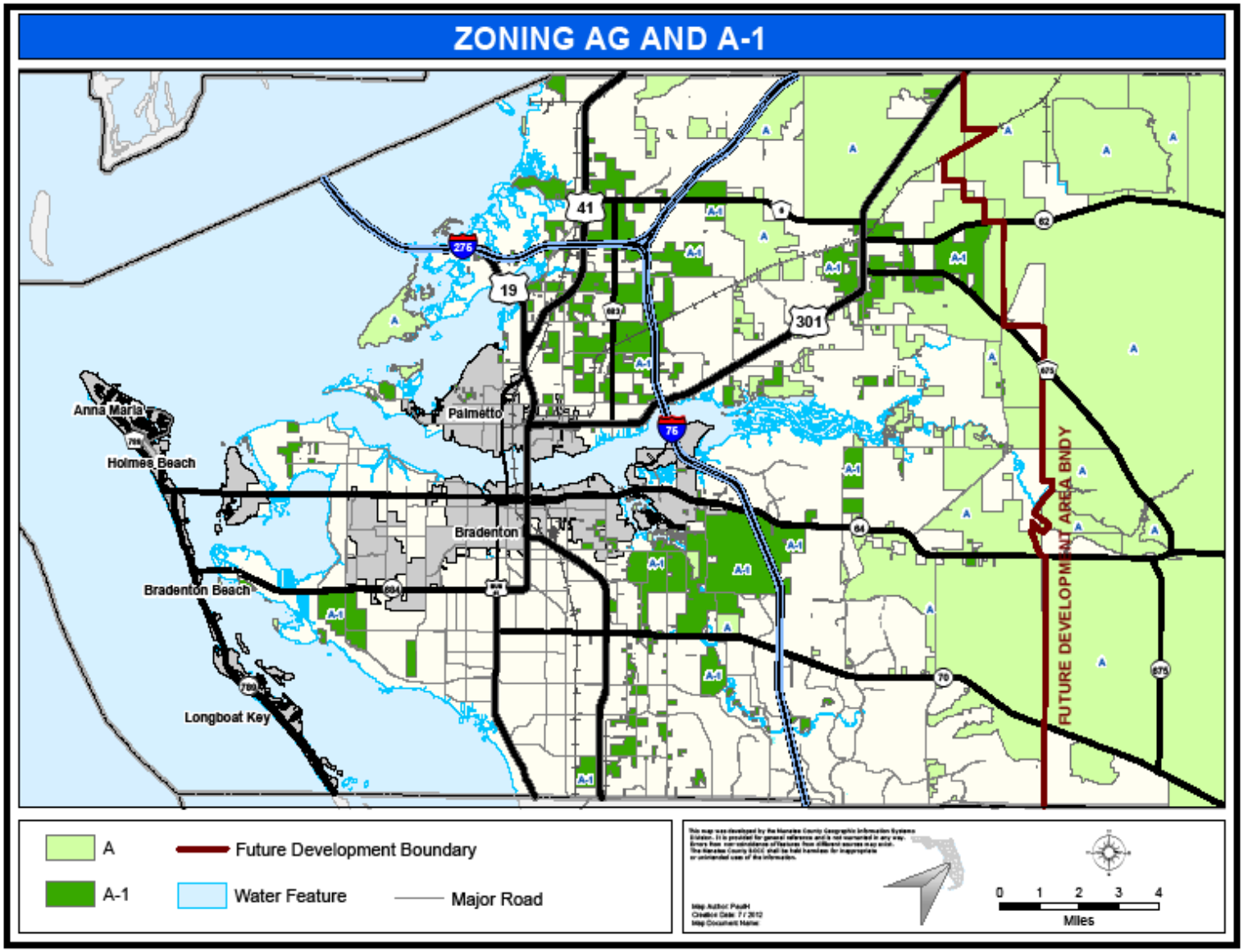
Manatee County
Building & Development Services

RESIDENTIAL BACKYARD CHICKENS

Currently, chicken keeping is allowed in Agricultural Zoning only (A and A-I)

Manatee County
Building & Development Services



Manatee County
Building & Development Services

BACKYARD CHICKENS

There are generally two sides to this issue

those citizens who want to keep chickens
for egg production
and
those citizens who are concerned
about the effects chickens will have
on their neighborhood.

Manatee County
Building & Development Services

CONCERNS

Impacts to Neighbors:

- smell, noise
- Rodents, coyotes, fox, snakes
- public health concerns
- manure
- cleanliness of coops

Regulation/Enforcement

Manatee County
Building & Development Services

Recommendation

Based on the potential impacts to neighbors and costs and other impacts associated with Code Enforcement, staff does not recommend changes to the Land Development Code to allow chickens in residential zoning districts.

Manatee County
Building & Development Services

Typical Standards from other Ordinances

Limit number of chickens – no roosters

Minimum setback from adjacent neighbors

Chicken feed must be in rodent proof container

Selling chickens, eggs, or manure prohibited

Must have minimum size chicken coop

Coop located in backyard only

Coop & pen must be kept clean & sanitary

OTHER FLORIDA CHICKEN KEEPING ORDINANCES

Key West: Allows chickens but does not specify a maximum. Requires them to be contained in a screened pen, and feed is kept secure from rats.

Miami: Up to 15 hens, yet requires a 100-foot setback from adjacent residences.

Lakeland: No maximum specified, but requires a 50-foot setback from adjacent residences, unless three-quarters of the neighbors within the 50-foot setback agree to a waiver.

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OTHER FLORIDA CHICKEN KEEPING ORDINANCES

Pinellas Park: No maximum specified, but requires a property fenced pen.

St. Petersburg: No maximum specified, but requires a 100-foot setback from adjacent residences unless neighbor provides consent. Crowing roosters are nuisances and cannot be kept once there is a complaint to police.

Largo: Chickens, turkeys and ducks must be kept in secured fenced area, clean and free of odors. Must meet 55 dbA noise limit.

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OTHER FLORIDA CHICKEN KEEPING ORDINANCES

Pinellas County (2011): Up to four 4 chickens allowed on single family properties, kept in a coop or enclosure at all times. No rooster. No slaughtering. Coop must be screened from neighbor's view. Rear yard coop required, 10-feet from side or rear property lines. Coops over 100 square feet require a building permit. Rodent proof feed container. Three square feet required in coop per chicken, coop cannot be taller than 6-feet

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OTHER FLORIDA CHICKEN KEEPING ORDINANCES

Sarasota(2011): Single family residences may keep up to 4 hens in a movable coop that is fenced. Building permit not required for movable coop. Coops must be in the backyard, and 25 feet from an adjacent residential structure and 10 feet from an adjacent property line. Odors shall be non-detecable at the property line. No selling of eggs or chicken products, and no slaughtering. Four square feet per chicken required in coop. Trail period is reviewed in January 2012.

OTHER FLORIDA CHICKEN KEEPING ORDINANCES

Gulfport (2008): Up to 10 chickens allowed, No roosters. Must be securely fenced in rear yard.

City of Palmetto: Chickens are allowed as long as they are not a nuisance and the neighbors' permission is obtained.

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RESIDENTIAL ZONING DISTRICTS

Residential Single Family
Multi-Family (apartments, duplex)
Mobile Home Parks
Condominiums

Manatee County
Building & Development Services

DEED RESTRICTIONS

HOA/CDD

may have deed restrictions that prohibit the keeping of chickens in residential areas.

END OF SLIDE SHOW

#2

IF YOU WISH TO ADDRESS THE BOARD DURING A PUBLIC HEARING ON TODAY'S AGENDA, PLEASE COMPLETE THIS FORM. THANK YOU.

Individuals wishing to speak on any Public Hearing matter must indicate so by filling out this form and returning it to the Clerk prior to the beginning of the Public Hearing.

PLEASE PRINT

Name Larry D. Brown

Address 763 Melody Lane
Bradenton, FL 34207

Representing Tangelo Park H.O.A. + SelC

Public Hearing matter on which you want to speak:
Backyard Chickens

Please check one for each #:

1. Are you in favor: ☐ *
opposed: ☒

2A. Speaking as an individual? Yes ☒ or No

OR

2B. If you are speaking as an official representative of a group: **

Name of Group:
Tangelo park H.O.A.

** **You are required to provide the Clerk with written evidence of your authority to speak on behalf of the organization or group you represent for land use public hearings.**

3. Do you have a visual presentation or other evidence to be submitted to the Board?

Yes ☒ No ☐

4. Do you wish to be notified of any subsequent dispute resolution proceedings?

Yes ☒ No ☐

* **Designation in favor or opposed is required solely for determination of the order of appearance. The number of people for or against a matter is not considered by the Board with regard to whether to approve or deny the matter.**

County Administrator, County Commissioners, others present:

In regards to backyard chickens, I wish to stand up against any proposal of chickens within the county residential areas. I have raised chickens in the past in an agricultural setting and know of the health hazards present and the pungent and harmful aroma that is produced by chickens. Not only the smell but of the lice and other diseases which can be transmitted to humans and other mammals.

Even if there are no roosters, hens will create noise that creates a nuisance to neighbors within a residential setting. Besides the nuisance of the noise is the ammonia smell of the droppings of the chickens. Then there is the odor of the feed that is put out and the fact that the feed will also attract snakes, mice, rats, coons, possums and other similar animals that is not wanted in residential settings where there are family pets, children as well as adults living close by.

If I wanted to live around farm animals, I would have moved to an agriculture area, not into a residential area.

If chickens are allowed, where do we stop with permitting farm animals in residential settings. Do we allow sheep, goats, pigs, cows, etc.. Each of these other animals have good qualities and produce meat - milk - butter - fertilizer and other items many will want. It will also cut down on expenses of mowing and purchasing mowers, and we could go on and on about the many outrageous reasons for farm animals in residential settings, but the bottom line is: Keep farm animals in the agriculture settings.

Joyce D. Brown
763 Melody Lane
Bradenton, FL 34207
Tanglewood Park Homeowner

Topics: Dairy and Poultry Sciences | Poultry Diseases | Animal Sciences | Butcher, Gary D | Mather, F Ben | Jacob, Jacqueline P

Common Poultry Diseases [1]

G.D. Butcher, J.P. Jacob, and F.B. Mather[2]

Respiratory Diseases

There are many common and important diseases which can affect the respiratory system (air passages, lungs, air sacs) of poultry (see Table 1). Poultry refers to birds that people keep for their use and generally includes the chicken, turkey, duck, goose, quail, pheasant, pigeon, guinea fowl, pea fowl, ostrich, emu and rhea. Due to modern systems of management, usually with high poultry densities, these diseases are able to readily spread.

Fowl Pox

Synonyms : chicken pox (not to be confused with chicken pox in humans; the human disease does not affect poultry and vice versa), sore head, avian diphtheria, bird pox

Species affected : Most poultry -- chickens, turkeys, pheasants, quail, ducks, psittacine, and ratites -- of all ages are susceptible.

Clinical signs : There are two forms of fowl pox. The dry form is characterized by raised, wart-like lesions on unfeathered areas (head, legs, vent, etc.). The lesions heal in about 2 weeks. If the scab is removed before healing is complete, the surface beneath is raw and bleeding. Unthriftiness and retarded growth are typical symptoms of fowl pox. In laying hens, infection results in a transient decline in egg production (see Table 1).

In the wet form there are canker-like lesions in the mouth, pharynx, larynx, and trachea. The wet form may cause respiratory distress by obstructing the upper air passages. Chickens may be affected with either or both forms of fowl pox at one time.

Transmission : Fowl pox is transmitted by direct contact between infected and susceptible birds or by mosquitos. Virus-containing scabs also can be sloughed from affected birds and serve as a source of infection. The virus can enter the blood stream through the eye, skin wounds, or respiratory tract. Mosquitos become infected from feeding on birds with fowl pox in their blood stream. There is some evidence that the mosquito remains infective for life. Mosquitos are the primary reservoir and spreaders of fowl pox on poultry ranges. Several species of mosquito can transmit fowl pox. Often mosquitos winter-over in poultry houses so, outbreaks can occur during winter and early spring.

Treatment : No treatment is available. However, fowl pox is relatively slow-spreading. Thus, it is possible to vaccinate to stop an outbreak. The wing-web vaccination method is used for chickens and the thigh-stick method for turkeys older than 8 weeks.

Prevention: Fowl pox outbreaks in poultry confined to houses can be controlled by spraying to kill mosquitos. However, if fowl pox is endemic in the area, vaccination is recommended. Do not vaccinate unless the disease becomes a problem on a farm or in the area. Refer to the publication PS-36 (Vaccination of Small Poultry Flocks) for more information on fowl pox vaccinations.

Newcastle Disease

Synonyms: pneumoencephalitis

The highly contagious and lethal form of Newcastle disease is known as viscerotropic (attacks the internal organs) velogenic Newcastle disease, VVND, exotic Newcastle disease, or Asiatic Newcastle disease. VVND is not present in the United States poultry industry at this time.

Species affected: Newcastle disease affects all birds of all ages. Humans and other mammals are also susceptible to Newcastle. In such species, it causes a mild conjunctivitis.

Clinical signs: There are three forms of Newcastle disease -- mildly pathogenic (lentogenic), moderately pathogenic (mesogenic) and highly pathogenic (velogenic). Newcastle disease is characterized by a sudden onset of clinical signs which include hoarse chirps (in chicks), watery discharge from nostrils, labored breathing (gasping), facial swelling, paralysis, trembling, and twisting of the neck (sign of central nervous system involvement). Mortality ranges from 10 to 80 percent depending on the pathogenicity. In adult laying birds, symptoms can include decreased feed and water consumption and a dramatic drop in egg production (see Table 1).

Transmission: The Newcastle virus can be transmitted short distances by the airborne route or introduced on contaminated shoes, caretakers, feed deliverers, visitors, tires, dirty equipment, feed sacks, crates, and wild birds. Newcastle virus can be passed in the egg, but Newcastle-infected embryos die before hatching. In live birds, the virus is shed in body fluids, secretions, excreta, and breath.

Treatment: There is no specific treatment for Newcastle disease. Antibiotics can be given for 3-5 days to prevent secondary bacterial infections (particularly *E. coli*). For chicks, increasing the brooding temperature 5°F may help reduce losses.

Prevention: Prevention programs should include vaccination (see publication PS-36, Vaccination of Small Poultry Flocks), good sanitation, and implementation of a comprehensive biosecurity program.

Infectious Bronchitis

Synonyms: IB, bronchitis, cold

Species affected: Infectious bronchitis is a disease of chickens only. A similar disease occurs in bobwhite quail (quail bronchitis), but it is caused by a different virus.

Clinical signs: The severity of infectious bronchitis infection is influenced by the age and immune status of the flock, by environmental conditions, and by the presence of other diseases. Feed and water consumption declines. Affected chickens will be chirping, with a watery discharge from the eyes and nostrils, and labored breathing with some gasping in young chickens. Breathing noises are more noticeable at night while the birds rest. Egg production drops dramatically. Production will recover in 5 or 6 weeks, but at a lower rate. The infectious bronchitis virus infects many tissues of the body, including the reproductive tract (see Table 1). Eggshells become rough and the egg white becomes watery. (See publication PS-24, Egg Quality, for other causes of poor egg quality.)

Transmission: Infectious bronchitis is a very contagious poultry disease. It is spread by air, feed bags, infected dead birds, infected houses, and rodents. The virus can be egg-transmitted, however, affected embryos usually will not hatch.

Treatment: There is no specific treatment for infectious bronchitis. Antibiotics for 3-5 days may aid in combating secondary bacterial infections. Raise the room temperature 5°F for brooding-age chickens until symptoms subside. Baby chicks can be encouraged to eat by using a warm, moist mash.

Prevention: Establish and enforce a biosecurity program. Vaccinations are available.

Quail Bronchitis

Synonyms: none

Species affected: Bobwhite quail are affected. Japanese corturnix quail are resistant. The disease is prevalent in the southern states where bobwhite quail are common. Quail bronchitis occurs seasonally as new hatches and broods come along each year.

Clinical signs: Respiratory distress occurs with tracheal rales (rattles), sneezing, and coughing. Feed and water consumption declines dramatically. There can also be conjunctivitis (inflammation of the eye). Loose watery feces are seen in older and sub-acutely affected birds. Nasal discharges are not seen, differentiating quail bronchitis from similar diseases in other poultry (see Table 1).

Transmission: Once infected, quail bronchitis remains on the farm for the duration of the breeding season, infecting each successive brood.

Treatment: There is no specific treatment against quail bronchitis. Quail bronchitis infections are often complicated by concurrent mycoplasma infections. Antibiotics can be used to combat secondary infections. Add tylosin (500g/ton) to the feed for 10 days, withhold the medication for 5 days, and then repeat medication for 5 days. Alternate medication regimens are tylosin (Tylan) or erythromycin (Gallimycin) in the drinking water for the same period of time.

Prevention: There is no commercial vaccine on the market. It is necessary to break the cycle by depopulating and thoroughly cleaning and disinfecting pens and equipment, followed by a 30-90 day quarantine of the facilities.

Avian Influenza

Synonyms: AI, flu, influenza, fowl plague

Species affected: Avian influenza can occur in most, if not all, species of birds.

Clinical signs: Avian influenza is categorized as mild or highly pathogenic. The mild form produces listlessness, loss of appetite, respiratory distress, diarrhea, transient drops in egg production, and low mortality. The highly pathogenic form produces facial swelling, blue comb and wattles, and dehydration with respiratory distress. Dark red/white spots develop in the legs and combs of chickens. There can be blood-tinged discharge from the nostrils. Mortality can range from low to near 100 percent. Sudden exertion adds to the total mortality. Egg production and hatchability decreases. There can be an increase in production of soft-shelled and shell-less eggs (see Table 1).

Transmission: The avian influenza virus can remain viable for long periods of time at moderate temperatures and can live indefinitely in frozen material. As a result, the disease can be spread through improper disposal of infected carcasses and manure. Avian influenza can be spread by contaminated shoes, clothing, crates, and other equipment. Insects and rodents may mechanically carry the virus from infected to susceptible poultry.

Treatment: There is no effective treatment for avian influenza. With the mild form of the disease, good husbandry, proper nutrition, and broad spectrum antibiotics may reduce losses from secondary infections. Recovered flocks continue to shed the virus. Vaccines may only be used with special permit.

Prevention: A vaccination program used in conjunction with a strict quarantine has been used to control mild forms of the disease. With the more lethal forms, strict quarantine and rapid destruction of all infected flocks remains the only effective method of stopping an avian influenza outbreak. If you suspect you may have Avian Influenza in your flock, even the mild form, you must report it to the state veterinarian's office. A proper diagnosis of avian influenza is essential. Aggressive action is recommended even for milder infections as this virus has the ability to readily mutate to a more pathogenic form.

For more information on avian influenza, refer to publication PS-38 (Avian Influenza in Poultry Species).

Infectious Coryza

Synonyms: roup, cold, coryza

Species affected: chickens, pheasants, and guinea fowl. Common in game chicken flocks.

Clinical signs: Swelling around the face, foul smelling, thick, sticky discharge from the nostrils and eyes, labored breathing, and rales (rattles -- an abnormal breathing sound) are common clinical signs. The eyelids are irritated and may stick together. The birds may have diarrhea and growing birds may become stunted (see Table 1).

Mortality from coryza is usually low, but infections can decrease egg production and increase the incidence and/or severity of other diseases. Mortality can be as high as 50 percent, but is usually no more than 20 percent. The clinical disease can last from a few days to 2-3 months, depending on the virulence of the pathogen and the existence of other infections such as mycoplasmosis.

Transmission: Coryza is primarily transmitted by direct bird-to-bird contact. This can be from infected birds brought into the flock as well as from birds which recover from the disease which remain carriers of the organism and may shed intermittently throughout their lives. Birds risk exposure at poultry shows, bird swaps, and live-bird sales. Inapparent infected adult birds added into a flock are a common source for outbreaks. Within a flock, inhalation of airborne respiratory droplets, and contamination of feed and/or water are common modes of spread.

Treatment: Water soluble antibiotics or antibacterials can be used. Sulfadimethoxine (Albon®, Di-Methox™) is the preferred treatment. If it

is not available, or not effective, sulfamethazine (Sulfa-Max®, SulfaSure™), erythromycin (gallimycin®), or tetracycline (Aureomycin®) can be used as alternative treatments. Sulfa drugs are not FDA approved for pullets older than 14 weeks of age or for commercial layer hens. While antibiotics can be effective in reducing clinical disease, they do not eliminate carrier birds.

Prevention: Good management and sanitation are the best ways to avoid infectious coryza. Most outbreaks occur as a result of mixing flocks. All replacement birds on "coryza-endemic" farms should be vaccinated. The vaccine (Coryza-Vac) is administered subcutaneously (under the skin) on the back of the neck. Each chicken should be vaccinated four times, starting at 5 weeks of age with at least 4 weeks between injections. Vaccinate again at 10 months of age and twice yearly thereafter.

Infectious Laryngotracheitis

Synonyms: LT, ILT, trach, laryngo

Species affected: Chickens and pheasants are affected by LT. Chickens 14 weeks and older are more susceptible than young chickens. Most LT outbreaks occur in mature hens. In recent years, LT has also caused significant respiratory problems in broilers greater than 3 weeks of age, especially during the cooler seasons of the year. This is believed to be due to unwanted spread of LT vaccines between poultry flocks.

Clinical signs: The clinical sign usually first noticed is watery eyes. Affected birds remain quiet because breathing is difficult. Coughing, sneezing, and shaking of the head to dislodge exudate plugs in the windpipe follow. Birds extend their head and neck to facilitate breathing (commonly referred to as "pump handle respiration"). Inhalation produces a wheezing and gurgling sound. Blood-tinged exudates and serum clots are expelled from the trachea of affected birds. Many birds die from asphyxiation due to a blockage of the trachea when the tracheal plug is freed (see Table 1).

Transmission: LT is spread by the respiratory route. LT is also spread from flock to flock by contaminated clothing, shoes, tires, etc. Birds that recover should be considered carriers for life. LT may be harbored in speciality poultry such as exhibition birds and game fowl.

Treatment: Incinerate dead birds, administer antibiotics to control secondary infection, and vaccinate the flock. Mass vaccination by spray or drinking water method is not recommended for large commercial or caged flocks. Individual bird administration by the eye-drop route is suggested. Follow manufacturers instructions. In small poultry flocks, use a swab to remove plug from gasping birds, and vaccinate by eye-drop method.

Prevention: Vaccinate replacement birds for outbreak farms. Vaccination for LT is not as successful as for other disease, but is an excellent preventive measure for use in outbreaks and in epidemic areas. Refer to the publication PS-36 (Vaccination of Small Poultry Flocks) for more information on LT vaccinations.

Turkey Rhinotracheitis

Synonyms: TRT, rhino tracheitis

Species affected: Turkeys of all ages are susceptible, but the disease is most severe in young poults. Chickens are susceptible to the virus. Experimentally, guinea fowl and pheasants are susceptible, but waterfowl and pigeons are resistant.

Clinical signs: Respiratory signs in poults include snicking, rales, sneezing, nasal exudates (often frothy), foamy conjunctivitis, and sinusitis. Drops in egg production can be as much as 70 percent (see Table 1).

Transmission: Spread is primarily by contact with contaminated environments, feed and water, recovered birds, equipment, and personnel.

Treatment: No drugs are available to combat the virus. Antibiotic therapy is recommended to control secondary bacterial infections.

Prevention: No vaccines are currently available. Prevention is dependent on a comprehensive biosecurity program.

Chlamydiosis

Synonyms: ornithosis, psittacosis, parrot fever.

The disease was called psittacosis or parrot fever when diagnosed in psittacine (curve-beaked) birds, and called ornithosis when diagnosed in all other birds or in humans. Currently, the term chlamydiosis is used to describe infections in any animal.

Species affected: Affected species include turkeys, pigeons, ducks, psittacine (curve-beaked) birds, captive and aviary birds, many other bird species, and other animals. Chickens are not commonly affected. Humans are susceptible, especially older and immunosuppressed individuals who are at a higher risk. Chlamydiosis in humans is an occupational disease of turkey growers, haulers, and processing workers in the live-bird areas and of workers in pet-bird aviaries although the incidence is rare. For more information, refer to publication PS-23 (Avian Diseases Transmissible to Humans).

Clinical signs: Clinical signs in most birds include nasal-ocular discharge, conjunctivitis, sinusitis, diarrhea, weakness, loss of body weight, and a reduction in feed consumption. In turkeys there is also respiratory distress and loose yellow to greenish-yellow colored droppings. Chylamydiosis runs rather slowly through turkey flocks, with a maximum incidence of around 50 percent (see Table 1).

Transmission: The primary means of transmission is through inhalation of fecal dust and respiratory tract secretions. It can also be transmitted on contaminated clothing and equipment. Recovered birds remain carriers and will continue to intermittently shed the infective agent for long periods after clinical signs have subsided. Environmental stress may provoke a reoccurrence of the disease.

Treatment: Chlorotetracycline can be given in the feed (200-400 g/ton) for 3 weeks. Other antibiotics are usually ineffective. Recovered birds are safe for processing. Permanent lesions on the heart and liver are not infectious. FDA withdrawal periods for medications used must be strictly observed to avoid residual chemicals in the tissues.

Prevention: There is no vaccine. Have a good biosecurity program, excluding wild birds as much as possible.

Swollen Head Syndrome

Synonyms: Facial cellulitis, thick head, Dikkop, SHS

Species affected: Chickens and turkeys are the known natural hosts. Experimentally, guinea fowl and pheasants are susceptible but pigeons, ducks, and geese are resistant to the infection. SHS does not presently occur in the United States, but is present in most countries of the world.

Clinical signs: In chicks and poults, there is initial sneezing, followed by reddening and swelling of the tear ducts and eye tissue. Facial swelling will extend over the head and down the jaw and wattles. Adult chickens have mild respiratory disease followed by a few birds having swollen heads. Other signs include disorientation, twisting of the neck, and a significant drop in egg production (see Table 1).

Transmission: The infection spreads by direct contact with infected birds or indirectly by exposure to infectious material.

Treatment: There is no proven medication for swollen head syndrome. The disease is caused by a virus classified as a pneumovirus. A disease closely mimicking SHS is caused by a mixed infection of respiratory viruses and specific bacteria. Antibiotic therapy may be helpful against the bacterial component.

Prevention: A commercial vaccine is available. Swollen head syndrome is considered an exotic disease and a live vaccine is not approved for use in the United States.

Mycoplasma gallisepticum

Synonyms: MG, chronic respiratory disease (CRD), infectious sinusitis, mycoplasmosis

Species affected: chickens, turkeys, pigeons, ducks, peafowl and passerine birds.

Clinical signs: Clinical symptoms vary slightly between species. Infected adult chickens may show no outward signs if infection is uncomplicated. However, sticky, serous exudate from nostrils, foamy exudate in eyes, and swollen sinuses can occur, especially in broilers. The air sacs may become infected. Infected birds can develop respiratory rales and sneeze. Affected birds are often stunted and unthrifty (see Table 1).

There are two forms of this disease in the turkey. With the "upper form" the birds have watery eyes and nostrils, the infraorbitals (just below the eye) become swollen, and the exudate becomes caseous and firm. The birds have respiratory rales and show unthriftiness.

With the "lower form", infected turkeys develop airsacculitis. As with chickens, birds can show no outward signs if the infection is uncomplicated. Thus, the condition may go unnoticed until the birds are slaughtered and the typical legions are seen. Birds with airsacculitis are condemned.

MG in chicken embryos can cause dwarfing, airsacculitis, and death.

Transmission: MG can be spread to offspring through the egg. Most commercial breeding flocks, however, are MG-free. Introduction of infected replacement birds can introduce the disease to MG-negative flocks. MG can also be spread by using MG-contaminated equipment.

Treatment: Outbreaks of MG can be controlled with the use of antibiotics. Erythromycin, tylosin, spectinomycin, and lincomycin all exhibit anti-mycoplasma activity and have given good results. Administration of most of these antibiotics can be by feed, water or injection. These are effective in reducing clinical disease. However, birds remain carriers for life.

Prevention: Eradication is the best control of mycoplasma disease. The National Poultry Improvement Plan monitors all participating chicken and turkey breeder flocks.

Mycoplasma synoviae

Synonyms: MS, infectious synovitis, synovitis, silent air sac

Species affected: chickens and turkeys.

Clinical signs: Birds infected with the synovitis form show lameness, followed by lethargy, reluctance to move, swollen joints, stilted gait, loss of weight, and formation of breast blisters. Birds infected with the respiratory form exhibit respiratory distress. Greenish diarrhea is common in dying birds (see Table 1). Clinically, the disease in indistinguishable from MG.

Transmission: MS is transmitted from infected breeder to progeny via the egg. Within a flock, MS is spread by direct contact with infected birds as well as through airborne particles over short distances.

Treatment: Recovery is slow for both respiratory and synovitis forms. Several antibiotics are variably effective. The most effective are tylosin, erthromycin, spectinomycin, lincomycin, and chlorotectracycline. These antibiotics can be given by injection while some can be administered in the feed or drinking water. These treatments are most effective when the antibiotics are injected.

Prevention: Eradication is the best and only sure control. Do not use breeder replacements from flocks that have had MS. The National Poultry Improvement Plan monitors for MS.

Mycoplasma meleagridis

Synonyms: MM, N strain, H strain

Species affected: MM affects turkeys of all ages, although poults are affected more severely than mature turkeys. Recently, MM has been shown to infect pigeon, quail and peafowl.

Clinical signs: A drop-off in production and hatchability can be expected in breeder flocks. There can be very high mortality in young poults. Unthriftiness, respiratory distress, stunting, crooked neck with deformity of cervical vertebrae, and leg deformation are common in young birds (see Table 1).

Transmission: Egg transmission is low in the early breeding period, but rises as the the age of the flock increases. Infections can be introduced into a flock by contaminated equipment, shoes, and clothing of workers and visitors.

Treatment: Several antibiotics have been effective including tylosin, erythromycin, spectinomycin, and linco-spectinomycin.

Prevention: The best preventive measure is to keep MM-free breeders. The MM-free status of breeders can be confirmed by periodic blood tests through the National Poultry Improvement Plan.

Aspergillosis

Synonyms: brooder pneumonia, mycotic pneumonia, fungal pneumonia, *Aspergillus* . When the source of the disease is the hatchery, the disease is called brooder pneumonia. In older birds, the disease is called aspergillosis.

Species affected: All birds (domestic poultry, pigeons, canary and zoo bird species), animals, humans, and plants are susceptible.

Clinical signs: Aspergillosis occurs as an acute disease of young birds and a chronic disease in mature birds. Young birds have trouble breathing and gasp for air. Characteristically, there are no rales or respiratory sounds associated with aspergillosis. Feed consumption decreases. Occasionally there is paralysis or convulsions caused by the fungal toxin. Mortality in young birds averages 5-20 percent, but

may be as high as 50 percent. Mature birds also have respiratory distress, reduced feed consumption, and may have a bluish and dark color of the skin (cyanosis). Nervous disorders, such as twisted necks, may occur in a few birds (see Table 1). Mortality in mature birds is usually less than 5 percent.

Transmission: Aspergillosis is caused by a fungus. The fungus grows well at room temperature and higher. All litter and nest materials (peat moss, peanut hulls, sawdust, peat, bark, straw) have been known to have been contaminated with aspergillus. Feed and water should be suspect when attempting to identify the source of contamination.

Treatment : There is no cure for infected birds. The spread can be controlled by improving ventilation, eliminating the source of the infection, and adding a fungistat (mycostatin, mold curb, sodium or calcium propionate, or gentian violet) to the feed and/or copper sulfate or acidified copper in the drinking water for 3 days. The litter can be sprayed lightly with an oil-base germicide to control dust and air movement of fungal spores.

Prevention: It is important to thoroughly clean and disinfect the brooding area between broods. Use only clean litter, preferably soft wood shavings. Do not use sawdust, litter high in bark content, or shavings that have been wet.

Viral Diseases (nonrespiratory)

Marek's Disease

Synonyms: acute leukosis, neural leukosis, range paralysis, gray eye (when eye affected)

Species affected: Chickens between 12 to 25 weeks of age are most commonly clinically affected. Occasionally pheasants, quail, game fowl and turkeys can be infected.

Clinical signs: Marek's disease is a type of avian cancer. Tumors in nerves cause lameness and paralysis. Tumors can occur in the eyes and cause irregularly shaped pupils and blindness. Tumors of the liver, kidney, spleen, gonads, pancreas, proventriculus, lungs, muscles, and skin can cause incoordination, unthriftiness, paleness, weak labored breathing, and enlarged feather follicles. In terminal stages, the birds are emaciated with pale, scaly combs and greenish diarrhea (see Table 2).

Marek's disease is very similar to Lymphoid Leukosis, but Marek's usually occurs in chickens 12 to 25 weeks of age and Lymphoid Leukosis usually starts at 16 weeks of age.

Transmission: The Marek's virus is transmitted by air within the poultry house. It is in the feather dander, chicken house dust, feces and saliva. Infected birds carry the virus in their blood for life and are a source of infection for susceptible birds.

Treatment: none

Prevention: Chicks can be vaccinated at the hatchery. While the vaccination prevents tumor formation, it does not prevent infection by the virus.

Lymphoid Leukosis

Synonyms: visceral leukosis, leukosis, big liver, LL

Species affected: Although primarily a disease of chickens, lymphoid leukosis can infect turkeys, guinea fowl, pheasants, and doves, but not on a large scale.

Clinical signs: The virus involved has a long incubation period (4 months or longer). As a result, clinical signs are not noticeable until the birds are 16 weeks or older. Affected birds become progressively weaker and emaciated. There is regression of the comb. The abdomen becomes enlarged. Greenish diarrhea develops in terminal stages (see Table 2).

Transmission: The virus is transmitted through the egg to offspring. Within a flock, it is spread by bird-to-bird contact and by contact with contaminated environments. The virus is not spread by air. Infected chicken are carriers for life.

Treatment: none

Prevention: The virus is present in the yolk and egg white of eggs from infected hens. Most national and international layer breeders have eradicated lymphoid leukosis from their flocks. Most commercial chicks are lymphoid-leukosis negative because they are hatched from LL-free breeders. The disease is still common in broiler breeder flocks.

Infectious Bursal Disease

Synonyms: Gumboro, IBD, infectious bursitis, infectious avian nephrosis

Species affected: chickens

Clinical signs: In affected chickens greater than 3 weeks of age, there is usually a rapid onset of the disease with a sudden drop in feed and water consumption, watery droppings leading to soiling of feathers around the vent, and vent pecking. Feathers appear ruffled. Chicks are listless and sit in a hunched position. Chickens infected when less than 3 weeks of age do not develop clinical disease, but become severely and permanently immunosuppressed (see Table 2).

Transmission: The virus is spread by bird-to-bird contact, as well as by contact with contaminated people and equipment. The virus is shed in the bird droppings and can be spread by air on dust particles. Dead birds are a source of the virus and should be incinerated.

Treatment: There is no specific treatment. Antibiotics, sulfonamides, and nitrofurans have little or no effect. Vitamin-electrolyte therapy is helpful. High levels of tetracyclines are contraindicated because they tie up calcium, thereby producing rickets. Surviving chicks remain unthrifty and more susceptible to secondary infections because of immunosuppression.

Prevention: A vaccine is commercially available.

Equine Encephalitis

Synonyms: EE, EEE, WEE

Note: This disease should not be confused with St. Louis Encephalits (SLE). Chickens are used as sentinels (test animals) in SLE suspect areas, such as southern Florida. While SLE is also carried by mosquitos, that is where the similarities between the two encephalitis diseases end. Chickens do not get SLE. Refer to Factsheet VM71 (St. Louis Encephalitis - The Role of Chickens) for more information on SLE.

Species affected: Equine encephalitis is a contagious disease of birds (especially pheasants), mammals (especially horses), and people. Birds are the major source of the virus.

Clinical signs: Two forms affect birds: eastern equine encephalitis (EEE) and western equine encephalitis (WEE). The clinical signs are identical and include reduced feed consumption, staggering, and paralysis. Surviving birds may be blind, have muscle paralysis, and have difficulty holding their head up. Damage to the bird's nervous system varies with species. In pheasants, there is pronounced leg paralysis, twisting of the neck, and tremors. Mortality is high. Chukar partridges and turkeys show drowsiness, paralysis, weakness, and death (see Table 2).

Transmission: Infected mosquitoes are the primary source of the virus. The *Culiseta melanuria* mosquito is the primary transmitter of the virus to poultry. Other mosquito species transmit the disease too, but feed mostly on other animals. Cannibalism of sick or dead birds by penmates is a major source of transmission within pens.

Treatment: none

Prevention: Remove the source of infection by establishing mosquito control: keep weeds mowed in a 50-foot strip around bird pens. This removes cover and resting areas for mosquitos. Eliminate mosquito breeding areas. Fog areas with malathion.

It is possible to immunize birds, especially pheasants, with the vaccine prepared for horses. The recommended dose is one-tenth of a horse dose per bird.

Avian Encephalomyelitis

Synonyms: epidemic tremor, AE

Species affected: The disease is most prevalent in chickens less than 6 weeks of age. Pheasants, corturnix quail, and turkeys are natural hosts as well, but less susceptible than chickens. Ducklings, young pigeons, and guinea fowl can be experimentally infected.

Clinical signs: Signs commonly appear during the first week of life and between the second and third weeks. Affected chicks may first show a dull expression of the eyes, followed by progressive incoordination, sitting on hocks, tremors of the head and neck, and finally paralysis or prostration. Affected chicks are inactive. Some may refuse to walk or will walk on their hocks. In advanced cases, many chicks

will lie with both feet out to one side (prostrate) and die. All stages (dullness, tremors, prostration) can usually be seen in an affected flock. Feed and water consumption decreases and the birds lose weight. In adult birds, a transitory drop (5-20 percent) in egg production may be the only clinical sign present. However, in breeding flocks, a corresponding decrease in hatchability is also noted as the virus is egg-transmitted until hens develop immunity. Chickens which survive the clinical disease may develop cataracts later in life (see Table 2).

Transmission: The virus can be transmitted through the egg from infected hen to chick, accounting for disease during the first week of life. The disease can also be spread through a flock by direct contact of susceptible hatchlings with infected birds, accounting for the disease at 2-3 weeks of age. Indirect spread can occur through fecal contamination of feed and water. Recovered birds are immune and do not spread the virus.

Treatment: There is no treatment for outbreaks. Infected birds should be removed, killed and incinerated. Recovered chicks are unthrifty.

Prevention: A vaccine is available.

Egg Drop Syndrome

Synonyms: egg drop, egg drop syndrome 76, EDS-76

Species affected: The natural hosts for EDS virus are ducks and geese, but EDS has become a major cause of reduced egg production in chickens in many parts of the world. No illness has been observed in ducks or geese. Chickens of all ages and breeds are susceptible. The disease is most severe in broiler-breeders and brown-egg layer strains.

Clinical signs: There are no reliable signs other than the effects on egg production and egg quality. Healthy-appearing hens start laying thin-shelled and shell-less eggs. Once established, the condition results in a failure to achieve egg production targets. Transient diarrhea and dullness occur prior to egg shell changes. Fertility and hatchability are not affected (see Table 2).

Transmission: It is believed that the syndrome was first introduced into chickens from contaminated vaccine. Vertical transmission occurs from infected breeders to chicks. Newly hatched chicks excrete the virus in the feces.

Treatment: There is no successful treatment. Induced molting will restore egg production.

Prevention: Prevention involves a good biosecurity program.

Infectious Tenosynovitis

Synonyms: viral arthritis, tenosynovitis, teno, reovirus enteritis, reovirus septicemia, malabsorption syndrome, helicopter disease

Species affected: turkeys and chickens

Clinical signs: Several serotypes of the reovirus have been identified. Some localize in the joints (tenosynovitis) while others target respiratory or intestinal tissues (septicemic form) (see Table 2).

The principal sign of tenosynovitis is lameness with swelling of the tendon sheaths of the shank and area extending above the hock (see Table 2). Affected birds are lame, sit on their hocks, and are reluctant to move. Rupture of the tendon can occur in older roaster birds, resulting in permanent lameness of the affected leg. If more than two joints are affected, the entire carcass will be condemned.

Infection can also play a part in broiler stunting, the result of malabsorption syndrome. In chicks, malabsorption due to viral enteritis is called "helicopter disease" because feathering is affected. Wing feathers protrude at various angles. A reovirus is believed to play only a secondary role in this syndrome.

In commercial layer flocks, increased mortality may be the first sign of the septicemia form (see Table 2). Egg production will decrease by about two to three times the mortality rate. For example, a mortality rate of 5 percent will be accompanied by a 10-15 percent drop in egg production. In the septicemic form, joint involvement is present but less pronounced. Affected birds become cyanotic (blue) and dehydrated. The tips of the comb turn purplish. The entire comb darkens as the disease progresses (see Table 2).

Transmission: The infection spreads rapidly through broiler flocks, but less rapidly in caged layers. Spread is by respiratory and digestive tract routes. The virus is shed in the feces.

Treatment: There is no satisfactory treatment available. With hens, tetracycline, molasses, and oyster shell therapy is helpful.

Prevention: A vaccine is available for use in endemic areas or on endemic farms.

Nonrespiratory Bacterial Diseases

Fowl Cholera

Synonyms: avian pasteurellosis, cholera, avian hemorrhagic septicemia.

Species affected: Domestic fowl of all species (primarily turkeys and chickens), game birds (especially pheasants and ducks), cage birds, wild birds, and birds in zoological collections and aviaries are susceptible.

Clinical signs: Fowl cholera usually strikes birds older than 6 weeks of age. In acute outbreaks, dead birds may be the first sign. Fever, reduced feed consumption, mucoid discharge from the mouth, ruffled feathers, diarrhea, and labored breathing may be seen. As the disease progresses birds lose weight, become lame from joint infections, and develop rattling noises from exudate in air passages. As fowl cholera becomes chronic, chickens develop abscessed wattles and swollen joints and foot pads. Caseous exudate may form in the sinuses around the eyes. Turkeys may have twisted necks (see Table 3).

Transmission: Multiple means of transmission have been demonstrated. Flock additions, free-flying birds, infected premises, predators, and rodents are all possibilities.

Treatment: A flock can be medicated with a sulfa drug (sulfonamides, especially sulfadimethoxine, sulfaquinonxalene, sulfamethazine, and sulfaquinoxalene) or vaccinated, or both, to stop mortality associated with an outbreak. It must be noted, however, that sulfa drugs are not FDA approved for use in pullets older than 14 weeks or for commercial laying hens. Sulfa drugs leave residues in meat and eggs. Antibiotics can be used, but require higher levels and long term medication to stop the outbreak.

Prevention: On fowl cholera endemic farms, vaccination is advisable. Do not vaccinate for fowl cholera unless you have a problem on the farm. Rodent control is essential to prevent future outbreaks.

Omphalitis

Synonyms: navel ill, mushy chick disease

Species affected: chickens

Clinical signs: Affected chicks may have external navel infection, large unabsorbed yolk sacs, peritonitis with fetid odor, exudates adhering to the navel, edema of the skin of ventral body area, septicemia and dehydration (see Table 3).

Transmission: Infection occurs at the time of hatching or shortly thereafter, before navels are healed. Chicks from dirty hatching eggs or eggs with poor quality shells, or newly hatched chicks placed in dirty holding boxes, are most susceptible. Chicks removed prior to complete healing of the navel due to improper temperature and/or humidity are also more susceptible. Eggs that explode in the hatching tray contaminate other eggs in the tray and increase the incidence.

Treatment: There is no specific treatment for omphalitis. Most affected birds die in the first few days of life. Unaffected birds need no medication.

Prevention: Control is by prevention through effective hatchery sanitation, hatchery procedures, breeder flock surveillance, and proper preincubation handling of eggs. Mushy chicks should be culled from the hatch and destroyed. If chick mortality exceeds 3 percent, the breeder flocks and egg handling and hatching procedures should be reviewed.

Pullorum

Synonyms: bacillary white diarrhea, BWD

Species affected: Chickens and turkeys are most susceptible, although other species of birds can become infected. Pullorum has never been a problem in commercially grown game birds such as pheasant, chukar partridge and quail. Infection in mammals is rare.

Clinical signs: Death of infected chicks or poults begins at 5-7 days of age and peaks in another 4-5 days. Clinical signs including huddling, droopiness; diarrhea, weakness, pasted vent, gasping, and chalk-white feces, sometimes stained with green bile. Affected birds are unthrifty and stunted because they do not eat (see Table 3). Survivors become asymptomatic carriers with localized infection in

the ovary.

Transmission: Pullorum is spread primarily through the egg, from hen to chick. It can spread further by contaminated incubators, hatchers, chick boxes, houses, equipment, poultry by-product feedstuffs and carrier birds.

Treatment: Treatment is for flock salvage only. Several sulfonamides, antibiotics, and antibacterials are effective in reducing mortality, but none eradicates the disease from the flock. Pullorum eradication is required by law. Eradication requires destroying the entire flock.

Prevention: Pullorum outbreaks are handled, on an eradication basis, by state/federal regulatory agencies. As part of the National Poultry Improvement Program, breeder replacement flocks are tested before onset of production to assure pullorum-free status. This mandatory law includes chickens, turkeys, show birds, waterfowl, game birds, and guinea fowl. In Florida, a negative pullorum test or certification that the bird originated from a pullorum-free flock is required for admission for exhibit at shows and fairs. Such requirements have been beneficial in locating pullorum-infected flocks of hobby chickens.

Necrotic Enteritis

Synonyms: enterotoxemia, rot gut

Species affected: Rapidly growing young birds, especially chickens and turkeys 2-12 weeks of age, are most susceptible. Necrotic enteritis is a disease associated with domestication and is unlikely to threaten wild bird populations. Necrotic enteritis is primarily a disease of broilers, roasters and turkeys. Ulcerative enteritis, on the other hand, commonly affects pullets and quail.

Clinical signs: Initially there is a reduction in feed consumption as well as dark, often blood-stained, feces. Infected chickens will have diarrhea. Chronically affected birds become emaciated. The bird, intestines, and feces emit a fetid odor (see Table 3).

Transmission: Necrotic enteritis does not spread directly from bird to bird. Bacteria are ingested along with infected soil, feces, or other infected materials. The bacteria then grow in the intestinal tract. Infection commonly occurs in crowded flocks, immuno-suppressed flocks, and flocks maintained in poor sanitary conditions.

Treatment: The clostridia bacteria involved in necrotic enteritis is sensitive to the antibiotics bacitracin, neomycin, and tetracycline. However, antibiotics such as penicillin, streptomycin, and novobiocin are also effective. Bacitracin is the most commonly used drug for control of necrotic enteritis. As with all drugs, legality and withdrawal time requirements must be observed.

Prevention: Prevention should be directed toward sanitation, husbandry, and management.

Ulcerative Enteritis

Synonyms: quail disease

Species affected: Captive quail are extremely susceptible and must be maintained on wire-bottom pens or on preventive medications. Chickens, turkeys, partridges, grouse, and other species are occasionally clinically affected.

Clinical signs: In quail, the disease is acute with high mortality. In chickens, signs are less dramatic. Acute signs are extreme depression and reduction in feed consumption. Affected birds sit humped with eyes closed. Other signs included emaciation, watery droppings streaked with urates, and dull ruffled feathers (see Table 3). Accumulated mortality will reach 50 percent if the flock is not treated.

Transmission: Birds become infected by direct contact with carrier birds, infected droppings or contaminated pens, feed and water. Bacteria are passed in the droppings of sick and carrier birds. Infection can be spread mechanically on shoes, feed bags, equipment, and from contamination by rodents and pets.

Treatment: Bacitracin and neomycin can be used singly or in combination. Other antibiotics and drugs such as tetracyclines, penicillin, Lincomycin, and Virginomycin are also effective. Consult a veterinarian for dose, route, and duration of treatment.

Prevention: Ulcerative enteritis is difficult to prevent in quail. When quail have access to their own droppings, this disease commonly occurs. To eradicate, depopulate stock, thoroughly clean and disinfect, and start over with young, clean stock.

Botulism

Synonyms: limberneck, bulbar paralysis, western duck sickness, alkali disease

Species affected: All fowl of any age, humans, and other animals are highly susceptible. The turkey vulture is the only animal host known to be resistant to the disease.

Clinical signs: Botulism is a poisoning causing by eating spoiled food containing a neurotoxin produced by the bacterium *Clostridium botulinum* . Paralysis, the most common clinical sign, occurs within a few hours after poisoned food is eaten. Pheasants with botulism remain alert, but paralyzed. Legs and wings become paralyzed, then the neck becomes limp. Neck feathers become loose in the follicle and can be pulled easily (see Table 3).

If the amount eaten is lethal, prostration and death follow in 12 to 24 hours. Death is a result of paralysis of respiratory muscles. Fowl affected by sublethal doses become dull and sleepy.

Transmission: Botulism is common in wild ducks and is a frequent killer of waterfowl because the organisms multiply in dead fish and decaying vegetation along shorelines.

Decaying bird carcasses on poultry ranges, wet litter or other organic matter, and fly maggots from decaying substances may harbor botulism. There is no spread from bird to bird.

Treatment: Remove spoiled feed or decaying matter. Flush the flock with Epsom salts (1 lb/1000 hens) in water or in wet mash. It has been reported that potassium permanganate (1:3000) in the drinking water is helpful. Affected birds can be treated with botulism antitoxin injections.

Prevention: Incinerate or bury dead birds promptly. Do not feed spoiled canned vegetables. Control flies. Replace suspected feed.

Staphylococcus

Synonyms: staph infection, staph septicemia, staph arthritis, bumblefoot .

Species affected: All fowl, especially turkeys, chickens, game birds, and waterfowl, are susceptible.

Clinical signs: Staphylococcal infections appear in three forms -- septicemia (acute), arthritic (chronic), and bumblefoot. The septicemia form appears similar to fowl cholera in that the birds are listless, without appetite, feverish, and show pain during movement. Black rot may show up in eggs (the organism is passed in the egg). Infected birds pass fetid watery diarrhea. Many will have swollen joints (arthritis) and production drops (see Table 3).

The arthritic form follows the acute form. Birds show symptoms of lameness and breast blisters, as well as painful movement (see Table 3). Birds are reluctant to walk, preferring to sit rather than stand.

Bumblefoot is a localized chronic staph infection of the foot, thought to be caused by puncture injuries. The bird becomes lame from swollen foot pads (see Table 3).

Transmission: *Staphylococcus aureus* is soil-borne and outbreaks in flocks often occur after storms when birds on range drink from stagnant rain pools.

Treatment: Novobiocin (350 g/ton) can be given in the feed for 5-7 days. Erythromycin and penicillin can be administered in the water for 3-5 days or in the feed (200 g/ton) for 5 days. Other antibiotics and drugs are only occasionally effective.

Prevention: Remove objects that cause injury. Isolate chronically affected birds. Provide nutritionally balanced feed.

Tables

Table 1. Possible clinical signs for common respiratory diseases of poultry.

Clinical signs	pox[1]	Newcastle[2]	IB[3]	Quail Bronchitis	AI[4]	coryza[5]	LT[6]	TRT[7]	Chlamydiosis	SHS[8]	MG[9]	MS[10]	MM[11]	Aspergillosis
Coughing	X	X		X	X		X		X	X	X		X	
Sneezing	X	X		X	X	X	X		X	X	X	X	X	

Shaking head		X		X		X	X		X		X	X		
Rales (abnormal breathing sound)	X	X	X	X	X	X	X	X	X	X	X	X	X	
Gasping	X	X	X	X			X		X	X	X			X
Discharge from eyes	X	X	X	X		X	X		X	X	X	X		
Nasal discharge		X	X	X		X	X		X	X	X	X		
Swelling of face and/or wattles		X		X	X	X	X	X	X	X	X	X		
Bluish-purple discoloration of face		X		X	X					X				X
Retarded growth	X	X		X		X	X		X		X	X	X	
Lameness												X		
General diarrhea		X		X	X	X	X		X		X			
Green, watery diarrhea		X		X					X			X		
Swollen joints												X		
Paralysis														X
Twisting of head and neck		X		X						X			X	X
Red/white spots on legs and comb					X									
Warts/scabs	X													
Conjunctivitis		X		X	X	X	X	X	X	X				
Prostration		X		X			X				X			

[1] Fowl Pox

[2] Newcastle disease

[3] Infectious bronchitis

[4] Avian influenza

[5] Infectious coryza

[6] Laryngotracheitis

[7] Turkey rhinotracheitis

[8] Swollen head syndrome

[9] *Mycoplasma gallisepticum*

[10] *Mycoplasma synoviae*

[11] *Mycoplasma meleagridis*

Table 2. Possible clinical signs for common nonrespiratory viral diseases of poultry.

Clinical Signs	Marek's disease	Lymphoid leukosis	Infectious bursal disease	Equine encephalitis	Avian encephalitis	Egg drop syndrome	Infectious tenosynovitis	
							Tenosynovitis	Septicemia form
Reduced feed consumption			X	X	X			
Labored breathing	X							
Weight loss/stunted growth					X			X
Reduced water consumption			X		X			
Bluish-purple discoloration of the face								X
Enlarged abdomen		X						
Lameness	X						X	
Swollen joints							X	
Twisted necks				X				
Paralysis	X			X	X			

Inactive					X			
Tremors				X				
Incoordination	X			X	X			
Blindness	X							
Paleness	X							
Pale scaly combs	X							
Greenish diarrhea	X	X						
Diarrhea (general)				X		X		
Watery droppings			X					
Thin-shelled eggs						X		
Shell-less eggs						X		
Reduced egg production						X		X
Increased mortality								X
Dullness						X		
Weakness		X						
Emaciation		X						
Helicopter wings								X
Ruffled feathers			X					
Small comb		X						

Table 3. Possible clinical signs of nonrespiratory bacterial diseases of poultry.

Clinical signs	Fowl cholera	Omphalitis	Pullorum	Necrotic enteritis	Ulcerative enteritis	Botulism	Staphylococcus
Dead birds, no signs of disease	X						

Fever	X						X
Reduced feed consumption	X			X	X		X
Discharge from mouth	X						
Ruffled feathers	X				X		
Labored breathing	X		X				
Weight loss/stunted growth	X		X	X	X		
Lameness	X						X
Swollen joints	X						X
Abscessed wattles	X						
Swollen foot pads	X						X
Twisted necks	X						
Navel infection		X					
Dehydration		X					
Huddling of chicks			X		X		
Droopiness			X				
Diarrhea/pasted vent	X		X	X			X
White feces			X		X		
Blood in feces				X			
Paralysis						X	
Cyanotic							
Foul odor				X			X

Footnotes

1. This document is PS47, one of a series of the Veterinary Medicine-Large Animal Clinical Sciences Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida. Original publication date May 1999. Revised June 2003. Reviewed February 2012. Visit the EDIS website at http://edis.ifas.ufl.edu.

2. G.D. Butcher, extension poultry veterinarian, Faculty of Veterinary Medicine, J.P. Jacob, poultry extension coordinator, and F. B. Mather, poultry extension specialist, Dairy and Poultry Sciences Department, Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville, 32611.

#2

IF YOU WISH TO ADDRESS THE BOARD DURING A PUBLIC HEARING ON TODAY'S AGENDA, PLEASE COMPLETE THIS FORM. THANK YOU.

Individuals wishing to speak on any Public Hearing matter must indicate so by filling out this form and returning it to the Clerk prior to the beginning of the Public Hearing.

PLEASE PRINT

Name Amy Thomas

Address 1902 46th Ave Dr W Bradenton

Representing Self

Public Hearing matter on which you want to speak: allowing backyard hens

Please check one for each #:

1. Are you in favor: ☐ *
   opposed: ☐

2A. Speaking as an individual? Yes ☐

OR

2B. If you are speaking as an official representative of a group: **

Name of Group: CLUCK

** **You are required to provide the Clerk with written evidence of your authority to speak on behalf of the organization or group you represent for land use public hearings.**

3. Do you have a visual presentation or other evidence to be submitted to the Board?

   Yes ☐ No ☐

4. Do you wish to be notified of any subsequent dispute resolution proceedings?

   Yes ☐ No ☐

* **Designation in favor or opposed is required solely for determination of the order of appearance. The number of people for or against a matter is not considered by the Board with regard to whether to approve or deny the matter.**

IF YOU WISH TO ADDRESS THE BOARD DURING A PUBLIC HEARING ON TODAY'S AGENDA, PLEASE COMPLETE THIS FORM. THANK YOU.

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PLEASE PRINT

Name Bobby L. Myers

Address 1023 12th St.

Bradenton, FL. 34205

Representing Self

Public Hearing matter on which you want to speak:

Cluck #2

Please check one for each #:

1. Are you in favor: ☑ *
   opposed: ☐

2A. Speaking as an individual? Yes ☑

OR

2B. If you are speaking as an official representative of a group: **

Name of Group: Cluck

** **You are required to provide the Clerk with written evidence of your authority to speak on behalf of the organization or group you represent for land use public hearings.**

3. Do you have a visual presentation or other evidence to be submitted to the Board?

   Yes ☐ No ☑

4. Do you wish to be notified of any subsequent dispute resolution proceedings?

   Yes ☑ No ☐

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#2

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PLEASE PRINT

Name LEA Etchells

Address 4604 20th AVE W
BRADENTON, 34209

Representing ~~MANATEE CLUCK~~ SELF

Public Hearing matter on which you want to speak: _____

Please check one for each #:

1. Are you in favor: ☒ *
   opposed: ☐

2A. Speaking as an individual? Yes ☒

OR

2B. If you are speaking as an official representative of a group: **

Name of Group: _____

_____

**** You are required to provide the Clerk with written evidence of your authority to speak on behalf of the organization or group you represent for land use public hearings.**

3. Do you have a visual presentation or other evidence to be submitted to the Board?

   Yes ☐ No ☐

4. Do you wish to be notified of any subsequent dispute resolution proceedings?

   Yes ☐ No ☐

*** Designation in favor or opposed is required solely for determination of the order of appearance. The number of people for or against a matter is not considered by the Board with regard to whether to approve or deny the matter.**

✓ 2

IF YOU WISH TO ADDRESS THE BOARD DURING A PUBLIC HEARING ON TODAY'S AGENDA, PLEASE COMPLETE THIS FORM. THANK YOU.

Individuals wishing to speak on any Public Hearing matter must indicate so by filling out this form and returning it to the Clerk prior to the beginning of the Public Hearing.

PLEASE PRINT

Name Vicki JARRATT

Address 202 57TH St. West

Representing ~~Manatee Chuck~~

Public Hearing matter on which you want to speak:
Item 2 - Chickens

Please check one for each #:

1. Are you in favor: ☒ *
   opposed: ☐

2A. Speaking as an individual? Yes ☐

OR

2B. If you are speaking as an official representative of a group: **

Name of Group:

**** You are required to provide the Clerk with written evidence of your authority to speak on behalf of the organization or group you represent for land use public hearings.**

3. Do you have a visual presentation or other evidence to be submitted to the Board?

   Yes ☐ No ☒

4. Do you wish to be notified of any subsequent dispute resolution proceedings?

   Yes ☐ No ☐

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#2

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PLEASE PRINT

Name ROBERT KLUSON

Address 4903 4th AVE CIR. NW
BRADENTON, FL 34209

Representing MYSELF/MANATEE CLUCK

Public Hearing matter on which you want to speak:
URBAN CHICKENS

Please check one for each #:

1. Are you in favor: ☒ *
   opposed: ☐

2A. Speaking as an individual? Yes ☒

OR

2B. If you are speaking as an official representative of a group: **

Name of Group: MANATEE CLUCK

**** You are required to provide the Clerk with written evidence of your authority to speak on behalf of the organization or group you represent for land use public hearings.**

3. Do you have a visual presentation or other evidence to be submitted to the Board?

   Yes ☒ No ☐

4. Do you wish to be notified of any subsequent dispute resolution proceedings?

   Yes ☐ No ☐

*** Designation in favor or opposed is required solely for determination of the order of appearance. The number of people for or against a matter is not considered by the Board with regard to whether to approve or deny the matter.**

Illegal Fowl: A Survey of Municipal Laws Relating to Backyard Poultry and a Model Ordinance for Regulating City Chickens

by Jaime Bouvier

Jaime Bouvier is Visiting Legal Writing Professor, Cleveland-Marshall College of Law.

Summary

As the movement toward keeping backyard chickens continues to grow, many cities are facing the decision of whether to allow residents to keep chickens and, if so, how to effectively regulate the practice. A survey of municipal ordinances in the top 100 most populous cities in the United States that concern keeping and raising chickens offers lessons that may be applied to designing a model ordinance. This survey reveals that chickens are, perhaps surprisingly, legal in the vast majority of large cities. The survey also identifies regulatory norms and some effective and less effective ways to regulate the keeping of chickens. A proposed model ordinance, based on the background information and survey results, could be adopted by a city or easily modified to fit a city's unique needs.

So much depends
upon

a red wheel
barrow

glazed with rain
water

beside the white
chickens.

William Carlos Williams, 1923.

The movement toward bringing agricultural practices into the city has continued to expand during the last decade.[1] As we learn more about the problems with our modern commercial agricultural practices—like keeping large numbers of animals crowded in small indoor facilities with little or no access to fresh air or sunlight and growing vast amounts of corn and soy in a monoculture environment to feed those animals[2]—many city-dwellers are taking it into their own hands to provide solutions.[3] Community gardens are increasing in cities across the country.[4] Market farms and even full-scale urban farms are popping up both in cities where the foreclosure epidemic has caused an abundance of abandoned properties and in cities where property has maintained or even increased in value.[5] And, farmer's markets have increased exponentially across the country—allowing smaller scale local farmers to directly link to consumers and sell their produce for far above the wholesale amounts they could get from selling through

Author's Note: I would like to thank my research assistant Hannah Markel. I would also like to thank Heidi Gorovitz Robertson and Carolyn Broering-Jacobs for their support and mentorship.

1. Kimberly Hodgson et al., *Urban Agriculture: Growing Healthy Sustainable Places*, American Planning Association, Planning Advisory Service, Report No. 563 (Jan. 2011); Janine de la Salle & Mark Holland, Agricultural Urbanism, Handbook for Building Sustainable Food & Agricultural Systems in 21st Century Cities, 9-12 (2010).
2. *E.g.*, Food, Inc. (Magnolia Pictures 2009); Michael Pollan, The Omnivore's Dilemma: A Natural History of Four Meals (2006); Eric Schlosser, Fast Food Nation: The Dark Side of the All American Meal (2002); Marion Nestle, Food Politics: How the Food Industry Influences Nutrition and Health (2002).
3. *E.g.*, Lisa Taylor, Your Farm in the City: An Urban Dweller's Guide to Growing Food and Raising Livestock (2011); Thomas J. Fox, Urban Farming: Sustainable City Living in Your Backyard, in Your Community, and in the World (2011); Kelly Coyne & Erik Knutzen, The Urban Homestead: Your Guide to Self-Sufficient Living in the Heart of the City (2010); Kurt B. Reighley, The United States of Americana: Backyard Chickens, Burlesque Beauties, and Homemade Bitters (2010).
4. Jane E. Schukoske, *Community Development Through Gardening: State and Local Policies Transforming Urban Open Space*, 3 N.Y.U. J. Legis. & Pub. Pol'y 315, 354 (1999-2000).
5. Hodgson, *supra* note 1, at 3-4.

more established channels like supermarkets and convenience stores.[6]

Part of the greater urban agriculture movement involves urban animal husbandry—raising livestock in an urban setting.[7] While many cities have allowed for bees, goats, and other livestock in the city,[8] this Article will focus on how cities regulate chickens.[9] Many people in urban environments are seeking to raise chickens to assert control over their food. This may be in reaction to increasing reports of how large industrial farms raise chickens in abusive and unsanitary settings—settings that not only are unhealthy for the chickens but negatively affect the health of people who live near such farms, as well as anyone who eats the eggs or meat from those chickens.[10] Many people view raising chickens and other urban agricultural practices as a way to combat a broken food system and a way to assert individual political power against the large corporations that control much of our food.[11]

In response to a growing demand from city-dwellers to raise their own chickens, either as part of a community garden, urban farm, or just in their own backyard, cities across the country are amending their ordinances to allow for and regulate backyard chickens.[12] This Article will first provide a primer on what a city-dweller should know about chickens. This is especially targeted to city-dwellers who serve as councilpersons, mayors, or law directors and know little or nothing about chickens. Because many municipal officials lack agricultural knowledge, they lack a basis for understanding whether chickens can peacefully co-exist with their constituents in a cosmopolitan area. And, even if officials believe that residents should be able to keep chickens, they may still feel unequipped to figure out how to properly regulate chickens to head off practical concerns with noise, odor, and nuisance.

Many people may be surprised to learn that even in cities where raising chickens is illegal, many people are doing so anyway.[13] For instance, in a suburb of Cleveland, Jennifer,[14] a young mother of two boys, built a coop in her backyard and bought four chicks.[15] These chicks grew up to be egg-laying hens and family pets before she learned that her city outlawed chickens. The city told her that if she did not get rid of the chickens, she would be subject to continuing expensive citations for violating the city's ordinance. Because both she and her children

6. Patricia E. Salkin & Amy Lavine, *Regional Foodsheds: Are Our Local Zoning and Land Use Regulations Healthy?*, 22 Fordham Envtl. L. Rev. 599, 617 (2011); Brandon Baird, *The Pending Farmer's Market Fiasco: Small-Time Farmers, Part-Time Shoppers, and a Big-Time Problem*, 1 KYJEANRL 49, 49-50 (2008-2009). *See also* Kirk Johnson, *Small Farmers Creating a New Business Model as Agriculture Goes Local*, N.Y.Times, July 1, 2012, http://www.nytimes.com/2012/07/02/us/small-scale-farmers-creating-a-new-profit-model.html?_r=1&ref=agriculture.
7. Hogdson, *supra* note 1, at 17. *See, e.g.*, Robert & Hannah Litt, A Chicken in Every Yard (2011); Harvey Ussery, The Small-Scale Poultry Flock: An All-Natural Approach to Raising Backyard and Urban Chickens (2011); Andy Schneider, The Chicken Whisperer's Guide to Keeping Chickens, Everything You Need to Know . . . and Didn't Know You Needed to Know About Raising Chickens (2011); Tara Layman Williams, The Complete Guide to Raising Chickens: Everything You Need to Know Explained Simply (2010); Jerome D. Belanger, The Complete Idiot's Guide to Raising Chickens (2010); Carlee Madigan, The Backyard Homestead (2009); Kimberly Willis & Rob Ludlow, Raising Chickens for Dummies (2009).
8. *E.g.*, Heather Wooten & Amy Ackerman, *Seeding the City: Land Use Policies to Promote Urban Agricultural*, National Policy & Legal Analysis Network to Prevent Childhood Obesity, 34 (2011); Kailee Neuner et al., *Planning to Eat: Innovative Local Government Plans and Policies to Build Healthy Food Systems in the United States*, Food Systems Planning and Healthy Communities Lab, University of Buffalo, The State University of New York, 17 (2011).
9. *See also* Patricia Salkin, *Feeding the Locavores, One Chicken at a Time: Regulating Backyard Chickens*, 34:3 Zoning & Plan. L. Rep. 1 (2011) (briefly surveying chicken laws); Mary Wood et al., *Promoting the Urban Homestead: Reform of Local Land Use Laws to Allow MicroLivestock on Residential Lots*, 37 Ecology L. Currents 68 (2010).
10. *See, e.g.*, Nicholas D. Kristof, *Is an Egg for Breakfast Worth This?*, N.Y. Times, Apr. 11, 2012, http://www.nytimes.com/2012/04/12/opinion/kristof-is-an-egg-for-breakfast-worth-this.html; Nicholas D. Kristof, *Arsenic in Our Chicken*, N.Y. Times, Apr. 4, 2012, http://www.nytimes.com/2012/04/05/opinion/kristof-arsenic-in-our-chicken.html.
11. Hugh Bartling, *A Chicken Ain't Nothing but a Bird: Local Food Production and the Politics of Land-Use Change*, Local Environment 17(a) (Jan. 2012). For a different take on the political reasons behind backyard chickens, see Shannon Hayes, *Radical Homemakers: Reclaiming Domesticity From a Consumer Culture* (2005) (asserting that urban farming can be a feminist response to modern urbanization).
12. Sarah Grieco, *Backyard Bees, Chickens, and Goats Approved*, NBCSanDiego, Feb. 1, 2012 http://www.nbcsandiego.com/news/local/Backyard-Bees-Chickens-Goats-Approved-138507104.html; Michael Cass, *Backyard Chickens Make Gains in Nashville*, The Tennessean, Jan. 5, 2012, http://www.healthynashville.org/modules.php?op=modload&name=News&file=article&sid=20163; Peter Applebome, *Envisioning the End of "Don't Cluck, Don't Tell,"* N.Y. Times, Apr. 30, 2009, http://www.nytimes.com/2009/4/30/nyregions/30town??; Jessica Bennet, *The New Coop de Ville, the Craze for Urban Poultry Farming*, Newsweek, Nov. 16, 2008, http://www.thedailybeast.com/newsweek/2008/11/16/the-new-coop-de-ville.img.jpg. And this movement is not just in the United States; Australia, Canada, and Europe also are experiencing a surge in the number of people keeping backyard hens. *See, e.g.*, *Surge in Backyard Poultry Numbers*, British Free Range Egg Producers Association (Jan. 9, 2011), http://www.theranger.co.uk/news/Surge-in-backyard-poultry-numbers_21660.html (last visited Feb. 24, 2012); Backyard Chickens in Toronto, Ontario, http://torontochickens.com/Toronto_Chickens/Blog/Blog.html (last visited Feb. 22, 2012) (advocacy group seeking to legalize chickens in Toronto); Chris Mayberry & Peter Thomson, *Keeping Chickens in the Backyard*, Department of Agriculture and Food, Government of Western Australia (Aug. 2004), http://www.agric.wa.gov.au/content/aap/pou/man/gn2004_022.pdf (last visited Feb. 22, 2012); Andrea Gaynor, Harvest of the Suburbs: An Environmental History of Growing Food in Australian Cities (2006); Catharine Higginson, *Living in France-Keeping Chickens*, Living France, http://www.livingfrance.com/real-life-living-and-working-living-in-france-keeping-chickens–94936 (last visited Feb. 22, 2012).
13. *See, e.g.*, *Where Chickens Are Outlawed Only Outlaws Will Have Chickens*, BackyardChickens.com, http://www.backyardchickens.com/t/616955/where-chickens-are-outlawed-only-outlaws-will-have-chickens-t-shirt (last visited Feb. 15, 2012) (forum for people who own chickens illegally); Heather Cann et al., *Urban Livestock: Barriers and Opportunities Faces by Homesteaders in the City of Waterloo*, Dec. 6, 2011, http://www.wrfoodsystem.ca/studentresearch (last visited Feb. 22, 2012) (interviewing several people who own chickens illegally in the Waterloo region of Canada).
14. Not her real name.
15. Interview with Jennifer, July 18, 2011 (on file with author).

had grown close to the hens, they did not want to simply dispose of them or give them away. Instead, Jennifer moved to a neighboring city that had recently passed an ordinance legalizing backyard hens and started a chicken cooperative.[16] Now, a group of neighbors take turns caring for the chickens and share the eggs. Neither in the suburb where she started raising the chicks nor in the city where she started the cooperative did neighbors complain about odor, noise, or any other potential nuisance. And the suburb, by prohibiting chickens, lost the opportunity Jennifer was willing to provide to build strong community ties with her neighbors.[17]

Instead of moving away, others are seeking to change the law to raise chickens in the city where they already live. For instance, Cherise Walker has been advocating for a new ordinance in her community.[18] Ms. Walker is a veteran of the Iraq war who became interested in hens when she read that keeping chickens can help relieve post-traumatic stress disorder.[19] She subscribes to *Backyard Poultry*—a magazine dedicated to backyard chickens[20]; she became certified in hen-keeping by the Ohio State University Extension; and, she began assembling the materials to build a coop in her yard. But, she soon learned that her city outlaws hens as dangerous animals, placing them in the same category as lions, tigers, bears, and sharks.[21] Unwilling to become an outlaw hen-keeper, she, like countless others across the country, is attempting to lobby her mayor and city council-people to educate them about chickens and encourage them to adopt a more chicken-friendly ordinance.[22]

Because of the growing popularity of keeping backyard chickens, cities can benefit from well-thought-out ordinances that avert possible nuisance and make it easy and clear for would-be chicken owners to find out what they need to do to comply with the law.

Changing these ordinances, however, is often a contentious issue.[23] It has caused one mayor in Minnesota to say, "there is a lot of anger around this issue for some reason. More so than the war by far."[24] City leaders are understandably concerned that chickens may cause nuisances.[25] They have raised such concerns as decreasing property values[26] and increasing greenhouse emissions,[27] as well as concerns about excessive clucking and overwhelming odors bothering the neighbors.[28] Some express the belief that chickens, and other agricultural practices, simply do not belong in cities.[29] The controversy over backyard chicken regulation has been so contentious that at least one law review article uses it as a case study for the Coase theorem to illustrate how we unnecessarily inflate the costs of processes related to legal change.[30]

In Part I, this Article will discuss the benefits of backyard chickens. Part II will investigate concerns that many people have with keeping chickens in the city. Part III will provide some background about chickens and chicken behavior that municipalities should understand before crafting any ordinance. Part IV will survey ordinances related to keeping chickens in the 100 most populous cities in the United States, identifying regulatory norms and particularly effective and ineffective means of regulation. Finally, Part V will put forward a model ordinance that regulates keeping chickens in an urban setting while providing sufficient regulation to abate nuisance concerns.

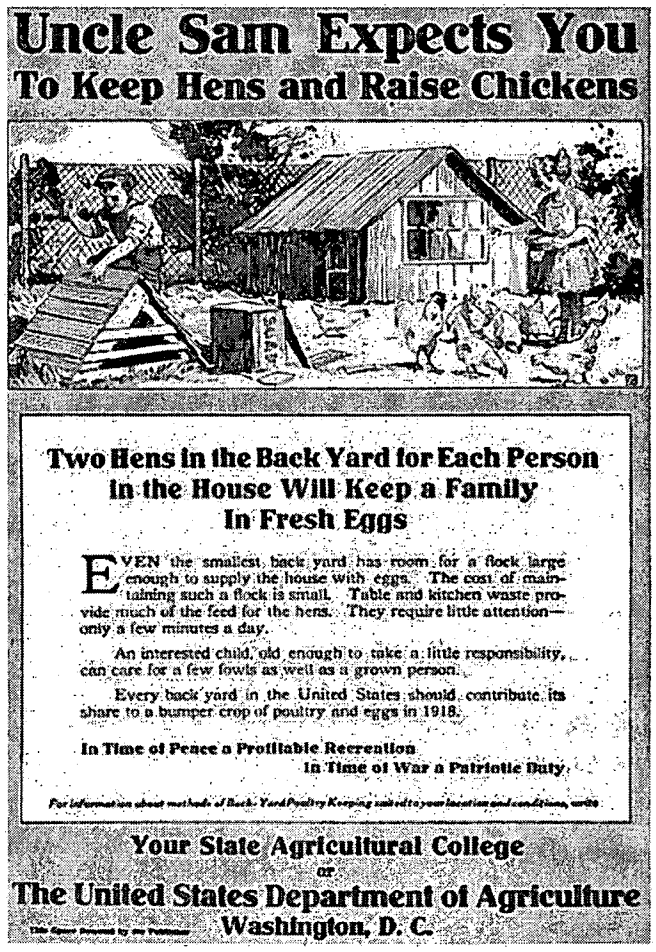
16. CLEVELAND, OHIO, CODIFIED ORDINANCES §§205.04, 347.02 (2011).
17. *See infra* Part I.E. (discussing how participating in urban agriculture can increase social connections and civic responsibility).
18. Interview with Jennifer, July 18, 2011 (on file with author).
19. Megan Zotterelli, *Veterans Farming*, THE LEAFLET: NEWSLETTER OF THE CENTRAL COAST CHAPTER OF CALIFORNIA RARE FRUIT GROWERS (July/Aug. 2011), http://centralcoastfoodie.com/2011/08/veterans-farming/ (noting that the Farmer Veterans Coalition that seeks to link veterans with farming has done so not only to provide veterans with economic opportunities, but because "the nurturing environment of a greenhouse or a hatchery has helped these veterans make impressive strides in their recovery and transition").
20. *Backyard Poultry Magazine* has been published since 2006 by Countryside Publications, Inc. It currently has a circulation of approximately 75,000 readers. *See* ADVERTISING INFORMATION FOR BACKYARD POULTRY, http://www.backyardpoultrymag.com/advertise.html (last visited Feb. 22, 2012).
21. LAKEWOOD MUN. ORDINANCE §505.18.
22. Interview with Cherise Walker, Mar. 18, 2012 (on file with author).
23. Barak Y. Orbach & Frances R. Sjoberg, *Debating Over Backyard Chickens*, Arizona Legal Studies, Discussion Paper No. 11-02 (Feb. 2012) (listing conflicts in dozens of cities where people were seeking to change ordinances to either legalize or ban chickens); *see also* Salkin, *supra* note 9, at 1 (describing criticism of efforts to allow chickens in neighborhoods as including "worry that property values will plummet, that chickens will create foul odors and noise, and that they will attract coyotes, foxes, and other pests").
24. Orbach & Sjoberg, *supra* note 23, at 24.
25. P.J. Huffstutter, *Backyard Chickens on the Rise, Despite the Neighbor's Clucks*, L.A. TIMES, June 15, 2009, http://articles.latimes.com/2009/jun/15/nation/na-chicken-economy15.
26. Tiara Hodges, *Cary: No Chickens Yet*, INDYWEEK.COM, Feb. 10, 2012, http://www.indyweek.com/BigBite/archives/2012/02/10/cary-no-chickens yet (last visited Feb. 17, 2012); *Backyard Chickens: Good or Bad Idea*, KVAL.COM, Mar. 3, 2009, http://www.kval.com/news/40648802.html (last visited Feb. 17, 2012).
27. Valerie Taylor, *Chickens for Montgomery* (2009), http://www.scribd.com/doc/16509728/Changing-Your-Citys-Chicken-Laws (last visited Feb. 17, 2012) (addressing a concern that Montgomery council people voiced about greenhouse gases).
28. Josie Garthwaite, *Urban Garden? Check. Now, Chickens*, N.Y. TIMES, Feb. 7, 2012, http://green.blogs.nytimes.com/2012/02/07/urban-garden-check-now-chickens/.
29. Orbach & Sjoberg, *supra* note 23, at 19 (citing one mayor from Franklington, Louisiana, as stating the "city has changed and grown so much since the original ordinance. We are trying to look to the future. You can't raise animals or livestock (in the city)."); Barry Y. Orbach & Frances R. Sjoberg, *Excessive Speech, Civility Norms, and the Clucking Theorem*, 44 CONN. L. REV. 1 (2011) (stating that an alderman in Chicago was seeking to ban chickens in part because, "[a]ll things considered, I think chickens should be raised on a farm"); Jerry Kaufman & Martin Bailkey, *Farming Inside Cities*, 13 LANDLINES 1 (2001).
30. *See* Orbach & Sjoberg, *supra* note 29.

I. The Benefits of Backyard Chickens

In 1920, an elementary school textbook recommended that every family in America keep a small flock of backyard chickens.[31] The textbook provided that "every family is better off for having a few chickens, provided they are kept out of the garden and at a suitable distance from any house."[32] It noted that of the millions of dollars worth of eggs that were sold each year at that time, comparatively little came from large poultry farms, but came instead "from the hundreds and thousands of farms and town lots where a few chickens and other fowls are kept in order that they may turn to profit food materials that otherwise would be wasted."[33] The textbook asserted that chickens were a good value because, as scavengers and omnivores, it was relatively cheap to feed them scraps and receive in return fresh eggs. Also, the textbook championed city flocks because chickens eat insects and thus prevent the increase of insect pests.[34]

The U.S. government was in agreement with the textbook's advice. During World War I, the United States exhorted every person in America to raise chickens. The U.S. Department of Agriculture (USDA) issued posters with titles like "Uncle Sam Expects You to Keep Hens and Raise Chickens."[35] One such poster encourages chicken ownership by exhorting that "even the smallest backyard has room for a flock large enough to supply the house with eggs."[36] The poster goes on to say that because chickens eat table scraps and require little care, every household should contribute to a bumper crop of poultry and eggs in 1918.[37]

These recommendations are still valid today, as many are reevaluating the suburbanization of America that occurred after World War II and reincorporating agricultural practices into daily life.[38] Keeping domesticated fowl has been a part of human existence for millennia,[39] and only in the last century has been seen as something that should be kept separate from the family and the home.[40] While humanity has long understood the benefits of keeping domesticated chickens, many city-dwellers have lost touch with what chickens have to offer. There continue to be many benefits to raising hens. Some of the benefits are apparent—like getting fresh free eggs. Some are less apparent—like hen manure being a surprisingly pricey and effective fertilizer and research findings that urban agricultural practices in general raise property values and strengthen the social fabric of a community. The benefits of keeping hens will be discussed more thoroughly below.



USDA Poster from Scott Doyon, *Chickens: WWI Solution to Almost Everything, Better Cities & Towns*, Nov. 4, 2011, http://bettercities.net/news-opinion/blogs/scott-doyon/15562/backyard-chickens-wwi-era-solution-almost-everything (last visited Feb. 15, 2012).

A. *Chickens Are a Source of Fresh Nutritious Eggs*

The most obvious benefit of keeping chickens in the backyard is the eggs. A hen will generally lay eggs for the first five to six years of her life, with peak production in the first two years.[41] Hens lay more during the spring and summer months when they are exposed to more light because of the longer days.[42] Hens also lay far more eggs when they are younger, starting off with between 150 to 300 eggs per year depending on the breed and dwindling down by about 20% each year.[43] Young hens or pullets often start out lay-

31. William Thompson Skilling, Nature-Study Agriculture (World Book Co. 1920).
32. *Id.* at 296.
33. *Id.*
34. *Id.*
35. Scott Doyon, *Chickens: WWI Solution to Almost Everything*, Better Cities & Towns, Nov. 4, 2011, http://bettercities.net/news-opinion/blogs/scott-doyon/15562/backyard-chickens-wwi-era-solution-almost-everything (last visited Feb. 15, 2012).
36. *Id.*
37. *Id.*
38. Hodgson, *supra* note 1, at 11-12. *See, e.g.*, Robert M. Fogelson, Bourgeois Nightmares 168-81 (2005) (noting that backyard poultry-keeping went from being universal and encouraged to being banned as a nuisance when newly developed suburbs aimed toward attracting wealthy residents began instituting policies to ban all household pets in an effort to distinguish themselves from both the urban and rural lower class).
39. Barbara West & Ben-Xiong Zhou, *Did Chickens Go North? New Evidence for Domestication*, 44 World's Poultry Sci. J. 205-18 (1999). Christine Heinrichs, How to Raise Chickens: Everything You Need to Know (2007).
40. *See, e.g.*, Andrea Gaynor, Harvest of the Suburbs 133 (2006); Janine De La Salle & Mark Holland, Agricultural Urbanism: Handbook for Building Sustainable Food & Agriculture Systems in 21st Century Cities 23 (2010).
41. Litt, *supra* note 7, at 168-69.
42. *Id.* at 169.
43. *Id.*

ing abnormal-looking or even double-yolked eggs, but as they mature begin laying more uniform eggs.[44] Although hens can live up to 15 or even 20 years, the average hen's lifespan is between four to eight years, so most hens will lay eggs during most of their life—but production will drop off considerably as they age.[45]

Although some have argued that raising backyard chickens will save money that would have been used to buy eggs over time, this claim is dubious.[46] It would take many years to recoup the cost of the chickens, the chicken feed, and the coops.[47] But cost is only part of the equation.

Eggs from backyard hens have been scientifically shown to taste better.[48] First, they taste better because they are fresher.[49] Most eggs bought in a grocery store are weeks if not months old before they reach the point of sale.[50] Recent studies in agriculture science, moreover, demonstrate that if a chicken is allowed to forage for fresh clover and grass, eat insects, and is fed oyster shells for calcium, her eggs will have a deeper colored yolk, ranging from rich gold to bright orange, and the taste of the egg will be significantly fresher.[51]

Next, eggs from backyard hens are more nutritious.[52] Poultry scientists have long known that a hen's diet will affect the nutrient value of her eggs.[53] Thus, most commercial hens are subjected to a standardized diet that provides essential nutrients; but even with this knowledge, large-scale operations cannot provide chickens with an optimal diet under optimal conditions.[54] Tests have found that eggs from small-flock pasture-raised hens actually have a remarkably different nutritional content than your typical store-bought egg—even those certified organic.[55] This is because backyard chickens can forage for fresh grass and other greens and get access to insects and other more natural chicken food.[56] The nutritional differences may also be attributed to the fact that hens are less stressed because they are kept in a more natural environment with exposure to sun, weather, and adequate companionship.[57] Scientific nutritional analyses have proven that eggs from hens that are kept in small flocks and allowed to forage, when compared with store-bought eggs, have

- 1/3 less cholesterol
- 1/4 less saturated fat
- 2/3 more vitamin A
- 2 times more omega-3 fatty acids
- 3 times more vitamin E
- 7 times more beta-carotene.[58]

Thus, four to six hens can easily provide enough eggs for a typical household and sometimes enough for the neighbors as well. And, the eggs are more nutritious, fresher, and tastier than those available in stores.

B. *Chickens Provide Companionship as Pets*

Many people who own a small flock of chickens consider their chickens to be pets and a part of their family—just like a dog or a cat.[59] Chickens have personalities, and many people and children bond with them just like any other pet.[60] Several forums exist on the Internet where people can trade stories about hen antics[61] or debate what breed of chicken is best for children.[62] Chicken owners tend to name their hens, and many can easily describe each hen's temperament and personality.[63]

Perhaps recognizing this, many cities, as shown below, actually regulate chickens as pets—and place no further burden on chicken owners than it would on dog or cat owners.[64]

C. *Chicken Manure Is a Surprisingly Valuable Fertilizer*

Chicken manure is an excellent and surprisingly valuable fertilizer. Currently, 20-pound bags of organic chicken manure fertilizer can fetch a price of between $10 and

44. Bernal R. Weimer, *A Peculiar Egg Abnormality*, 2-4:10 POULTRY SCI. 78-79 (July 1918).
45. LITT, *supra* note 7, at 173.
46. GAIL DAMEROW, BACKYARD HOMESTEAD GUIDE TO RAISING CHICKENS (2011).
47. LITT, *supra* note 7, at 16. William Neuman, *Keeping Their Eggs in Their Backyard Nests*, N.Y. TIMES, Aug. 3, 2009, http://www.nytimes.com/2009/08/04/business/04chickens.html?pagewanted=all (acknowledging that backyard chicken enthusiasts do not typically save money by not buying eggs).
48. Klaus Horsted et al., *Effect of Grass Clover Forage and Whole-Wheat Feeding on the Sensory Quality of Eggs*, 90:2 J. SCI. FOOD & AGRIC. 343-48 (Jan. 2010).
49. LITT, *supra* note 7, at 17.
50. *Id.*
51. Horsted et al., *supra* note 48.
52. LITT, *supra* note 7, at 179 (citing Cheryl Long & Tabitha Alterman, *Meet Real Free-Range Eggs*, MOTHER EARTH NEWS, Oct./Nov. 2007, http://www.motherearthnews.com/Real-Food/2007-10-01/Tests-Reveal-Healthier-Eggs.aspx; Artemis P. Simopoulos & Norman Salem Jr., *Egg Yolk: A Source of Long-Chain Polyunsaturated Fats in Infant Feeding*, 4 AM. J. CLINICAL NUTRITION 411 (1992) (finding a significant increase in nutrition and significant decrease in harmful fats in small-flock free-range eggs).
53. WILLIAM J. STADELMAN & OWEN J. COTTERILL, EGG SCIENCE & TECHNOLOGY 185 (1995).
54. *Id.*
55. LITT, *supra* note 7, at 17.
56. *Id.*; Simopoulos & Salem Jr., *supra* note 52.
57. *Id.*
58. LITT, *supra* note 7, at 179.
59. *Id.* at 4-10.
60. *See, e.g.*, Carolyn Bush, *A Chicken Christmas Tale*, BACKYARD POULTRY MAG., Jan. 2010, http://www.backyardpoultrymag.com/issues/5/5-6/a_chicken_christmas_tale.html (describing her pet chickens and mourning one of their deaths); CHICKENVIDEO.COM, http://www.chickenvideo.com/outlawchickens.html (last visited July 2, 2012) (collecting stories from people who keep chickens as pets despite their illegality).
61. *Funny, Funny Chicken Antics*, BACKYARDCHICKENS.COM, http://www.backyardchickens.com/forum/viewtopic.php?id=380593 (last visited July 2, 2012).
62. *What Breeds Are Best for Children to Show in 4-H?*, BACKYARDCHICKENS.COM, http://www.backyardchickens.com/forum/viewtopic.php?pid=5726813 (last visited July 2, 2012).
63. LITT, *supra* note 7, at 4.
64. *See infra* Part IV.C.1.

$20.[65] Poultry waste has long been used as a fertilizer—it provides necessary nutrients for plants and works well as an addition to compost.[66] Large amounts of uncomposted chicken manure applied directly to a garden will overwhelm or burn the plants, because its nitrogen content is too high.[67] But, the amount of manure that a backyard flock of four to six hens would produce is not enough to harm the plants and can be beneficial to a home garden, even without first being composted.[68]

A small flock of chickens, moreover, does not actually produce much manure. A fully grown four-pound laying hen produces approximately a quarter-pound of manure per day.[69] In comparison, an average dog produces three-quarters of a pound per day, or three times as much waste as one hen.[70] As cities have been able to deal with waste from other pets like dogs and cats with proper regulation, even though there is no market for their waste, cities should be confident that the city and chicken owners can properly manage chicken waste.

D. Chickens Eat Insects

Chickens, like other birds, eat insects such as ants, spiders, ticks, fleas, slugs, roaches, and beetles.[71] Chickens also occasionally eat worms, small snakes, and small mice.[72] Insects provide protein that the chickens need to lay nutritionally dense eggs.[73] Small flocks of chickens are recommended as a way to eliminate weeds, although a chicken does not discriminate between weeds and plants and, if left in a garden for too long, will eat the garden plants as well.[74] But, because chickens like to eat insects and other garden pests, allowing the chicken occasional and limited access to a garden can eliminate a need to use chemicals or other insecticides and prevent insect infestations.[75]

E. Chickens Help Build Community

Several studies have found that urban agriculture can increase social connections and civic engagement in the community.[76] Agricultural projects can provide a centerpiece around which communities can organize and, by doing so, become more resilient.[77] Building a sense of community is often especially valuable for more marginalized groups—like recent immigrants and impoverished inner-city areas.[78]

Keeping chickens easily fits into the community-building benefit of urban agriculture. Because chickens lay more eggs in the spring and summer, an owner often has more eggs than he can use: neighbors, thus, become the beneficiaries of the excess eggs. Because chickens are still seen as a novelty in many communities, many chicken owners help to educate their neighbors and their communities by inviting them over for a visit and letting neighbors see the coops and interact with the chickens.[79] Finally, like the example of Jennifer above, keeping chickens can become a community endeavor; many people have formed chicken cooperatives where neighbors band together to share in the work of tending the hens and also share in the eggs.[80]

II. Cities' Concerns With Backyard Hens

> Never mind what you think.
> The old man did not rush
> Recklessly into the coop at the last minute.
> The chickens hardly stirred
> For the easy way he sang to them.
>
> Bruce Weigl, *Killing Chickens*, 1999.

65. Black Gold Compost Chicken Fertilizer sold for $13.43 for 20 pounds on Amazon. AMAZON.COM, http://www.amazon.com/Black-Compost-Chick-Manure-60217/dp/B00292YAQC (last visited July 2, 2012). Chickety-doo-doo sold for $47.75 for 40 pounds on EBay. EBAY, http://www.ebay.com/itm/ws/eBayISAPI.dll?ViewItem&item=260889160166&hlp=false (last visited Jan. 6, 2012).
66. Adam A. Hady & Ron Kean, *Poultry for Small Farms and Backyard*, UW COOPERATIVE EXTENSION, http://learning store.uwex.edu/assets/pdfs/A3908-03.
67. LITT, *supra* note 7, at 9.
68. *Id.*
69. *Ohio Livestock Manure Management Guide*, OHIO STATE UNIVERSITY EXTENSION, Bulletin 604-06, p. 3, T. 1 2006, http://ohioline.osu.edu/b604/ (providing that a four-pound laying hen produces 0.26 of a pound per day of manure).
70. Leah Nemiroff & Judith Patterson, *Design, Testing and Implementation of a Large-Scale Urban Dog Waste Composting Program*, 15:4 COMPOST SCI. & UTILIZATION 237-42 (2007) ("On average, a dog produces 0.34 [kilograms (kg)] (0.75 lbs) of feces per day.").
71. Simopoulos & Salem Jr., *supra* note 52, at 412. Schneider, *supra* note 8, at 15.
72. *Id.*
73. *Id.*
74. John P. Bishop, *Chickens: Improving Small-Scale Production*, Echo technical note, ECHO.NET, 1995, http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CFMQFjAA&url=http%3A%2F%2Fwww.echocommunity.org%2Fresource%2Fcollection%2FE66CDFDB-0A0D-4DDE-8AB1-74D9D8C3EDD4%2FChickens.pdf&ei=39zxT41Sh7etAdSUmY8C&usg=AFQjCNHh0_bkG_5sVmlovgngOXD53AJagA&sig2=_cgyLnv7jDV7hGIVZry89g (last visited July 2, 2012).
75. TARA LAYMAN WILLIAMS, THE COMPLETE GUIDE TO RAISING CHICKENS: EVERYTHING YOU NEED TO KNOW 95 (2011).
76. Hodgson, *supra* note 1, at 3 (citing LORRAINE JOHNSON, CITY FARMER: ADVENTURES IN URBAN FOOD GROWING (2010), and PATRICIA HYNES, A PATCH OF EDEN: AMERICA'S INNER CITY GARDENERS (1996)).
77. Hodgson, *supra* note 1, at 94.
78. *Id. See also Iowa Concentrated Animal Feeding Operations Air Quality Study, Final Report*, IOWA STATE UNIVERSITY AND THE UNIVERSITY OF IOWA STUDY GROUP 148, Feb. 2002, http://www.ehsrc.uiowa.edu/cafo_air_quality_study.html (finding that in rural areas communities where farms were smaller, were owner-operated, and used the labor of the operating family, the community "had a richer civic and social fabric: residents of all social classes were more involved in community affairs, more community organizations served people of both middle and working class background, and there were more local businesses and more retail activity").
79. LITT, *supra* note 7, at 12-13. *See, e.g.*, Jeff S. Sharp & Molly B. Smith, *Social Capital and Farming at the Rural-Urban Interface: The Importance of Non-farmer and Farmer Relations*, 76 AGRIC. SYS. 913-27 (2003) (finding that communities benefit and agricultural uses have more support when farmers develop social relationships with non-farmers).
80. *E.g.*, Abby Quillen, *How to Share a Chicken or Two*, SHAREABLE: CITIES (Nov. 22, 2009), http://shareable.net/blog/how-to-share-a-chicken (last visited Feb. 12, 2012).

A. Noise

The most frequently expressed concern is that hens will be noisy. This may come from associating roosters with hens. Roosters are noisy.[81] Hens are not particularly noisy. While they will cluck, the clucking is neither loud nor frequent.[82] The clucking of hens is commonly compared to human conversation—both register around 65 decibels.[83] By contrast, the barking of a single dog can reach levels well over 100 decibels.[84]

It should also be noted that chickens have a homing instinct to roost and sleep at night. A hen will return to her coop at night and generally fall asleep before or at sundown.[85] Thus, there should be little concern with clucking hens disturbing a neighborhood at night.

B. Odor

Many people are concerned that chicken droppings will cause odors that reach neighbors and perhaps even affect the neighborhood. These concerns may stem from publicized reports of odors from large poultry operations.[86] While it is no doubt true that the odors coming from these intensive commercial-scale chicken farms is overwhelming and harmful,[87] these operations often have hundreds of thousands of chickens in very small spaces.[88]

Most of the odor that people may associate with poultry is actually ammonia. Ammonia, however, is a product of a poorly ventilated and moist coop.[89] Coop designs for backyard hens should take this into account and allow for proper ventilation. And, if coops are regularly cleaned, there should be little to no odor associated with the hens.[90]

C. Diseases

Two diseases are frequently raised in discussions of backyard hens: avian flu and salmonella. For different reasons, neither justifies a ban on backyard hens.[91]

First, with the attention that avian flu has received in the past few years, some have expressed a concern that allowing backyard chickens could provide a transition point for an avian virus to infect humans.[92] While no one can predict whether this virus will cross over to cause widespread illness or how it might do so, it is important to note that avian flu, right now, would have to mutate for it to become an illness that can spread from person to person.[93] Even the H5N1 strain of the virus, a highly pathogenic form that garnered news in the early 2000s because it infected humans, is very difficult for humans to catch and has not been shown to spread from person to person.[94] And that strain of the virus does not exist in the United States—it has not been found in birds, wild or domestic, in North or South America.[95]

Encouraging a return to more small-scale agriculture, moreover, may prevent such a mutation from occurring. Many world and national governmental health organizations that are concerned with the possible mutation of avian flu link the increased risks of disease to the intensification of the processes for raising animals for food—in other words, large-scale factory farms.[96] For instance, the Centers for Disease Control and Prevention (CDC) blamed "the intensification of food-animal production" in part on the increasing threat.[97] The Council for Agricultural Science and Technology, an industry-funded group, created a task force including experts from the World Health Organization, the World Organization for Animal Health, and the USDA, and issued a report in 2006 finding that modern intensive animal farming techniques increase the risk of new virulent diseases.[98] The report stated "a major impact of modern intensive production systems is that they allow the rapid selection and amplification of pathogens that arise from a virulent ancestor (frequently by

81. *Management of Noise on Poultry Farms*, Poultry Fact Sheet, British Columbia, Ministry of Agriculture and Food (Aug. 1999), http://www.agf.gov.bc.ca/poultry/publications/documents/noise.pdf.
82. *Id.*
83. *Protecting Against Noise*, National Ag Safety Database, The Ohio State University Extension, http://nasdonline.org/document/1744/d001721/protecting-against-noise.html (last visited Feb. 22, 2012) (explaining that a chicken coop and human conversation are both about 65 decibels).
84. Crista L. Coppola et al., *Noise in the Animal Shelter Environment: Building Design and the Effects of Daily Noise Exposure*, 9(1) J. applied Animal Welfare Sci. 1-7 (2006).
85. Williams, *supra* note 75, at 92. Robert Plamondon, *Range Poultry Housing*, ATTRA 11 (June 2003).
86. *E.g.*, William Neuman, *Clean Living in the Henhouse*, N.Y. Times, Oct. 6, 2010, http://www.nytimes.com/2010/10/07/business/07eggfarm.html?scp=2&sq=large%20chicken%20farms%20and%20odor&st=cse.
87. Doug Gurian Sherman, *CAFOS Uncovered, The Untold Costs of Animal Feeding Operations*, Union of Concerned Scientists, Apr. 2008, http://www.ucsusa.org/assets/documents/food_and_agriculture/cafos-uncovered.pdf; *Iowa Concentrated Animal Feeding Operations and Air Quality Study*, Final Report, Iowa State University and the University of Iowa Study Group (Feb. 2002) (finding extensive literature documenting acute and chronic respiratory diseases and dysfunction among poultry workers exposed to complex mixtures of particulates, gases, and vapors within CAFO units).
88. *Id.*
89. *Id.*
90. Gail Damerow, The Backyard Homestead Guide to Raising Farm Animals 35 (2011) ("A chicken coop that smells like manure or has the pungent odor of ammonia is mismanaged. These problems are easily avoided by keeping litter dry, adding fresh litter as needed to absorb droppings, and periodically removing the old litter and replacing it with a fresh batch.").
91. Sue L. Pollock et al., *Raising Chickens in City Backyards: The Public Health Role*, J. Community Health, DOI: 10.1007/s10900-011-9504-1 (2011) (finding that public health concerns about infectious diseases and other nuisances that might be caused by keeping hens in an urban setting cannot be supported by literature specific to the urban agriculture context and recommending that public health practitioners approach this issue in a manner analogous to concerns over keeping domestic pets).
92. *E.g.*, Orbach & Sjoberg, *supra* note 23, at 29.
93. *Avian Influenza*, USDA, http://www.ars.usda.gov/News/docs.htm?docid=11244 (last visited July 2, 2012).
94. *Avian Influenza, Questions & Answers*, Food and Agric. Org. of the United Nations, http://www.fao.org/avianflu/en/qanda.html (last visited July 26, 2012).
95. *Id.*
96. Michael Greger, *Bird Flu, A Virus of Our Own Hatching*, BirdFluBook.Com (2006-2008), http://birdflubook.com/a.php?id=50 (last visited Feb. 21, 2012) (finding that the Food and Agriculture Organization of the United Nations, the World Health Organization, and the World Organization for Animal Health attribute risk factors for the emergence of new diseases from animals to the increasing demand for animal protein).
97. *Id.*
98. *Id.* (citing *Global Risks of Infectious Animal Diseases*, Council for Agric. Sci. and Tech., Issue Paper No. 28, 2005).

subtle mutation), thus, there is increasing risk for disease entrance and/or dissemination."[99] The report concludes by stating, "because of the Livestock Revolution, global risks of disease are increasing."[100] It is for this reason that many believe that the movement toward backyard chickens and diverse small-scale poultry farming, rather than being a problem, is a solution to concerns about mutating avian viruses.[101]

Another theory for how an avian flu mutation may occur is that it will first occur in wild birds that could pass it on to domesticated birds.[102] In this case, backyard hens could provide a transition point. For this reason the USDA, rather than advocating a ban on backyard hens, has instead offered some simple-to-follow precautionary procedures for small flock owners: the USDA counsels backyard bird enthusiasts to separate domesticated birds from other birds by enclosing coops and runs, to clean the coops regularly, and to wash their hands before and after touching the birds.[103]

Another illness that causes concern because it can be transferred to humans is salmonella.[104] Chickens, like other common household pets—including dogs, turtles, and caged birds—can carry salmonella.[105] For this reason, the CDC counsels that people should wash their hands after touching poultry, should supervise young children around poultry, and make sure that young children wash their hands after touching chicks or other live poultry.[106]

Chickens, like other pets, can get sick and carry disease. But public health scholars have found that there is no evidence that the incidence of disease in small flocks of backyard hens merits banning hens in the city and counsel city officials to regulate backyard hens like they would any other pet.[107]

D. Property Values

Another common concern is that keeping backyard chickens will reduce surrounding property values.[108] Several studies, however, have found that agricultural uses within the city actually increase property values.[109] Community gardens increase neighboring property values by as much as 9.4% when the garden is first implemented.[110] The property value continues to increase as the gardens become more integrated into the neighborhood.[111] The poorest neighborhoods, moreover, showed the greatest increase in property values.[112] Studies have also found that rent increased and the rates of home ownership increased in areas surrounding a newly opened community garden.[113]

Studies concerning pets, moreover, find that apartment owners can charge higher rent for concessions such as allowing pets.[114] Thus, accommodating pets has been shown to raise property values.

As of yet, no studies have been done on how backyard chickens in particular affect property values, but given that communities express little concern that other pets, such as dogs or cats, reduce property values, and given research showing that pets and urban agricultural practices can increase them, there is little reason to believe that allowing backyard chickens will negatively affect them.[115]

E. Slaughter

Some people are concerned that chicken owners will kill chickens in the backyard.[116] People are concerned that it may be harmful to children in the neighborhood to watch a chicken being killed and prepared for a meal.[117] Others are concerned that backyard slaughtering may be unsanitary.[118]

First, many who raise chickens keep the hens only for the eggs.[119] Most egg-laying breeds do not make for tasty meat.[120] Many people become attached to their chickens, as they would a cat or a dog, and treat a death

99. *Id.*
100. *Id.*
101. Ben Block, *U.S. City Dwellers Flock to Raising Chickens*, WORLDWATCH INSTITUTE, http://www.worldwatch.org/node/5900 (last visited Feb. 22, 2012); *Fowl Play, the Poultry Industry's Central Role in the Bird Flu Crisis*, GRAIN, http://www.grain.org/article/entries/22-fowl-play-the-poultry-industry-s-central-role-in-the-bird-flu-crisis (last visited Feb. 22, 2012); *Putting Meat on the Table: Industrial Farm Animal Production in America*, A REPORT OF THE PEW COMMISSION ON INDUSTRIAL FARM ANIMAL PRODUCTION (2006), http://www.ncifap.org/ (last visited Feb. 21, 2012).
102. Rachel Dennis, *CAFOs and Public Health: Risks Associated With Welfare Friendly Farming*, Purdue Univ. Extension, Aug. 2007, https://mdc.itap.purdue.edu/item.asp?itemID=18335#.T_Hjd3CZOOU.
103. *Backyard Biosecurity, 6 Ways to Prevent Poultry Disease*, USDA, May 2004, http://www.aphis.usda.gov/animal_health/birdbiosecurity/biosecurity/basicspoultry.htm (last visited Feb. 21, 2012).
104. *Keeping Live Poultry*, CDC, http://www.cdc.gov/features/SalmonellaPoultry/ (last visited Feb. 21, 2012).
105. *See* Shaohua Zhao, *Characterization of Salmonella Enterica Serotype Newport Isolated From Humans and Food Animals*, 41 J. CLINICAL MICROBIOLOGY, No. 12, 5367 (2003) (stating that dogs and pigeons, as well as chickens, can carry salmonella); J. Hidalgo-Villa, *Salmonella in Free Living Terrestrial and Aquatic Turtles*, 119:2-4 VETERINARY MICROBIOLOGY 311-15 (Jan. 2007).
106. *Keeping Live Poultry*, CDC, http://www.cdc.gov/features/SalmonellaPoultry/ (last visited Feb. 21, 2012).
107. Sue L. Pollock et al., *Raising Chickens in City Backyards: The Public Health Role*, J. COMMUNITY HEALTH, DOI: 10.1007/s10900-011-9504-1 (2011).
108. Salkin, *supra* note 9, at 1.
109. Hodgson, *supra* note 1, at 21.
110. *Id.*
111. *Id.*
112. *Id.*
113. *Id.*
114. G. Stacy Sirmans & C.F. Sirmans, *Rental Concessions and Property Values*, 5:1 J. REAL ESTATE RES. 141-51(1990); C.A. Smith, *Apartment Rents—Is There a "Complex" Effect*, 66:3 APPRAISAL J. (1998) (finding that average apartment unit commands $50 more rent per unit by allowing pets).
115. Michael Broadway, *Growing Urban Agriculture in North American Cities: The Example of Milwaukee*, 52:3-4 FOCUS ON GEOGRAPHY 23-30 (Dec. 2009).
116. NEIGHBORS OPPOSED TO BACKYARD SLAUGHTER, http://noslaughter.org (last visited Feb. 22, 2012).
117. *Id.*
118. *Id.*
119. LITT, *supra* note 7, at 3 (stating that "the vast majority of backyard chicken keepers regard their chickens as pets and find it unsettling—if not outright upsetting—to consider eating them").
120. JAY ROSSIER, LIVING WITH CHICKENS: EVERYTHING YOU NEED TO KNOW TO RAISE YOUR OWN BACKYARD FLOCK 4 (2002).

similarly.[121] Veterinarians, moreover, have avenues for disposing of dead animals that are generally accepted in most communities.[122]

But, if a person did want to use her chickens for meat, there are other methods for butchering a chicken rather than doing so in the backyard. As part of the local food movement, small-scale butchers have made a comeback in the last few years, and many are particularly interested in locally raised animals.[123] Thus, legalizing backyard chickens does not necessarily mean that a city must also legalize backyard chicken slaughtering.[124]

F. Greenhouse Gases

Although worries that chickens will increase greenhouse gases appears to be a bit over the top, at least one city raised this as a concern when contemplating allowing chickens. In Montgomery, Ohio, at least one city council member was fearful that allowing chickens to be raised in the city might contribute to global warming.[125]

While chickens do produce methane as a natural byproduct of digestion just like any other animal (including humans), the amount they produce is negligible in comparison to other livestock. Methane production is a concern largely confined to ruminant animals, such as cows, goats, and buffaloes.[126] These animals produce a large amount of methane every year because of the way in which they digest carbohydrates.[127] Cows produce an average of 55 kilograms (kg) per year per cow.[128] A goat will produce 5 kg per year, a pig 1.5, and a human 0.05.[129] Chickens, because they are nonruminant animals, and because they are much smaller than humans, produce less than 0.05 kg per year per chicken.[130]

Finally, there is no reason to believe that an urban chicken would cause a net increase in the production of methane. A person who gets her eggs from her pet hen will likely be buying fewer eggs from the supermarket. Thus, there is unlikely to be a net increase in egg consumption, so there is unlikely to be a net increase in chickens. Thus, any increase in methane production caused by urban chickens is not only negligible, but also likely offset by a decrease in rural chickens.[131]

G. Winter Weather

Northern cities may be concerned that their climate is not suitable for chickens. Chickens, however, were bred to thrive in certain climates. There are breeds of chicken that are more suited to warm or even hot climates. And, there are chickens that were bred specifically to thrive in colder weather, such as Rhode Island Reds or Plymouth Rocks.[132]

While even cold-hardy breeds can be susceptible to frostbite in extreme winter weather, a sturdy coop with some extra insulation and perhaps a hot water bottle on frigid nights can protect the birds from harm.[133]

H. Running Wild

Of all of the chicken ordinances that this Article will later discuss, it appears that one of the most popular regulations is to prohibit chickens running wild in the streets.[134] Chickens, like dogs and cats, sometimes escape their enclosures. While it would be irresponsible to presume that no chicken will ever escape its enclosure, city officials can rest assured that chicken keepers do not want to see their hens escape any more than city officials want to see hens running loose on the streets.

For this reason, and also to protect against predators, cities should ensure that chickens are kept in an enclosure at all times.

III. Some Necessary Background on Hens for Developing Urban Hen-Keeping Ordinances

His comb was finest coral red and tall,
And battlemented like a castle wall.
His bill was black and like the jet it glowed,
His legs and toes like azure when he strode.
His nails were whiter than the lilies bloom,
Like burnished gold the color of his plume.

GEOFFREY CHAUCER, THE CANTERBURY TALES, THE NUN'S PRIEST'S TALE[135]

121. Jose Linares, *Urban Chickens*, AM. VETERINARY MED. ASS'N WELFARE FOCUS, Apr. 2011, http://www.avma.org/issues/animal_welfare/AWFocus/110404/urban_chickens.asp.
122. *Id.*
123. Elizabeth Keyser, *The Butcher's Back*, CONN. MAG., Apr. 2011, http://www.connecticutmag.com/Connecticut-Magazine/April-2011/The-Butcher-039s-Back/.
124. *But see* Simon v. Cleveland Heights, 188 N.E. 308, 310 (Ohio Ct. App. 1933) (holding that a ban on poultry slaughtering applied to a small business butcher violated the Ohio Constitution because it prohibited the conduct of a lawful business).
125. Valerie Taylor, CHICKENS FOR MONTGOMERY (June 2009) http://www.scribd.com/doc/16509728/Changing-Your-Citys-Chicken-Laws (last visited July 2, 2012) (responding to city's concerns about increase in greenhouse gases).
126. *See Methane, Sources, and Emissions*, U.S. EPA, http://www.epa.gov/methane/sources.html (last visited July 2, 2012).
127. *Id.*
128. Paul J. Crutzen et al., *Methane Production by Domestic Animals, Wild Ruminants, Other Herbivorous Fauna and Humans*, 38B TELLUS B. 271-74 (July-Sept. 1986).
129. *Id.*
130. *Id.*
131. Letter from Brian Woodruff, Environmental Planner Department of Natural Resources, to Cameron Gloss (June 12, 2008), http://www.scribd.com/doc/16509728/Changing-Your-Citys-Chicken-Laws.
132. LITT, *supra* note 7, at 119.
133. *Id.*
134. *See infra* Part IV.C.5.a.
135. Ronald Ecker trans., Hodge & Braddock Publishers 1993.

A. Hens Are Social Animals

Chickens are social animals and do better if they are kept in flocks.[136] Chickens can recognize one another and can remember up to 50 or 60 other chickens.[137] Because of this, large flocks of chickens, like those found in most intensive farming operations, are socially unstable and can cause aggressive behavior.[138] In the wild, most flocks form subgroups of between four to six chickens.[139]

Chickens show affiliative behavior, eating together, preening together, gathering together in small groups if they are given space to do so, and sleeping at the same time.[140] Chickens also learn behaviors from one another—for instance, chickens that watch another trained chicken peck a key to obtain food will learn this task more quickly than other chickens that are not exposed to the behavior.[141]

Because chickens are flock animals, a chicken left alone generally will not thrive.[142] An isolated hen will often exhibit disturbed and self-destructive behaviors, like chasing its own tail and exhibiting excessive aggression.[143] Because eating is social behavior, there are some reports that single chickens stop eating or eat less.[144] While scientific studies have yet to prove that a hen feels loneliness,[145] backyard hen enthusiasts are well aware that an isolated hen will often appear depressed or ill.[146]

B. The Pecking Order

We often use the term pecking order to describe a hierarchy in a community. The term comes from the tendency for chickens to peck at one another and display aggressive behavior until a hierarchy is established.[147] Once the hierarchy is established, the aggressive behavior will lessen or even abate until new birds are added to the flock or until a hen mounts a challenge to someone above her in the pecking order.[148]

Studies have shown, however, that incidence of pecking is greatly reduced when hens are kept in lower densities.[149] (Feather pecking is often a problem in large-scale chicken farms.)[150] When densities were approximately six or fewer birds per 10 square feet, pecking behaviors abated or were significantly reduced.[151]

Because a new introduction into the flock will upset the pecking order, some farmers advocate for introducing at least two chicks at a time.[152] This will help spread out the abuse that could be laid on a solitary young hen. It will also more fully upset the pecking order, so that the birds are forced to find a new hierarchy that will include the new birds instead of leaving one isolated hen at the bottom of the flock.[153]

For these reasons, chicken owners should always be allowed to keep, at a minimum, four chickens. This ensures that city regulations do not stand in the way of good flock management: if any hens are lost through injury, illness, or old age, the chicken owner can ensure that the flock never goes below two hens before seeking to add new hens. This will also allow the owner to introduce new hens into the flock two at a time.

C. Chickens and Predators

Backyard hens in a metropolitan area may, in some ways, be better protected from predators than their rural counterparts, because there are fewer predators in the city. The more prevalent chicken predators in the United States—foxes, coyotes, and bobcats—are found less often in the city than they are in more rural areas.[154] Other predators, however, such as hawks and raccoons, are frequently found in the city.[155]

These predators are one reason why chickens must have sturdy coops that are designed to protect hens from assault. Chickens have an instinct to return to their coop each night.[156] And most predators are more active at night when

136. Michael C. Appleby et al., Poultry Behavior and Welfare 35, 77-82 (2004); Heinrichs, *supra* note 39, at 11 (2007).
137. Nicolas Lampkin, *Organic Poultry Production*, Welsh Inst. of Rural Studies 20 (Mar. 1997), *available at* http://orgprints.org/9975/1/Organic_Poulty_Production.pdf.
138. Appleby et al., *supra* note 136 (noting that chickens have increased aggression and increased growth of adrenal glands when they come in contact with other chickens they do not know and also noting that chickens are stressed by being kept in large flocks because it is unlikely that birds in large flocks can form a hierarchy: they are instead "in a constant state of trying to establish a hierarchy but never achieving it").
139. *Id.* at 71; Lampkin, *supra* note 137, at 20.
140. Appleby et al., *supra* note 136, at 77-79.
141. *Id.* at 79.
142. Ian J.H. Duncan & Penny Hawkins, The Welfare of Domestic Fowl & Other Captive Birds 68-69 (2010).
143. D.G.M. Wood-Gush, The Behavior of the Domestic Fowl 124 (1971).
144. D.W. Rajecki et al., *Social Factors in the Facilitation of Feeding in Chickens: Effects of Imitation, Arousal, or Disinhibition?*, 32 J. Personality & Soc. Psychol. 510-18 (Sept. 1975). Martine Adret-Hausberger & Robin B. Cumming, *Social Experience and Selection of Diet in Domestic Chickens*, 7 Bird Behavior 37-43 (1987) (finding that isolated young broilers had lower growth rates than those placed with other birds).
145. Appleby et al., *supra* note 136, at 142 (suggesting that poultry may suffer from loneliness and boredom and that "[c]onsidering the barrenness of many husbandry systems, boredom would seem to be a good candidate for further studies")
146. *See, e.g.*, *Do Chickens Get Lonely*, Backyard Poultry Forum (Friday, Feb. 13, 2009), http://forum.backyardpoultry.com/viewtopic.php?f=5&t=7970419&start=0 (last visited Mar. 4, 2012).
147. Alphaeus M. Guhl, *Social Behavior of the Domestic Fowl*, 71 Transactions Kan. Acad. Sci. (1968). Gladwyn K. Noble, *The Role of Dominance in the Social Life of Birds*, 56 The Auk 263 (July 1939).
148. Litt, *supra* note 7, at 122. Alphaeus M. Guhl et al., *Mating Behavior and the Social Hierarchy in Small Flocks of White Leghorns*, 18 Physiological Zoology 365-68 (Oct. 1945).
149. B. Huber-Eicher & L. Audigé, *Analysis of Risk Factors for the Occurrence of Feather Pecking Among Laying Hen Growers*, 40 British Poultry Sci. 599-604 (1999) (demonstrating through a study of commercial hen farms in Switzerland that hens were far less likely to feather peck if they were kept in low-density environments and if they had access to elevated perches).
150. *Id.*
151. *Id.*
152. Litt, *supra* note 7, at 122-23.
153. *Id.*
154. *See, e.g.*, Stanley D. Gehrt et al., *Home Range and Landscape Use of Coyotes in a Metropolitan Landscape: Conflict or Coexistence*, J. Mammalogy, 1053-55 (2009); Seth P.D. Riley, *Spatial Ecology of Bobcats and Gray Foxes in Urban and Rural Zones of a National Park*, 70(5) J. Wildlife Mgmt. 1425-35 (2006).
155. Williams, *supra* note 75, at 88-89.
156. Litt, *supra* note 7, at 71.

the chickens are sleeping in their coops.[157] While there is no guarantee that predators will not find a way to prey on chickens, ensuring that coops are sturdily built with the intention to keep out predators can help ameliorate concerns with predators.[158]

D. Roosters Like to Crow

Even city-dwellers who have never met a rooster know that roosters crow. But the popular belief, passed on in children's cartoons, that roosters crow in the morning like an alarm clock to welcome the rising sun is largely a myth. Roosters may crow in the morning, but they also crow in the afternoon or evening or, basically, whenever they feel like it.[159] While the frequency of crowing depends on the breed and the individual rooster, many roosters crow a lot.[160] In fact, because domestic roosters crow so much more frequently than their wild kin, one theory postulates that they were bred over many centuries for loud, long, and frequent crowing because such crowing played an important role in Zoroastrian religious ceremonies.[161]

Because roosters are noisy and frequently so, cities that have more dense urban environments should consider banning them—at least on smaller lot sizes. Some cities have allowed an exception for "decrowed" roosters[162]: some veterinarians used to offer a "decrowing" procedure that would remove the rooster's voicebox. Because of its high mortality rate—over 50%—veterinarians no longer offer this procedure.[163] Because this procedure is dangerous and cruel to the rooster, cities that have such an exception should consider amending it so as not to encourage mistreatment of roosters.

E. Hens Don't Need Roosters to Lay Eggs

A common myth is that hens will not lay eggs without a rooster around. This is simply not true; hens do not need roosters to lay eggs.[164] In fact, it is likely that every egg you have ever eaten was produced by a hen that never met a rooster.[165]

The only reason that hens require roosters is to fertilize the eggs, so that the eggs will hatch chicks.[166] Because this can be an easier way to propagate a flock, rather than sending away for mail-order chicks, some chicken owners would like to keep a rooster around or at least allow it to visit. To address this concern, at least one city that bans roosters allows "conjugal visits." Hopewell Township, New Jersey, allows roosters that are certified disease-free to visit a hen flock for 10 days out of every year.[167] Although news about the township's policy garnered national attention for its quirkiness, it may work as a solution for hen owners seeking to add to their flock without having to buy new chicks.[168]

IV. The Current State of Municipal Ordinances Governing Backyard Chickens

> Such a fine pullet ought to go
> All coiffured to a winter show,
> And be exhibited, and win.
> The answer is this one has been—
>
> And come with all her honors home.
> Her golden leg, her coral comb,
> Her fluff of plumage, white as chalk,
> Her style, were all the fancy's talk
>
> Robert Frost, *A Blue Ribbon at Amesbury* (1916).

A. Introduction

To determine the current state of chicken legislation in the United States, the laws of the top 100 cities by population, according to the 2000 census are surveyed in this Article.[169] Currently, 94% of these cities allow for chickens in some manner.[170] While many cities impose various restrictions

157. Gehrt, *supra* note 154, at 1053.
158. Williams, *supra* note 75, at 88-89.
159. Heinrichs, *supra* note 39, at 16.
160. *Id.*
161. Appleby et al., *supra* note 136, at 36-37.
162. *See, e.g.*, Phoenix, Ariz., City Code §8-7(c) (2011).
163. *Small and Backyard Flocks*, Ky. U. Ext., http://www.ca.uky.edu/smallflocks/faq.html#Q31 (last visited Feb. 17, 2012).
164. *Small and Backyard Flocks*, Ky. U. Ext., http://www.ca.uky.edu/smallflocks/faq.html#Q11 (last visited Feb. 17, 2012).
165. *Id.*
166. *Id.*
167. *NJ Town Limits Conjugal Visits Between Roosters & Hens*, Huffington Post, Apr. 27, 2011, http://www.huffingtonpost.com/2011/04/28/nj-limits-chicken-mating_n_854404.html.
168. Because chick hatcheries have been a source of salmonella, some backyard hen keepers may prefer to propagate their own flock. *See, e.g.*, Serena Gordon, *They're Cute, But Baby Chicks Can Harbor Salmonella*, U.S. News & World Report, May 30, 2012, http://health.usnews.com/health-news/news/articles/2012/05/30/theyre-cute-but-baby-chicks-can-harbor-salmonella.
169. *Cities With 100,000 or More Population in 2000 Ranked by Population, 2000 in Rank Order*, U.S. Census, http://www.census.gov/statab/ccdb/cit1020r.txt (last visited Jan. 26, 2012).
170. Akron, Ohio, Code of Ordinances §92-18 (2011); Albuquerque, N.M., Code of Ordinances §9-2-4-3 (2011); Anaheim, Cal., Mun. Code §18.38.030 (2011); Anchorage, Alaska, Code of Ordinances tit. 17, 21 (2011); Arlington, Tex., Ordinances Governing Animals §5.02 (2010); Atlanta, Ga., Code of Ordinances §18-7 (2011); Augusta-Richmond, Ga., Code of Ordinances tit. 4, art. 2 (2007); Aurora, Colo., Code of Ordinances §14-8 (2011); Austin, Tex., Code of Ordinances tit. III, ch. 3.1.1 (2011); Baltimore, Md., Health Code §10-312 (2011); Bakersfield, Cal., Mun. Code §6.08.10 (2011); Baton Rouge, La., Code of Ordinances §14:224 (2011); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007); Bos., Mass., Code of Ordinances §16-1.8A (2010); Buffalo, N.Y., City Code §341-11 (2009); Charlotte, N.C., Code of Ordinances §3-102 (2010); Chesapeake, Va., Code of Ordinances ch. 10 (2011); *id.* Zoning art. 3; Chi., ill., Code of Ordinances §17-12-300 (2011); Cincinnati, Ohio, Code of Ordinances ch. 701 (2011); Cleveland, Ohio, Codified Ordinances §205.04, 347.02 (2011); Colorado Springs, Colo., City Code §6.7.106(D) (2011); Columbus, Ohio, City Code tit. III, ch. 221 (2011); Corpus Christi, Tex., Code of Ordinances §§6-153, 6-154 (2011); Dallas, Tex., Code of Ordinances §7-1.1 (2011); Denver, Colo., Mun. Code §8-91 (2011); Des Moines, Iowa, Code of Ordinances §18-4 (2011); El Paso, Tex., Mun. Code §7.24.020 (2011); Fort Worth, Tex., Code of Ordinances §11A-22 (2011); Fremont, Cal., Mun. Code §3-5803 (2011); Fresno, Cal., Mun. Code §§10.201-10.205 (2011); Garland, Tex., Code of

on keeping chickens through zoning, setbacks, and permitting requirements, only three of the top 100 cities have ordinances that clearly ban the keeping of chickens within city limits: Detroit, Aurora, and Yonkers.[171] Three others have unclear ordinances that city officials have interpreted as banning backyard chickens: Grand Rapids, Fort Wayne, and Lubbock.[172] An additional 10 cities, while allowing for chickens, restrict them to either very large lots or only to agriculturally zoned land.[173] Because such restrictions will exclude most people within the city from being able to keep hens, if such restrictions are interpreted to be a ban on chickens, then 84% of cities can be considered to allow for chickens.

Within that 84%, there is a wide range of how cities regulate chickens—ranging from no regulation[174] to a great deal of very specific ordinances governing where chickens can be located,[175] how coops must be built,[176] and how often chickens must be fed and coops must be cleaned.[177] Some of these cities also have restrictive setbacks or other regulations that will prohibit some residents from owning chickens—especially residents in multi-family dwellings or who live on small lots in a dense area of the city.[178] As described more fully below, there is no uniformity in the ways that cities regulate chickens; each city's ordinance is unique. Regulations are placed in different areas of a city's codified ordinances. Some regulations are spread throughout the code, making it difficult for a chicken owner to determine how to comply with the city's ordinances. Some cities regulate through zoning, others through animal regulations, and others through the health code.[179] Some cities simply define chickens as pets and provide no regulations at all.[180] Each of these methods of regulation will be explored in more detail below.

Although other surveys of urban chicken laws have been done, no basis was given for the choice of the cities sur-

ORDINANCES §22.14 (2011); GLENDALE, ARIZ., CODE OF ORDINANCES pt. II, art. 5 (2010); GLENDALE, CAL., MUN. CODE §6.04.130 (2011); GREENSBORO, N.C., CODE OF ORDINANCES §30-8-11.3 (2011); HIALEAH, FLA., CODE OF ORDINANCES §§10.1, 10.2 (2011); HONOLULU, HAW., REV. ORDINANCES §7-2.5(d) (1990); HOUSTON, TEX., CODE OF ORDINANCES ch. 6, art. II (2010); INDIANAPOLIS, IND., REV. CODE tit. III, ch. 531 (2011); IRVING, TEX., CODE OF ORDINANCES 6-1 (2011) (not regulating chickens at all); JACKSONVILLE, FLA., ORDINANCE CODE tit. XIII, ch. 462, tit. XVII, ch. 656 (2011); JERSEY CITY, N.J., CODE OF ORDINANCES §90-6 (2011); KANSAS CITY, MONT., CODE OF ORDINANCES §14-15 (2011); LAS VEGAS, NEV., MUN. CODE §7.38.050 (2011); LEXINGTON-FAYETTE, KY., CODE OF ORDINANCES §4-10 (2011); LINCOLN, NEB., MUN. CODE §6.04.040 (2011); LONG BEACH, CAL., MUN. CODE §6.20.020 (2011); L.A., CAL., MUN. CODE §§12.01, 12.05-12.09 (2011); LOUISVILLE, KY., METRO CODE ch. 91 (2011); MADISON, WIS., CODE OF ORDINANCES ch. 28 (no date listed); *id.* §7.29; *id.* §9.52; MEMPHIS, TENN., CODE OF ORDINANCES §8-8-1 (2009); MESA, ARIZ., CITY CODE §8-6-21 (2011); MIAMI, FLA., CODE OF ORDINANCES §6-1(b) (2011); MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5 (2011); MINNEAPOLIS, MINN., CODE OF ORDINANCES §70.10 (2011); MOBILE, ALA., CODE OF ORDINANCES §7-102 (2011); MONTGOMERY, ALA., CODE OF ORDINANCES ch. 4, art. I (2011); *id.* app. C, art. VII; NASHVILLE-DAVIDSON, TENN., MUN. CODE §§8-12-020, 17-16-330 (2011); NEW ORLEANS, LA., CODE OF ORDINANCES pt. II, ch. 18, art. VI (2011); N.Y.C., MUN. CODE §65-23 (1990); NEWARK, N.J., GENERAL ORDINANCES §6:2-30 (2010); NORFOLK, VA., CODE OF ORDINANCES §§4-05, 6.1-7 (2011); OAKLAND, CAL., CODE OF ORDINANCES §6-04-320 (2011); OKLAHOMA CITY, OKLA., MUN. CODE tit. 8, 59 (2011); OMAHA, NEB., CODE OF ORDINANCES §6-266 (2011); PHILA., PA., CODE §10-112 (2011); PHOENIX, ARIZ., CITY CODE §§8-7, 8-10 (2011); PITTSBURGH, PA., CODE OF ORDINANCES §§635.02, 911.04.A.2 (2011); PLANO, TEX., CODE OF ORDINANCES §4-184 (2011); PORTLAND, OR., CITY CODE §13.05.015 (2011); RALEIGH, N.C., CODE OF ORDINANCES §§12-3001, 12-3004 (2011); RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011); RIVERSIDE, CAL., CODE OF ORDINANCES §6.04.20 (2011); *id.* tit. 17; ROCHESTER, N.Y., CITY ORDINANCES §§30-12, 30-19 (no date listed); SACREMENTO, CAL., CITY CODE §9-44-340 (2011); ST. LOUIS, MO., CODE OF ORDINANCES §10.20.015 (2010); ST. PAUL, MINN., §198.02 (2011); ST. PETERSBURG, FLA., CODE OF ORDINANCES §4-31 (2011); SAN ANTONIO, TEX., CODE OF ORDINANCES §5-109 (2011); SAN DIEGO, CAL., MUN. CODE §42.0709 (2011); SAN FRANCISCO, CAL., HEALTH CODE §37 (2011); SAN JOSE, CAL., CODE OF ORDINANCES tit. 7 (2007); SANTA ANA, CAL., CODE OF ORDINANCES §5.6 (2011); SCOTTSDALE, ARIZ., CODE OF ORDINANCES §4-17 (2011); SEATTLE, WASH., MUN. CODE §23.42.052 (2011); SHREVEPORT, LA., CODE OF ORDINANCES ch. 106 (2011); SPOKANE, WASH., MUN. CODE §17C.310.010 (no date listed); STOCKTON, CAL., MUN. CODE §§6.04.420, 16.80.060 (2011); TACOMA, WASH., MUN. CODE §5.30.010 (2011); TAMPA, FLA., CODE OF ORDINANCES §19.76 (2008); TUCSON, ARIZ., CODE OF ORDINANCES ch. 4, art. VI (2011); TOLEDO, OHIO, MUN. CODE §§505.07(a)(4), 1705.07 (2011); TULSA, OKLA., CODE OF ORDINANCES §200(d)(e) (2011); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.1 (no date listed); WICHITA, KAN., CODE OF ORDINANCES §6.04.157 (2011).

171. AURORA, COLO., CODE OF ORDINANCES §14-8 (2011); DETROIT, MICH., CITY CODE §6-1-3 (2010); YONKERS, N.Y.C., MUN. CODE §65-23 (1990).

172. FORT WAYNE, IND., CODE OF ORDINANCES §157.104 (2011) (banning livestock within the city, even though chickens are not listed in the definition of livestock, the animal control department says that the city interprets chicken as livestock); GRAND RAPIDS, MICH., CODE OF ORDINANCES §8.582 (2010) ("No farm animal shall be kept or allowed to be kept within any dwelling or dwelling unit or within one hundred (100) feet of any dwelling, dwelling unit, well, spring, stream, drainage ditch or drain."); LUBBOCK, TEX., CITY ORDINANCE §4.07.001 (2011) (permitting chickens "in those areas appropriately permitted by the zoning ordinances of the city" when zoning ordinances are silent).

173. BIRMINGHAM, ALA., ZONING ORDINANCE §2.4.1 (2007) (restricting chickens to land zoned for agricultural use); CHESAPEAKE, VA., CODE OF ORDINANCES ch. 10 (2011); *id.* ZONING art. 3 (restricting to low-density zones and restricting to properties of one acre or more); HIALEAH, FLA., CODE OF ORDINANCES §§10.1, 10.2 (2011) (restricting chickens to land zoned for agricultural use); JACKSONVILLE, FLA., ORDINANCE CODE tit. XIII, ch. 462, tit. XVII, ch. 656 (2011) (restricting chickens to agricultural or low-density residential zones); MONTGOMERY, ALA., CODE OF ORDINANCES ch. 4 art. I (2011); *id.* app. C, art. VII (restricting chickens to agricultural or low-density residential zones); NORFOLK, VA., CODE OF ORDINANCES, app. A, art. II, §4-0.5 (2011) (restricting chickens to properties of five acres or more); OKLAHOMA CITY,OKLA., MUN. CODE tit. 8, 59 (2011) (restricting chickens to properties with one acre or more); PHILA., PA., CODE OF ORDINANCES §10-112 (2011) (restricting chickens to properties with three acres or more); RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011) (restricting chickens to properties with one acre or more); VIRGINIA BEACH, VA., CITY CODE §5-545, app. A (2011) (restricting chickens to land zoned for agricultural use).

174. *E.g.*, N.Y.C., MUN. CODE §65-23 (1990) (only regulating chickens if they are kept for sale: "A person who holds a permit to keep for sale or sell live rabbits or poultry shall keep them in coops and runwasy and prevent them from being at large."); CHI., ILL., CODE OF ORDINANCES §17-12-300 (2011) ("No person shall own keep, or otherwise possess, or slaughter any . . . poultry, rabbit, dog, cat, or any other animal intending to use such animal for food purposes.") Chicago's ordinance has been interpreted to allow keeping chickens for eggs. Kara Spak, *Raising Chickens Legal in Chicago, and People Are Crowing About It*, CHI. SUN TIMES, Aug. 13, 2011, http://www.suntimes.com/news/metro/6942644-418/city-of-chicken-coops.html; IRVING, TEX., CODE OF ORDINANCES 6-1 (2011) (not regulating chickens).

175. *See infra* V.C.2

176. *See infra* V.C.5.c.

177. *See infra* V.C.5.b.

178. *See infra* V.C.4.

179. *See infra* V.B.

180. *See infra* V.A.

veyed[181] and the survey sizes were far smaller.[182] By choosing the largest cities in the United States by population, this survey is meant to give a snapshot of what kind of laws govern the most densely populated urban areas. An understanding of how large cosmopolitan areas approach backyard chickens can help smaller cities determine the best way to fashion an ordinance.[183]

Several aspects of these ordinances will be examined. First, the area within the codified ordinances that the city chooses to regulate chickens will be discussed.[184] Next, regulations based on space requirements, zoning requirements, and setbacks will be examined.[185] After that, the different sorts of sanitation requirements that cities impose will be examined, including looking at how specific or general those requirements are.[186] Then, the coop construction requirements, including how much space a city requires per chicken, will be examined.[187] Next, cities' use of permits to regulate chickens will be evaluated.[188] The Article will then discuss anti-slaughter laws.[189] Finally, the prevalence of banning roosters will be discussed, while noting that quite a few cities do expressly allow roosters.[190] Examining each aspect of the ordinance piecemeal is designed to provide a thorough overview of ordinances regulating backyard chickens and classification of common concerns. Through this review, regulatory norms will be identified and especially effective, novel, or eccentric regulations will be noted.

Norms and effective regulations will be taken into account in constructing a model ordinance. The most thoughtful, effective, and popular regulations from each of these ordinances will be incorporated into these recommendations. Also, data discussed in the first part of this Article about chickens, chicken behavior, and chicken-keeping will inform the model ordinance.

But, before delving into each of these aspects of the ordinances, some more general impressions from this analysis will be discussed. These more general impressions will include identifying some themes in these regulations based on population size and region.

1. The More Populous the City, the More Likely It Is to Allow for Backyard Chickens

When reviewing the overall results of the survey concerning whether a city allows chickens or bans them, a pattern emerges based on population size. At least among the top 100 cities by population, the smaller the city, the greater the chance that the city will ban chickens. Of the top 10 cities by population, all of them allow for chickens in some way.[191] Of those top 10 cities, however, Philadelphia has fairly strict zoning restrictions that only allows chickens in lots of three acres or larger.[192] And, of the top 50 cities by population, only one city bans chickens outright: Detroit.[193]

But in the last 20 of the top 100 cities, four of them ban chickens: Yonkers, Grand Rapids, Fort Wayne, and Lubbock.[194] So, within that subset, only 80% of the cit-

181. *See* Orbach & Sjoberg, *Debating Backyard Chickens*; Sarah Schindler, *Of Backyard Chickens and Front Yard Garden: The Conflict Between Local Government and Locavores*, 87 TUL. L. REV. (forthcoming Nov. 2, 2012); Patricia Salkin, *Feeding the Locavores, One Chicken at a Time: Regulating Backyard Chickens*, 34:3 ZONING & PLAN. L. REP. 1 (Mar. 2011); Kieran Miller, *Backyard Chicken Policy: Lessons From Vancouver, Seattle, and Niagara Falls*, QSPACE AT QUEENS U. (2011), http://qspace.library.queensu.ca/handle/1974/6521; Katherine T. Labadie, *Residential Urban Keeping: An Examination of 25 Cities*, U.N.M. RESEARCH PAPER (2008) http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CE0QFjAA&url=http%3A%2F%2F66.147.242.185%2F~urbanch5%2Fwp-content%2Fuploads%2F2012%2F02%2FOrdinance-research-paper.pdf&ei=f_T5T8jOLcrjqgGP5NGKCQ&usg=AFQjCNE-ArE_uYe4XcKDfhMrwSa4mOLfQw&sig2=UcWfdU1smpoifnqTiE_wvA; Jennifer Blecha, *Urban Life With Livestock: Performing Alternative Imaginaries Through Small Stock Urban Livestock Agriculture in the United States*, PROQUEST INFORMATION AND LEARNING COMPANY (2007). *See also Chicken L.O.R.E Project: Chicken Laws and Ordinances and Your Rights and Entitlements*, BACKYARD CHICKENS.COM, http://www.backyardchickens.com/t/310268/chicken-lore-project-find-submit-local-chicken-laws-ordinances (last visited Feb. 20, 2012) (providing an extensive community-created database of municipal chicken laws).

182. *Poultry 2010, Reference of the Health and Management of Chicken Stocks in Urban Settings in Four U.S. Cities*, USDA, May 2011 (studying the urban chicken population in Denver, Los Angeles, Miami, and New York City).

183. Also, this survey is necessarily frozen in time for publicly accessible ordinances as of December of 2011. This is because at least two cities have already changed their ordinances to allow for more comprehensive and permissive livestock regulations—Pittsburgh and San Diego. Diana Nelson-Jones, *Pittsburgh Urban Chicken Coop Tour to Be Held on Sunday*, PITTSBURGH POST-GAZETTE, June 9, 2011, http://www.post-gazette.com/pg/11160/1152234-34.stm (stating that Pittsburgh had amended its ordinances to allow for 3 chickens for every 2,000 square feet of property); Adrian Florino, *San Diego City Council Approves Backyard Chickens, Goats, and Bees*, KPBS, Feb. 1, 2012, http://www.kpbs.org/news/2012/feb/01/san-diego-city-council-approves-backyard-chickens-/. These ordinances, however, have not yet been codified within the cities code and, thus, are not yet publicly accessible. Although this Article intends to use the most recent ordinances, because of the size of the sample, and because of the scattered news coverage and the significant lag time in updating city codes, the author cannot be sure that other cities have not amended their ordinances. Thus, this study can do no more than provide a snapshot in time for these ordinances.

184. *Infra* V.B.

185. *Infra* V.C.1-4.

186. *Infra* V.C.5

187. *Infra* V.C.5

188. *Infra* V.C.6.

189. *Infra* V.C.7.

190. *Infra* V.C.8.

191. The top 10 cities by population from most populous to least populous: N.Y.C., MUN. CODE §65-23 (1990); L.A., CAL., MUN. CODE §§12.01, 12.05-12.09 (2011); PHILA., PA., CODE §10-112 (2011); CHI., ILL., CODE OF ORDINANCES §17-12-300 (2011); PHOENIX, ARIZ., CITY CODE §8-7, 8-10 (2011); SAN DIEGO, CAL., MUN. CODE §42.0709 (2011); DALLAS, TEX., CODE OF ORDINANCES §7-1.1 (2011); SAN ANTONIO, TEX., CODE OF ORDINANCES §5-109 (2011); HOUSTON, TEX., CODE OF ORDINANCES ch. 6, art. II (2010).

192. PHILA., PA., CODE §10-112 (2011).

193. DETROIT, MICH., CITY CODE §6-1-3 (2010).

194. The last 20 of the top 100 cities from most populous to least populous: GLENDALE, ARIZ., CODE OF ORDINANCES pt. II, art. 5 (2010); AKRON, OHIO, CODE OF ORDINANCES §92-18 (2011); GARLAND, TEX., CODE OF ORDINANCES §22.14 (2011); MADISON, WIS., CODE OF ORDINANCES ch. 28 (no date listed); *id.* §7.29; *id.* §9.52; FORT WAYNE, IND., CODE OF ORDINANCES §157.104 (2011); FREMONT, CAL., MUN. CODE §3-5803 (2011); SCOTTSDALE, ARIZ., CODE OF ORDINANCES §4-17 (2011); MONTGOMERY, ALA., CODE OF ORDINANCES ch. 4 art. I (2011); *id.* app. C, art. VII; SHREVEPORT, LA., CODE OF ORDINANCES ch. 106 (2011); LUBBOCK, TEX., CITY CODE §4.07.001 (2011); CHESAPEAKE, VA., CODE OF ORDINANCES ch. 10 (2011); *id.* ZONING art. 3; MOBILE, ALA., CODE OF ORDINANCES §7-102 (2011); DES MOINES, IOWA, CODE OF ORDINANCES §18-4 (2011); GRAND RAPIDS, MICH., CODE OF ORDINANCES §8.582 (2010); RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011); YONKERS, N.Y., §65-23 (1990); SPOKANE, WASH., MUN. CODE §17C.310.100 (no date listed); AUGUSTA-

ies allow for chickens. This may go against popular belief that chickens would be more prevalent in bucolic suburbs and less popular in densely populated cosmopolitan areas. Because this survey only includes large urban areas, the percentage of smaller cities, suburbs, and exurbs that allow for chickens is not known. But, based on this limited survey, it appears that more populous cities have largely accepted chickens, and the pursuit of more chicken-friendly legislation has moved to smaller cities and the suburbs.

2. Some Regional Observations

Although it is difficult to draw regional distinctions from a limited set of data, it does appear that the states in what is colloquially called the Rustbelt are more likely to ban chickens. In Michigan, both cities within the top 100, Detroit and Grand Rapids, ban chickens.[195] And in Pennsylvania, similarly, both of its most populated cities, for the most part, ban chickens.[196] Philadelphia only allows chickens on lots of three acres or more—far more than the average lot size in Philadelphia.[197] Pittsburgh, although it recently amended its ordinances,[198] used to allow chickens only on parcels of five acres or more.[199] In either event, in both cities, keeping chickens is limited to property sizes that are far larger than the average for an urban area.

Within the Rustbelt states, Ohio stands out for legalizing chickens. All five of its major cities currently allow for chickens: Akron, Cincinnati, Cleveland, Columbus, and Toledo.[200] Columbus and Akron have far more restrictive ordinances, however. Columbus requires a permit to keep chickens and allows its Health Commissioner discretion over granting and revoking that permit.[201] Akron requires chickens to be kept at least 100 feet from any dwelling, which will restrict owners of small parcels in densely populated areas from raising chickens.[202]

In 2009, Cleveland passed a comprehensive ordinance legalizing chickens and bees.[203] Cleveland allows for one chicken per 800 square feet, which would allow up to six chickens on a standard residential lot.[204] Cleveland also has minimal setbacks and detailed coop requirements.[205] And Cincinnati and Toledo have even more liberal ordinances, allowing for chickens as long as they do not create a nuisance.[206]

Virginia also stands out for restricting chickens. All four of Virginia's cities within the top 100 cities by population—Chesapeake, Norfolk, Richmond, and Virginia Beach—restrict chickens to large lots or to lands zoned agricultural.[207]

B. Where Regulations Concerning Chickens Are Placed Within a City's Codified Ordinances

The survey reveals that there is little consistency in where cities choose to locate chicken regulations within their codified ordinances. Most cities regulate chickens in sections devoted to animals, zoning, health, or nuisances. Each method of regulation will be examined for how often it is used and how effective it is.

Richmond, Ga., Code of Ordinances tit. 4, art. 2 (2007); Glendale, Cal., Mun. Code §6.04 (2011); Tacoma, Wash., Mun. Code §5.30.010 (2011); Irving, Tex., Code of Ordinances pt. II, ch. 6 (2011).

195. Detroit, Mich., City Code §6-1-3 (2010) (prohibits owning farm animals and defines chickens as farm animals); Grand Rapids, Mich., Code of Ordinances §8.582 (2010) (prohibiting farm animals within 100 ft. of any dwelling unit, well, spring, stream, drainage ditch, or drain. City officials have interpreted this to ban chickens.); *but see* Ann Arbor, Mich., Code of Ordinances tit. IX, ch. 107, §9:42 (allowing up to four chickens in single-family or two-family dwellings if a permit is secured and regulations are followed).

196. Phila. §10-112; Pittsburgh, Pa., Code of Ordinances §§635.02, 911.04.A.2 (2011).

197. Susan Wachter, *The Determinants of Neighborhood Transformations in Philadelphia Identification and Analysis: The New Kensington Pilot Study*, Spring 2005, The Wharton School, http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCMQFjAA&url=http%3A%2F%2Fkabaffiliates.org%2FuploadedFiles%2FKAB_Affiliates.org%2FWharton%2520Study%2520NK%2520final.pdf&ei=X40hT56_OOjCsQLogpyhCQ&usg=AFQjCNH-DYO3ImfVNsESWy6QZ9-79aW87A&sig2=C2IvyXmR7twhy4K5RZYk-A (last visited Jan. 26, 2012) (finding that the average lot size within the New Kensington area of Philadelphia was just over 1,000 square feet).

198. Diana Nelson-Jones, *Pittsburgh Urban Chicken Coop Tour to Be Held on Sunday*, Pittsburgh Post-Gazette, June 9, 2011, http://www.post-gazette.com/pg/11160/1152234-34.stm (stating that Pittsburgh had amended its ordinances to allow for three chickens for every 2,000 square feet of property).

199. Pittsburgh, Pa., Code of Ordinances §911.04(A)(2) (2011).

200. Akron, Ohio, Code of Ordinances §92-18 (2011); Cincinnati, Ohio, Code of Ordinances ch. 701 (2011); Cleveland, Ohio, Codified Ordinances §§205.04, 347.02 (2011); Columbus, Ohio, City Code tit. III, ch. 221 (2011); Toledo, Ohio, Mun. Code §§505.07(a)(4), 1705.07 (2011).

201. Columbus §221.05:

> The Health Commissioner may grant permission only after it is determined that the keeping of such animals: (1) creates no adverse environmental or health effects; (2) is in compliance with all other sections of this chapter; and (3) in the judgment of the Health Commissioner, after consultation with the staff of the Health Department and with the surrounding occupants of the place of keeping such animals, and considering the nature of the community (i.e., residential or commercial single or multiple dwellings, etc.), is reasonably inoffensive. The health commissioner may revoke such permission at any time for violation of this chapter or nay other just cause.

202. Akron §92-18.

203. Cleveland §§347.02 & 205.04.

204. *Id.*

205. *Id.*

206. Cincinnati §701-17; *id.* §00053-11 ("No live geese, hens, chickens, pigeons, ducks, hogs, goats, cows, mules, horses, dogs, cats, other fowl or any other domestic or non-domestic animals shall be kept in the city so as to create a nuisance, foul odors, or be a menace to the health of occupants or neighboring individuals."); Toledo §§1705.05 & 505.07 ("No person shall keep or harbor any animal or fowl in the City so as to create noxious or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.").

207. Chesapeake, Va., Code of Ordinances ch. 10 (2011); *id.* Zoning art. 3 (restricting to low-density zones and restricting to properties of one acre or more); Norfolk, Va., Code of Ordinances, app. A, art. II §4-0.5 (2011) (restricting chickens to properties of five acres or more); Richmond, Va., Code of Ordinances §10-88 (2011) (restricting chickens to properties with one acre or more); Virginia Beach, Va., City Code §5-545, app. A (2011) (restricting chickens to land zoned for agricultural use).

1. Animal Control Regulations

Seventy-one of the cities regulate chickens under their animal control ordinances.[208] This makes sense, because chickens are animals and this is the natural place for would-be chicken owners to look to make sure that they won't get into legal trouble. Regulating chickens under animal control also leads to fairly easy-to-follow ordinances. Chickens are either allowed, or they are not. And, if there are further regulations concerning lot size, setbacks, or coop requirements, they are usually all in one place.

2. Zoning Regulations

Fourteen cities regulate chickens primarily under their zoning laws.[209] These cities are much more likely to substantially restrict raising hens.[210] It also makes it much more difficult for a resident to determine whether he can legally raise chickens. Such a resident must not only determine in what zone chickens may be raised, but he must also determine whether his property falls within that zone. These laws also tend to sow unnecessary confusion. For instance, Lubbock Texas' law on paper would seem to allow for hens, but the city has exploited its vagaries to ban backyard chickens. Lubbock creates a loop within its ordinances by providing within the animal section of its code that chickens are allowed if the zoning ordinance permits it,[211] and then providing in its zoning ordinance that chickens are allowed if the animal code permits it.[212] The Lubbock city clerk resolved the loop by stating that the city interprets these provisions to entirely ban chickens within the city.[213]

Finally, cities that regulate chickens primarily through zoning laws do so, presumptively, because they want to restrict raising chickens to certain zones. This, however, can cause unnecessary complications. Raising chickens is not only for residential backyards. Because of declining population and urban renewal projects in many cities, urban farms, market gardens, and community gardens are located in other zones, including business, commercial, and even industrial zones. Each time these farms or gardens would like to add a few chickens, they would have to petition the city for a zoning variance or seek a change in the law. This is not an efficient use of a city's limited resources.[214]

In addition, other regulations pertaining to chickens, such as setbacks, coop construction, or sanitary requirements, can get lost among the many building regulations within the zoning code. Zoning codes are generally written for an expert audience of businesses, builders, and developers, and not for the lay audience that would comprise

208. Akron, Ohio, Code of Ordinances §92-18 (2011); Anchorage, Alaska, Code of Ordinances tit. 17, 21 (2011); Augusta-Richmond, Ga., Code of Ordinances tit. 4, art. 2 (2007); Aurora, Colo., Code of Ordinances §14-8 (2011); Austin, Tex., Code of Ordinances tit. III, ch. 3.1.1 (2011); Atlanta, Ga., Code of Ordinances §18-7 (2011); Bakersfield, Cal., Mun. Code §6.08.10 (2011); Baltimore, Md., Health Code §10-312 (2011); Baton Rouge, La., Code of Ordinances §14:224 (2011); Charlotte, N.C., Code of Ordinances §3-102 (2010); Cincinnati, Ohio, Code of Ordinances ch. 701 (2011); Colorado Springs, Colo., City Code §6.7.106(D) (2011); Corpus Christi, Tex., Code of Ordinances §§6-153, 6-154 (2011); Dallas, Tex., Code of Ordinances §7-1.1 (2011); Denver, Colo., Mun. Code §8-91 (2011); Des Moines, Iowa, Code of Ordinances §18-4 (2011); Detroit, Mich., City Code §6-1-3 (2010); El Paso, Tex., Mun. Code §7.24.020 (2011); Fremont, Cal., Mun. Code §3-5803 (2011); Garland, Tex., Code of Ordinances §22.14 (2011); Glendale, Ariz., Code of Ordinances pt. II, art. 5 (2010); Glendale, Cal., Mun. Code §6.04 (2011); Grand Rapids, Mich., Code of Ordinances §8.582 (2010); Hialeah, Fla., Code of Ordinances §§10.1, 10.2 (2011); Honolulu, Haw., Rev. Ordinances §7-2.5(d) (1990); Houston, Tex., Code of Ordinances ch. 6, art. II (2010); Indianapolis, Ind., Rev. Code tit. III, ch. 531 (2011); Irving, Tex., Code of Ordinances 6-1 (2011); Jersey City, N.J., Code of Ordinances §90-6 (2011); Kansas City, Mo., Code of Ordinances §14-15 (2011); Las Vegas, Nev., Mun. Code §7.38.050 (2011); Lexington-Fayette, Ky., Code of Ordinances §4-10 (2011); Lincoln, Neb., Mun. Code §6.04.040 (2011); Long Beach, Cal., Mun. Code §6.20.020 (2011); Louisville, Ky., Metro Code ch. 91 (2011); Memphis, Tenn., Code of Ordinances §8-8-1 (2009); Miami, Fla., Code of Ordinances §6-1(b) (2011); Milwaukee, Wis., Code of Ordinances §78-6.5 (2011); Minneapolis, Minn., Code of Ordinances §70.10 (2011); Mobile, Ala., Code of Ordinances §7-102 (2011); Montgomery, Ala., Code of Ordinances ch. 4, art. I (2011); *id.* app. C, art. VII; Newark, N.J., Gen. Ordinances §6:2-29 (2010); New Orleans, La., Code of Ordinances pt. II, ch. 18, art. VI (2011); N.Y.C., Mun. Code §65-23 (1990); Norfolk, Va., Code of Ordinances §§4-05, 6.1-7 (2011); Oakland, Cal., Code of Ordinances §6-04-320 (2011); Oklahoma City, Okla., Mun. Code tit. 8, 59 (2011); Omaha, Neb., Code of Ordinances §6-266 (2011); Phila., Pa., Code §10-112 (2011); Phoenix, Ariz., City Code §§8-7, 8-10 (2011); Pittsburgh, Pa., Code of Ordinances §§635.02, 911.04.A.2 (2011); Plano, Tex., Code of Ordinances §4-184 (2011); Portland, Or., City Code §13.05.015 (2011); Raleigh, N.C., Code of Ordinances §§12-3001, 12-3004 (2011); Richmond, Va., Code of Ordinances §10-88 (2011); Rochester, N.Y., City Ordinances §30-12, 30-19 (no date listed); Sacremento, Cal., City Code §9-44-340 (2011); St. Louis, Mo., Code of Ordinances §10.20.015 (2010); St. Petersburg, Fla., Code of Ordinances §4-31 (2011); St. Paul, Minn., §198.02 (2011); San Antonio, Tex., Code of Ordinances §5-109 (2011); San Jose, Cal., Code of Ordinances tit. 7 (2007); Santa Ana, Cal., Code of Ordinances §5.6 (2011); Scottsdale, Ariz., Code of Ordinances §4-17 (2011); Stockton, Cal., Mun. Code §§6.04.420, 16.80.060 (2011); Toledo, Ohio, Mun. Code §505.07(a)(4); Tucson, Ariz., Code of Ordinances ch. 4, art. VI (2011); Tulsa, Okla., Code of Ordinances §200(d)(e) (2011); Virginia Beach, Va., City Code §5-545, app. A (2011); Wash., D.C., Mun. Regulations for Animal Control §902.1 (no date listed); Wichita, Kan., Code of Ordinances §6.04.157 (2011); Yonkers, N.Y., §65-23 (1990).

209. Anaheim, Cal., Mun. Code §18.38.030 (2011); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007); Chesapeake, Va., Code of Ordinances ch. 10 (2011); *id.* Zoning art. 3; Fresno, Cal., Mun. Code §§12-205.1-12-207.5 (2011); Glendale, Cal., Mun. Code §6.04 (2011); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011); Jacksonville, Fla., Ordinance Code tit. XIII, ch. 462, tit. XVII, ch. 656 (2011); L.A., Cal., Mun. Code §§12.01, 12.05-12.09 (2011); Lubbock, Tex., City Code §4.07.001 (2011); Madison, Wis., Code of Ordinances ch. 28 (no date listed); *id.* §7.29; Seattle, Wash., Mun. Code §23.42.052; Wash., Mun. Code of Ordinances §6.04.20 (2011); *id.* tit. 17; *id.* §9.52; Shreveport, La., Code of Ordinances ch. 106 (2011); Spokane, Wash., Mun. Code §17C.310.100.

210. Anaheim, Birmingham, Jacksonville, and Lubbock either ban hens altogether or restrict hens to certain zones. *See* Anaheim §18.38.030; Birmingham §2.4.1; Jacksonville tit. XVIII, ch. 462, tit. XVII, ch. 656; Lubbock §4.07.001.

211. Lubbock §4.07.001.

212. *Id.* §40.03.3103.

213. *See* Interview with Lubbock city clerk (on file with author).

214. *E.g.*, Schindler, *supra* note 181, 68-71 (arguing that the movement toward urban agriculture should cause cities to reconsider Euclidean zoning because such zoning no longer serves the needs of the cities and its residents).

chicken owners.[215] If cities are concerned about raising chickens too near businesses or neighbors, other regulations like setbacks from the street and neighboring properties can ameliorate this concern without having to include the regulation in the zoning code.

Regulations placed within the animal code, as described above, are generally in one place and often within a single ordinance. This leads to a better understanding of the law for chicken owners and, thus, easier enforcement for city officials. Unless the zoning regulations have a subsection devoted specifically to animals, like the ones in Spokane[216] or Greensboro,[217] the most sensible place for regulating chickens is within the animal code.

3. Health Code

Another popular place within a municipality's code to regulate chickens is within the health code. Seven cities regulate chickens primarily within the health code.[218] Many of these, however, have a separate section concerning animals or animal-related businesses within the health code.[219] Again, unless the code has such a separate section concerning animals, the better place to regulate is within the animal code.

4. Other

Of the remaining cities, there is very little uniformity. Two, Boston and Columbus, regulate through permit sections within their codified ordinances.[220] Because these cities require permits to keep chickens and give a great deal of discretion to city officials to grant or deny permits on a case-by-case basis, locating a chicken regulation within the permit section of the codified ordinance makes sense for those cities. But, as argued later, allowing such discretion is neither a good use of city resources nor a fair and consistent way to regulate chickens.

The only other pattern within these ordinances is that two other cities—Buffalo and Tampa—regulate chickens under the property maintenance area of the code.[221] This is not an ideal place to locate such an ordinance, because potential chicken owners are unlikely to look for chicken regulations there.

Finally, one city—Arlington, Texas—places its chicken regulations in a section of the code entitled sale and breeding of animals.[222] Because backyard chicken owners generally do not raise their chickens for sale, and also likely do not consider themselves to be breeders, this area of the code is not well-suited to this regulation.

C. *How Cities Regulate Chickens*

1. Chickens Are Defined as Pets or Domestic Animals

Seven cities—Dallas, Indianapolis, Jacksonville, New Orleans, Plano, Raleigh, and Spokane—define chickens as domestic animals or pets, and thus subject them to the same enclosure and nuisance regulations as other domestic animals like cats and dogs.[223] These cities' ordinances appear to be long-standing and were not recently modified in response to the backyard chicken movement.[224] While many cities may want to more explicitly regulate chickens, this is a workable approach. General nuisance laws already regulate things like odor and noise.[225] While many regulations particular to chickens duplicate nuisance ordinances, it is unclear whether such duplication actually reduces nuisances. More precise requirements on sanitation, coop standards, setbacks, and permits may signal to chicken owners that the city is serious about regulating chickens, protecting neighbors, and protecting the health and well-being of chickens. But, as chickens regain prevalence in urban areas, cities that regulate chickens as pets or domestic animals may find that—through inertia—they have taken the most efficient approach, both in terms of preserving city resources and curbing potential nuisances.

2. Space Requirements

Of the 94 cities that allow for raising chickens, 31 of them impose restrictions based upon how big the property is, either explicitly through lot size requirements, or implicitly through zoning requirements.[226] Of those, 16 cities restrict

215. *See* Lea S. VanderVelde, *Local Knowledge, Legal Knowledge, and Zoning Law*, Iowa L. Rev., May 1990, at 1057 (describing zoning law as "arcane"). Also, the sheer number of law treatises for zoning laws demonstrates that zoning laws require expertise to navigate. *E.g.*, Patricia Salkin, American Law of Zoning (5th ed. 2012); Julian Conrad Juergensmeyer & Thomas E. Roberts, Land Use Planning and Development Regulation Law (2d ed. 2003); Edward H. Ziegler Jr., Rathkopf's the Law of Zoning and Planning (4th ed. 2012).

216. Spokane, Wash., Mun. Code tit. 17C Land Use Standards, ch. 17C.310 Animal Keeping (no date listed).

217. Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011).

218. Albuquerque, N.M., Code of Ordinances §9-2-4-3 (2011); Cleveland, Ohio, Codified Ordinances §§205.04, 347.02 (2011); Columbus, Ohio, City Code tit. III, ch. 221 (2011); Mesa, Ariz., City Code §8-6-21 (2011); San Diego, Cal., Mun. Code §42.0709 (2011); San Francisco, Cal., Health Code §37 (2011); Tacoma, Wash., Mun. Code §5.30.010 (2011).

219. *E.g.*, San Diego §42.0709; Cleveland §§204.04, 347.02; Tacoma §5.3.010.

220. Bos., Mass., Code of Ordinances §16-1.8A (2010); Columbus tit. III, ch, 221.

221. Buffalo, N.Y., City Code §341-11 (2009); Tampa, Fla., Code of Ordinances §19.76 (2008).

222. Arlington, Tex., Ordinances Governing Animals §5.02 (2010).

223. Dallas, Tex., Code of Ordinances §7-1.1 (2011); Indianapolis, Ind., Rev. Code tit. III, ch. 531.101 (2011); Jacksonville, Fla., Ordinance Code §656.1601 (2011); New Orleans, La., Code of Ordinances §18-2.1 (2011); Raleigh, N.C., Code of Ordinances §12-3001 (2011); Plano, Tex., Code of Ordinances §4-184 (2011); Spokane, Wash., Mun. Code §17C.310.100 (no date listed).

224. *Supra* note 223.

225. Every city surveyed had general nuisance provisions in its code regulating odor and noise.

226. Cities that impose lot size requirements: Anaheim, Cleveland, Fort Wayne, Fremont, Garland, Greensboro, Nashville, Norfolk, Oklahoma, Philadelphia, Phoenix, Pittsburgh, Richmond, Rochester, Stockton, and Tampa. Anaheim, Cal., Mun. Code §18.38.030 (2011); Cleveland, Ohio,

based on lot size and 17 restrict based on zoning. This adds up to 33, rather than 31, because two cities restrict based on both lot size and zoning.[227] These restrictions range from draconian, practically banning chickens in most of the city by restricting chickens to extremely large lots,[228] to extremely liberal, allowing up to 30 chickens per 240 square feet—or 30 chickens in an area approximately the size of a large bedroom.[229] As discussed below, an additional 10 cities should be considered unfriendly to keeping hens because, while they do allow chickens under some circumstances, those circumstances are restricted to very large lots or agriculturally zoned land.[230]

a. Lot Size Requirements

Of the 15 cities that restrict based on lot size only, six of them restrict chickens to property that is one acre or more: Nashville, Norfolk, Oklahoma City, Philadelphia, Pittsburgh, and Richmond.[231] Nashville, Norfolk, and Pittsburgh appear to limit chickens to property of more than five acres, which in any urban area is a practical ban. Norfolk appears to allow for an exception to the five-acre minimum[232] by allowing a would-be chicken owner to procure a permit to keep hens,[233] but in practice, the city will not issue this permit to chicken hobbyists.[234] But, as discussed below, Nashville and Pittsburgh have interpreted their restrictive ordinances to allow for chickens on much smaller parcels of property.

In Nashville, the zoning code conflicts with the health code, and the health code apparently won out. The zoning ordinance limits "common domestic farm animals" to a lot size of five acres or more, but the ordinance does not define what qualifies as a common domestic farm animal.[235] Nashville's health code, by contrast, specifically allows for chickens, as long as they do not create a nuisance.[236] Nashville issued a memorandum in 2009 providing that the Board of Zoning Appeals held that the health code takes precedence over the zoning code.[237] In so holding, the Board allowed a property owner to keep her chickens, because their owner considered them to be pets and the chickens did not create a nuisance.[238]

In Pittsburgh, while agricultural uses were limited to property of five acres or more, like Nashville, the code did not specifically define whether raising chickens was considered an agricultural use.[239] Pittsburgh, thus, would allow chicken keepers to seek a variance for raising chickens on property of less than five acres.[240] Apparently, though it is not yet codified, Pittsburgh recently made it much easier to raise chickens, and also bees, by allowing up to three hens and two beehives on property of 2,000 square feet or more.[241]

So, both Nashville and Pittsburgh, while appearing to ban chickens, have become chicken-friendly.

The next most restrictive ordinance is in Philadelphia. Philadelphia restricts chickens to property of three acres or more. Philadelphia, however, apparently means it. In Philadelphia, the code specifically defines poultry as a farm animal,[242] and only allows farm animals on a parcel of property of three acres or more.[243]

Codified Ordinances §347.02 (2011); Fort Wayne, Ind., Code of Ordinances §157.104 (2011); Fremont, Cal., Mun. Code §3-5803 (2011); Garland, Tex., Code of Ordinances §22.14 (2011); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011); Nashville-Davidson, Tenn., Mun. Code §17-16-330 (2011); Norfolk, Va., Code of Ordinances §§4-05, 6.1-7 (2011); Oklahoma City, Okla., Mun. Code §59-9350(c) (2011); Phila., Pa., Code §10-112 (2011); Phoenix, Ariz., City Code §8-10 (2011); Pittsburgh, Pa., Code of Ordinances §§635.02, 911.04.A.2 (2011); Richmond, Va., Code of Ordinances §10-88 (2011); Rochester, N.Y., City Ordinances §§30-12, 30-19 (no date listed); Stockton, Cal., Mun. Code §16.80.060 (2011); Tampa, Fla., Code of Ordinances §19.76 (2008). Cities that impose zoning restrictions: Bakersfield, Birmingham, Chesapeake, Dallas, Fresno, Glendale, Arizona, Greensboro, Hialeah, Jacksonville, Los Angeles, Madison, Memphis, Montgomery, San Diego, Shreveport, Stockton, and Virginia Beach. Bakersfield, Cal., Mun. Code tit. 17 (2011); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007); Chesapeake, Va., Code of Ordinances Zoning art. 3 (2011); Dallas, Tex., Code of Ordinances §7-1.1 (2011); Fresno, Cal., Mun. Code ch. 12 (2011); Glendale, Ariz., Code of Ordinances §§5.132 & 5.212 (2011); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011); Hialeah, Fla., Code of Ordinances ch. 98 (2011); Jacksonville, Fla., Ordinance Code ch. 656 (2011); L.A., Cal., Mun. Code §§12.01, 12.05-12.09 (2011); Madison, Wis., Code of Ordinances ch. 28 (no date listed); Memphis, Tenn., Code of Ordinances tit. 16 (2009); Montgomery, Ala., Code of Ordinances, app. C, art. VII (2011); San Diego, Cal., Mun. Code §42.0709 (2011); Shreveport, La., Code of Ordinances ch. 106 (2011); Stockton, Cal., Mun. Code §§6.04.420, 16.80.060 (2011); Virginia Beach, Va., City Code §5-545, app. A (2011).

227. Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011); Stockton, Cal., Mun. Code §§6.04.420 & 16.80.060 (2011).
228. *E.g.*, Nashville-Davidson, Tenn., Mun. Code §§8-12-020, 17-16-330 (2011); Phila., Pa., Code §10-112 (2011).
229. *See* Rochester, N.Y., City Ordinances §§30-12, 30-19 (no date listed).
230. Birmingham, Ala., Zoning Ordinance §2.4.1 (2007); Chesapeake, Va., Code of Ordinances ch. 10 (2011); Hialeah, Fla., Code of Ordinances §§10.1, 10.2 (2011); Jacksonville, Fla., Ordinance Code §656.331(2011); Montgomery, Ala., Code of Ordinances ch. 4, art. I (2011); *id.* app. C, art. VII; Norfolk, Va., Code of Ordinances, app. A, art. II §4-0.5 (2011); Oklahoma City, Okla., Mun. Code §59-9350 (2011); Phila., Pa., Code §10-112 (2011); Richmond, Va., Code of Ordinances §10-88 (2011); Virginia Beach, Va., City Code §5-545, app. A (2011).
231. Nashville-Davidson, Tenn., Mun. Code §17-16-330(b) (2011); Pittsburgh, Pa., Code of Ordinances §§635.02, 911.04.A.2 (2011); Phila., Pa., Code §10-112 (2011); Oklahoma City, Okla., Mun. Code §59-9350 (2011); Richmond, Va., Code of Ordinances §10-88 (2011).
232. Norfolk, Va., Code of Ordinances, Zoning Ordinance, app. A, §4-05 (2011) ("Except as otherwise noted, there shall be no raising or keeping of . . . poultry, fowl, . . . on less than five acres.").
233. Norfolk, Va., Code of Ordinances §6.1-7 (2011) (allowing for a person wishing to raise poultry to procure a permit issued by the department of public health).
234. Amelia Baker, *Backyard Chickens: Now You're Clucking*, AltDaily, June 2, 2010, http://www.altdaily.com/features/food/backyard-chickens-now-youre-clucking.html (providing that the city will only issue permits for sentinel chickens that the city has on surveillance to check for mosquito-borne diseases).
235. Nashville-Davidson §17.16.330(b).
236. *Id.* §8.12.020.
237. Memo from John Cooper, Director Metropolitan Council Office, to All Members of Metropolitan Council (Sept. 1, 2009) (on file with author).
238. *Id.*
239. Pittsburgh §911.04.
240. Diana Nelson Jones, *Ordinance Changes Bother Keepers of Bees and Chickens*, Pittsburgh Post Gazette, Feb. 8, 2010, http://www.post-gazette.com/pg/10039/1034293-53.stm.
241. Diana Nelson Jones, *Pittsburgh Urban Coop Tour to Be Held Sunday*, Pittsburgh Post Gazette, June 9, 2011, http://www.post-gazette.com/pg/11160/1152234-34.stm.
242. Phila. §10-100.
243. *Id.* §10-112.

Oklahoma City and Richmond both require at least one acre. Oklahoma City restricts raising chickens to property that is at least one acre, but apparently if the property owner has one acre, there is no restriction on how many chickens can be kept on that acre.[244] Richmond requires 50,000 square feet, or slightly more square footage than the 43,560 square feet in an acre.[245]

After these, the lot sizes are far more lenient. Two cities, Garland and Stockton, require at least ½ acre.[246] Three cities, Fremont, Greensboro, and Phoenix, require between 6,000 and 10,000 square feet, or between a little less than 1/8 to a little less than 1/4 acre.[247] And four cities, Anaheim, Cleveland, Rochester, and Tampa, require between 240 to 1,800 square feet, or from not much larger than a shed to about the size of a modern master bedroom.[248] So, out of the 15 cities that restrict based on lot size, the majority of them allow most residents to raise backyard chickens.

b. Zoning Requirements

Seventeen cities restrict chickens to certain zones. Of these, three of the cities restrict chickens only to land zoned for agricultural use: Birmingham, Hialeah, and Virginia Beach.[249] Three more cities restrict chickens to agricultural or very low-density residential zones: Chesapeake, Jacksonville, and Montgomery.[250] Thus, six of the 17 cities confine chickens to so few zones that it excludes the possibility of raising chickens for most families.

The remaining eleven cities, however, while still restricting chickens to certain zones, allow chickens in many or most residential zones.[251] Dallas only applies zoning requirements if chickens are being raised for commercial purposes.[252] Memphis merely applies different building restrictions for coops depending on the zone.[253] And two cities employ zoning laws to augment the area where chickens are allowed: Cleveland and Stockton specifically allow raising chickens in industrially zoned areas.[254]

c. Multi-Family Units

Two cities, Minneapolis and Newark, specifically regulate multi-family dwellings such as apartments. Both of these cities require permits, but will not grant one to certain multi-family dwellings. Minneapolis will not grant a permit to someone who lives in a multi-family home with four or more dwelling units.[255] Newark will not grant one to anyone living in any multi-family home.[256]

d. Using Lot Size to Determine the Number of Chickens

Many other cities do not restrict chickens to certain lot sizes, but use lot size to determine how many chickens a property can have. There is no uniformity to these ordinances. Some ordinances set a maximum number of chickens for property of a certain size and under, and then allow for more chickens as the property size increases. For instance, Seattle allows up to eight chickens for lots under 10,000 square, and one more chicken for each additional 1,000 square feet.[257] Fremont has an intricate step system, with four chickens for at least 6,000 square feet, six for at least 8,000 square feet, 10 for at least 10,000, 20 for at least ½ acre, and 25 for more than one acre.[258] Riverside allows for up to four chickens on property between 7,200 and 40,000 square feet and up to 12 on property 40,000 square feet or more in residentially zoned areas.[259]

Some cities decide the number of chickens based on zoning. El Paso allows for up to six chickens on land not zoned agricultural.[260] Tulsa allows up to six adults and 14 chicks under eight weeks of age on land not zoned agricul-

244. Oklahoma City §59-8150 (definitions); *id.* §59-9350 (confining to one acre).
245. Richmond, Va., Code of Ordinances §10-88(b) (2011).
246. Garland, Tex., Code of Ordinances §22.14 (2011); Stockton, Cal., Mun. Code §16.80.060 (2011).
247. Fremont, Cal., Mun. Code §3-5803 (2011) (6,000 sq. ft.); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011) (7,000 sq. ft.); Phoenix, Ariz., City Code §8-7(b) (2011) (10,000 sq. ft.).
248. Anaheim, Cal., Mun. Code §18.38.030 (2011) (1,800 sq. ft); Cleveland, Ohio, Codified Ordinances §347.02 (2011) (800 sq. ft. for residential, and 400 for commercial); Rochester, N.Y., City Ordinances §30-12, 30-19 (no date listed) (240 sq. ft.); Tampa, Fla., Code of Ordinances §19.76 (2008) (1,000 sq. ft.).
249. Birmingham, Ala., Zoning Ordinance §2.4.1 (2007); Hialeah, Fla., Code of Ordinances §§10.1 & 10.2 (2011); Virginia Beach, Va., City Code §5-545 app. A (2011).
250. Chesapeake, Va., Code of Ordinances ch. 10 (2011); *id.* Zoning art. 3; Jacksonville, Fla., Ordinance Code tit. XIII, ch. 462, tit. XVII, ch. 656 (2011); Montgomery, Ala., Code of Ordinances app. C, art. VII (2011).
251. Bakersfield, Cal., Mun. Code §§17.12.010-RS & 17.32.020 (2011) (permitting chickens in agriculture and residential suburban areas); Dallas, Tex., Code of Ordinances §7-1.1 (2011) (requiring chickens that are raised for commercial purposes to be on agriculturally zoned land, otherwise chickens are regulated as pets); Fresno, Cal., Mun. Code §§12-204.11-12-207.5 (2011) (providing different setbacks depending on zone); Glendale, Ariz., Code of Ordinances §§5.132 & 5.212 (2011) (restricting poultry to rural residential and suburban residential zones); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011) (allowing chickens as an accessory on single-family detached dwellings on R-3, E-5, R-7, RM-9, RM-12, and RM-18 districts); L.A., Cal., Mun. Code §§12.01, 12.05-12.09 (2011) (allowing chickens in agricultural and residential districts including districts zoned A1, A2, RA, RE, RS R1, and RMP); Madison, Wis., Code of Ordinances ch. 28 (no date listed); *id.* §7.29; *id.* §9.52 (allowing chickens in both residential and commercial districts); Memphis, Tenn., Code of Ordinances tit. 16, app. A (2009) (applying complex zoning requirements for outbuildings to chicken coops); San Diego, Cal., Mun. Code §42.0709 (2011) (using zoning to define different kinds of setbacks, but allowing chickens in most zones); Shreveport, La., Code of Ordinances ch. 106 (2011) (allowing poultry raising in residential and agricultural districts by right, and in most other zones through a special exception from the zoning board) Stockton, Cal., Mun. Code §§6.04.420, 16.80.060 (2011) (allowing chickens in residential and industrially zoned areas).
252. Dallas, Tex., Code of Ordinances §7-1.1 (2011).
253. Memphis, Tenn., Code of Ordinances tit. 16 (2009).
254. Cleveland, Ohio, Codified Ordinances §347.02 (2011); Stockton, Cal., Mun. Code §16.80.060 (2011).
255. Minneapolis, Minn., Code of Ordinances §70.10(c) (2011).
256. Newark, N.J., General Ordinances §6:2-33 (2010).
257. Seattle, Wash., Mun. Code §23.42.052(C) (2011).
258. Fremont, Cal., Mun. Code §3-5803 (2011).
259. Riverside, Cal., Code of Ordinances §17.24 (2011).
260. El Paso, Tex., Mun. Code §7.24.020(B) (2011).

tural.[261] Neither city restricts the amount of chickens on agriculturally zoned land.[262]

Instead of using square footage or zoning, many cities divide by acre. These ordinances range between four to 12 chickens for property under ½ acre. For instance, Fort Worth allows for no more than 12 chickens on lots under ½ acre, no more than 20 on lots between ½ and one acre, and no more than 50 on lots of one acre or more.[263] Mesa City allows for 10 rodents or fowl on ½ acre or less, and an additional 10 for each ½ acre, but no longer limits the number of chickens after 2 ½ acres.[264] Louisville allows for five chickens on property of less than ½ acre, and no limit above that.[265] Arlington provides for four on less than ½ acre, 10 for lots between ½ and one acre, and 25 for lots over one acre.[266] And, Charlotte requires a permit and restricts chickens to 20 per acre.[267]

Des Moines' ordinance employs a similar step system but provides for a mix of other livestock. It allows for no more than 30 of any two species for property less than one acre. For property greater than one acre, one can have a total of 50 animals divided among up to six species.[268]

Lincoln, Nebraska, has one of the more unique chicken ordinances when it comes to limiting the number, in that it not only provides for a maximum number of chickens, but also a minimum. It also specifies the weight of the chickens. So, for property under one acre, with a permit, a person can have seven to 30 chickens under three pounds, three to 20 chickens between three and five pounds, and two to five chickens between five and 20 pounds.[269] It allows chicken owners to double the number for each additional acre. Lincoln's ordinance should be applauded for recognizing that chickens are flock animals and thus require, at least, a minimum of two. It should also be applauded for not penalizing an owner for keeping less than two and only making it unlawful to keep numbers greater than the maximum.[270] After all, if it penalized keeping less than a minimum number of chickens, Lincoln might be unique among cities for making it unlawful not to keep chickens.

More problematic are cities that do not allow owners to own a minimum number of four chickens. Several cities allow one chicken per a certain square footage area. Greensboro provides for one chicken for every 3,000 square feet, as long as the area is greater than 7,000 square feet.[271] Anaheim allows one chicken for each 1,800 square feet, but it does provide that if the calculation results in more than half an animal, the owner can round up to the next whole animal.[272] Tampa provides five per 5,000 square feet. And, Cleveland allows for one chicken for each 800 square feet if residential and each 400 square feet if commercial or industrial.[273] Cleveland, at least, has stated in its ordinance that these square feet requirements are meant to allow six chickens on an average-sized Cleveland lot. While many of these cities provide a small enough chicken to square foot ratio that the average single-family home should be able to accommodate four or more chickens, this method still leaves open the possibility that a chicken owner would be restricted to one or two chickens. An ordinance that allows only one chicken per a certain area does not take into account that chickens are flock animals that do not thrive when left alone.

3. Limit Number of Chickens

Many other cities limit the number of chickens any household can keep, no matter the size of the property. Thirty cities place a simple limit on the number of chickens.[274] Of those cities that simply limit the number of chickens, the average number they allow is 12, the median number is nine, and the most popular number is a tie between four and 25.[275] The lowest number is Garland and Honolulu with two.[276] Somewhat surprisingly, the highest number comes from Jersey City—with 50.[277] Jersey City collapses ducks and pigeons within the restriction of 50 fowl.[278] Jersey City also requires a permit to keep chickens.[279]

At least four cities set a maximum number of chickens that can be owned before it is necessary to procure a per-

261. Tulsa, Okla., Code of Ordinances §200(E) (2011).
262. El Paso, Tex., Mun. Code §7.24.020(B); Tulsa, Okla., Code of Ordinances §200(A).
263. Fort Worth, Tex., Code of Ordinances §11A-22(c), (d), (e) (2011).
264. Mesa, Ariz., City Code §8-6-21(A) (2011).
265. Louisville/Jefferson County Metro Code §91.011 Restraint (8) (2011).
266. Arlington, Tex., Ordinances Governing Animals §5.02 (2010).
267. Charlotte, N.C., Code of Ordinances §3-102(c)(1), (g) (2010).
268. Des Moines, Iowa, Code of Ordinances §18-4 (2011). Des Moines also allows up to two fowl to be kept as pets. *Id.* §18-136.
269. Lincoln, Neb., Mun. Code tbl. 6.04.040 (2011).
270. *Id.* §6.04.040(b)(1).
271. Greensboro, N.C., Code of Ordinances §30-8-11.3(B) (2011).
272. Anaheim, Cal., Mun. Code §18.38.030.050 (2011).
273. Cleveland, Ohio, Codified Ordinances §347.02(b)(2) (2011).
274. From lowest to highest: Honolulu, Haw., Rev. Ordinances §7-2.5(d) (1990) (two); Garland, Tex., Code of Ordinances §22.14 (2011) (two); Portland, Or., City Code §13.05.015(b) & (e) (2011) (three); Sacramento, Cal., City Code §9.44.860(A)(1) (2011) (three); Wichita, Kan., Code of Ordinances §6.04.157 (2011) (three); San Francisco, Cal., Health Code §37 (2011) (four); Milwaukee, Wis., Code of Ordinances §78-6.5(3) (2011) (four); St. Louis, Mo., Code of Ordinances §10.20.015 (2010) (four); Santa Ana, Cal., Code of Ordinances §5.6 (2011) (four); Madison, Wis., Code of Ordinances ch. 28 (no date listed); *id.* §7.29; *id.* §9.52 (four); Buffalo, N.Y., City Code §341-11 (2009) (five); San Jose, Cal., Code of Ordinances §7.60.815 (2007) (six); El Paso, Tex., Mun. Code §7.24.020 (2011) (six); Corpus Christi, Tex., Code of Ordinances §6-154 (2011) (six); Houston, Tex., Code of Ordinances ch. 6, art. II (2010) (seven); Austin, Tex., Code of Ordinances tit. III, ch. 3.1.1 (2011) (nine); Colorado Springs, Colo., City Code §6.7.106(D) (2011) (10); Plano, Tex., Code of Ordinances §4-184 (2011) (10); Glendale, Cal., Mun. Code §6.04.130 (2011) (12); Albuquerque, N.M., Code of Ordinances §9-2-4-3 (2011) (15); Kansas City, Mo., Code of Ordinances §14-15(f) (2011) (15); Miami, Fla., Code of Ordinances §6-1(b) (2011) (15); Long Beach, Cal., Mun. Code §6.20.020 (2011) (20); Tucson, Ariz., Code of Ordinances §4-56 (2011) (24); Fremont, Cal., Mun. Code §3-5803 (2011) (25); San Diego, Cal., Mun. Code §42.0708 (2011) (25); Bos., Mass., Code of Ordinances §16-1.8A (2010) (25); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007) (25); Mobile, Ala., Code of Ordinances §7-103 (2011) (25); Jersey City, N.J., Code of Ordinances §90-6 (2011) (50).
275. *Supra* note 274 and accompanying text.
276. Garland, Tex., Code of Ordinances §22.14 (2011) (two); Honolulu, Haw., Rev. Ordinances §7-2.5(d) (1990) (two).
277. Jersey City, N.J., Code of Ordinances §90-6 (2011).
278. *Id.*
279. *Id.*

mit.[280] Wichita allows three chickens, Santa Ana allows four, and San Jose and El Paso both allow up to six.[281] This appears to be the most workable system, because it takes into account that there are different levels of chicken-keeping in an urban agriculture context. It provides a bright-line rule for people who want small backyard flocks, while still allowing owners of market gardens, urban farms, or chicken cooperatives the opportunity to expand their operations without seeking to change the ordinance. It also conserves city resources by not forcing every would-be chicken owner to procure a permit. Finally, because there is no permit, it saves the city from any obligations to monitor the backyard operation. If any problem arises with a small backyard flock, the city can rely on its nuisance laws, or other setback or coop requirements within the statute to resolve the problem.

Some cities always require a permit, but set a relatively high number of chickens allowed. As noted earlier, with a permit, Jersey City allows up to 50,[282] and Boston and Mobile allow up to 25.[283] According to several Bostonians who want chickens, however, Boston does not easily grant this permit.[284] Miami allows up to 15 hens with a permit.[285]

Some cities take a belt-and-suspenders approach and require both a permit and restrict hens to a small number. With a permit, Milwaukee only allows four,[286] and Sacramento, three.[287]

Several other cities, perhaps understanding that the hens may occasionally be used to produce more chickens, allow considerably more chicks than full-grown chickens. Both Miami and Kansas City allow only 15 grown hens, but Miami allows 30 chicks,[288] and Kansas City allows 50.[289] Tulsa allows seven adults and 14 chicks.[290] Colorado Springs allows 10 hens and an unlimited number of chicks.[291] And Garland, even though it allows only two hens, does not limit the number of chicks less than one-month old.[292]

And for pure eccentricity, Houston has the most interesting restriction on the number of chickens. Houston allows up to seven hens if a person can present a written certification from a licensed physician that the person needs "fresh unfertilized chicken eggs for serious reasons pertaining to said person's health."[293] This ordinance was passed in 2010,[294] presumably because Houstonites were able to show that fresh eggs help alleviate certain medical ailments.

4. Setbacks

Setbacks are, by far, the most popular way to regulate chickens. Sixty-three cities have some sort of setback requirement in their ordinances. The most popular setback is a setback from a neighboring dwelling: 56 cities require that chickens and chickens coops be kept a certain distance from other residences.[295] The next most popular is a setback

280. Wichita, Kan., Code of Ordinances §6.04.157(a) (2011); Santa Ana, Cal., Code of Ordinances §5.6 (2011); San Jose, Cal., Code of Ordinances tit. 7 (2007); El Paso, Tex., Mun. Code §7.24.020 (2011).
281. *See supra* note 280.
282. Jersey City, N.J., Code of Ordinances §90-7 (2011).
283. Bos., Mass., Code of Ordinances §16-1.8A, Zoning art. 8 No. 75 (2010); Mobile, Ala., Code of Ordinances §7-103 (2011).
284. *See, e.g.*, Legalize Chickens in Boston, http://legalizechickensinboston.org/ (last visited July 5, 2012) (stating that the city of Boston denies chicken permits and seeking a more reasonable legislative solution to regulate chickens in Boston).
285. Miami, Fla., Code of Ordinances §6-1(b) (2011).
286. Milwaukee, Wis., Code of Ordinances §78-6.5 (2011).
287. Sacramento, Cal., City Code §9.44.860(a)(1) (2011).
288. Miami, Fla., Code of Ordinances §6-1(b) (2011).
289. Kansas City, Mo., Code of Ordinances §14-15(f) (2011).
290. Tulsa, Okla., Code of Ordinances §200(d), (e) (2011).
291. Colorado Springs, Colo., City Code §6.7.106(D) (2011).
292. Garland, Tex., Code of Ordinances §22.14 (2011).
293. Houston, Tex., Code of Ordinances §6-38 (2010).
294. *Id.*
295. Akron, Ohio, Code of Ordinances §92-18 (2011) (100 ft.); Anaheim, Cal., Mun. Code §18.38.030.0202 (2011) (50 ft.); Anchorage, Alaska, Code of Ordinances §§21.40.060 & 21.40.080 (2011) (25-100 ft); Arlington, Tex., Ordinances Governing Animals §5.02 (2010) (50 ft.); Atlanta, Ga., Code of Ordinances §18-7 (2011) (50 ft.); Austin, Tex., Code of Ordinances §3.2.16 (2011) (50 ft.); Bakersfield, Cal., Mun. Code §17.12.010 R-S (2011) (50 ft.); Baton Rouge, La., Code of Ordinances §14-224 (c)(1)(b) (2011) (50 ft.); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007) (300 ft. from residence or 100 ft. from any residential structure); Bos., Mass., Code of Ordinances §16-1.8A, Zoning, art. 8, No. 75 (2010) (100 ft.); Buffalo, N.Y., City Code §341-11.3 (2009) (20 ft. from door or window); Corpus Christi, Tex., Code of Ordinances §6-154 (2011) (100 ft. if not enclosed); Des Moines, Iowa, Code of Ordinances §18-4 (2011) (25 ft.); El Paso, Tex., Mun. Code §7.24.030 (2011) (30 ft.); Fort Worth, Tex., Code of Ordinances §11A-22(b) & (f) (2011) (50 ft.); Fresno, Cal., Mun. Code §12.207.5 (2011) (40 ft.); Garland, Tex., Code of Ordinances §22.14 (2011) (30 ft.); Glendale, Cal., Mun. Code §6.04.030 (2011) (50 ft. from dwelling or 100 ft. from school or hospital); Glendale, Ariz., Code of Ordinances pt. II, art. 5 (2010) (100 ft.); Grand Rapids, Mich., Code of Ordinances §8.582 (2010) (100 ft. from any dwelling unit, well, spring, stream, drainage ditch, or drain); Greensboro, N.C., Code of Ordinances §30-8-11.3(B) (2011) (50 ft.); Hialeah, Fla., Code of Ordinances §10.4 (2011) (100 ft.); Honolulu, Haw., Rev. Ordinances §7-2.5(d) (1990) (300 ft.); Houston, Tex., Code of Ordinances §6-31 (2010) (100 ft.); Jersey City, N.J., Code of Ordinances §90-6 (2011) (25 ft.); Kansas City, Mo., Code of Ordinances §14-15 (2011) (100 ft.); Lincoln, Neb., Mun. Code §6.04.040 (2011) (50 ft.); Long Beach, Cal., Mun. Code §6.20.030 (2011) (50 ft.); L.A., Cal., Mun. Code §§53.58 & 53.59 (2011) (Department of Animal Services promulgated regulations that require chicken coops to be 35 ft. from neighbor's dwelling and 20 ft. from owner's dwelling); Madison, Wis., Code of Ordinances ch. 28 (no date listed) (25 ft.); Mesa, Ariz., City Code §8-6-21(g) & (h) (2011) (40 ft.); Miami, Fla., Code of Ordinances §6-1(b) (2011) (100 ft.); Milwaukee, Wis., Code of Ordinances §78-6.5(3)(g)-(j) (2011) (25 ft.); Mobile, Ala., Code of Ordinances §§7-88 & 7-103 (2011) (150 ft. if not grandfathered in); Nashville-Davidson, Tenn., Mun. Code §17-16-330(B) (2011) (250 ft.); N.Y.C., Mun. Code §161.09 (1990) (25 ft.); Newark, N.J., General Ordinances §6:2-35 (2010) (20 ft.); Oakland, Cal., Code of Ordinances §6-04-320 (2011) (20 ft.); Oklahoma City, Okla., Mun. Code 59-9350 (2011) (200 ft.); Phoenix, Ariz., City Code §8-7 (2011) (80 ft.); Richmond, Va., Code of Ordinances §10-88 (2011) (500 ft.); Riverside, Cal., Code of Ordinances §6.04.20 (2011); *id.* tit. 17 (50 ft.); Rochester, N.Y., City Ordinances §30-19(H) (no date listed) (25 ft.); Sacramento, Cal., City Code §9.44.860 (2011) (20 ft.); San Antonio, Tex., Code of Ordinances §5-109(c) (2011) (100 ft. or 50 ft. with permit); San Diego, Cal., Mun. Code §42.0709 (2011) (50 ft.); San Francisco, Cal., Health Code §37(b) (2011) (20 ft. from door or window); San Jose, Cal., Code of Ordinances §7.60.815 (2007) (20 ft. but more if have more chickens); Santa Ana, Cal., Code of Ordinances §5-18 (2011) (100 ft.); Seattle, Wash., Mun. Code §23.42.052(c)(3) (2011) (10 ft.); St. Petersburg, Fla., Code of Ordinances §4-31 (2011) (100 ft. unless have permission from neighbors); Stockton, Cal., Mun. Code §§6.04.420, 16.80.060 (2011) (50 ft.); Tacoma, Wash., Mun. Code §5.30.010 (2011) (50 ft. unless have permission from neighbors); Tampa, Fla., Code of Ordinances §19.76 (2008) (200 ft.); Tucson, Ariz., Code

from the property line: 20 cities require chickens to be kept away from the neighbor's property, even if the neighbor's actual house is much further away.[296] Three cities require a setback from the street.[297] Six cities ban chickens from the front yard.[298] This adds up to more than 63, because several cities employ more than one kind of setback. Finally, several cities have unique setback requirements that will be discussed later.

a. Setbacks From Neighboring Buildings

Of the 56 cities that require that chickens be kept a certain distance away from neighboring residences,[299] the setbacks range from 10[300] to 500 feet.[301] The average of all of the setbacks is 80 feet,[302] although only one city, Phoenix, actually has a setback of 80 feet.[303] The median and the mode are both 50 feet.[304] The average is higher than both the median and the mode, because several cities that also require large lots, or agriculturally zoned land, also have very large setbacks.[305] The mode, the most common setback, comprises 17 cities.[306] After that, the most popular setbacks are the following:

- Fifteen cities have setbacks of less than 30 feet, with two at 30 feet,[307] seven at 25 feet,[308] six at 20 feet,[309] and one at 10 feet.[310]
- Thirteen cities have setbacks of 100 feet.[311] Of those, three of them allow for smaller setback under certain conditions: St. Petersburg will allow for a smaller setback if the owner seeks permission from neighboring property owners; San Antonio will allow for a smaller setback with a permit; and Corpus Christi will allow for a smaller setback if the coop is enclosed.[312]
- Seven cities have setbacks of more than 100 feet.[313] Of those, Mobile, Alabama, has a 150-foot setback, but allows chicken coops that were built before the ordinance passed to be grandfathered in.[314] Oklahoma City has a 200-foot setback and, puzzlingly, will waive these setbacks from horses, mules, donkeys, and pigs, but not for chickens.[315] Oklahoma City also has an additional 400-foot setback for roosters.[316]

Several cities will shrink their setbacks under certain conditions. In what appears to be a thoughtful approach to requiring a neighbor's consent, four cities provide a standard setback, but provide relief from the setback if the owner gets permission from his neighbors to keep chickens.[317] And one city, San Antonio, as mentioned

OF ORDINANCES §4-57 (2011) (50 ft.); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.7(a) & (b) (no date listed) (50 ft.).

296. ANAHEIM, CAL., MUN. CODE §18.38.030.0202 (2011) (20 ft. from property line); BATON ROUGE, LA., CODE OF ORDINANCES §14-224(c)(1)(b) (2011) (10 ft. from property line); BIRMINGHAM, ALA., ZONING ORDINANCE §2.4.1 (2007) (100 ft. from property line); BUFFALO, N.Y., CITY CODE §341-11.3 (2009) (18 inches from rear lot); CHARLOTTE, N.C., CODE OF ORDINANCES §3-102(c) (2010) (25 ft. from property line); CHESAPEAKE, VA., CODE OF ORDINANCES ch. 10 (2011) (20 ft. from property line); CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02(b)(1)(B) (2011) (5 ft. from side yard and 18 inches from rear yard); FRESNO, CAL., MUN. CODE §12-206.1 (2011) (100 ft. from property line); GREENSBORO, N.C., CODE OF ORDINANCES §30-8-11.3 (2011) (25 ft. from property line); JACKSONVILLE, FLA., ORDINANCE CODE §656.401 (2011) (50 ft. from property line); KANSAS CITY, MO., CODE OF ORDINANCES §14-15(f) (2011) (25 ft. from property line); MONTGOMERY, ALA., CODE OF ORDINANCES ch. 4 art. I (2011); *id.* app. C, art. VII (200 ft. from property line); PLANO, TEX., CODE OF ORDINANCES §3-204 (2011) (5 ft. from property line); PORTLAND, OR., CITY CODE §13.05.015(b) & (e) (2011) (50 ft. from residence or business where food is prepared); RIVERSIDE, CAL., CODE OF ORDINANCES §6.04.20 (2011) (20 ft. from property line); SEATTLE, WASH., MUN. CODE §23.42.052(c)(3) (2011) (10 ft. from property line); TAMPA, FLA., CODE OF ORDINANCES §19.76 (2008) (200 ft. from property line); TULSA, OKLA., CODE OF ORDINANCES §200(d) & (e) (2011) (50 ft., but 100 ft. if zoned agricultural); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.7(a) & (b) (no date listed) (250 ft. unless have neighbor's consent).

297. BAKERSFIELD, CAL., MUN. CODE §17.12.010-RS (2011) (100 ft.); BIRMINGHAM, ALA., ZONING ORDINANCE §2.4.1 (2007) (300 ft.); BOS., MASS., CODE OF ORDINANCES §16-1.8A, ZONING, art. 8, No. 75 (2010) (100 ft.).

298. BUFFALO, N.Y., CITY CODE §341-11.3 (2009); CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02(b)(1)(B) (2011); DES MOINES, IOWA, CODE OF ORDINANCES §18-4 (2011); MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5(3)(g)-(j) (2011); PHOENIX, ARIZ., CITY CODE §8-7 (2011); SACRAMENTO, CAL., CITY CODE §9.44.860 (2011).

299. *See supra* note 295.

300. SEATTLE, WASH., MUN. CODE §23.42.052(c)(3) (2011).

301. RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011). Since Richmond also requires an acre of land to even own chickens, this setback doesn't exclude any additional would-be chicken owners.

302. *See supra* note 295.

303. PHOENIX, ARIZ., CITY CODE §8-10 (2011) (80 ft. unless have permission from neighbor).

304. *See supra* note 295.

305. BIRMINGHAM, ALA., ZONING ORDINANCE §2.4.1 (2007) (300 ft.); HONOLULU, HAW., REV. ORDINANCES §7-2.5(d) (1990) (300 ft.); and RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011) (500 ft.).

306. Anaheim; Arlington; Austin; Bakersfield; Baton Rouge; Fort Worth; Glendale, California; Greensboro; Lincoln; Long Beach (but 20 if just had one chicken); Portland; Riverside; San Diego; Stockton; Tacoma; Tucson; Washington.

307. EL PASO, TEX., MUN. CODE §7.24.030 (2011) (30 ft., but only 20 ft. if separated by a fence that is at least six ft.); GARLAND, TEX., CODE OF ORDINANCES §22.14(A) (2011).

308. ANCHORAGE, ALASKA, CODE OF ORDINANCES §§21.40.060 & 21.40.080 (2011); DES MOINES, IOWA, CODE OF ORDINANCES §18-4(h)(1) (2011); JERSEY CITY, N.J., CODE OF ORDINANCES §90-6 (2011); MADISON, WIS., CODE OF ORDINANCES ch. 28 (no date listed); MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5 (2011); N.Y.C., MUN. CODE §161.09 (1990) (for poultry market coops only—poultry not intended for sale is not regulated); ROCHESTER, N.Y., CITY ORDINANCES §30-19(H) (no date listed).

309. BUFFALO, N.Y., CITY CODE §341-11.3 (2009); NEWARK, N.J., GENERAL ORDINANCES §6:2-35 (2010); OAKLAND, CAL., CODE OF ORDINANCES §6-04-320 (2011); SACRAMENTO, CAL., CITY CODE §9.44.860 (2011); SAN FRANCISCO, CAL., HEALTH CODE §37 (2011); SAN JOSE, CAL., CODE OF ORDINANCES §7.60.815 (2007) (applying setback to all small animals, not just chickens).

310. SEATTLE, WASH., MUN. CODE §23.42.052(C) (2011).

311. Akron, Atlanta, Boston, Corpus Christi, Glendale, Grand Rapids, Hialeah, Houston, Kansas City, Miami, San Antonio, Santa Ana, St. Petersburg.

312. ST. PETERSBURG, FLA., CODE OF ORDINANCES §4-31 (2011) (100 ft. unless have permission from neighbors); SAN ANTONIO, TEX., CODE OF ORDINANCES §5-109(c) (2011) (100 ft. or 50 ft. with permit); CORPUS CHRISTI, TEX., CODE OF ORDINANCES §6-154 (2011) (100 ft. if not enclosed).

313. Mobile, Oklahoma, Tampa, Nashville, Birmingham, Honolulu, Richmond.

314. MOBILE, ALA., CODE OF ORDINANCES §7-88(d) (2011) (150 ft. if not grandfathered in), *but see id.* §7-103(d) (allowing for 20 ft. from the property line in a residential area).

315. OKLAHOMA CITY, OKLA., MUN. CODE §59-9350(F) & (I) (2011).

316. *Id.* §59-9350(H).

317. LAS VEGAS, NEV., MUN. CODE §7.38.050 (2011) (300 ft. without permission); PHOENIX, ARIZ., CITY CODE §8-10 (2011) (80 ft. without permission); ST. PETERSBURG, FLA., CODE OF ORDINANCES §4-31(d) (2011) (100 ft. without permission); TACOMA, WASH., MUN. CODE §§5.30.010 & 5.30.030 (2011) (50 ft. without permission).

above, will shrink its 100-foot setback to 50 feet if a permit is secured.[318]

Two cities do not frame the setback as from a neighboring residence or building, but more specifically to a door or a window of the building. Both Buffalo and San Francisco have a 20-foot setback from any door or window of a building.[319]

Several cities define the setback more broadly than a neighboring dwelling, and include schools, hospitals, and other businesses within the setback.[320] Grand Rapids, Michigan, however, goes further; it has a 100-foot setback from any "dwelling unit, well, spring, stream, drainage ditch or drain."[321] This, in effect, bans all chickens within the city.

b. Setbacks From Property Line

Twenty cities mandate setbacks from the property line;[322] those setbacks range from 18 inches[323] to 250 feet.[324] The average setback is 59 feet, but no city actually has such a setback. The closest are Jacksonville and Tulsa, which both have a setback of 50 feet.[325] Again, a few cities with very large setbacks are raising the average.[326] The median setback is 25 feet.[327] And the mode, or most popular, setback is tied at either 20[328] or 25 feet.[329]

Washington, D.C., which has the largest setback at 250 feet, allows relief from this setback if the owner has his neighbor's consent to keep chickens.[330]

c. Setbacks From the Street

Three cities require chickens to be kept away from the street: Bakersfield, Birmingham, and Boston.[331] All of these setbacks are relatively large, ranging from 100 to 300 feet. Presumably, this is to stop chickens from being kept in the front yard or on a corner lot from a vantage point where passersby can easily see the coop. Bakersfield, provides a specific setback for corner lots, requiring that chicken coops be kept at least 10 feet away from the street side of a corner lot.[332] Another way that cities do this, perhaps more effectively, is by simply barring chickens from front yards, as six cities do.[333]

d. Other Kinds of Setbacks

While many ordinances exclude the owner's house from the definition of a dwelling,[334] two cities provide a separate setback requirement for an owner's own dwelling. Atlanta requires chickens to be kept at least five feet away from an owner's own house,[335] and Los Angeles requires that the chickens be kept at least 20 feet away from the owner's house.[336]

Three cities do not provide for explicit setbacks, but leave each setback up to some city official's discretion. In Wichita, the chief of police can examine the property and determine the setback.[337] In St. Paul, it is up to the Health Inspector's discretion.[338] And, in Fremont, it is the Animal Services Supervisor who has discretion.[339]

318. San Antonio, Tex., Code of Ordinances §5-109 (2011).
319. Buffalo, N.Y., City Code §341-11 (2009); San Francisco, Cal., Health Code §37 (2011).
320. *E.g.*, Fort Worth, Tex., Code of Ordinances §11A-22 (2011); Glendale, Cal., Mun. Code §6.04.130 (2011).
321. Grand Rapids, Mich., Code of Ordinances §8.582(2) (2010).
322. Anaheim, Cal., Mun. Code §18.38.030.0202 (2011) (20 ft. from property line); Baton Rouge, La., Code of Ordinances §14-224(c)(1)(b) (2011) (10 ft. from property line); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007) (100 ft. from property line); Buffalo, N.Y., City Code §341-11.3 (2009) (18 inches from rear lot); Charlotte, N.C., Code of Ordinances §3-102(c) (2010) (25 ft. from property line); Chesapeake, Va., Code of Ordinances ch. 10 (2011) (20 ft. from property line); Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(B) (2011) (5 ft. from side yard and 18 inches from rear yard); Fresno, Cal., Mun. Code §12-206.1 (2011) (100 ft. from property line); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011) (25 ft. from property line); Jacksonville, Fla., Ordinance Code §656.401 (2011) (50 ft. from property line); Kansas City, Mo., Code of Ordinances §14-15(f) (2011) (25 ft. from property line); Montgomery, Ala., Code of Ordinances ch. 4 art. I (2011); *id.* at app. C, art. VII (200 ft. from property line); Plano, Tex., Code of Ordinances §3-204 (2011) (5 ft. from property line); Portland, Or., City Code §13.05.015(b) & (e) (2011) (50 ft. from residence or business where food is prepared); Riverside, Cal., Code of Ordinances §6.04.20 (2011) (20 ft. from property line); Seattle, Wash., Mun. Code §23.42.052(c)(3) (2011) (10 ft. from property line); Tampa, Fla., Code of Ordinances §19.76 (2008) (200 ft. from property line); Tulsa, Okla., Code of Ordinances §200(d) & (e) (2011) (50 ft., but 100 ft. if zoned agricultural); Wash., D.C., Mun. Regulations for Animal Control §902.7(a) & (b) (no date listed) (250 ft. unless have neighbor's consent).
323. Cleveland, Ohio, Codified Ordinances §347.02 (2011); Buffalo, N.Y., City Code §341-11.3 (2009).
324. Wash., D.C., Mun. Regulations for Animal Control §902.7 (no date listed) (250 ft. setback without consent of neighbors).
325. Jacksonville, Fla., Ordinance Code §656.401 (2011) (50 ft. from property line); Tulsa, Okla., Code of Ordinances §200(d), (e) (2011).
326. Tulsa, Okla., Code of Ordinances §200(d), (e) (2011) (200 ft.); Tampa, Fla., Code of Ordinances §19.76 (2008) (200 ft.); Wash., D.C., Mun. Regulations for Animal Control §902.7(a) & (b) (no date listed) (250 ft.).
327. Charlotte, N.C., Code of Ordinances §3-102(c)(1), (f) (2010); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011); Kansas City, Mo., Code of Ordinances §14-15 (2011).
328. Anaheim, Cal., Mun. Code §18.38.030.0202 (2011); Chesapeake, Va., Code of Ordinances ch. 10 (2011); Riverside, Cal., Code of Ordinances §6.04.20 & tit. 17(2011).
329. *See supra* note 327.
330. Wash., D.C., Mun. Regulations for Animal Control §902.7(b) (no date listed).
331. Bos., Mass., Code of Ordinances §16-1.8A, Zoning, art. 8, No. 75 (2010); Bakersfield, Cal., Mun. Code §17.12.010-RS (2011); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007).
332. Bakersfield, Cal., Mun. Code §17.12.010-RS (2011).
333. Buffalo, N.Y., City Code §341-11.3 (2009); Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(B) (2011); Des Moines, Iowa, Code of Ordinances §18-4 (2011); Milwaukee, Wis., Code of Ordinances §78-6.5(3)(i) (2011); Phoenix, Ariz., City Code §8-7 (2011); Sacramento, Cal., City Code §9.44.860 (2011).
334. *E.g.*, Austin, Tex., Code of Ordinances §3.2.16 (2011) (50 ft); Anaheim, Cal., Mun. Code §18.38.030.0202 (2011).
335. Atlanta, Ga., Code of Ordinances §18-7 (2011).
336. L.A., Cal., Mun. Code §§53.58 & 53.59 (2011) (Department of Animal Services promulgated regulations requiring coops to be 20 ft. from owner's dwelling).
337. Wichita, Kan., Code of Ordinances §6.04.173(c) (2011).
338. St. Paul, Minn., §198.05 (2011).
339. Fremont, Cal., Mun. Code §3-5803 (2011).

Finally, St. Louis wins for the most eccentric setback. It doesn't have any setbacks for neighboring buildings, or the property line, but it does require that chickens be kept out of the milking barn.[340]

5. Coop Requirements

Many cities regulate how the chicken coop should be built and maintained. There is a broad range in these regulations, and no two ordinances are alike. Some simply decree that it is unlawful for chickens to run at large, and thus implicitly mandate that the coop be constructed in a secure enough way so that chickens can't easily escape. Some appear to look out for animal welfare by decreeing that chickens should be provided adequate food, water, and shelter in sanitary conditions. And, some appear to try to proactively head off any potential problems by regulating the dimensions of the coop, how it must be built, and exactly how often it must be cleaned. First, some of the more common elements in these statutes will be explored. Then, more unique elements will be discussed.

a. No Running at Large

First, 33 cities prohibit chickens particularly or animals in general from running at large.[341] Most of those cities simply prohibit chickens from running at large, but some provide for a little more nuance. For instance, Cincinnati does not allow chickens to run at large "so as to do damage to gardens, lawns, shrubbery or other private property."[342] So, presumably, a chicken could run free, as long as it didn't damage anything. Five cities, instead of making it unlawful to run at large, provide that the chicken must be kept enclosed in the coop and not allowed to escape.[343] And two cities, Richmond and Stockton, frame it in terms of trespass and do not allow chicken trespassers.[344] In any event, all of these statutes imply that a coop, minimally, must be constructed so that the birds cannot escape.

b. Coops Must Be Clean and Sanitary

Forty-six cities impose some sort of cleaning requirements on chicken owners.[345] While many cities have cleaning requirements that apply to any animal,[346] these cities ordinances are, for the most part, specific to chickens.

Nearly all of these ordinances mandate that the chicken coop be kept in a clean and sanitary condition and free from offensive odors. The degree to which each city regulates this, however, varies. Most cities have a variation on a general requirement that the coop be clean or sani-

340. St. Louis, Mo., Code of Ordinances §11.46.410 (2010).

341. Akron, Ohio, Code of Ordinances §92.01 (2011); Albuquerque, N.M., Code of Ordinances §9-2-4-3(D) (2011); Arlington, Tex., Ordinances Governing Animals §5.02(e) (2010); Buffalo, N.Y., City Code §341-11.3 (2009); Cincinnati, Ohio, Code of Ordinances §701-33 (2011); Cleveland, Ohio, Codified Ordinances §603.01 (2011); Fort Worth, Tex., Code of Ordinances §11A-22(c)(3) (2011); Fresno, Cal., Mun. Code §10.205 (2011); Garland, Tex., Code of Ordinances §22.03 (2011); Indianapolis, Ind., Rev. Code §531.102 (2011); Irving, Tex., Code of Ordinances §6-2 (2011); Las Vegas, Nev., Mun. Code §7.36.030 (2011); Lexington-Fayette, Ky., Code of Ordinances §4-10 (2011); Long Beach, Cal., Mun. Code §6.20.080 (2011); Louisville, Ky., Metro Code ch. 91.001 Nuisance (2011); Memphis, Tenn., Code of Ordinances §8-8-2 (2009); Mesa, Ariz., City Code §8-6-21(I) (2011); Miami, Fla., Code of Ordinances §6-2 (2011); Newark, N.J., General Ordinances §6:2-34 (2010); Oakland, Cal., Code of Ordinances §6-04-200 (2011); Norfolk, Va., Code of Ordinances §6.1-7 (2011); Omaha, Neb., Code of Ordinances §6-263 (2011); Pittsburgh, Pa., Code of Ordinances §635.02 (2011); Raleigh, N.C., Code of Ordinances §12-3004 (2011); Richmond, Va., Code of Ordinances §10-88 (2011); St. Petersburg, Fla., Code of Ordinances §4-31(b) (2011); San Jose, Cal., Code of Ordinances §7.60.750 (2007); Spokane, Wash., Mun. Code §10.24 (no date listed); Stockton, Cal., Mun. Code §6.04.130 (2011); Tacoma, Wash., Mun. Code §5.30.020 (2011); Toledo, Ohio, Mun. Code §505.10 (2011); Tucson, Ariz., Code of Ordinances §4-55 (2011); Wichita, Kan., Code of Ordinances §6.04.173 (2011).

342. Cincinnati, Ohio, Code of Ordinances §701-33 (2011).

343. Buffalo, N.Y., City Code §341-11.3 (2009); Cleveland, Ohio, Codified Ordinances §603.01 (2011); Fort Worth, Tex., Code of Ordinances §11A-22(c)(3) (2011); Fresno, Cal., Mun. Code §10.205 (2011); Louisville, Ky., Metro Code §91.001 Nuisance (2011).

344. Richmond, Va., Code of Ordinances §10-88 (2011) (providing that fowl may not trespass); Stockton, Cal., Mun. Code §6.04.130 (2011) (fowl [shall not] to run or go upon the public or private premises of any other person, firm, or corporation; or upon any park or public street or highway within the city).

345. Albuquerque, N.M., Code of Ordinances §9-2-2-2 (2011); Austin, Tex., Code of Ordinances §10-5-21 (2011); Baton Rouge, La., Code of Ordinances §14:224(c)(1)(c) & (d) (2011); Buffalo, N.Y., City Code §341-11.3(C) (2009); Charlotte, N.C., Code of Ordinances §3-102 (2010); Chicago, Ill., Code of Ordinances §7-12-290(b) (2011); Cincinnati, Ohio, Code of Ordinances ch. 701-35 (2011); Dallas, Tex., Code of Ordinances §7-3.2 (2011); Denver, Colo., Mun. Code §8-92 (2011); Des Moines, Iowa, Code of Ordinances §18-4(h) (2011); El Paso, Tex., Mun. Code §7.24.030 (2011); Fort Wayne, Ind., Code of Ordinances §91.017 (2011); Fort Worth, Tex., Code of Ordinances §11A-22(h) (2011); Fresno, Cal., Mun. Code §10.203 (2011); Garland, Tex., Code of Ordinances §22.17 (2011); Glendale, Ariz. Mun. Code §25-24 (2010); Glendale, Cal., Mun. Code §6.04.020 (2011); Houston, Tex., Code of Ordinances §6-36 (2010); Irving, Tex., Code of Ordinances §6-6 (2011); Jersey City, N.J., Code of Ordinances §90-8 (2011); Kansas City, Mo., Code of Ordinances §§14-18 & 14-19 (2011); Las Vegas, Nev., Mun. Code §7.36.050 (2011); Lincoln, Neb., Mun. Code §6.04.050 (2011); Long Beach, Cal., Mun. Code §6.20.070 (2011); Memphis, Tenn., Code of Ordinances §8-8-1 (2009); Mesa, Ariz., City Code §8-6-22 (2011); Miami, Fla., Code of Ordinances §6-1 (2011); Milwaukee, Wis., Code of Ordinances §78-6.5 (2011); Mobile, Ala., Code of Ordinances §7-103 (2011); New Orleans, La., Code of Ordinances §18-2.1 (2011); Newark, N.J., General Ordinances §6:2-35 (2010); Omaha, Neb., Code of Ordinances §6-261 (2011); Phoenix, Ariz., City Code §8-7(d) (2011); Richmond, Va., Code of Ordinances §10-88(d) (2011); San Antonio, Tex., Code of Ordinances §5-109 (2011); San Diego, Cal., Mun. Code §42.0709 (2011); San Jose, Cal., Code of Ordinances §7.60.755 (2007); Santa Ana, Cal., Code of Ordinances §5.6(b) (2011); Scottsdale, Ariz., Code of Ordinances §4-18 (2011); St. Paul, Minn., §198.04-05 (2011); St. Petersburg, Fla., Code of Ordinances §4-31(c) (2011); Toledo, Ohio, Mun. Code §1705.07 (2011); Tucson, Ariz., Code of Ordinances §4-58 (2011); Tulsa, Okla., Code of Ordinances §§200(d), (e) & 406 (2011); Wash., D.C., Mun. Regulations for Animal Control §902.10-13 (no date listed); Wichita, Kan., Code of Ordinances §6.04.174 (2011).

346. *E.g.*, Anchorage, Alaska, Code of Ordinances §17.10.030 (2011); Atlanta, Ga., Code of Ordinances §18-8 (2011); Fremont, Cal., Mun. Code §3-5600 (2011); Montgomery, Ala., Code of Ordinances §4-3 (2011); Norfolk, Va., Code of Ordinances §6.1-2 Adequate Shelter (2011); Plano, Tex., Code of Ordinances §4-51 (2011); Tampa, Fla., Code of Ordinances §19.77 (2008).

tary.[347] Most cities also expressly prohibit odors or offensive odors.[348]

Some cities are a little more explicit and require that the coop be cleaned regularly or routinely.[349] Some cities go further and require the coop to be clean at all times.[350] And some cities regulate precisely how often the coop must be cleaned. Houston is the most fastidious. In Houston, the coop must be cleaned once per day, limed once every other day, and all containers containing chicken manure must be properly disposed of once per week.[351] Milwaukee also requires coops to be cleaned daily and additionally "as is necessary."[352] The next two most fastidious cities, Des Moines and Santa Ana, require that the coop be cleaned at least every other day.[353] Seven cities require that the coop be cleaned at least twice a week.[354] And another four cities require that the coop be cleaned at least once a week.[355] And, splitting the difference, Jersey City requires the coop to be cleaned once a week from November to May, and twice a week from May to November.[356]

Many cities also have a particular concern with either flies or rodents. Fourteen cities specify that attracting flies will be a nuisance.[357] Cities that specifically mention flies within their ordinances are congregated mostly in the South or the Southwest.[358] Several mandate that chicken feed or chicken waste be kept in fly-tight containers.[359] Miami requires that a chicken's droppings be treated to destroy fly maggots before it can be used as fertilizer.[360] Mesa has four cleaning requirements all designed to keep flies away: (1) droppings must be removed twice weekly; (2) "fowl excreta" must be stored in fly-tight containers; (3) water and feed troughs must be kept sanitary; and (4) food and food waste must be kept in a fly-proof container—all explicitly "to prevent the breeding of flies."[361]

Kansas City's concern with flies will stand in the way of keeping hens for eggs that would meet organic standards; it mandates the use of insecticide by providing that "all structures, pens or coops wherein fowl are kept or permitted to be shall be sprayed with such substances as will eliminate such insects."[362] Because chickens eat insects, and because the protein they gain from eating those insects has a beneficial effect on the nutritional value of their eggs, this regulation stands at odds with a reason many people are interested in keeping backyard hens.

Glendale, California, appears to be the most concerned about flies, going so far as to mandate that the owner adhere to impossible building requirements. Glendale requires chickens to be kept in a fly-proof enclosure; it defines fly-proof quite specifically as "a structure or cage of a design which prevents the entry therein or the escape therefrom of any bee, moth or fly."[363] Because a chicken must enter into and exit from its enclosure, and because one would want the chicken to have access to fresh air and sunlight, such a structure presents itself as an architectural impossibility.

Ten cities are particularly concerned with rats.[364] Of these cities, several are concerned about both flies and rats.[365] Most of these cities simply mandate that the coop be free of rats,[366] but three cities require that food be kept

347. *E.g.*, AUSTIN, TEX., CODE OF ORDINANCES §10-5-21 (2011); FRESNO, CAL., MUN. CODE §10.203 (2011); LONG BEACH, CAL., MUN. CODE §6.20.070 (2011); OMAHA, NEB., CODE OF ORDINANCES §6-261 (2011); SAN ANTONIO, TEX., CODE OF ORDINANCES §5-109 (2011); SAN JOSE, CAL., CODE OF ORDINANCES §7.60.755 (2007); TOLEDO, OHIO, MUN. CODE §1706.07 (2011); WICHITA, KAN., CODE OF ORDINANCES §6.04.174 (2011).

348. *E.g.*, AUSTIN, TEX., CODE OF ORDINANCES §10-5-21 (2011); CINCINNATI, OHIO, CODE OF ORDINANCES §701-35 (2011); DALLAS, TEX., CODE OF ORDINANCES §7-3.2 (2011); FORT WAYNE, IND., CODE OF ORDINANCES §91.017 (2011); FRESNO, CAL., MUN. CODE §10.203 (2011); GARLAND, TEX., CODE OF ORDINANCES §22.17 (2011); KANSAS CITY, MO., CODE OF ORDINANCES §§14-18 & 14-19 (2011); LAS VEGAS, NEV., MUN. CODE §7.36.050 (2011); LINCOLN, NEB., MUN. CODE §6.04.050 (2011); MIAMI, FLA., CODE OF ORDINANCES §6-1 (2011); NEW ORLEANS, LA., CODE OF ORDINANCES §18-2.1 (2011); OMAHA, NEB., CODE OF ORDINANCES §6-261 (2011); ST. PETERSBURG, FLA., CODE OF ORDINANCES §4-31(c) (2011); TOLEDO, OHIO, MUN. CODE §1705.07 (2011); WICHITA, KAN., CODE OF ORDINANCES §6.04.174 (2011).

349. *E.g.*, BATON ROUGE, LA., CODE OF ORDINANCES §14:224(c)(1)(c) & (d) (2011); NEW ORLEANS, LA., CODE OF ORDINANCES §18-2.1 (2011); TULSA, OKLA., CODE OF ORDINANCES §§200(d), (e) & 406 (2011).

350. *E.g.*, BUFFALO, N.Y., CITY CODE §341-11.3 (2009); CHARLOTTE, N.C., CODE OF ORDINANCES §3-102(c) (2010).

351. HOUSTON, TEX., CODE OF ORDINANCES §6-36 (2010).

352. MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5 (2011).

353. DES MOINES, IOWA, CODE OF ORDINANCES §18-137 (2011); SANTA ANA, CAL., CODE OF ORDINANCES §5.6(b) (2011).

354. GARLAND, TEX., CODE OF ORDINANCES §22.17 (2011); GLENDALE, ARIZ. MUN. CODE §25-24(h) (2010); IRVING, TEX., CODE OF ORDINANCES §6-6 (2011); MESA, ARIZ., CITY CODE §8-6-22 (2011); MIAMI, FLA., CODE OF ORDINANCES §6-1 (2011); PHOENIX, ARIZ., CITY CODE §8-7(d) (2011); SCOTTSDALE, ARIZ., CODE OF ORDINANCES §4-18 (2011).

355. ALBUQUERQUE, N.M., CODE OF ORDINANCES §9-2-2-2(B)(1) (2011); LINCOLN, NEB., MUN. CODE §6.04.050 (2011); NEWARK, N.J., GENERAL ORDINANCES §6:2-35 (2010); SAN DIEGO, CAL., MUN. CODE §42.0709 (2011).

356. JERSEY CITY, N.J., CODE OF ORDINANCES §90-8(C) (2011).

357. AUSTIN, TEX., CODE OF ORDINANCES §10-5-21 (2011); FORT WORTH, TEX., CODE OF ORDINANCES §11A-22(h) (2011); GARLAND, TEX., CODE OF ORDINANCES §22.17 (2011); GLENDALE, CAL., MUN. CODE §6.04.040 (2011); HOUSTON, TEX., CODE OF ORDINANCES §6-36 (2010); KANSAS CITY, MO., CODE OF ORDINANCES §14-19 (2011); LAS VEGAS, NEV., MUN. CODE §7.36.050 (2011); LINCOLN, NEB., MUN. CODE §6.04.050 (2011); MESA, ARIZ., CITY CODE §8-6-23 (2011); MIAMI, FLA., CODE OF ORDINANCES §6-1 (2011); SAN JOSE, CAL., CODE OF ORDINANCES §7.60.755 (2007); SANTA ANA, CAL., CODE OF ORDINANCES §5.6(b) (2011); SCOTTSDALE, ARIZ., CODE OF ORDINANCES §§4-17 & 4-18 (2011); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.11-13 (no date listed).

358. *See supra* note 357.

359. HOUSTON, TEX., CODE OF ORDINANCES §6-36 (2010); MESA, ARIZ., CITY CODE §8-6-23 (2011); SANTA ANA, CAL., CODE OF ORDINANCES §5.6(b) (2011).

360. MIAMI, FLA., CODE OF ORDINANCES §6-1 (2011).

361. MESA, ARIZ., CITY CODE §8-6-23 (2011).

362. KANSAS CITY, MO., CODE OF ORDINANCES §14-15(d) (2011).

363. GLENDALE, CAL., MUN. CODE §6.04.040 (2011).

364. BUFFALO, N.Y., CITY CODE §341-11.13(B)(8) (2009); CINCINNATI, OHIO, CODE OF ORDINANCES §§604.17 & 00053-11 (2011); DENVER, COLO., MUN. CODE §8-92 (2011); FORT WORTH, TEX., CODE OF ORDINANCES §11A-22(h) (2011); KANSAS CITY, MO., CODE OF ORDINANCES §14-15 (2011); LAS VEGAS, NEV., MUN. CODE §7.36.050 (2011); MOBILE, ALA., CODE OF ORDINANCES §7-103 (2011); NEW ORLEANS, LA., CODE OF ORDINANCES §18-2.1 (2011); RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011); SCOTTSDALE, ARIZ., CODE OF ORDINANCES §4-17 (2011); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §§902.12 & 902.13 (no date listed).

365. *E.g.*, CINCINNATI, OHIO, CODE OF ORDINANCES §§604.17 & 00053-11 (2011); KANSAS CITY, MO., CODE OF ORDINANCES §14-15 (2011); LAS VEGAS, NEV., MUN. CODE §7.36.050 (2011); MOBILE, ALA., CODE OF ORDINANCES §7-102 (2011); SCOTTSDALE, ARIZ., CODE OF ORDINANCES §§4-17 & 4-18 (2011); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.12 (no date listed).

366. CINCINNATI, OHIO, CODE OF ORDINANCES §00053-11 (2011); FORT WORTH, TEX., CODE OF ORDINANCES §11A-22(d) (2011); KANSAS CITY, MO., CODE OF ORDINANCES §14-15 (2011); LAS VEGAS, NEV., MUN. CODE

within a rat-proof container.[367] Denver appears to have the same antipathy toward rats as Glendale does toward flies. Denver requires that chickens be kept in a rat-proof building. A rat-proof building is one that is made with no "potential openings that rats could exploit and built with "material impervious to rat-gnawing."[368] While an opening for a rat would necessarily be bigger than an opening for a fly, because chickens will still have to enter and exit the structure, Denver appears to demand similarly impossible architecture.

c. Coop Construction Requirements

Thirty-seven cities regulate the construction of the chicken coop.[369] Like the cleaning regulations, many of these cities' ordinances are not particular to chickens, but cover any structure meant to house an animal.[370] But, as demonstrated below, most specifically regulate chicken coops.

Most of these ordinances require that chickens be kept within an enclosure, and many add that the enclosure must be secure.[371] Some further require that the enclosure keep animals protected from inclement weather.[372] Outside of this, however, there is no consistency to these statutes.

Of the cities that have promulgated shelter requirements specific to chickens, nine of them mandate that each chicken be given a specific amount of space.[373] Of these cities, the average amount of space per chicken is five square feet, although no city actually mandates that.[374] The median amount of space per chicken is four square feet. The mode, or most popular amount, is also four square feet.[375] The next most popular is between two and two-and-one-half square feet.[376] Cleveland requires 10 square feet per chicken, but specifies that this is for the outdoor run, not for the enclosed coop.[377] Rochester also takes the difference between a chicken coop and a chicken run into account and requires at least four square feet per chicken in both the coop and the run.[378] Long Beach does not give a particular square footage per chicken, but requires that each coop be at least twice as big as the bird.[379]

Instead of regulating coop size so specifically, some cities require that the coops not be cramped or overcrowded.[380] Others state that the coop should be big enough for the chicken to move about freely,[381] or have space to stand,

§7.36.050 (2011); New Orleans, La., Code of Ordinances §18-2.1 (2011); Scottsdale, Ariz., Code of Ordinances §4-17 (2011); Wash., D.C., Mun. Regulations for Animal Control §§902.12 & 902.13 (no date listed).

367. Buffalo, N.Y., City Code §341-11.3 (2009); Des Moines, Iowa, Code of Ordinances §18-4(h) (2011); Richmond, Va., Code of Ordinances §10-88 (2011).

368. Denver, Colo., Mun. Code §§40.41 & 40.51 (2011).

369. Albuquerque, N.M., Code of Ordinances §9-2-2-2 (2011); Anchorage, Alaska, Code of Ordinances §17.05.010 (2011); Arlington, Tex., Ordinances Governing Animals §1.01 Secure Enclosure (2010); Atlanta, Ga., Code of Ordinances §18-7 (2011); Austin, Tex., Code of Ordinances §3-2-11 (2011); Baltimore, Md., Health Code §10-409 (2011); Buffalo, N.Y., City Code §341-11.3 (2009); Charlotte, N.C., Code of Ordinances §3-102(c) (2010); Cincinnati, Ohio, Code of Ordinances §00053-11 (2011); Cleveland, Ohio, Codified Ordinances §347.02(a)(1)(D) & (E) (2011); Colorado Springs, Colo., City Code §6.7.106(D) (2011); Corpus Christi, Tex., Code of Ordinances §6-154 (2011); Des Moines, Iowa, Code of Ordinances §18-3(h) (2011); Fresno, Cal., Mun. Code §10.205 (2011); Glendale, Cal., Mun. Code §6.04.040 (2011); Houston, Tex., Code of Ordinances §6-36 (2010); Irving, Tex., Code of Ordinances §6-1 Shelter (2011); Jersey City, N.J., Code of Ordinances §90-8 (2011); Kansas City, Mo., Code of Ordinances §14-15 (2011); Lincoln, Neb., Mun. Code §6.04.050 (2011); Long Beach, Cal., Mun. Code §6.20.100 (2011); Louisville, Ky., Metro Code §91.001 Restraint (2011); Madison, Wis., Code of Ordinances §28.08 (no date listed); Mobile, Ala., Code of Ordinances §7-88 (2011); Montgomery, Ala., Code of Ordinances §4-161 (2011); New Orleans, La., Code of Ordinances §18-2.1 (2011); Norfolk, Va., Code of Ordinances §6.1-2 (2011); Oklahoma City, Okla., Mun. Code §8-96(c) & (e) (2011); Plano, Tex., Code of Ordinances §4-1 Secure Enclosure & Shelter (2011); Rochester, N.Y., City Ordinances §30-19 (no date listed); San Antonio, Tex., Code of Ordinances §5-9 (2011); San Jose, Cal., Code of Ordinances §§7.20.020 & 7.60.760 (2007); Santa Ana, Cal., Code of Ordinances §5.6(b) (2011); Seattle, Wash., Mun. Code §23.42.052(c)(3) (2011); Tacoma, Wash., Mun. Code §17.01.010 (2011); Tucson, Ariz., Code of Ordinances §4-3(2)(c) (2011); Tulsa, Okla., Code of Ordinances §406 (2011).

370. Albuquerque, N.M., Code of Ordinances §9-2-2-2 (2011); Anchorage, Alaska, Code of Ordinances §17.05.010 (2011); Arlington, Tex., Ordinances Governing Animals §1.01 Secure Enclosures (2010); Baltimore, Md., Health Code §10-409 (2011); Irving, Tex., Code of Ordinances §6-1 (2011); Mobile, Ala., Code of Ordinances §7-15 (2011); Montgomery, Ala., Code of Ordinances §4-161 (2011); New Orleans, La., Code of Ordinances §18-2.1 (2011); Norfolk, Va., Code of Ordinances §6.1-2 (2011); Plano, Tex., Code of Ordinances §4-1 (2011); Tucson, Ariz., Code of Ordinances §4-3(2)(c) (2011).

371. *E.g.*, Albuquerque, N.M., Code of Ordinances §9-2-2-2 (2011); Anchorage, Alaska, Code of Ordinances §17.05.010 (2011); Arlington, Tex., Ordinances Governing Animals §1.01 Secure Enclosures (2010); Atlanta, Ga., Code of Ordinances §18-7 (2011); Austin, Tex., Code of Ordinances §3-2-11 (2011); Buffalo, N.Y., City Code §341-11.3 (2009); Des Moines, Iowa, Code of Ordinances §18-3(h) (2011); Glendale, Cal., Mun. Code §6.04.040 (2011); Irving, Tex., Code of Ordinances §6-1 (2011); Kansas City, Mo., Code of Ordinances §14-15 (2011); Louisville, Ky., Metro Code §91.001 (2011); Madison, Wis., Code of Ordinances §28.08 (no date listed); Montgomery, Ala., Code of Ordinances §4-161 (2011); Norfolk, Va., Code of Ordinances §6.1-2 (2011); Plano, Tex., Code of Ordinances §4-1 (2011); Tacoma, Wash., Mun. Code §17.01.010 (2011).

372. *E.g.*, Norfolk, Va., Code of Ordinances §6.1-2 (2011) (providing that a shelter must protect "each animal from injury, rain, sleet, snow, hail, direct sunlight"); Plano, Tex., Code of Ordinances §4-1 (2011) (providing that fowl should be housed in a "structure that is capable of providing cover and protection from the weather"); Tulsa, Okla., Code of Ordinances §406 (2011) ("Natural or artificial shelters appropriate to the local climactic conditions for the particular species of animal or fowl shall be provided for all animals or fowl kept outdoors.").

373. Atlanta, Ga., Code of Ordinances §18-7(1)(d) (2011) (2 sq. ft.); Buffalo, N.Y., City Code §341-11.3(B)(3) (2009) (2 sq. ft.); Charlotte, N.C., Code of Ordinances §3-102(c) (2010) (4 sq. ft.); Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(D) & (E) (2011) (10 sq. ft.); Colorado Springs, Colo., City Code §6.7.106(D) (2011) (4 sq. ft.); Long Beach, Cal., Mun. Code §6.20.100 (2011) (twice the size of the fowl); Mobile, Ala., Code of Ordinances §7-88 (2011) (15 sq. ft.); Rochester, N.Y., City Ordinances §30-19 (no date listed) (4 sq. ft.); Santa Ana, Cal., Code of Ordinances §5.6(b)(3) (2011) (2.5 sq. ft.).

374. *See supra* note 373.

375. Charlotte, N.C., Code of Ordinances §3-102(c) (2010); Colorado Springs, Colo., City Code §6.7.106(D) (2011); Rochester, N.Y., City Ordinances §30-19 (no date listed).

376. Atlanta, Ga., Code of Ordinances §18-7(1)(d) (2011); Buffalo, N.Y., City Code §341-11.3(B)(3) (2009); Santa Ana, Cal., Code of Ordinances §5.6(b)(3) (2011).

377. Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(D) & (E) (2011).

378. Rochester, N.Y., City Ordinances §30-19 (no date listed).

379. Long Beach, Cal., Mun. Code §6.20.100 (2011).

380. *E.g.*, Cincinnati, Ohio, Code of Ordinances §701-35 (2011).

381. Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(D) (2011).

turn around, and lie down.[382] Des Moines is unique, in that it looks to state or national standards for the coop size, providing that "such enclosures shall be of sufficient size to house the number of animals or fowl permitted by state or national standards."[383]

Some cities also mandate how large the coop can be. The coop sizes also lack uniformity—both Buffalo and Cleveland provide that the coop can be no larger than 32 square feet, but Cleveland will allow the coop to be up to 15 feet high, while Buffalo caps height at seven feet.[384] Seattle allows for up to 1,000 square feet and caps the height at 12 feet.[385] Finally, Charlotte is the only city that provides for a minimum height by requiring the coops to be at least 18 inches high.[386]

Other requirements that turn up in more than one city is that the coop's floor be impervious,[387] the coop be adequately ventilated,[388]and the coop be kept dry or allow for drainage.[389] Some cities mandate that the enclosure protect the chickens from predators.[390] And, Buffalo, Cleveland, and Colorado Springs require that the chickens have access to an outdoor run.[391]

Two cities stand at odds on the issue of keeping chickens within solid walls. Baltimore prohibits chickens from being confined in a cage entirely of solid walls,[392] while Corpus Christi, to avoid large setbacks, requires that chickens be confined entirely within solid walls.[393]

And some cities have entirely unique ordinances. Irving is concerned with protecting chickens from inclement weather; it requires protection from the direct rays of the sun when the temperature is over 90 degrees and protection from direct exposure to wind when the temperature is below 50 degrees.[394] Jersey City's ordinance stands out for its thoughtfulness.[395] It requires that the coop contain windows if possible, that the coop be white-washed or painted, and that the coop contain removable perches and nests, so that they can be cleaned on a regular basis.[396] Rochester does not allow fowl to be kept in a cellar.[397] And San Antonio requires that the coop be built so that the chicken's feet do not fall through the floor.[398]

d. Giving Authority Over Coop Requirements to a City Official

Instead of legislating coop requirements through City Council, four cities delegate to some other city official. San Francisco requires the coop structure to be approved by the Department of Health[399]; Washington, D.C., assigns it to the Director of the Department of Human Services.[400] Columbus requires its Health Commissioner to approve the structure.[401] St. Louis allows its Animal Health Commissioner to set standards for coop construction.[402] And finally, Rochester mandates that the coop will, at all times, be subject to inspection and subject to the orders of its Chief of Police.[403]

e. Feed and Water Requirements

Eleven cities are concerned that chickens receive enough food and water.[404] Most of these simply mandate that chickens receive adequate or sanitary food and water, but three of the cities show special concern with the chicken's welfare. Long Beach and Los Angeles require chickens to be given water every 12 hours.[405] Memphis and Omaha require that the chickens not only be given sufficient food but also "wholesome" food and water.[406] And Buffalo requires that chickens be fed only through an approved

382. Long Beach, Cal., Mun. Code §6.20.100 (2011) (providing that animals must have enough space to stand in a naturally erect position); New Orleans, La., Code of Ordinances §18-2.1(a)(2) (2011); Plano, Tex., Code of Ordinances §4-1 Secure Enclosure & Shelter (2011); Tucson, Ariz., Code of Ordinances §4-3(2)(c) (2011).
383. Des Moines, Iowa, Code of Ordinances §18-3(h) (2011).
384. Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(D) (2011); Buffalo, N.Y., City Code §341-11.3(B)(7) (2009).
385. Seattle, Wash., Mun. Code §23.42.052(c)(3) (2011).
386. Charlotte, N.C., Code of Ordinances §3-102(c) (2010).
387. *E.g.*, Arlington, Tex., Ordinances Governing Animals §1.01 Secure Enclosure (2010); Glendale, Cal., Mun. Code §6.04.040 (2011); Lincoln, Neb., Mun. Code §6.04.050 (2011) (requiring that, if a coop is less than 7,500 square feet, that the flooring be made of hard surface material); New Orleans, La., Code of Ordinances §18-2.1(a)(1) (2011); Plano, Tex., Code of Ordinances §4-1 Secure Enclosure & Shelter (2011); Santa Ana, Cal., Code of Ordinances §5.6(b)(2) (2010) (providing that the "floors of every such building shall be smooth and tight").
388. *E.g.*, Buffalo, N.Y., City Code §341-11.3(B)(7) (2009); Charlotte, N.C., Code of Ordinances §3-102(c) (2010); Jersey City, N.J., Code of Ordinances §90-8 (2011); New Orleans, La., Code of Ordinances §18-2.1(a)(1) (2011); Plano, Tex., Code of Ordinances §4-1 Secure Enclosure & Shelter (2011).
389. *E.g.*, Jersey City, N.J., Code of Ordinances §90-8 (2011); New Orleans, La., Code of Ordinances §18-2.1(a)(1) (2011); Santa Ana, Cal., Code of Ordinances §5.6(b)(2) (2011).
390. Buffalo, N.Y., City Code §341-11.3(B)(3) & (4) (2009); Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(D). *See also* Nashville-Davidson, Memo from John Cooper, Director Metropolitan Council Office, to All Members of Metropolitan Council (Sept. 1, 2009) (on file with author) (providing that coops must be kept in a predator-proof enclosure).
391. Buffalo, N.Y., City Code §341-11.3(B)(1) (2009); Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(D) & (E) (2011); Colorado Springs, Colo., City Code §6.7.106(D) (2011).
392. Baltimore, Md., Health Code §10-409 (2011).
393. Corpus Christi, Tex., Code of Ordinances §6-154 (2011).
394. Irving, Tex., Code of Ordinances §6-1 Shelter (2011).
395. Jersey City, N.J., Code of Ordinances §90-8 (2011).
396. *Id.*
397. Rochester, N.Y., City Ordinances §30-19 (no date listed).
398. San Antonio, Tex., Code of Ordinances §5-9 (2011).
399. San Francisco, Cal., Health Code §37(b) (2011).
400. Wash., D.C., Mun. Regulations for Animal Control §902.7(c) (no date listed).
401. Columbus, Ohio, City Code §221.05(b) (2011).
402. St. Louis, Mo., Code of Ordinances §10.20.016 (2010).
403. Rochester, N.Y., City Ordinances §30-19 (no date listed).
404. Baton Rouge, La., Code of Ordinances §14:224(c)(1)(d) (2011); Buffalo, N.Y., City Code §341-11.3(B)(9) (2009); Chicago, Ill., Code of Ordinances §7-12-290(b) (2011); Cincinnati, Ohio, Code of Ordinances §701-35 (2011); Long Beach, Cal., Mun. Code §6.20.090 (2011); L.A., Cal., Mun. Code §53.46 (2011); Memphis, Tenn., Code of Ordinances §8-8-1 (2009); Mesa, Ariz., City Code §8-6-23(C) (2011); Milwaukee, Wis., Code of Ordinances §78-6.5 (2011); Montgomery, Ala., Code of Ordinances §4-161 (2011); Omaha, Neb., Code of Ordinances §6-261 (2011).
405. Long Beach, Cal., Mun. Code §6.20.090 (2011); L.A., Cal., Mun. Code §53.46 (2011).
406. Memphis, Tenn., Code of Ordinances §8-8-1 (2009); Omaha, Neb., Code of Ordinances §6-261 (2011).

trough and prohibits feeding them through scattering food on the ground.[407]

6. Permit Requirements

Thirty-eight cities require a permit to keep chickens under certain circumstances.[408] Like all of the other regulations, there is very little consistency. Eleven cities require permits for more than a maximum number of chickens.[409] The average number the city allows before requiring a permit is seven. The average is high because San Diego allows up to 20 chickens before seeking a permit.[410] The median is five and the mode, with three cities, Saint Louis, Santa Ana and Spokane, is four. Two cities, El Paso and San Jose, allow for six.[411] And, two cities, Portland and Witchita allow for three.[412] Two cities require a permit if one seeks to place the chickens within the legislated setbacks.[413] And one city, Riverside, only requires a permit if one wants to keep roosters.[414]

The remaining 24 cities require a permit to keep chickens under all circumstances.[415] Permit renewal periods and fees also differ substantially among cities. Of the cities that require permits to keep chickens in all circumstances, there is little agreement for how long these permits should last or how much they should cost. At least 10 of them require permit holders to renew annually.[416] Two have an initial term of one year, but then either allow or require five-year permits after that.[417] Cleveland has a biennial permit.[418] Mobile allows for the permit to remain valid until revoked by the health officer.[419] And several simply don't specify how long the permit will last.[420]

There is also a lot of variety among cities in where to go to get the permit. Cleveland, Columbus, Omaha, and Norfolk grant the public health departments the authority to grant permits[421]; Newark gives it to the Director of the Department of Child and Family Well-Being[422]; Sacramento to the Animal Care Services Operator[423]; Tacoma

407. Buffalo, N.Y., City Code §341-11.3(B)(9) (2009).
408. Baltimore, Md., Health Code §10-312 (2011); Bos., Mass., Code of Ordinances §16-1.8A (2010); Buffalo, N.Y., City Code §341-11.4 (2009); Charlotte, N.C., Code of Ordinances §3-102 (2010); Cleveland, Ohio, Codified Ordinances §347.02(i) & (j) (2011); Columbus, Ohio, City Code §221.05 (2011); Denver, Colo., Mun. Code §8-91 (2011); Des Moines, Iowa, Code of Ordinances §18-4(i), (j) (2011); El Paso, Tex., Mun. Code §§7.24.020 & 7.24.050 (2011); Fremont, Cal., Mun. Code §3-5803 (2011); Houston, Tex., Code of Ordinances §6-38 (2010); Jersey City, N.J., Code of Ordinances §90-7 (2011); Kansas City, Mo., Code of Ordinances §14-15(h) (2011); Lincoln, Neb., Mun. Code §6.04.070 (2011); Madison, Wis., Code of Ordinances §9.52 (no date listed); Miami, Fla., Code of Ordinances §6-1(b) (2011); Milwaukee, Wis., Code of Ordinances §78-6.5 (2011); Minneapolis, Minn., Code of Ordinances §70.10 (2011); Mobile, Ala., Code of Ordinances §7-102 (2011); Newark, N.J., General Ordinances §6:2-30 (2010); Norfolk, Va., Code of Ordinances §6.1-7 (2011); Omaha, Neb., Code of Ordinances §6-266 (2011); Phila Plano, Tex., Code of Ordinances §4-81 (2011); Portland, Or., City Code §13.05.015 (2011); Riverside, Cal., Code of Ordinances §17.206.020 (2011); Rochester, N.Y., City Ordinances §§30-12 & 30-15 (no date listed); Sacramento, Cal., City Code §§9.44.870 & 9.44.880 (2011); San Antonio, Tex., Code of Ordinances §5-109(c) (2011); San Diego, Cal., Mun. Code §42.0713 (2011); San Francisco, Cal., Health Code §37(d) (2011); San Jose, Cal., Code of Ordinances §7.60.700 (2007); Santa Ana, Cal., Code of Ordinances §§5.6 & 23.42.051(B) (2011); Spokane, Wash., Mun. Code §17C.310.100 (no date listed); St. Louis, Mo., Code of Ordinances §10.20.015(c) (2010); St. Paul, Minn., §198.02 (2011); Tacoma, Wash., Mun. Code §5.30.010 (2011); Wash., D.C., Mun. Regulations for Animal Control §§902.1 & 902.3-4 (no date listed); Wichita, Kan., Code of Ordinances §6.04.157 (2011).
409. El Paso, Tex., Mun. Code §7.24.020 (2011) (requiring permit if more than six); Lincoln, Neb., Mun. Code §6.04.040 (2011) (requiring permit if more than 5, if fowl weigh over five pounds and more than 20 for fowl between three and five pounds); Plano, Tex., Code of Ordinances §4-81 (2011) (requiring permit if more than 10); Portland, Or., City Code §13.05.015(E) (2011) (requiring permit if more than three); San Antonio, Tex., Code of Ordinances §5-109(c) (2011) (requiring permit if more than five); San Diego, Cal., Mun. Code §42.0713 (2011) (requiring permit if more than 25); San Jose, Cal., Code of Ordinances §7.60.700(A) (2007) (requiring permit if more than six); Santa Ana, Cal., Code of Ordinances §5.6 (2011) (requiring permit if more than four); Spokane, Wash., Mun. Code §§17C.310.100 & 10.20.015(c) (no date listed) (requiring permit if more than four); St. Louis, Mo., Code of Ordinances §10.20.015(c) (2010) (requiring permit if more than four); Wichita, Kan., Code of Ordinances §6.04.157 (2011) (requiring permit if more than three).
410. San Diego, Cal., Mun. Code §42.0713 (2011).
411. El Paso, Tex., Mun. Code §7.24.020 (2011); San Jose, Cal., Code of Ordinances §7.60.700(A) (2007).
412. Portland, Or., City Code §13.05.015(E) (2011); Wichita, Kan., Code of Ordinances §6.04.157 (2011).
413. Kansas City, Mo., Code of Ordinances §14-15(h) (2011) (requiring permit if want to be within setback); Tacoma, Wash., Mun. Code §5.30.010 (2011) (requiring permission from city clerk to put coop within setback).
414. Riverside, Cal., Code of Ordinances §17.206.020 (2011).
415. Baltimore, Md., Health Code §10-312 (2011); Bos., Mass., Code of Ordinances §16-1.8A (2010); Buffalo, N.Y., City Code §341-11.4 (2009); Charlotte, N.C., Code of Ordinances §3-102 (2010); Cleveland, Ohio, Codified Ordinances §347.02(i) & (j) (2011); Columbus, Ohio, City Code §221.05 (2011); Denver, Colo., Mun. Code §8-91 (2011); Des Moines, Iowa, Code of Ordinances §18-4(i), (j) (2011); Fremont, Cal., Mun. Code §3-5803 (2011); Houston, Tex., Code of Ordinances §6-38 (2010); Jersey City, N.J., Code of Ordinances §90-7 (2011); Madison, Wis., Code of Ordinances §9.52 (no date listed); Miami, Fla., Code of Ordinances §6-1(b) (2011); Milwaukee, Wis., Code of Ordinances §78-6.5 (2011); Minneapolis, Minn., Code of Ordinances §70.10 (2011); Mobile, Ala., Code of Ordinances §7-102 (2011); Newark, N.J., General Ordinances §6:2-30 (2010); Norfolk, Va., Code of Ordinances §6.1-7 (2011); Omaha, Neb., Code of Ordinances §6-266 (2011); Rochester, N.Y., City Ordinances §§30-12 & 30-15 (no date listed); Sacramento, Cal., City Code §§9.44.870 & 9.44.880 (2011); San Francisco, Cal., Health Code §37(d) (2011); St. Paul, Minn., §198.02 (2011); Wash., D.C., Mun. Regulations for Animal Control §§902.1 & 902.3-4 (no date listed).
416. Buffalo, N.Y., City Code §341-11.4 (2009); Charlotte, N.C., Code of Ordinances §3-102(a) (2010); Fremont, Cal., Mun. Code §3-5906 (2011); Jersey City, N.J., Code of Ordinances §90-7 (2011); Lincoln, Neb., Mun. Code §6.04.110 (2011); Madison, Wis., Code of Ordinances §9.52 (no date listed); Newark, N.J., General Ordinances §6:2-30 (2010); Omaha, Neb., Code of Ordinances §6-271 (2011); Rochester, N.Y., City Ordinances §30-15 (no date listed); St. Paul, Minn., §198.04 (2011); Wash., D.C., Mun. Regulations for Animal Control §902.3 (no date listed).
417. Kansas City, Mo., Code of Ordinances §14-15(h) (2011); Minneapolis, Minn., Code of Ordinances §70.10 (2011) (five-year period offered as a choice).
418. Cleveland, Ohio, Codified Ordinances §205.04 (2011).
419. Mobile, Ala., Code of Ordinances §7-102 (2011).
420. *E.g.*, Norfolk, Va., Code of Ordinances §6.1-7 (2011); Plano, Tex., Code of Ordinances §4-81 (2011); Santa Ana, Cal., Code of Ordinances §5.6 (2011); Tacoma, Wash., Mun. Code §5.30.010 (2011).
421. Cleveland, Ohio, Codified Ordinances §205.04 (2011); Columbus, Ohio, City Code §221.05 (2011); Omaha, Neb., Code of Ordinances §6-266 (2011); Norfolk, Va., Code of Ordinances §6.1-7 (2011).
422. Newark, N.J., General Ordinances §6:2-30 (2010).
423. Sacramento, Cal., City Code §9-44-870 (2011).

to the City Clerk[424]; and Boston to the Inspectional Services Department.[425] Most cities, however, do not state in the ordinance by what means a person actually procures a permit.[426]

Three cities use the permit process to make sure that would-be chicken owners have the consent of their neighbors. St. Paul, Minnesota, requires that an applicant show, through written consent, that 75% of the owners or occupants of property within 150 feet have given permission for the chickens.[427] Las Vegas requires written consent of neighbors within 350 feet.[428] Buffalo and Milwaukee also requires written consent from adjacent landowners to secure a permit.[429] Riverside, California, allows residents to keep hens without a permit, but requires a permit, with written permission from the neighbors, to keep more than six roosters.[430]

Finally, some cities use the permitting schemes to ensure that chicken owners comply with a long list of regulations. For instance, Buffalo has set forth a labyrinthine process for securing a "chicken license."[431] It requires the license seeker to provide his name, address, number of chickens sought, and the location of the coop. The city then notifies neighboring landowners with property within 50 feet of the applicant's property of the application and allows them to provide written comments. The city also notifies the mayor and City Council. If the city clerk does not receive any comments, the clerk can issue a license for up to five hens. But if anyone lodges a negative comment, then the permit goes to City Council and Council must determine, after taking in the entire record before it, if the city will grant the license. If the Council approves it, it goes to the mayor, who has the power to veto it; if he does so—it would require a 2/3 majority at the following Council meeting to pass.[432] If the permit is granted, then the Animal Control Officer must inspect the coop before the licensee is actually allowed to get chickens.[433] Then, the licensee has to procure a separate license from the building department to build the chicken coop.[434]

And then Buffalo requires similar procedures for renewing the license each year. Each license automatically expires on June 1. From May 1 to June 1, the city opens up a comment period for anyone to complain about licensed chickens. The City Council is to consider all of these comments and any rebuttals to them before deciding whether to renew the license. The City Council can also revoke the license at any time if it hears any complaints about the licensee.[435]

This licensing scheme appears designed to ameliorate concerns that the city will be overwhelmed with complaints. But the resources the city puts into this process and the time it is requiring councilmembers and the mayor to put into it if a single person registers a negative comment must far outweigh any resources the city would be using to prosecute rogue chickens owners.

Many cities also charge fees for these permits. Because many cities do not list their fees on any publicly accessible website, it is difficult to draw strong conclusions on the norm for how much a city charges. But, 14 cities' fees were identified.[436] Three of the 14 charged an initial fee, Milwaukee charged a $25 initial fee, Minneapolis $50, and St. Paul $72.[437] Thirteen cities, including Minneapolis and St. Paul, charged annual fees.[438] The fees ranged from specifying that the permit would be free to $50 per year. The average annual fee was $29, although no city charged that amount. The median fee and the mode are both $25 per year. Two cities legislated late charges into the statute, Lincoln has a $25 late fee,[439] and Madison charges $5 if a permit is renewed late.[440] Finally, Minneapolis gives a $50 discount from the annual fee if a licensee renews for five years, instead of paying $40 a year, one can pay $150 for a five-year period.[441]

424. TACOMA, WASH., MUN. CODE §5.30.010 (2011).
425. BOS., MASS., CODE OF ORDINANCES §16-1.8A (2010).
426. *E.g.*, CHARLOTTE, N.C., CODE OF ORDINANCES §3-102(a) (2010) (providing that the "bureau" will issue the permit.); JERSEY CITY, N.J., CODE OF ORDINANCES §90-7 (2011) (providing that the "licensing issuing authority" will grant the permit).
427. ST. PAUL, MINN., §198.04(b) (2011):
> The applicant for any permit required under the provisions of section 198.02 shall provide with the application the written consent of seventy-five (75) percent of the owners or occupants of privately or publicly owned real estate within one hundred fifty (150) feet of the outer boundaries of the premises for which the permit is being requested or, in the alternative, proof that applicant's property lines are one hundred fifty (150) feet or more from any structure. However, where a street separates the premises for which the permit is being requested from other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street. Where a property within one hundred fifty (150) feet consists of a multiple dwelling, the applicant need obtain only the written consent of the owner or manager, or other person in charge of the building.

428. LAS VEGAS, NEV., MUN. CODE §7.38.050 (2011).
429. BUFFALO, N.Y., CITY CODE §341-11.2 (2009) ("No chicken hens shall be allowed without the express written consent of all residents residing on property adjacent to that of the applicant."); MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5 (2011) (Before a permit is issued for the keeping of chickens, the applicant shall obtain the written consent of the owner of the property where the chickens shall be kept and owners of all directly or diagonally abutting properties, including those across an alley.")
430. RIVERSIDE, CAL., CODE OF ORDINANCES §6.05.020 (2011).
431. BUFFALO, N.Y., CITY CODE §341-11.4 (2009).
432. BUFFALO, N.Y., CITY CHARTER §3-19.
433. BUFFALO, N.Y., CITY CODE §341-11.4 (2009).
434. *Id.*
435. *Id.*
436. BUFFALO, N.Y., CITY CODE §341-11.1(G) (2009) ($25 annual fee); CHARLOTTE, N.C., CODE OF ORDINANCES §3-102(a) (2010) ($50 annual fee); DENVER, COLO., MUN. CODE §8-91 (2011) ($50 annual fees as listed on city website at http://www.denvergov.org/FrequentlyAskedQuestionsandRelatedLinks/tabid/434759/Default.aspx); JERSEY CITY, N.J., CODE OF ORDINANCES §90-7 (2011) ($25 annual fee); LINCOLN, NEB., MUN. CODE §6.04.090 (2011) ($50 annual fee with a $25 late fee); MADISON, WIS., CODE OF ORDINANCES §9.52 (no date listed) ($10 annual fee with a $5 late fee); MILWAUKEE, WIS., CODE OF ORDINANCES §60-7 (2011) ($35 initial fee); MINNEAPOLIS, MINN., CODE OF ORDINANCES §70.10(f) (2011) ($50 initial fee and $40 annual fee); MOBILE, ALA., CODE OF ORDINANCES §7-102 (2011) (specifies that permits are free); NEWARK, N.J., GENERAL ORDINANCES §6:2-31 (2010) ($10 annual fee); ROCHESTER, N.Y., CITY ORDINANCES §30-16 (no date listed) ($37 annual fee); ST. LOUIS, MO., CODE OF ORDINANCES §10.20.013(f) (2010) ($40 annual fee); ST. PAUL, MINN., §198.04(c) (2011) ($72 initial fee and $25 annual fee); WICHITA, KAN., CODE OF ORDINANCES §6.04.157 (2011) ($25 annual fee).
437. *Supra* note 436 and accompanying text.
438. *Id.*
439. LINCOLN, NEB., MUN. CODE §6.04.090 (2011).
440. MADISON, WIS., CODE OF ORDINANCES §9.52 (no date listed).
441. MINNEAPOLIS, MINN., CODE OF ORDINANCES §70.10(g) (2011).

7. Slaughtering

Thirteen cities regulate slaughtering[442]; however, of those, only six ban slaughtering altogether.[443] Three cities, Buffalo, Charlotte, and Pittsburgh, allow chickens to be slaughtered, but require that it not occur outdoors or in a public place.[444] Cleveland allows a chicken to be slaughtered on site, but only if it is meant to be consumed on the occupant's premises.[445] San Francisco requires that any slaughter occur in an "entirely separate" room than the one that fowl occupy.[446] Rochester requires a poulterer's license to both keep chickens and slaughter them.[447] And, Glendale, in keeping with its aversion to rats described above, only allows for slaughter if it occurs in a rat-proof structure.[448]

Several other cities only ban slaughter if a person is killing another's chickens without permission.[449] Chesapeake is particularly concerned with dogs killing chickens. Chesapeake mandates compensation of no more than $10 per fowl, if a dog or hybrid dog kills a chicken.[450]

Finally, several cities stand directly opposed concerning the killing of chickens for animal sacrifice. Chicago's ordinance banning the slaughter of chickens is directed toward chickens killed for animal sacrifice; it provides in the ordinance that this "section is applicable to any cult that kills (sacrifices) animals for any type of ritual, regardless of whether or not the flesh or blood of the animal is to be consumed."[451] Witchita, however, while banning the slaughter of chickens, states that the ordinance does not apply "to the slaughter of animals as part of religious practices."[452] And, Los Angeles expressly allows slaughter both for food and religious purposes.[453]

8. Roosters

Many cities that allow for hens ban roosters. Twenty-six cities prohibit roosters.[454] Of these cities, four have exceptions: Phoenix will allow a rooster only if it is incapable of making vocal noises[455]; Rochester and San Jose will allow roosters under four months of age[456]; and Sacramento only prohibits roosters on developed lots used exclusively for residential purposes.[457] Fort Wayne does not say anything about roosters, but its ordinance effectively bans them by defining poultry only as "laying hens."[458]

Many cities, instead of banning roosters altogether impose very large setbacks for roosters, require a larger property size for roosters, or relegate roosters to agriculturally zoned land. Four cities require relatively large setbacks for roosters: Cleveland requires 100-foot setbacks[459]; Kansas City, 300 feet[460]; Oklahoma City, 400 feet[461]; and Glendale, California, requires 500 feet.[462] Wichita will also allow for roosters if they are more than 500 feet from any residentially zoned lot.[463] Three cities require greater

442. Buffalo, N.Y., City Code §341-11.3(d) (2009); Charlotte, N.C., Code of Ordinances §3-102(c)(4) (2010); Chi., ill., Code of Ordinances §17-12-300 (2011); Cleveland, Ohio, Codified Ordinances §347.02(h) (2011); Glendale, Cal., Mun. Code §8.48.020 (2011); Madison, Wis., Code of Ordinances §2809(9)(b)(6) (no date listed); Milwaukee, Wis., Code of Ordinances §78-6.5(3)(b) (2011); Nashville-Davidson, Tenn. Memo from John Cooper, Director Metropolitan Council Office, to All Members of Metropolitan Council (Sept. 1, 2009) (on file with author); Pittsburgh, Pa., Code of Ordinances §911.04.A.2 (2011); Rochester, N.Y., City Ordinances §30-12 (no date listed); Sacramento, Cal., City Code §9.44.860 (2011); San Francisco, Cal., Health Code §37(d)(5) (2011); Wichita, Kan., Code of Ordinances §6.04.175(p) (2011).

443. Chi., ill., Code of Ordinances §17-12-300 (2011) ("No person shall own, keep or otherwise possess, or slaughter any sheep, goat, pig, cow or the young of such species, poultry, rabbit, dog, cat, or any other animal, intending to use such animal for food purposes."); Madison, Wis., Code of Ordinances §2809(9)(b)(6) (no date listed) ("No person shall slaughter any chickens."); Milwaukee, Wis., Code of Ordinances §78-6.5(3)(b) (2011); ("No person shall slaughter any chickens."); Nashville-Davidson, Tenn. Memo from John Cooper, Director Metropolitan Council Office, to All Members of Metropolitan Council (Sept. 1, 2009) (on file with author); Sacramento, Cal., City Code §9.44.860 (2011) ("No hen chickens shall be slaughtered on any developed lot used exclusively for residential purposes."); Wichita, Kan., Code of Ordinances §6.04.175(p) (2011) (prohibiting slaughtering "on residentially zoned lots or lots utilized for residential purposes").

444. Buffalo, N.Y., City Code §341-11.3(d) (2009) ("There shall be no outdoor slaughtering of chicken hens."); Charlotte, N.C., Code of Ordinances §3-102(c)(4) (2010); (providing that any slaughter "shall be done only in a humane and sanitary manner and shall not be done open to the view of any public area or adjacent property owned by another"); Pittsburgh, Pa., Code of Ordinances §911.04.A.2 (2011) ("Killing or dressing of poultry raised on the premises shall be permitted if conducted entirely within an enclosed building.").

445. Cleveland, Ohio, Codified Ordinances §347.02(h) (2011).

446. San Francisco, Cal., Health Code §37(d)(5) (2011).

447. Rochester, N.Y., City Ordinances §30-12 (no date listed).

448. Glendale, Cal., Mun. Code §8.48.020 (2011).

449. Akron, Ohio, Code of Ordinances §92.03 (2011); Austin, Tex., Code of Ordinances §3-2-61 (2011); Phoenix, Ariz., City Code §8-3 (2011).

450. Chesapeake, Va., Code of Ordinances §10-19 (2011).

451. Chi., ill., Code of Ordinances §17-12-300 (2011) (but exempting Kosher slaughtering from this ordinance).

452. Wichita, Kan., Code of Ordinances §6.04.175(p) (2011).

453. L.A., Cal., Mun. Code §53.67 (2011).

454. Buffalo, N.Y., City Code §341-11.1(d) (2009); Colorado Springs, Colo., City Code §6.7.110(A) (2011); Fort Wayne, Ind., Code of Ordinances ch. 157 (2011); Fresno, Cal., Mun. Code §§12-204.11 & 12-205.1 & 12-206.1 (2011); Garland, Tex., Code of Ordinances §22.14 (2011); Las Vegas, Nev., Mun. Code §7.38.050(a)(2) (2011); Lincoln, Neb., Mun. Code §6.04.041 (2011); Long Beach, Cal., Mun. Code §6.20.050 (2011); Miami, Fla., Code of Ordinances §6-1(b)(2) (2011); Madison, Wis., Code of Ordinances ch. 28 (no date listed); Milwaukee, Wis., Code of Ordinances §78-6.5(3)(a) (2011); N.Y.C., Health Code §§161.19(a) & 161.01(b)(11) (1990); Newark, N.J., General Ordinances §6:2-36 (2010); Oakland, Cal., Code of Ordinances §6.04.320 (2011); Phoenix, Ariz., City Code §8-7(c) (2011); Portland, Or., City Code §13.10.010 (2011); Rochester, N.Y., City Ordinances §30-19 (no date listed); Sacramento, Cal., City Code §9.44.860(B) (2011); St. Paul, Minn., §198.03 (2011); St. Petersburg, Fla., Code of Ordinances §4-31(e) (2011); San Jose, Cal., Code of Ordinances §7.60.820 (2007); Santa Ana, Cal., Code of Ordinances §5-6.5 (2011); Seattle, Wash., Mun. Code §23.42.052(c)(2) (2011); Stockton, Cal., Mun. Code §6.04.440 (2011); Tucson, Ariz., Code of Ordinances §4-59 (2011); Wichita, Kan., Code of Ordinances §6.04.171 (2011).

455. Phoenix, Ariz., City Code §8-7(c) (2011). Removing a roosters vocal chords was routinely done by vets many years ago. But because of the extremely high mortality rate (over 50%) most vets will no longer perform this procedure. *See Small and Backyard Flocks*, Ky. U. Ext., http://www.ca.uky.edu/smallflocks/faq.html#Q31 (last visited July 8, 2012).

456. Rochester, N.Y., City Ordinances §30-19 (no date listed); San Jose, Cal., Code of Ordinances §7.60.820 (2007).

457. Sacramento, Cal., City Code §9.44.860(B) (2011).

458. Fort Wayne, Ind., Code of Ordinances ch. 157 (2011).

459. Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(c) (2011).

460. Kansas City, Mo., Code of Ordinances §14-15(f) (2011).

461. Oklahoma City, Okla., Mun. Code §59-9350(c), (d) (2011).

462. Glendale, Ariz., Code of Ordinances pt. II, art. 5 (2010) (multiple provisions in zoning code relating to roosters).

463. Wichita, Kan., Code of Ordinances §6.04.171 (2011).

acreage for roosters: Cleveland requires at least one acre[464]; Baton Rouge requires two acres[465]; and Fremont California allows one rooster for ½ acre, and two roosters for more than one acre.[466] Three cities, Anaheim, Arlington, and Dallas, relegate roosters to agriculturally zoned land.[467]

Many cities do not ban roosters but have noise regulations that would effectively cause any rooster to be a nuisance, at least a rooster that crows.[468]

Finally, nine cities expressly allow for roosters.[469] Most of these cities, however, limit the number of roosters allowed. Three cities allow for only one rooster.[470] Two cities allow for two roosters.[471] El Paso allows for up to three roosters with a permit.[472] And Riverside allows up to six and only requires a permit to keep seven or more roosters.[473] San Diego and San Francisco allow for unlimited roosters; however, San Francisco animal control authorities stated that they do not recommend that San Franciscans keep roosters due to the number of complaints they have received concerning roosters.[474]

And, winning the award for most eccentric rooster ordinance is the city that allows roosters conjugal visits. While this city is not within the top 100 surveyed, Hopewell Township, New Jersey, as discussed above, allows roosters that are certified disease-free to visit a hen flock for 10 days out of every year.[475]

464. Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(c) (2011).
465. Baton Rouge, La., Code of Ordinances §14-224(b) (2011).
466. Fremont, Cal., Mun. Code §3-5803 (2011).
467. Anaheim, Cal., Mun. Code §18.38.030.050 (2011); Arlington, Tex., Ordinances Governing Animals §5.02(f) (2010); Dallas, Tex., Code of Ordinances §7-7.3 (2011).
468. *E.g.*, Anchorage, Alaska, Code of Ordinances §17.10.015 (2011); Bakersfield, Cal., Mun. Code §6.04.230 (2011); Columbus, Ohio, City Code §2327.14(A) (2011) ("No person shall keep or harbor any animal which howls, barks, or emits audible sounds that are unreasonably loud or disturbing and which are of such character, intensity and duration as to disturb the peace and quiet of the neighborhood or to be detrimental to life and health of any individual."); Corpus Christi, Tex., Code of Ordinances §31-2 (2011); Greensboro, N.C., Code of Ordinances §30-8-11.3(B) (2011) ("No poultry animals that make sounds clearly audible offsite are permitted."); Lexington-Fayette, Ky., Code of Ordinances §4-12 (2011); Nashville-Davidson, Tenn., Mun. Code §8.12.010 (2011) ("It is unlawful for any person to keep any animal, dog, bird or fowl which, by causing frequent or loud continued noise, disturbs the comfort or repose of any person in the vicinity."); Raleigh, N.C., Code of Ordinances §12-5007 (2011); St. Louis, Mo., Code of Ordinances §15.50.040 (2010).
469. Albuquerque, N.M., Code of Ordinances §9-2-4-3 (2011); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007); El Paso, Tex., Mun. Code §7.24.020(B)(1) (2011); Fort Worth, Tex., Code of Ordinances §11A-22(c)(2) (2011); L.A., Cal., Mun. Code §53.71 (2011); Louisville, Ky., Metro Code §91.001 (2011); Riverside, Cal., Code of Ordinances §6.05.010 (2011); San Diego, Cal., Mun. Code §42.0708 (2011); San Francisco, Cal., Health Code §37 (2011).
470. Albuquerque, N.M., Code of Ordinances §9-2-4-3 (2011); L.A., Cal., Mun. Code §53.71 (2011); Louisville, Ky., Metro Code §91.001 (2011).
471. Fort Worth, Tex., Code of Ordinances §11A-22(c)(2) (2011); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007).
472. El Paso, Tex., Mun. Code §7.24.020(B)(1) (2011).
473. Riverside, Cal., Code of Ordinances §§6.05.010 & 6.05.020 (2011).
474. San Diego, Cal., Mun. Code §42.0708 (2011); San Francisco, Cal., Health Code §37 (2011); Interview with San Francisco animal control (on file with author).
475. *NJ Town Limits Conjugal Visits Between Roosters & Hens*, Huffington Post, Apr. 27, 2011, http://www.huffingtonpost.com/2011/04/28/nj-limits-chicken-mating_n_854404.html (last visited July 8, 2012).

V. Model Ordinance

A. *Reasons Behind the Choices in the Model Ordinance*

Because many cities are recognizing that keeping chickens in the city should be allowed, but would like to regulate it properly so that the city can stop any nuisances before they arise, a model ordinance is provided below. Through surveying the ordinances of the most populous American cities, many types of regulatory schemes have already been identified and discussed. While different regulatory schemes may work better for different kinds of cities, depending on the density and variety of their residential, commercial, and industrial neighborhoods, the model ordinance provided should be easy to adapt to any city. First, each section of the model ordinance will be described and the reasons for choosing the regulation will be set out. Then, the model ordinance will be set out in full.

1. Chickens Should Be Regulated in a Unified Ordinance Within the Section Concerning Animals

Most cities regulate chickens within the animal code. This also appears to be the best option for where to place regulations affecting chickens within a city's codified ordinances. This is the natural place for a person to look to see if the city allows chickens. By placing the regulation within the animal code, it also allows for all of the regulations affecting chickens to be in one place. This will help a chicken owner to more easily find and follow the city's law.

If a city still wishes to incorporate zoning restrictions within a chicken ordinance, the city can easily do so within the unified ordinance located within the animal section by restricting chickens to certain zones. And if a city wishes to require a permit to keep chickens, the permit requirement may also easily be placed in a unified ordinance.

2. Chickens Should Be Limited to a Small Flock

A chicken ordinance should allow for at least four chickens. Because chickens are flock animals, they do not thrive when left alone. And, because chickens enforce a dominant social order by harassing new chicks, it is always best to introduce at least two chicks to a new flock. By allowing a minimum of four chickens, the city does not leave a chicken owner in a position of having to leave a hen in a solitary environment if another chicken dies. It also allows the chicken owner to introduce at least two new chicks to an existing flock of two.

The model ordinance sets out a maximum of six chickens. This number is still below the average number of chickens allowed in most cities, but is sufficient to keep a balanced backyard flock. Six hens will allow plenty of eggs for the hen-keepers, while still allowing an owner to keep

hens that no longer produce many eggs but are still valued by the owner for their companionship.

Cities may want to consider allowing even more chickens. Allowing more chickens will allow owners to keep chickens that are no longer producing eggs. Chicken owners who raise hens for eggs may feel pressured to rid themselves of older hens when they are faced with limitations on their flock.[476] This has raised concerns in some areas that those chickens will burden animal shelters.[477] Allowing a slightly larger flock may help to alleviate any burden.

3. Lot Size Should Not Be Restricted

The majority of cities do not require a specific lot size before a person can keep chickens. Lot size restrictions, moreover, often do little more than prohibit the majority of city residents from keeping hens. The concern that cities are mainly addressing through lot size, that of making sure that chickens are not located too close to neighbors, can better be addressed through setbacks.

For this reason, the model ordinance does not restrict through lot size. If a city has a wide variety of lot sizes, however, a city may wish to allow more hens for larger lot sizes. The city, for instance, can legislate a maximum number of chickens for lot sizes of ½ acre or below, and then increase the number of chickens for larger lot sizes.

4. Setbacks

Because there is a universal concern with keeping chickens too close to neighbors, a setback, rather than lot size, provides the best solution for this concern. A setback actually ensures that the chickens will be kept at an appropriate distance from neighbors without unduly restricting people who own smaller properties from owning chickens. The model ordinance proposes a setback of 25 feet from the doors or windows of any dwelling or occupied structure other than the owner's dwelling. This setback is less than the median setback of 80 feet and the most popular setback of 50 feet, but is in line with the setbacks of many cities that have recently amended their ordinances. A setback of 25 feet is far enough that any noise or odor from the hens should not cause nuisance to the neighbors, while allowing homeowners in smaller properties to keep hens. The addition of requiring the setback to be from doors or windows also allows more flexibility for where a coop can be placed, while still ensuring that it will not annoy neighbors.

Setbacks from a neighboring residence make sense because it can be assumed that no one wants someone keeping any pet, including chickens, very close to their house. A setback from the property line, however, may make less sense depending on where on the property chickens are kept. While a neighbor may be concerned that his neighbor does not build a coop abutting his property that is also right next to a frequently used patio or deck, these sorts of setbacks may also overreach. For instance, these setbacks may require a coop to be located far from a little-used or overgrown part of a neighbor's property. It may also require the coop to be located far from an area of the neighbor's property where a garage or shed already provides a barrier. For these reasons, setbacks from property lines should be employed with care. But, it is understandable that a neighbor would not want a coop built directly next to a frequently used area of the yard, nor does a neighbor want to be responsible for cleaning errant droppings. For this reason, the model ordinance proposes minimal setbacks from property lines along the lines of the newly passed ordinances in Cleveland and Buffalo, of five feet from the side yard and 18 inches from the rear yard line.

Finally, the model ordinance provides that chickens may not be kept in the front yard. Because most cities are justifiably concerned that easily accessible chickens will attract vandalism, theft, or pranks, or possibly cause neighborhood dogs to behave in a predatory manner, instead of setting elaborate setbacks from the street, it is more efficient and more clear to simply ban chickens from the front yard.

5. Sanitation Requirements

The model ordinance requires that the coop and outdoor enclosure be kept in a sanitary condition and free from offensive odors. It also requires that the coop and outdoor enclosure be cleaned on a regular basis to prevent the accumulation of animal waste. The model ordinance does not go into further detail because more stringent cleaning requirements will be difficult to police and impossible to enforce. A city inspector will be able to tell if a coop is clean and odor-free when inspecting the coop. Unless the city inspector monitors a coop closely with daily visits, the inspector will be unable to tell if an owner cleaned it daily, or every other day, or weekly. It is unlikely that any city inspector would want to devote that much time to surveillance of chicken coops.

Also, because there are several different methods for cleaning a coop, and there continue to be new innovations in chicken-keeping and maintenance (witness the evolution of cat litter over the past few decades), legislating one particular method of cleaning might foreclose more efficient, more sanitary, and more attractive cleaning options. The city's concern is with sanitation and odor. Thus, the city should address its regulations to these concerns, rather than to more specific cleaning methods.

Concerns with flies will also be taken care of through requiring clean and odor-free coops and enclosures. As flies are attracted to waste, any problem with flies should be eliminated through requiring a sanitary coop. Rats are attracted to easily procured food. If the city is particularly concerned with rats, it may add that chicken feed be kept in a rat-proof container. But this regulation appears

476. *E.g.*, Kim Severson, *When the Problems Come Home to Roost*, N.Y. TIMES, Oct. 22, 2009, http://www.nytimes.com/2009/10/23/dining/23sfdine.html.

477. *Id.*

unnecessary in light of the fact that many people keep dog and cat food in bulk, as well as food for their own consumption, without regulations that the food be kept in a rat-proof container. There is no logical basis for the belief that rats will be more attracted to chicken feed than other food. If a city is concerned that feed scattered on the ground will attract rats, instead of legislating a rat-proof container for keeping the feed, a city may be better off following Buffalo's lead by prohibiting feed from being scattered on the ground and requiring chickens to be fed from a trough.

6. Enclosures

The model ordinance provides specific requirements for coops and outdoor runs. It also requires that hens should remain in the coop or outdoor run at all times, except when an adult is directly supervising the hen.

First, the model ordinance requires a covered, predator-proof coop or cage that is well-ventilated and designed to be easily accessed for cleaning. It also requires that the coop provide at least two square feet per hen. Finally, it requires that the birds have access to an outdoor run that is adequately fenced to contain the birds on the property and prevent predators from access to the birds. This ordinance is designed to address the city's concerns with odor, with the chicken's well-being, and with not attracting predators looking for an easy meal. The ordinance allows for only two square feet per hen to give each hen adequate space, but also to allow for a smaller coop size that can help to keep birds warm in the winter. The ordinance avoids giving too many instructions on building a coop that could preclude future innovations in coop design.[478] If the city, however, wants to prohibit coops over a specific dimension, or will waive a building permit for coops under a specific dimension that are not permanent structures, the city can easily insert such a provision here.

The model ordinance also provides that chickens should not be allowed out of their coops, except when supervised by an adult. This addresses a city's concern with chickens running free on the streets while also recognizing that owners will need to remove hens from the coop and run occasionally to clean the areas, to inspect a bird more closely, or to allow a chicken to briefly roam the yard or garden to forage for fresh greens.

7. Slaughtering

The model ordinance prohibits slaughtering chickens outdoors. Because many people are concerned that neighbors or neighbors' children will accidentally witness a bird being killed and are also concerned with the lack of hygiene in backyard butchering, this regulation is included in the ordinance. Also, because most backyard hen enthusiasts are raising hens for eggs and companionship, and not for meat, most will not object to this regulation.

8. Roosters

The model ordinance prohibits roosters. It does so because roosters are noisy and are much more likely to bother neighbors than hens. Because, as discussed above, most backyard hen enthusiasts are interested in eggs, and roosters are not necessary to egg production, prohibiting roosters will not likely meet with much objection.

Because bringing in a rooster on occasion can help to cheaply and easily propagate a flock, cities may explore rooster "conjugal visits," like Hopewell township has done. While the township's regulation attracted press because of its eccentricity, it was a thoughtful solution to the practical effects of banning roosters. Most hen owners, however, are willing to add to their flocks through other means where they can be better assured of procuring only female fowl.

9. Permits

The model ordinance, following the ordinances of many other cities, does not require a permit, as long as the ordinance is followed. Because chickens are novel to many communities, city officials naturally want to closely monitor how well owners are maintaining their flocks. But, regulating through a permitting or licensing process, dedicating a city official to overseeing it, and maintaining the records that such a process will require appears to be an inefficient use of city resources. It is also expensive for owners to pay permitting fees on an annual basis and is a barrier to entry to keeping chickens to those with low or modest incomes. The fees that some cities charge, over $50 annually, effectively prohibit poorer people from owning chickens.

The permitting process, moreover, does not necessarily give the city more control. If the city prohibits hens unless its ordinance is followed, it can enforce its laws in the same way that it enforces its laws against errant dog, cat, or bird owners. Requiring a permit, thus, appears to provide an unnecessary, inefficient, and expensive layer to the process of legalizing hens.

The model ordinance does require a permit, however, if the chicken owner puts forth a proposal for why she should not have to comply with the city's regulations—for instance if the owner wishes to keep more than the maximum amount of hens, wishes to keep hens in a multi-family dwelling, wishes to keep hens on a parcel of land that is unconnected to a dwelling, or wishes to keep a rooster.

478. Many companies sell commercially made coops, runs, and chicken tractors (portable enclosed structures that allow the owner to move the chickens around the yard) with novel designs. *See, e.g.*, *Say Hello to the Brand New Eglu Go*, OMLET, http://www.omlet.us/products_services/products_services.php?cat=Eglu+Go (last visted July 25, 2012) (offering a plastic portable chicken coop and run designed for two chickens); *Chicken Coops*, SHEDS UNLIMITED, http://www.shedsunlimited.net/portable-chicken-runs-and-coops-for-sale.html?gclid=CKXzvd2ruLECFeEDQAodcCIAkw (last visited July 25, 2012) (offering Amish-built chicken coops and runs); CHICKENSALOON.COM, http://chickensaloon.com/?gclid=COLs7qysuLECFYS6KgodGBAAsw (last visited July 25, 2012); THE GREEN CHICKEN COOP, http://www.greenchickencoop.com/ (last visited July 25, 2012).

This permit is set up to allow people to keep chickens within setbacks, or to allow for more intensive chicken-keeping for urban agricultural uses, perhaps on an urban farm or market garden. As urban agriculture gains support and becomes more prevalent in the city, this will allow for people who wish to keep more chickens, or keep a rooster, as part of a market garden a set path for doing so without seeking to amend the ordinance. The permit process is designed to allow for more flexibility within the ordinance, while still laying down firm standards that all chicken owners must follow.

B. *Model Ordinance*

Below is a model ordinance designed for a city to either adopt or use as a starting point when deciding whether to allow hens in the city and how to regulate them:

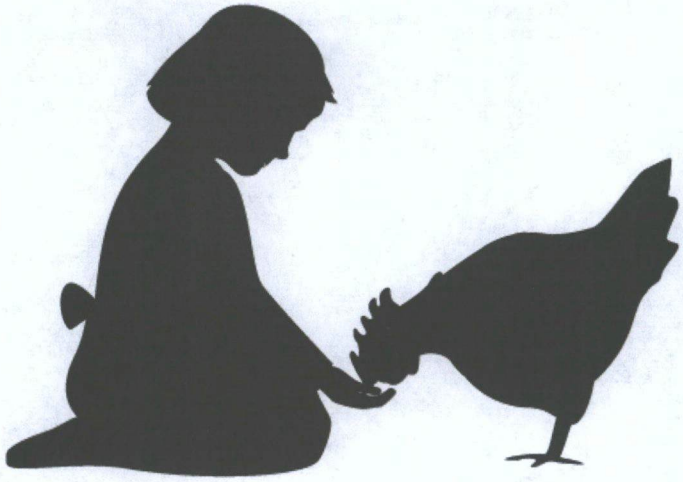
(a) Purpose. The following regulations will govern the keeping of chickens and are designed to prevent nuisances and prevent conditions that are unsanitary or unsafe. No person shall keep chickens unless the following regulations are followed:

- **a. Number**. No more than six (6) hens shall be allowed for each single-family dwelling.
- **b. Setbacks**. Coops or cages housing chickens shall be kept at least twenty-five (25) feet from the door or window of any dwelling or occupied structure other than the owner's dwelling. Coops and cages shall not be located within five (5) feet of a side-yard lot line, nor within eighteen (18) inches of a rear-yard lot line. Coops and cages shall not be located in the front yard.
- **c. Enclosure**. Hens shall be provided with a covered, predator-proof coop or cage that is well-ventilated and designed to be easily accessed for cleaning. The coop shall allow at least two square feet per hen. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds. Hens shall not be allowed out of these enclosures unless a responsible individual, over 18 years of age, is directly monitoring the hens and able to immediately return the hens to the cage or coop if necessary.
- **d. Sanitation**. The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste.
- **e. Slaughtering**. There shall be no outdoor slaughtering of chickens.
- **f. Roosters**. It is unlawful for any person to keep roosters.

(b) Permit. A permit shall not be required if the above regulations are followed. If a person wishes to keep more than the maximum allowed number of hens, wishes to keep hens within the setback required, wishes to keep hens in a multi-family dwelling, wishes to keep hens on a parcel of land that is unconnected to a dwelling, or wishes to keep a rooster, a permit will be required. An application for a permit must contain the following items:

- **a.** The name, phone number, and address of the applicant.
- **b.** The size and location of the subject property.
- **c.** A proposal containing the following information.
  - **i.** The number of hens the applicant seeks to keep on the property.
  - **ii.** A description of any coops or cages or outdoor enclosures providing precise dimensions and the precise location of these enclosures in relation to property lines and adjacent properties.
  - **iii.** The number of roosters the applicant seeks to keep on the property.
- **d.** If the applicant proposes to keep chickens in the yard of a multi-family dwelling, the applicant must present a signed statement from any and all owners or tenants of the multi-family dwelling consenting to the applicant's proposal for keeping chickens on the premises.
- **e.** If the applicant proposes to keep more chickens than allowed in the above ordinance or wishes to keep a rooster, the applicant must present a signed statement from all residents of property adjacent to or within 50 feet of the applicant's property consenting to the applicant's proposal for keeping chickens on the premises. If the applicant proposes to keep chickens within a required setback, the applicant must present a signed statement from all residents of the property affected by that setback.

(c) Permit Renewal. Permits will be granted on an annual basis. If the city receives no complaints regarding the permit holder's keeping of chickens, the permit will be presumptively renewed and the applicant may continue to keep chickens under the terms and condition of the initial permit. The city may revoke the permit at any time if the permittee does not follow the terms of the permit, if the city receives complaints regarding the permit holder's keeping of chickens, or the city finds that the permit holder has not maintained the chickens, coops, or outdoor enclosures in a clean and sanitary condition.



Backyard Urban Chickens

Myths and Facts

By Manatee C.L.U.C.K.

(Citizens Lobbying for Urban Chicken Keeping)

For Submission to the Manatee County Commissioners

" Chickens suffer from a PR problem. People think they are dirty, noisy and smelly. The truth, a few cared for hens are cleaner and quieter than one dog or the three neighborhood cats that poop in the flower bed. Plus you get eggs....." The Wall Street Journal, July 2010

FORT COLLINS - The noise over last year's controversial urban poultry farming ordinance has died down with barely a squawk. To compare, in the same time period, animal control in Fort Collins responded to 14,314 calls through last Wednesday. Of those, four calls concerned chickens, according to Bill Porter, director of animal control with the Larimer Humane Society. "Not much has happened," Porter said. "There were two calls of complaints from roosters crowing in the past year. ... The other two regarded smell and location of the coop, and both cases were completely unfounded. Giving people the right to own pet chickens hasn't changed a thing ." http://m.9news.com/news.jsp?key=21622

The national trend of allowing urban chickens is reflected in the following statistics:

1) numerous national non-profit organizations supporting urban chicken keepers with information and networking, e.g., Backyard Chickens (see http://www.backyardchickens.com/) and Urban Chickens (see http://urbanchickens.org/), as well as numerous local groups, such as Manatee CLUCK.

2) A 2012 survey of the top 100 most populous US cities documented that the majority of them had ordinances that allow urban backyard chickens. Source: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2119494

3) The following urban communities in the FL counties listed below allow backyard, urban chickens, including Holmes Beach & Palmetto in Manatee County:

-Hillsboro County - Tampa, Lutz
-Pinellas Couty - St. Petersburg, Gulfport, unincorporated Pinellas County, Belair, Dunedin, Largo, Pinellas Park
-Sarasota County - City of Sarasota
-Lee County - Cape Coral
-Escambia County - Pensacola
-Broward County - Pembroke Park
-Alachua County - Gainesville
-Bay County - Panama City
-Seminole County - Oviedo
-Orange County - Orlando
-Clay County - Orange Park
-Duval County - Jacksonville

-Lake County - Lady Lake
-Miami-Dade County - Hialeah
-Palm Beach County - Jupiter
-Flagler County - Palm Coast
-Brevard County - Titusville, Melbourne
-St. Johns County - St. Augustine
-Marion County - Ocala
-Leon County - Tallahassee
-Polk County - Lakeland
- Hernando County - unincorporated areas

Myth: Chickens will decrease property values.

Facts: There is absolutely no evidence that keeping pet hens has any affect on property values. A 2012 survey of the top 100 most populous US cities documented that the majority of them had ordinances that allowed urban backyard chickens. Many ordinances were amended in response to the demands of their taxpayers and property owners. These communities also have not reported any negative consequences to such ordinances. Source: http://ssrn.com/abstract=2119494 . In fact according to the 2008 CNN Money Magazine "Best Places to Live" ratings, eight of the ten top-rated best small cities allowed backyard chickens.

Urban chicken keepers, like all good pet owners, are concerned about how their chickens might be affecting their neighborhood. With modern materials and coop designs, chickens can be kept in a yard so inconspicuously, that it may not be apparent that chickens are even around. In addition backyard hens have proven to be excellent for local business as they increase the need for supplies, building materials, feed, and other merchandise.

Urban chicken keeping is actually a property rights issue and, while it is necessary to protect neighbors from any potential nuisance, property owners should have as much freedom as possible with minimal government interference. At the same time, Manatee CLUCK understands fully that Home Owners Associations shall maintain authority for implementation of their own rules surrounding pets.

Myth: Chickens are noisy.

Facts: The main rule for keeping urban chickens is "NO ROOSTERS ALLOWED" and Manatee CLUCK accepts this condition. Hens do not make a ruckus in the morning like their male counterparts. As you should know, hens do lay eggs without the aid of a rooster. Roosters are only needed if you want to have fertilized eggs for baby chicks. Hens normally make little to no sounds, but sometimes make a soft clucking noise (65dB) that is less noisy than a person talking (70 dB), a dog barking (85dB), or common wild birds (70-135 dB). dB=decibels.

It should also be noted that chickens have a homing instinct to roost and sleep at night. A hen will return to her coop at night and generally fall asleep before or at sundown. Thus, there should be little concern with clucking hens disturbing a neighborhood at night.

Myth: Chickens are messy and cause pollution.

Facts:

Chickens produce less objectionable feces in quantity and quality compared to typical pet animals. For example, a mature laying hen produces 0.25 lb of manure per day. According to FDA, an average dog generates 0.75 lb of a pound of manure a day that cannot be composted because of the harmful bacteria and parasites (hookworms, roundworms and tapeworms) that can infect humans. The waste of dogs is considered a major source of bacterial pollution in urban watersheds. **Source:** http://www.pacshell.org/projects/petwasteinfo.htm#facts.

Dog and cat waste contains higher concentrations of nitrogen and phosphorus than chickens and is a major contributor of excessive nutrients that flow into ground and surface waters through runoff from city sidewalks and lawns. Chicken waste does not pose any such threat, and is in fact highly sought after by local gardeners as a fertilizer. **Source:** www.csld.edu/Downloads/Sussman_2008_DogParks.pdf.

As urban areas have been able to deal with waste from other pets like dogs and cats with proper regulation, even though there is no market for their waste, urban areas can be confident that the city and chicken owners can properly manage chicken waste. Manatee CLUCK is committed to the promotion of education of proper chicken raising for responsible urban chicken keeping.

Myth: Chickens are smelly & cause odor problems.

Facts: Chickens themselves do not smell. This is a fact. It is only their feces that has the potential to smell which is also true of feces from dogs, cats, rabbits or any other animal that is outside.

The reason people fear an odor problem is because their only experience with chickens, if they have any at all, is on a farm or commercial poultry operation. Under these circumstances, hundreds if not thousands of chickens are sometimes kept in crowded conditions with poor ventilation and without proper cleaning. As a result, ammonia can build up and these facilities can stink. There is a huge difference between these environments and the the very popular and rapidly growing urban chicken movement. A backyard chicken coop housing a reasonable amount of hens does not create the odor issue that is concerning some residents.

Manatee CLUCK is committed to the promotion of education for all urban chicken owners in proper chicken raising to ensure that coops be kept clean, dry, and secure at all times.

Myth: Chickens will create a health hazard.

Facts: The U.S. Department of Agriculture monitors potential infection of poultry and poultry products by avian influenza viruses and other infectious disease agents. Based on this data, the Center for Disease Control and Prevention (CDC) has found no causes for concerns with backyard flocks with avian flu. **Source:** www.cdc.gov/flu/avian/

The CDC also reports that there are actually more diseases that can be spread from dogs and cats than from chickens, including parasites, bacterial and fungal infections, viral infections such as rabies and Cat Scratch Fever, and flea and tick-borne diseases (Rocky Mountain Spotted Fever, and Lyme Disease). **Source:** http://www.cdc.gov/healthypets/browse_by_animal.htm

The CDC has determined that chickens are no more likely for Salmonella exposure to humans than other pets (e.g., dogs, turtles and caged birds) when good hygiene practices are used. Best management practices for preventing disease exposure with backyard flocks are published by UF/IFAS Extension that concludes "adherence to these simple precautions will greatly reduce the already small chance of exposure to these pathogens". **Source:** http://edis.ifas.ufl.edu/in631

In addition, the USDA Animal Health Inspection Service (APHIS) provides management guidelines for protecting the health of backyard chickens flocks. **Source:** http://www.aphis.usda.gov/animal_health/birdbiosecurity/

Chickens can actually keep your yard healthier because they eat ticks, mosquitos,and insects. Backyard flocks are also being touted as a solution to issues such as avian flu, and the increase in outbreaks linked to large factory farms. **Source:** Dr. M. Greger, Director of Public Health and Animal Agriculture at The Humane Society of the United States.

Myth: Chickens will take away from limited budget & man power for animal enforcement.

Many nay-sayers are quick to assume how many problems backyard hens will create and question how an already taxed animal/code enforcement division will handle the increase in calls. Manatee CLUCK has researched other similar communities that have already approved backyard chickens as pets and have inducted similar ordinances as the ones proposed to see what effects it has on enforcement calls.

FACTS:

- In Fort Collins Colorado out of 12,000 animal control calls in 2009 and 2010 only 3 were chicken related.

- Cary, North Carolina has had similar dismal results keeping chicken enforcers employed – less than .3% of their animal control calls in the past years were chicken related.

- A report recently presented by the Longmont, CO staff to the City Council stated that since February 2009, when backyard chickens were first allowed on a trial basis, the effect on the workload of code-enforcement and animal-control officers has been nil.

- Locally, in the City of Sarasota, since backyard chickens have been allowed as pets in 2010, Code enforcement has only received two incidents of chicken related issues.

Myth: Chickens will attract rodents and other animals.

Facts: A chicken pen is not likely to attract rodents or wildlife unless chicken feed is spilled or not stored properly. This same thing holds true for dog or cat food.

Backyard hens in a metropolitan area may, in some ways, will be better protected from predators than their rural counterparts, because there are fewer predators in the city. The more prevalent chicken predators in the United States– foxes, coyotes, and bobcats–are found less often in the city than they are in more rural areas. Other predators, however, such as hawks and raccoons, are frequently found in the city. These predators are one reason why chickens must have sturdy coops that are designed to protect hens from assault. Chickens have an instinct to return to their coop each night. And most predators are more active at night when the chickens are sleeping in their coops. **Source:** http://elr.info/news-analysis/42/10888/illegal-fowl-survey-municipal-laws-relating-backyard-poultry-and-model

Manatee CLUCK is committed to promoting education on proper backyard chicken raising, especially in coop design and construction to ensure that coops are sturdily built with the intention to keep out predators.

Myth: Backyard chicken keeping is a fad.

Facts: Many of our grandparents had Victory Gardens and knew how to grow vegetables, can food, and raised their own chickens. But this valuable knowledge seems to have skipped a generation, as well as appreciation of the value of self-reliance to feed yourself and family. Manatee CLUCK is anxious to bring it back on a smaller scale with chickens for their many benefits, such as:

1) teach our children basic skills so that they don't think food comes only from the grocery store. It's also a tremendous opportunity for parents to teach their children about the responsibility that comes with caring for a pet and because of their small size and friendly demeanor, young children can easily handle hens without the fear of being bitten.

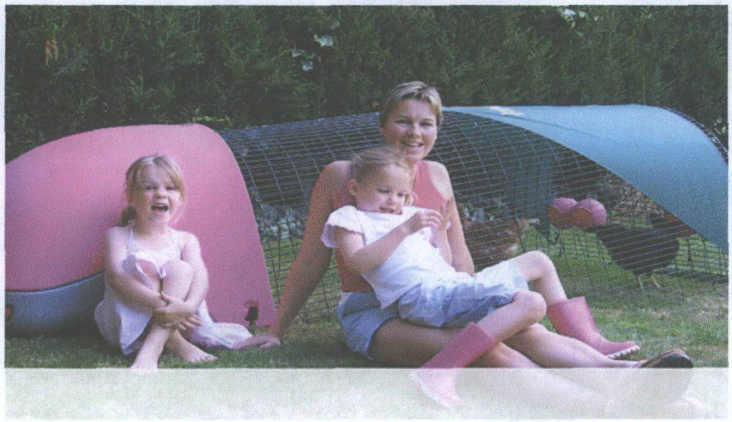
2) provide more nutritious food for our families due to the demonstrated higher nutrition of free-range eggs vs. conventional store-bought eggs. They also free of any harmful affects of antibiotics, hormones, or other chemical additives. **Source:** www.motherearthnews.com/sustainable-farming/backyard-chickens-zm0z11zgri.aspx#axzz2NxMI3ndd

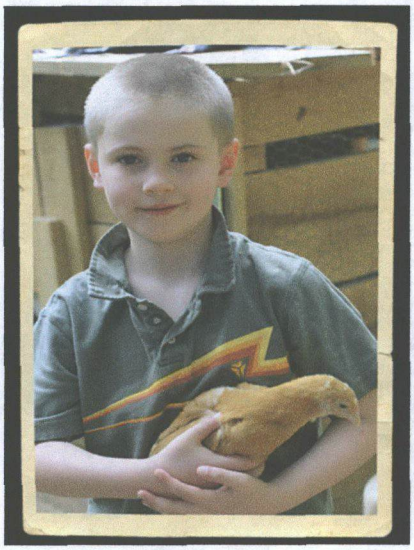
3) promote a more sustainable lifestyle at one level because backyard chickens delight in eating vegetable and fruit scraps from the kitchen which reduces waste to the trashcan or garbage disposal. As a consequence, chicken manure is produced which is a sought after general organic fertilizer for home gardens. At another level, it provides locally-grown food which reduces a family's food carbon footprint.

4) provide effective and natural insect and weed control. If chickens are allowed to roam a small backyard lawn even for a short period, they can perform the useful tasks of weed and insect removal. Weeds with seeds

short time in the yard will help rid it of many unwanted insects and grubs. Mosquitoes have reduced chance in shallow water exposed to chickens since the birds will feast on the insects in addition to disturbing the larvae. This "animal" solution to weed and insects would be seen as more sustainable in that pesticides and herbicides could be (and indeed should be) avoided, if the birds have access to a lawn area.

Some have argued that chickens will run amok as everyone will want to have them. This simply is not true. Backyard chicken keeping requires extensive planning and preparation. You can't just go to a pet store to get chickens like a dog or cat or any other pet. It takes a great deal of time to conduct all the research, adhere to ordinances, build a coop, acquire all the necessary feeding and watering supplies and then to finally get the chickens and care for them. Manatee CLUCK is committed to promote education for proper chicken raising.





#2

IF YOU WISH TO ADDRESS THE BOARD DURING A PUBLIC HEARING ON TODAY'S AGENDA, PLEASE COMPLETE THIS FORM. THANK YOU.

Individuals wishing to speak on any Public Hearing matter must indicate so by filling out this form and returning it to the Clerk prior to the beginning of the Public Hearing.

PLEASE PRINT

Name Kimberly Hodge

Address 1023 12th st. W.

Bradenton, FL. 34205

Representing CLUCK

Public Hearing matter on which you want to speak: want to have chickens

Please check one for each #:

1. Are you in favor: ☑ *
   opposed: ☐

2A. Speaking as an individual? Yes ☑

OR

2B. If you are speaking as an official representative of a group: **

Name of Group: CLUCK

** **You are required to provide the Clerk with written evidence of your authority to speak on behalf of the organization or group you represent for land use public hearings.**

3. Do you have a visual presentation or other evidence to be submitted to the Board?

   Yes ☐ No ☒

4. Do you wish to be notified of any subsequent dispute resolution proceedings?

   Yes ☐ No ☒

* **Designation in favor or opposed is required solely for determination of the order of appearance. The number of people for or against a matter is not considered by the Board with regard to whether to approve or deny the matter.**

9yRS ✓ # 2

IF YOU WISH TO ADDRESS THE BOARD DURING A PUBLIC HEARING ON TODAY'S AGENDA, PLEASE COMPLETE THIS FORM. THANK YOU.

Individuals wishing to speak on any Public Hearing matter must indicate so by filling out this form and returning it to the Clerk prior to the beginning of the Public Hearing.

PLEASE PRINT

Name Boree Claprood

Address 1902 46th Ave Dr W Bradenton

Representing Self

Public Hearing matter on which you want to speak:

_____

Please check one for each #:

1. Are you in favor: ☑ *
   opposed: ☐

2A. Speaking as an individual? Yes ☑

OR

2B. If you are speaking as an official representative of a group: **

Name of Group: CLVCK

_____

_____

**** You are required to provide the Clerk with written evidence of your authority to speak on behalf of the organization or group you represent for land use public hearings.**

3. Do you have a visual presentation or other evidence to be submitted to the Board?

Yes ☐ No ☐

4. Do you wish to be notified of any subsequent dispute resolution proceedings?

Yes ☐ No ☐

*** Designation in favor or opposed is required solely for determination of the order of appearance. The number of people for or against a matter is not considered by the Board with regard to whether to approve or deny the matter.**

11 years ✓

#2

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Individuals wishing to speak on any Public Hearing matter must indicate so by filling out this form and returning it to the Clerk prior to the beginning of the Public Hearing.

PLEASE PRINT

Name Peyton Thomas

Address 1902 46th Ave Dr W

Bradenton

Representing Self

Public Hearing matter on which you want to speak:

_____

Please check one for each #:

1. Are you in favor: ☑ *
   opposed: ☐

2A. Speaking as an individual? Yes ☑

OR

2B. If you are speaking as an official representative of a group: **

Name of Group:

_____

_____

**** You are required to provide the Clerk with written evidence of your authority to speak on behalf of the organization or group you represent for land use public hearings.**

3. Do you have a visual presentation or other evidence to be submitted to the Board?

   Yes ☐ No ☑

4. Do you wish to be notified of any subsequent dispute resolution proceedings?

   Yes ☐ No ☑

*** Designation in favor or opposed is required solely for determination of the order of appearance. The number of people for or against a matter is not considered by the Board with regard to whether to approve or deny the matter.**

#2

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Individuals wishing to speak on any Public Hearing matter must indicate so by filling out this form and returning it to the Clerk prior to the beginning of the Public Hearing.

PLEASE PRINT

Name Bob NICHOLSON

Address 4502 18TH Ave. West

BRADENTON, FL 34209

Representing _____

Public Hearing matter on which you want to speak:

BACKYARD HENS

Please check one for each #:

1. Are you in favor: ☑ *
   opposed: ☐

2A. Speaking as an individual? Yes ☑

OR

2B. If you are speaking as an official representative of a group: **

Name of Group:

_____

_____

**** You are required to provide the Clerk with written evidence of your authority to speak on behalf of the organization or group you represent for land use public hearings.**

3. Do you have a visual presentation or other evidence to be submitted to the Board?

   Yes ☐ No ☑

4. Do you wish to be notified of any subsequent dispute resolution proceedings?

   Yes ☑ No ☐

*** Designation in favor or opposed is required solely for determination of the order of appearance. The number of people for or against a matter is not considered by the Board with regard to whether to approve or deny the matter.**