

City of Dayton

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CITY OF DAYTON APPLICATION FOR KEEPING OF DOMESTICATED CHICKENS



For Department Use Only:

Date Received: _____

Renewal Application:

YES NO

Property Owner permission
received, if required:

YES NO

HOA permission received, if
required: YES NO

Building permit fee required:

YES NO

ANSWER ALL QUESTIONS BELOW COMPLETELY. INCOMPLETE AND UNSIGNED APPLICATIONS WILL DELAY PROCESSING.

1. Name: _____

2. ADDRESS

Mailing Address:

3. Phone#: _____

4. Email: _____

5. Own or Rent?: _____ (If renting, written permission from the property owner is required)

6. Are you a member of an HOA?: YES NO (If so, written permission from the HOA is required)

7. Number of Hens: _____

8. Henhouse & Pen: YES NO (If not, \$25 building permit is required with inspection)

Inspection is required for initial application request

9. Henhouse Inspected: : YES NO

Signature: _____

Date: _____

Applicant

Print Name

Signature: _____

Date: _____

Building Inspector

**AN ORDINANCE TO AMEND TITLE 10, ANIMAL CONTROL,
TO ADD A NEW CHAPTER 3, KEEPING OF DOMESTICATED CHICKENS, AND TO
AMEND TITLE 10, ANIMAL CONTROL, CHAPTER 1, IN GENERAL, SECTION 10-102 OF
THE MUNICIPAL CODE OF THE CITY OF DAYTON, TENNESSEE**

WHEREAS, there has been interest expressed by some citizens of Dayton to allow the keeping of domesticated chickens.

WHEREAS, the City Council for Dayton, Tennessee feels it is necessary to balance the desires of those residents wishing to keep domesticated chickens with the concerns and issues of animal welfare, neighbor annoyance concerns and environmental impacts.

WHEREAS, to address the concerns and issues pertaining to the keeping of domesticated chickens, the City Council feels a regulatory structure is necessary.

WHEREAS, by allowing the keeping of domesticated chickens, it is necessary to amend Title 10, Animal Control, Chapter 1, In General, Section 10-102 which prohibits the keeping of fowl within 1,000 feet of any residence, place of business or public street.

Therefore, pursuant to Sections 2-12 through 2-16 of the Charter for the CITY OF DAYTON, TENNESSEE, **IT IS THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAYTON THAT:**

Section 1: That Title 10, Animal Control, of the Municipal Code of the City of Dayton, Tennessee shall hereby be amended to add a new Chapter 3, Keeping of Domesticated Chickens, which shall read as follows:

“CHAPTER 3

KEEPING OF DOMESTICATED CHICKENS

SECTION

10-301. Purpose.
10-302. Definitions.

- 10-303. Permit required.
- 10-304. Fees.
- 10-305. Number and type of chickens allowed.
- 10-306. Noncommercial use only.
- 10-307. Slaughter prohibited.
- 10-308. Fenced enclosures and henhouses.
- 10-309. Food storage and removal.
- 10-310. Waste storage and removal.
- 10-311. Application for permit.
- 10-312. Approval of permit.
- 10-313. Denial, suspension, or revocation of permit.
- 10-314. Penalty.
- 10-315. Other provisions.
- 10-316. Severability.

10-301. Purpose. The purpose of this Section is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female chickens on a noncommercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The City of Dayton recognizes that adverse neighborhood impacts may result from the keeping of domesticated chickens as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, or parasites, and non-confined animals leaving the owner's property. This Section is intended to create licensing standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

10-302. Definitions. "Domesticated chickens" shall mean hens kept solely for the purpose of personal use; and not for the selling of eggs, breeding of chickens, production of chickens or any by-products for market purposes.

10-303. Permit required. An annual permit is required for the keeping of chickens. Additionally, a building permit is required for the construction of a henhouse and pen.

(1) The annual permit fee to keep chickens is personal to the permittee and may not be assigned. Permits do not run with the land. In addition, the permit authorizes the keeping of chickens only upon the property described in the permit. The permittee must occupy the residence on the property where the chickens are to be kept as the permittee's personal, primary residence. An applicant for a permit must

either own the property or have written permission from the property owner to be eligible for a permit. If the property is governed by a homeowner's association, the applicant must also provide written permission of the homeowner's association to be eligible for a permit. Additionally, a permit will not be issued if there are deed restrictions and/or subdivision restrictions prohibiting the keeping of chickens and/or livestock on the property. Further, if a permit is issued and the City later discovers that deed restrictions, subdivision restrictions or home owner's association rules (and the permittee did not disclose the home owner's association rules and have written permission) prohibit the keeping of chickens, then the permit shall be immediately revoked. Only one (1) permit is allowed per permittee and only one (1) permit is allowed per property. In the event the permittee is absent from the property for longer than thirty (30) 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.

(2) The first permit year shall extend from the date of issuance through December 31. Thereafter, the permit year shall be January 1 through December 31.

10-304. Fees. The fee for an annual permit to keep chickens is Twenty-Five (\$25.00) Dollars. In addition, a Twenty-Five (\$25.00) Dollar fee shall be required for the building permit for the construction of a henhouse and fenced enclosure.

10-305. Number and type of chickens allowed. (1) Only female chickens "hens" are allowed. There is no restriction on domestic chicken breeds. However, fowl and poultry other than chickens are not allowed.

(2) Up to fifteen (15) hens may be allowed. No roosters shall be allowed. The provisions of this Section and Chapter apply to all lots regardless of how many dwelling units are on the lot. In the case of multifamily residential complexes without individually owned back yards, the maximum number of chickens allowed is fifteen (15) per complex.

10-306. Noncommercial use only. Hens shall be kept for personal use only. No person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.

10-307. Slaughter prohibited. The slaughtering of chickens is prohibited.

10-308. Fenced enclosures and henhouses. (1) Hens must be kept in a fenced enclosure at all times. The fenced enclosure shall be either (a) covered, or (b) at least forty-two (42") inches high. In the event the fenced enclosure is not covered, all hens must be wing-clipped to prevent escape. Hens shall be secured within the henhouse during non-daylight hours.

(2) In addition to the fenced enclosure, hens shall be provided with a covered, predator-resistant henhouse. The area of the henhouse structure shall not exceed 36 square feet.

(3) A minimum of two (2) square feet per hen shall be provided for henhouses and a minimum of six (6) square feet per hen for fenced enclosures, but not greater than ninety (90) square feet of fenced enclosure.

(4) Fenced enclosures and henhouses shall be properly ventilated, clean, dry, and odor-free, and kept in a neat and sanitary condition at all times and in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor, or other adverse impact.

(5) The henhouse and fenced enclosure shall provide adequate ventilation and adequate sun and shade and shall be constructed in a manner to resist access by rodents, wild birds, and predators, including but not limited to, dogs and cats.

(6) 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 (1") inch openings.

(7) The materials used in making the henhouse and fence shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. Further, the materials used in making the henhouse should correspond to the materials used for the primary residence located on the property. The henhouse shall be well-maintained.

(8) Henhouses shall be located and constructed in compliance with the City's zoning ordinances.

(9) Neither the henhouse nor the fenced enclosure shall be located less than fifteen (15) feet from any abutting property line.

(10) Henhouses and enclosures shall not be permitted in front yards.

10-309. Food storage and removal. All stored food for the hens shall be kept either indoors or in a weather-resistant container designed to prevent access by animals. Uneaten food shall be removed daily.

10-310. Waste storage and removal. Provision must be made for the storage and removal of chicken manure. Like all other animal wastes, chicken manure and litter may harbor pathogens, such as *E. coli*, *Salmonella*, *Cryptosporidium* and others. To reduce risk to humans and pets, proper precautions are necessary so that children, adults and pets do not have access to chicken manure and litter. Therefore, all manure for composting or fertilizing shall be contained or enclosed. In no case shall chicken manure for composting or fertilizing be kept within 15 feet from any abutting property line. Further, liquid runoff shall not be allowed to stand or pool and runoff shall not drain on abutting property owners. Chicken manure and litter shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors to be detected on another property. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse and surrounding area shall be kept free from trash and accumulated droppings. Failure to comply with these conditions may result in the revocation of the permit.

10-311. Application for permit. Every applicant for a permit to keep domesticated hens shall:

- (1) Complete and file an application on a form prescribed by the City of Dayton.
- (2) Deposit the prescribed permit fee with the City of Dayton at the time the application is filed.

Any material misstatement or omission shall be grounds for denial, suspension, or revocation of the permit.

10-312. Approval of permit. The City of Dayton Building Inspector shall issue a permit if the applicant has demonstrated compliance with the criteria, standards and rules of this Chapter. The Building Inspector shall deny a permit if the applicant has not demonstrated compliance with all provisions of this Chapter.

10-313. Denial, suspension, or revocation of permit. The Codes Enforcement Officer for the City of Dayton may suspend or revoke a permit to keep domesticated hens 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 Chapter or with the provisions of any other applicable ordinance or law. Other grounds for a permit to be suspended or revoked include but are not limited to, hens are repeatedly found at large, damages the property of anyone other than the owner, molests or intimidates pedestrians or passersby, chases vehicles, excessively makes disturbing noises, causes fouling of the air by odor which is detected on property of others, or attacks other domestic animals. Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal to the City Manager.

10-314. Penalty. In addition to any other enforcement action which the City may take, violation of any provision of this Chapter shall be a civil violation and a fine not exceeding Fifty (\$50.00) Dollars may be imposed. Each day that a violation continues will be treated as a separate offense.

10-315. Other provisions. (1) In addition to the standards set forth in this Chapter, the permittee shall follow all other applicable rules for the keeping of animals included in the Municipal Code of the City of Dayton, Tennessee.

(2) The provisions of this Chapter do not supersede any deed restrictions, subdivision restrictions or home owner's association rules.

10-316. Severability. In the event that any portion of this Chapter shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other portion of this Chapter."

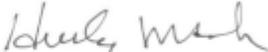
Section 2: That Title 10, Animal Control, Chapter 1, In General, Section 10-102, Keeping near a residence or business restricted, of the Municipal Code of the City of Dayton, Tennessee shall hereby be amended and replaced to read as follows:

"10-102. Keeping near a residence or business restricted. Swine are prohibited within the corporate limits. Except as provided in Title 10, Chapter 3 of the Municipal Code of the City of Dayton, Tennessee, no person shall keep or allow any other animal or fowl,

enumerated in the preceding section to come within one thousand (1,000) feet of any residence, place of business, or public street, as measured in a straight line."

Section 3: Severability: The City of Dayton, Tennessee hereby declares that should any section, paragraph, sentence, phrase, term or word of this ordinance be declared for any reason to be invalid or unconstitutional by a court of competent jurisdiction, said invalidity or unconstitutionality shall not effect or impair any other section, paragraph, sentence, phrase, term or word of this ordinance.

Section 4: This Ordinance shall take effect ten (10) days from and after its final passage, the public welfare requiring it.



HURLEY MARSH, Mayor

ATTEST:


BY: _____
L. MICHELLE HORTON, City Recorder

PASSED First Reading on this the 8th day of January, 2024.

PASSED Second Reading on this the 5th day of February, 2024.

PUBLISHED in the Herald News on this the 31st day of January, 2024.

PUBLIC HEARING held on this the 5th day of February, 2024.