

**CITY OF SOUTH PORTLAND – DEPARTMENT OF PLANNING & DEVELOPMENT**

**ANNUAL PERMIT TO KEEP CHICKENS**

AN ANNUAL PERMIT IS REQUIRED FOR THE KEEPING OF ANY DOMESTICATED CHICKENS IN THE CITY OF SOUTH PORTLAND. ADDITIONALLY, A BUILDING PERMIT IS REQUIRED FOR THE CONSTRUCTION OF A HENHOUSE AND CHICKEN PEN. THE ANNUAL PERMIT TO KEEP CHICKENS IS PERSONAL TO THE PERMITTEE AND MAY NOT BE ASSIGNED. IN THE EVENT THE PERMITTEE IS ABSENT FROM THE PROPERTY FOR LONGER THAN SIXTY (60) DAYS, THE PERMIT SHALL AUTOMATICALLY TERMINATE AND BECOME VOID.

Application Fee \$25.00\_\_\_\_\_

Application #201\_\_\_\_\_

Permit #201\_\_\_\_\_

Application Date:\_\_\_\_\_

Date Permit Issued:\_\_\_\_\_

Address:\_\_\_\_\_

Property Owner:\_\_\_\_\_ Phone # \_\_\_\_\_

Permittee:\_\_\_\_\_ Phone # \_\_\_\_\_

Email address of permittee \_\_\_\_\_

Number of Chickens to be kept: \_\_\_\_\_

**Note: Maximum number of chickens allowed is six (6). Only female chickens are allowed.**

YOUR SIGNATURE ACKNOWLEDGES RECEIPT OF ORDINANCE #4-07/08 WHICH DETAILS DEFINITIONS, PURPOSE AND STANDARDS FOR KEEPING CHICKENS.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
APPROVED

\_\_\_\_\_  
Date

**THIS PERMIT EXPIRES 12/31/201\_\_\_\_\_**

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DEPARTMENT OF PLANNING & DEVELOPMENT  
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## ARTICLE II. DOMESTICATED CHICKENS

**Sec. 3-51. Purpose.**

The purpose of this article 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 non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The City 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 article 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.

**Sec. 3-52. Permit Required.**

An annual permit is required for the keeping of any domesticated chickens in the City of South Portland. Additionally, a building permit is required for the construction of a henhouse and chicken pen.

(a) The annual permit to keep chickens is personal to the permittee and may not be assigned. In the event the permittee is absent from the property for longer than sixty (60) days, the permit shall automatically terminate and become void.

(b) The first permit year shall be September 25, 2007 through December 31, 2008. Thereafter the permit year shall be January 1 through December 31. In the first permit year, no more than twenty (20) permits shall be issued. In each subsequent permit year, twenty (20) more permits may be issued in addition to new permits issued to previous permittees.

**Sec. 3-53. Fees**

The fee for an annual permit to keep chickens is twenty-five dollars (\$25.00). In addition, a twenty-five dollar (\$25.00) fee shall be required for the building permit for the construction of a henhouse or chicken pen.

**Sec. 3-54. Number and Type of Chickens Allowed.**

(a) The maximum number of chickens allowed is six (6) per lot regardless of how many dwelling units are on the lot. In the case of residential condominium complexes without individually owned back yards, the maximum number of chickens allowed is six (6) per complex.

(b) Only female chickens are allowed. There is no restriction on chicken species.

**Sec. 3-55. Non-Commercial Use Only.**

Chickens shall be kept as pets and for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

**Sec. 3-56. Enclosures.**

(a) Chickens must be kept in an enclosure or fenced area at all times. During daylight hours, chickens may be allowed outside of their chicken pens in a securely fenced yard if supervised. Chickens shall be secured within the henhouse during non-daylight hours.

- (b) Enclosures must be 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.
- (c) The hen house and chicken pen must provide adequate ventilation and adequate sun and shade and must both be impermeable to rodents, wild birds, and predators, including dogs and cats.
- (d) Henhouses.
  - (1) A henhouse shall be provided and shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
    - (a) The structures 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 one (1) inch openings.
    - (b) The materials used in making the structure 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. The use of scrap, waste board, sheet metal, or similar materials is prohibited. The henhouse shall be well-maintained.
    - (c) The structure shall be painted; the color shall be uniform around the structure and shall be in harmony with the surrounding area.
  - (2) Henhouses shall only be located in rear yards, as defined in Sec. 27-201. For a corner lot or other property where no rear yard exists, a side yard may be used as long as the setbacks generally applicable in the zoning district are met. In no case may a henhouse be placed in the front yard.
  - (3) If a henhouse is proposed to be located less than twenty (20) feet from any side or rear property line, the Code Enforcement Officer shall notify abutting property owners by mail at least twenty (20) days before issuing a permit, except that the permit may be issued in fewer than 20 days if all abutters have responded before the expiration of that time. For henhouses proposed to be located within twenty (20) feet from the side or rear property line, the burden of proof is on the applicant to demonstrate that the proposal will meet the criteria of this article and will not adversely impact the use or enjoyment of abutting properties.
- (e) Chicken Pens.
  - (1) An enclosed chicken pen must be provided consisting of sturdy wire fencing buried at least 12" in the ground. The pen must be covered with wire, aviary netting, or solid roofing. The use of chicken wire is not permitted.

(Ord. No. 6-10/11, 9/20/10 [Fiscal Note: Less than \$1000])

### **Sec. 3-57. 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.

### **Sec. 3-58. Lighting.**

Only motion-activated lighting may be used to light the exterior of the henhouse.

**Sec. 3-59. Predators, Rodents, Insects, and Parasites.**

The property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation shall be removed by the Animal Control Officer.

**Sec. 3-60. Feed and Water.**

Chickens must be provided with access to feed and clean water at all times; such feed and water shall be unavailable to rodents, wild birds and predators.

**Sec. 3-61. Waste Storage and Removal.**

Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

**Sec. 3-62. Application for permit.**

Every applicant for a permit to keep domesticated chickens shall:

- (a) Complete and file an application on a form prescribed by the Code Enforcement Officer;
- (b) Deposit the prescribed permit fee with the Code Enforcement office at the time the application is filed.

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

**Sec. 3-63. Approval of permit.**

The Code Enforcement Officer shall issue a permit if the applicant has demonstrated compliance with the criteria and standards in this article.

**Sec. 3-64. Denial, suspension or revocation of permit.**

The Code Enforcement Officer shall deny a permit if the applicant has not demonstrated compliance with all provisions of this article.

A permit to keep domesticated chickens may be suspended or revoked by the Code Enforcement 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 article or with the provisions of any other applicable ordinance or law.

Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.

**Sec. 3-65. Appeal.**

A person appealing the issuance, denial, suspension or revocation of a permit by the Code Enforcement Officer may appeal to the Board of Appeals within thirty (30) days of the decision being appealed.

**Sec. 3-66. Penalty.**

In addition to any other enforcement action which the city may take, violation

of any provision of this article shall be a civil violation and a fine not exceeding one-hundred dollars (\$100.00) may be imposed. Each day that a violation continues will be treated as a separate offense.

**Sec. 3-67. Removal of Chickens**

In addition to the penalty stated in Sec. 3-68, any violation of the provisions of this article or of the permit shall be grounds for an order from the Code Enforcement Officer to remove the chickens and the chicken-related structures.

The Health Inspector, Health Officer, or Animal Control Officer may also order the removal of the chickens upon a determination that the chickens pose a health risk.

If a chicken dies, it must be disposed of promptly in a sanitary manner.

**Sec. 3-68. Annual Report to City Council**

On or before December 31 annually, the Code Enforcement Officer shall submit to the City Council a report stating the number of permits issued in the permit year, the number of complaints reported in the permit year, the nature of any enforcement activities, and any other information relevant to the oversight of provisions in this article.

**Sec. 3-69. Separability.**

In the event that any section, subsection or portion of this article 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 section, subsection or portion of this article.

(Ord. No. 4-07/08, 9/5/07 [Fiscal Note: Less than \$1000])

**Sec. 3-69 through 3-70 Reserved.**

(Ord. No. 13-07/08, 5/5/08 [Fiscal Note: Less than \$1000])