be kept in a clean and sanitary condition at all times and the owner of an enclosure shall as often as is necessary remove the accumulations of manure or other excreta in order to prevent the same from becoming a public nuisance.*
- 5) *All feed for animals shall be stored in predator-proof containers.*
- 6) *If, at any time, it appears that the keeping of any chicken creates a nuisance, the Town's designee may, whether or not a permit has been issued, order the owner to abate the nuisance and/or remove the chicken(s) from the Town of Trappe. If an owner fails to abate the nuisance and/or remove said chickens in the time provided in the notice, the Town's designee may summarily remove the chickens and abate the nuisance.*
- 7) *No person shall slaughter any chickens on the property.*
- 8) *Violations of the provisions of this subsection shall be punishable as a municipal infraction.*
- 9) *Any person keeping or maintaining chickens as of December 7, 2016, shall not be required to obtain a special exception provided that they obtain a permit from the Town by February 1, 2017. While a special exception shall not be required, all other provisions of Section 12.105 1) through 8) shall apply to any owner whose use is grandfathered under this subsection.*

Section 4: Title IV of the Trappe Zoning Ordinance, Section 2, titled "R-1" District, is hereby amended to include the following as a special exception use under Subsection 2.20:

Subsection 2.20 – Special Exceptions. The following principal uses and structures may be permitted by special exception in the "R-1" district:

.....

- 8) *Chickens, provided that the requirements of Article IV, Subsection*

12.105 are satisfied.

Section 5: Title IV of the Trappe Zoning Ordinance, Section 7, titled “A” Agricultural District, is hereby amended to include the following as a special exception use under Subsection 7.20:

Subsection 7.20 – Special Exceptions. The following principal uses and structures may be permitted by special exception in the “A” district:

.....

15) *Animal Shelter or Animal Sanctuary*

Section 6. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance, which can be given effect without the invalid section, subsection, sentence, clause or phrase, and to that end, all provisions of this Ordinance are hereby declared to be severable.

Section 7. This Ordinance shall become effective on the _____ day of _____, 2016.

Norman Fegel

Rosalee Potter

Tonya Pritchett

Robert Diefenderfer, Jr.

C. Donald English

I hereby certify that the foregoing Ordinance Number 14-2016 of the Town of Trappe was duly read and enacted in accordance with the applicable provisions of the Charter of the Town of Trappe.

Attest: _____
Erin Braband, Clerk/Treasurer
Town of Trappe