Exhibit No. 1
Animal Ordinance
Public Hearing: 02/09/15

Suzanne Sutton, October 13, 2014

I am speaking on the proposed changes to the animal control ordinance.

I am a math and SAT tutor, and have been for many years, so I work with many teens. One day I heard a research psychologist speaking, saying that modern suburban American children know, deep down, that there is no "use" for them, that for all the work they may do in school, that their labor does not really contribute to the family the way the work of young people on a farm does. I thought about this comment a lot, thought about all the students I have worked with, and the extent to which this was true. I also thought of this in terms of my own daughter. We were living in Montgomery County, and had had a small backyard flock of hens for many years. I had seen that the care and presence of these animals had been good for her in ways I would never have expected. And good for me. It is not that the eggs they provided were the difference between food on the table or no food on the table, but the presence of these animals in our lives made for a different kind of work, that we both somehow needed, and benefited from, in real and intangible ways.

My daughter was a good student, active in many pursuits, and president of the high school's student government. When she made her list of activities for her college applications, raising a small flock of chickens was at the bottom of the list. As I looked over her list, and thought about what she had gotten from each of the activities, I said, "I think raising the chickens was more of a factor in your life than many of those things." She agreed, and raised it to a place of higher importance in her list. Of course her acceptance into the fine schools she got into - Stanford, Northwestern, Cornell and Maryland - was not based solely on her experience of raising hens, but I truly believe that that aspect of her days genuinely and significantly added to who she was, how she worked, and what she would become.

I had originally gotten a few hens because I use eggs, and was disturbed by the cruel conditions in which commercial hens are kept. I am a mathematician, a researcher, and a good neighbor, so I researched what was involved and realized I could very easily and humanely give them a well protected corner of my garden, without any negative consequence to neighbors or family. In fact, they were a benefit, happy to eat slugs and bugs, trimmings or leftovers that would wind up in trash, they loved weeds and grass clippings, and their droppings were easy to contain, and compost. Neighborhood children came, asked questions and learned a lot, and the hens' eggs were the basis of many a "locally grown" meal.

The noise of hens is minimal, the only real sound is the one to two minute nouncement that they've laid an egg, and is quieter than a crow. In fact after

getting many of my surplus eggs once a week for 5 or 6 months, my neighbor directly across the street from me asked me where the eggs came from, did I have a friend out on a farm. She had no idea they were in my backyard, and I had had no idea she didn't know.

I am here today to say that allowing chickens into Rockville will not adversely affect the beauty, the tidiness, the cleanliness or the peace of our neighborhoods. They will add something I think we need. Not every family will do it, by a long shot, but for those who do, the whole neighborhood benefits. They are a beautiful and gentle reminder of where food comes from, a connection to a "lowly" animal that may not be able to do algebra, but can lay an egg, and teach us a lot. The chores are simple, but important, and connect us to the natural world that we can miss so easily in modern lives. They offer us a chance to live and teach our children our values, with humanely and sustainably grown food. All in all, they offer a small but significant opportunity for children, neighbors, and us too. I urge you to allow them back. Thank you.

Suzanne Sutton
312 Mannakee St.
240-801-4355

Exhibit No. 2
Animal Ordinance
Public Hearing: 02/09/15

pending new legislation
Carol Hannaford
to:
Mayor and Council (Rockville) (mayorandcouncil@rockvillemd.gov)
12/04/2014 05:47 PM
Cc:
"Rockville Community Wildlife Habitat Program (communitywildlifehabitat@gmail.com)"
Hide Details
From: Carol Hannaford <HANNAFC1@WESTAT.com>

To: "Mayor and Council (Rockville) (mayorandcouncil@rockvillemd.gov)" <mayorandcouncil@rockvillemd.gov>

Cc: "Rockville Community Wildlife Habitat Program (communitywildlifehabitat@gmail.com)" <communitywildlifehabitat@gmail.com>

To the Mayor and Council:

I want to add my support to the comments made recently at Citizens Forum by Deborah Landau. Deborah is a member of the Rockville Native Species Network, as am I. You are most likely aware that Anne Goodman and Jim Farrelly began the organization and continue to lead it. Although we are greatly concerned about removing invasive species from our area (and replacing them with native species), we have other concerns as well. As an organization we have discussed the beneficial effects of allowing backyard chickens in residential neighborhoods under careful monitoring by the City. We believe that the City can provide the guidelines that will make this initiative possible and a positive experience.

I don't believe Deborah told you that, in her professional life, she works for the Nature Conservancy. As such, she has great concerns about how we care for our environment. And, as a lifelong Rockville resident, she is particularly concerned with making sure that those who come after us will inherit a clean and enjoyable environment in all of its facets.

Please consider her comments carefully as you move forward with this concept.

Thank you,

Carol Hannaford
Twinbrook

Re: pending new legislation

Sara Taylor-Ferrell to: Carol Hannaford 12/05/2014 09:52 AM

Cc: "Rockville Community Wildlife Habitat Program (communitywildlifehabitat@gmail.com)", "Mayor and Council (Rockville) (mayorandcouncil@rockvillemd.gov)"

Ms. Hannaford,

I wanted to let you know that the Mayor and Council received your email. It will be placed into the official record and considered by the Mayor and Council as they deliberate. For your information, the Mayor and Council plan to conduct a public hearing on the Animal Ordinance on February 9, 2015.

The Mayor and Council appreciate your comments they receive.

Sara Taylor-Ferrell
Acting City Clerk
City of Rockville
111 Maryland Avenue
Rockville, MD 20850
240-314-8283
(fax) 240-314-8289
sferrell@rockvillemd.gov

From: Carol Hannaford <HANNAFC1@WESTAT.com>

To: "Mayor and Council (Rockville) (mayorandcouncil@rockvillemd.gov)" <mayorandcouncil@rockvillemd.gov>

Cc: "Rockville Community Wildlife Habitat Program (communitywildlifehabitat@gmail.com)" <communitywildlifehabitat@gmail.com>

Date: 12/04/2014 05:47 PM

Subject: pending new legislation

To the Mayor and Council:

I want to add my support to the comments made recently at Citizens Forum by Deborah Landau. Deborah is a member of the Rockville Native Species Network, as am I. You are most likely aware that Anne Goodman and Jim Farrelly began the organization and continue to lead it. Although we are greatly concerned about removing invasive species from our area (and replacing them with native species), we have other concerns as well. As an organization we have discussed the beneficial effects of allowing backyard chickens in residential neighborhoods under careful monitoring by the City. We believe that the City can provide the guidelines that will make this initiative possible and a positive experience.

Exhibit No. 3
Animal Ordinance
Public Hearing: 02/09/15

5401 McGrath Blvd. #615
Rockville, MD 20852
15 December 2014

Mayor and Council
c/o City Clerk
Rockville, MD 20850-2364

2014 DEC 17 PM 12:21
CITY CLERK

RE: Proposed Changes to Animal Control Rules

Gentlemen:

I am sending you my comments in writing because I cannot attend the January 7th follow-up meeting.

I applaud the initiative to trap and neuter stray cats.

I strongly disagree with the plan to re-release them to the wild.

1. House cats are not native to this continent or any continent on the planet. House cats are a freak of genetic manipulation by humans – like toy poodles.
2. The only reason stray house cats roam around outside is because irresponsible humans dumped them outside.
3. As an invasive species house cats are very destructive to the environment.
4. House cats kill over 20 MILLION songbirds a year in the U.S.[1]. They are especially deadly in spring when baby birds are hatching and fledging.
5. To re-release stray house cats outside is a death sentence for the City's vanishing bird population.

Instead, once captured the house cats should be turned over to cat adoption/rescue agencies of which there are many. Furthermore, cat owners should be fined for letting their cats "out at night" and to run loose.

Yours truly,

Debra Herrmann

[1] Bird, D. The Bird Almanac: A Guide to the Essential Facts and Figures of the World's Birds, Firefly, 2004.

Exhibit No. 4
Animal Ordinance
Public Hearing: 02/09/15

Dr. Christopher Steven Marcum
736 Beall Avenue • Rockville, Maryland • 20850
(949) 502-1881 www.chrismarcum.com cmarcum@uci.edu

December 6, 2014

Councilwoman Palakovich Carr
Rockville City Hall
111 Maryland Avenue
Rockville, Maryland 20850
RE: *Hens in Rockville*

Dear Councilwoman Palakovich Carr,

I am writing on behalf of myself and my wife, Kathleen Marcum. We are writing to express our gratitude to you for sponsoring a proposal to revise existing animal control laws in Rockville by amending Chapter 3 of the city code. **We heartily endorse the prospect of allowing homeowners to keep hens in their backyards!**

We moved here from Los Angeles, California because I accepted a job at the NIH. With the move, we anticipated being able to purchase our first home. One of the things we most looked forward to as new homeowners was being able to raise hens. Both Kate and I had them as children. After we closed on our current home, we discovered through our realtor that hens could not be had in Rockville due to a Draconian and absurd ordinance disallowing "animals normally bred on a farm." This was a major disappointment to us, and had we known a priori, we would have purchased a home in an adjacent municipality that did allow them (such as Poolesville or Kensington). We would much prefer to pay property taxes to a city that shares our family values.

This was an important part of homeownership, especially to Kate. The prohibition was quite surprising to us considering that we moved from L.A. (unarguably a denser, much more urban environ than Rockville), where up to four non-crowing fowl can be raised even among renters with yards.

I know that you have already lauded the educational, entertainment, nutritional, and home-owner rights aspects of revising the rule. Here's another aspect that you may have overlooked: chickens are excellent at vector control and they are especially well adapted for clearing deer ticks (black-legged ticks) out of one's yard. Just this month, we've picked a half-dozen

Dr. Christopher Steven Marcum
736 Beall Avenue • Rockville, Maryland • 20850
(949) 502-1881 www.chrismarcum.com cmarcum@uci.edu

deer ticks from ourselves or our dog from the backyard. Since Rockville is slow to enforce tick host control ordinances (especially the relatively ineffective White-Tailed Deer Management Plan of 2012), perhaps your proposed changes would make headway in that direction.

In September, we welcomed a baby boy, Grafton, into our lives. We hope that your efforts will allow Grafton to know the joys and learn the responsibilities of raising chickens at home just as we did when we were kids.

Please feel free to forward these comments to your fellow councilors.

Yours truly,

Christopher Steven Marcum

Exhibit No. 5
Animal Ordinance
Public Hearing: 02/09/15

Dear City Council Member,

As you may be aware, Best Friends Animal Society operates numerous community cat programs in various towns throughout the nation designed specifically to curtail outdoor cat population growth. Our extensive experience has shown these programs to be effective in protecting human health, reducing shelter admissions and euthanasia rates, and reducing nuisance complaints. Because of the organization's interest in lifesaving efforts and programmatic expertise, we often assist towns and municipalities that are considering revising their ordinance to accommodate these types of programs.

For your convenience, I have attached a Best Friends FAQ document that touches briefly on many issues that often arise when local governments are considering progressive revisions to ordinances that benefit animals as well as the community. For information and resources to further help advocate for TNR in your community, please click here.

If you have any questions or would like to schedule an appointment to speak with Best Friends' legislative attorney, please do not hesitate to contact me.

Kind regards,

Meg Fiorina
Legislative Support
Best Friends Animal Society®
435-644-2001 x 4409
bestfriends.org
facebook.com/bestfriendsanimalsociety | twitter.com/bestfriends

Together, we can Save Them All®.

Fw:Rockville, MD - Community Cat Program FAQs
Julie Palakovich Carr
to:
Brenda Bean
01/15/2015 07:01 PM
Hide Details
From: Julie Palakovich Carr/RKV

To: Brenda Bean/RKV@rkv

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

1 Attachment

Cat Initiatives FAQs.pdf

Another item for the public record on the animal control ordinance.

Julie Palakovich Carr
Councilmember
Sent from Lotus Traveler

Meg Fiorina --- Rockville, MD - Community Cat Program FAQs ---

From:	"Meg Fiorina" <megf@bestfriends.org>
To	"" <bnewton@rockvillemd.gov>, "" <bfeinberg@rockvillemd.gov>, "" <tmoore@rockvillemd.gov>, "" <vonley@rockvillemd.gov>, "" <jpalakovichcarr@rockvillemd.gov>
Date:	Thu, Jan 15, 2015 4:35 PM
Subject	Rockville, MD - Community Cat Program FAQs

Frequently Asked Questions About TNR

What is trap/neuter/return?

Trap/neuter/return is a humane, non-lethal alternative to the trap-and-kill method of controlling cat populations.

Trap/neuter/return (TNR) is a management technique in which homeless, free-roaming (community) cats are humanely trapped, evaluated and sterilized by a licensed veterinarian, vaccinated against rabies, and then returned to their original habitat.

What is the primary benefit of TNR?

In the long term, TNR lowers the numbers of cats in the community more effectively than trap-and-kill.

Good Samaritans in neighborhoods all across the country provide food, water and shelter for community cats, and TNR provides a non-lethal, humane way to effectively manage these community cat populations. In some programs, friendly cats or young kittens are pulled from the colonies and sent to foster facilities for socialization and, eventually, placement into forever homes. Stopping the breeding and removing some cats for adoption is more effective than the traditional trap-and-kill method in lowering the numbers of cats in a community long-term.

What are the other benefits of TNR?

The benefits to both cats and communities are numerous.

The benefits include:

- TNR reduces shelter admissions and operating costs. Also, fewer community cats in shelters increases shelter adoption rates, as more cage space opens up for adoptable cats.
- These programs create safer communities and promote public health by reducing the number of unvaccinated cats.
- TNR programs improve the lives of free-roaming cats. When males are neutered, they are no longer compelled to maintain a large territory or fight over mates, and females are no longer forced to endure the physical and mental demands of giving birth and fending for their young.
- Sterilizing community cats reduces or even eliminates the behaviors that can lead to nuisance complaints.

Another beneficial component of TNR is the positive impact these programs have on animal control officers and shelter workers. Job satisfaction among these workers increases tremendously when the work does not involve the unnecessary killing of healthy animals for the purpose of convenience. This increased job satisfaction results in less employee turnover and an overall improved public image of the shelter. The reduction in killing and animal admissions also provides

more time for staff and volunteers to care for the animals in the shelter and give personal attention to potential adopters.

Equally important, TNR programs allow animal control facilities to take advantage of numerous resources typically unavailable to shelters that employ traditional trap-and-kill policies. Understandably, people are rarely inclined to volunteer for programs that fail to make them feel good about themselves. Through the implementation of TNR, volunteers know they are making a difference in the lives of the animals, and the community is benefiting from their charitable efforts. Volunteers can help trap cats and also assist animal control in locating other cats in need of TNR services. Commonly referred to as caregivers, these volunteers may also feed and monitor the health of colony cats once they are returned to their original location.

Frequent monitoring is an invaluable component of successful TNR programs because caregivers can easily identify new cats who join the colony, so that they, too, can be sterilized, vaccinated and ear-tipped. Another component of a well-managed TNR program is the collection of critical data that can be used when seeking grant funding to expand current TNR programs.

To learn about the positive impact of TNR in San Antonio, Texas, please see this video produced by Best Friends.

Why is TNR preferable to lethal control?

TNR is a practical solution to the failed trap-and-kill policy.

Lethal control has been used by animal control agencies for decades, but given the current problem of large populations of free-roaming cats, it is obvious that killing as a form of population control does not work. In addition, killing homeless animals as a means of population control is publicly unpalatable. By contrast, TNR puts an end to this perpetual cycle of killing and makes it possible to maintain a colony at a relatively stable number of sterilized cats unable to multiply.

To hear what animal welfare leaders around the country are saying about TNR, please see this video produced by Best Friends.

Why does the trap-and-kill method fail to curtail free-roaming cat populations?

Populations rebound to previous levels following trap-and-kill.

Every habitat has a carrying capacity, the maximum population size of a given species that can be sustained in a particular area. This carrying capacity is determined by the availability of food sources, water, shelter and other environmental necessities. When a portion of the sustainable population is removed (e.g., by trapping and killing them) and the availability of resources is unaltered, the remaining animals respond through increased birthing and higher survivability rates.

Because of this biological certainty, trapping and removing cats from a given area does little more than ensure that the cat population will rebound to its original level, necessitating additional trapping and killing. While lethal control may rid an area of cats temporarily, it is not an effective long-term solution because new cats will quickly fill the vacated area and breed, resulting in a perpetual cycle of killing.

How does TNR compare to the traditional trap-and-kill method in terms of costs?

Trapping and killing homeless animals is not only unpalatable to the public, it's a costly and ineffective method of population control.

TNR programs are being adopted by towns and municipalities across the nation out of necessity and good common sense. This shift is being seen on many municipal levels as animal services' budgets continue to be slashed and the need for better tools to handle animal control issues has become increasingly evident. As Mark Kumpf, 2010 president of the National Animal Control Association, told Animal Sheltering in 2008, "The cost for picking up and simply euthanizing and disposing of animals is horrendous, in both the philosophical and the economic sense."

The cost savings associated with TNR are location-specific and accurate estimates involve taking into account numerous variables. The immediate savings that many communities experience are a result of tapping into volunteer support and other resources (e.g., private donations) that come from implementing a humane method of managing community cats. Cost savings fluctuate based on the type of TNR program implemented, the extent of animal control involvement, the volunteer base available, and the community's overall support of TNR. The point, however, is that over time, through attrition and sterilization efforts, fewer cats will be breeding and contributing to the population growth. And fewer animals to contend with inevitably means a decrease in the demand on taxpayer dollars.

Until a TNR program begins, it is difficult to calculate accurately how much money will be saved, either directly or indirectly. A successful TNR program can improve the public image of a town, which may add to economic development. Employee satisfaction within the shelter and animal control facilities is also a huge asset and contributes to a positive image of the community. The hometown pride and enthusiasm generated from supporting a non-lethal, practical and effective solution to a community concern must be factored into the equation, even if the resulting cost savings are difficult to calculate.

Do cats pose a risk to public health?

Humans contracting a disease from a cat is quite unlikely.

According to the Centers for Disease Control and Prevention (CDC) website, people are not likely "to get sick from touching or owning a cat." Because free-roaming cats tend to avoid human contact, the likelihood of disease transmission is quite remote. The CDC also provides simple health tips to minimize potential exposure, such as washing hands with soap and water after touching feces or after being scratched or bitten. The agency also recommends that cats be vaccinated against rabies, which is a key component of most TNR programs.

Rabies and toxoplasmosis are two diseases often raised during discussions about free-roaming cats. It's important that both of these serious human health threats be put into proper perspective. According to the CDC website, rabies in cats is extremely rare. In fact, since 1960, only two cases of human rabies in the U.S. have been attributed to cats. And approximately 92 percent of rabid animals reported to the CDC during 2010 were wildlife. The possibility of humans contracting toxoplasmosis from cats is also quite small, as the CDC explains: "People are probably more likely to get toxoplasmosis from gardening or eating raw meat."

How serious a threat are cats to bird populations?

TNR means fewer cats, which means fewer threats to birds. Other factors pose more serious threats to bird populations.

Undeniably, the largest threat to birds is loss or degradation of habitat resulting from human development and agriculture. In fact, in a 2013 National Geographic article, Ken Rosenberg, director of conservation science at the Cornell Laboratory of Ornithology, says that "the top three threats to birds overall are habitat loss, habitat loss, and habitat loss."

This perspective was shared in the same article by Gary Langham, chief scientist of the National Audubon Society, who stressed that "loss of habitat is the number one problem" as riparian habitat and wetlands continue to be removed or converted for human use. Other significant hazards to bird populations, recognized by experts worldwide, include chemical toxins and direct exploitation from hunting or capturing birds for pets.

Although no studies support the misleading claims that cats are destroying songbird populations, there's no disputing that cats do, in fact, kill birds. The point that must be emphasized is that fewer cats mean less predation. That being the case, TNR should not be condemned because of potential threats to wildlife, but rather embraced so that free-roaming populations can be curtailed as efficiently as possible to minimize potential predatory behavior.

Are there any tools to help keep community cats out of designated areas?

Non-lethal deterrents for cats are effective and readily accessible.

There are numerous cat deterrents available on the market today, several of which are discussed in this video produced by Best Friends.

What about the dangers faced by free-roaming cats?

Free-roaming cats can live long, healthy lives.

According to a study conducted by Dr. Julie Levy at the University of Central Florida, the majority of cats (83 percent) in the 11 cat colonies studied were present on the campus for more than six years. It's quite likely that many of the observed cats far exceeded that life span, since approximately one-half of the free-roaming cats first observed in the study were already adults, so their true ages were unknown. Furthermore, according to Dr. Levy, the body weights of these free-roaming cats, when compared with pet cats in previous studies, exhibited "no significant differences." Neutering these cats resulted in an increase in body weight and healthy overall body condition.

Other studies reported similar findings. For instance, from 1993 to 2004, seven TNR organizations throughout the nation collected data on 103,643 free-roaming cats examined in spay/neuter clinics. Less than 1 percent of these animals needed to be euthanized because of debilitating conditions, trauma or infectious diseases. The one program that tested for FeLV and FIV reported an overall infection rate of 5.2 percent, which is similar to previous studies that reported results for both pet and feral cats.

Why are feeding bans ineffective?

It's bad public policy to criminalize kindness.

Feeding bans are notoriously ineffective primarily because they are impossible to enforce. Also, human nature rarely allows someone to sit idly by while an animal suffers. When a hungry animal appears, compassion prevails. Consequently, people will not adhere to an ordinance discouraging the feeding of animals in need.

Hungry cats can continue to reproduce, which further undermines the intent of most feeding prohibitions. Equally important, feeding bans jeopardize the ongoing sterilization and vaccination services provided by caregivers who diligently maintain and monitor cat colonies in the community. It is also important to note that once feeding by humans is prohibited, hungry cats are forced to compete with wildlife over available, natural food sources.

Does TNR encourage the abandonment of cats?

Cats will be abandoned with or without TNR.

In fact, cats have been abandoned for as long as people have had pet cats, which is why TNR is necessary today. These periodic abandonments, however, will not derail the overall success of a TNR program because cat colonies can absorb the occasional newcomer yet still show a significant population reduction when the majority of the animals are sterilized. Indeed, the monitoring that is an integral part of most TNR programs ensures that new arrivals are sterilized, vaccinated and, when appropriate, adopted into loving homes.

In addition, maintaining a local TNR colony is likely not the determining factor behind whether someone abandons a pet or not. Surely there are a variety of other issues that factor into this irresponsible behavior. However, efforts should be made to place feeding stations in out-of-the-way locations to minimize the likelihood of desperate people illegally abandoning their pet cats. Other strategies should also be employed to further reduce potential abandonment, such as posting signs about abandonment ordinances at high-profile cat colonies.

What provisions of a local ordinance are most harmful to community cats and TNR caregivers?

Legal protection is needed for both free-roaming cats and the individuals who provide this invaluable community service.

Many towns, dissatisfied with the inefficiency of trap-and-kill programs, are turning to TNR as a humane alternative for dealing with free-roaming cat populations. Unfortunately, current laws often conflict with this well-intentioned plan. For instance, broad definitions of "owner" may include anyone who feeds an animal for even a short period of time, inadvertently targeting community cat caregivers. If legally construed as an "owner," a caregiver who manages a large colony may find himself or herself in violation of restrictive pet limits and cost-prohibitive cat licensing requirements. Of equal concern, caregivers who are deemed owners may be in violation of running-at-large provisions, despite the fact that the cats were at-large when the caregiver first began caring for them.

Poorly crafted ordinances may create other legal obstacles to caregivers who actively participate in

TNR programs. This is especially true in communities where animal control interprets the return of a sterilized cat to his/her original place of capture as "abandonment." To alleviate the negative legal consequences, towns that implement progressive TNR programs should revise current ordinances so that community cats, and the generous caregivers who support these homeless animals, are exempted from these burdensome provisions.

Some provisions included in an ordinance intended to protect the overall well-being of cats may also be problematic and inadvertently lead to the death of healthy animals. For instance, language that requires testing for feline immunodeficiency virus (FIV) is a serious concern in situations in which any positive result mandates that the animal be killed. These types of policies are horribly misguided, because not only is it possible for FIV-positive cats to live long, happy and healthy lives, but cats who have been vaccinated for FIV will likely test positive and ultimately face a death sentence despite the fact that the animal may be perfectly healthy and incapable of contracting that disease. It's also important to note that testing of any kind comes with a margin of error and false positives are not unusual.

What are the advantages of adopting a TNR ordinance?

An ordinance grants credibility to any TNR program.

When crafted properly, a TNR ordinance establishes reasonable standards and defines duties for those individuals instrumental in implementing a community cat program. This type of legislation grants credibility to TNR, promotes community involvement, and encourages community cat caregiver cooperation.

Equally important, well-crafted legislation will insulate community cats from licensing requirements, feeding bans, pet limits or other punitive laws that often impede the progress of sterilization efforts and public health protection. In addition, adopting a TNR ordinance can make grant funding more available, since this legal assurance speaks volumes about the level of community support and involvement.

What about liability to the towns or municipalities that implement a TNR program?

There could be liability for towns or municipalities that DON'T implement TNR programs.

Many free-roaming cats are unsocialized and tend to avoid people whenever possible. This lack of human contact minimizes the likelihood of liability or negligence that may result from human exposure. Also, in most TNR programs, community cats are vaccinated against rabies, greatly reducing the likelihood of a person being severely injured.

Liability should not be an issue for towns or municipalities that implement TNR programs for the purpose of reducing cat populations, protecting public health through vaccination efforts, or resolving nuisance complaints. These are all state interests worthy of government involvement.

However, there could be liability for towns or municipalities that don't implement TNR programs. What happens if a town fails to adopt a TNR program, and a person is bitten by an unvaccinated, free-roaming cat? Could the town's failure to act through its dismissal of a program that provides vaccinations to free-roaming cats be deemed negligence, and thus make the town liable because it rejected TNR?

What happens if you trap an owned pet cat?

All free-roaming cats should be treated equally.

The success of any community cat program is contingent on sterilizing the majority, if not all, free-roaming cats in the vicinity. Therefore, after careful consideration of a municipality's priorities, elected officials may want to consider adopting an ordinance that stipulates that any unsterilized, owned cat who roams off his or her property or frequents a community cat colony shall be physically evaluated, sterilized, vaccinated, ear-tipped, and returned to the area where trapped so the cat can be reunited with the owner.

What model state legislation already exists?

The Utah Community Cat Act empowers towns and municipalities to implement humane and cost-effective policies to control free-roaming cat populations.

Utah's Community Cat Act, adopted in 2011, is a significant piece of legislation that allows towns and municipalities to implement humane and effective policies to control free-roaming cat populations. The act defines a community cat as "a feral or free-roaming cat that is without visibly discernable or microchip owner identification of any kind, and has been sterilized, vaccinated, and ear-tipped." This act provides legal protection to caregivers by stipulating that they do not have "custody" of the animals. Consequently, returning cats to their original habitat following sterilization cannot be construed as abandonment.

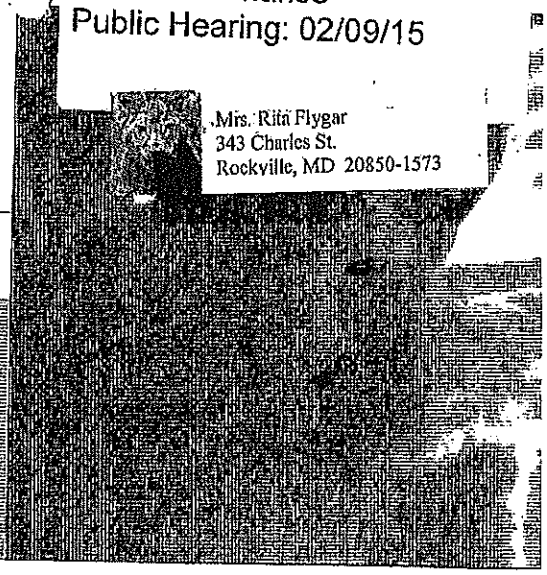
This legislation also exempts community cats from licensing requirements and feeding bans, providing yet another level of legal protection to the good Samaritans who care for them. Equally important, cats who are eligible for a community cat program are exempt from a shelter's mandatory five-day holding period, a significant cost savings for municipalities and taxpayers alike. This provision is also invaluable to the health of free-roaming cats, who customarily endure a great deal of unnecessary stress while housed in shelter environments.

SAVE THEM ALL™

A publication of Alley Cat Rescue, Inc. - The US National Cat Protection Association

Exhibit No. 6
Animal Ordinance
Public Hearing: 02/09/15

Alley Cat MEWS



Mrs. Rita Flygar
343 Charles St.
Rockville, MD 20850-1573

Volume 13, Issue 2 www.saveacat.org

CALL TO ACTION: How to Help Birds, Cats, and the Planet

By Louise Holton, ACR President

Now let me start by saying the intention of this article is not to make us feel that the challenge to help the birds and the planet is so overwhelming that we become paralyzed with fear and unable to do anything about it. However, it is meant to make us evaluate our own actions in relation to the natural world, and take the necessary steps we can in order to do the most good. As author Frances Moore Lappe' so eloquently states, "The real question is whether we each can move ahead creatively *with* our fear because we believe that, at this pivotal moment, we have it in us to make a planetwide turn toward life."

We know most of our members are concerned about cats and birds and the planet. We also know they are very caring, compassionate, and kind.

We know, too, that our members do not believe the rhetoric of our opposition, constantly blaming and vilifying cats. The opposition, mainly environmental groups, who cherry-pick through the literature, and when they can find anything negative to say about cats, play it up in press releases. We thank our members for fighting against the negative light cast upon cats, because you know the truth...that cats are NOT destroying bird populations on continents, and science has been pointing at the human race for decades as the real culprit.

There is no doubt that birds, as well as other animals and insects such as bees, are in trouble around the world. The human species has not been very kind to the animals who share our planet. Humans use far too many of the earth's resources and we are very wasteful creatures. However, if we, as individuals, take a step back and really evaluate our own participation in the natural world, we will be able to find effective ways of helping cats and birds, as well as the planet. Remember, small steps create big change.

WHY ARE AMERICAN SONGBIRDS DYING?

For the past several decades, American songbird and rural bird populations have been steadily declining; while urban or city-dwelling birds such as blackbirds, greenfinches, blue jays and brown-headed cowbirds have seen a large increase in population. Oddly enough, the majority of free-roaming cat populations also exist in cities and urban areas. Therefore, it seems unrealistic to suggest that cats are to blame for declining bird populations, when the largest populations of both cats and birds concentrate in the same landscape.

Features

Cover Feature: Call to Action: How to Help Birds, Cats and The Planet
Page 2: Cats in the News
Page 2: NEW ACR T-SHIRT
Page 5: Divine Felines
Back Cover: Kitty Spotlight

Unfortunately, anti-cat gr..ps quickly ignore such data and promote the blanket idea that cats are to blame for the decline in birds. However, blaming cats is a facile and simplistic solution to a complex problem. One must look deeper, past misinformation and personal bias, in order to see the root cause.

Death is a natural part of any species' lifecycle. Billions of animals die every day. Sadly, a large portion of animal deaths result from human activity, whether directly or indirectly, and it is there, where we find the cause of declining bird populations.

Research Scientist, John Rappole, Ph.D. states: "Birds...are dying from many causes, including natural ones. The fact is, more than half the population of most bird species die every year. At least 100 million birds die every year from crashing into windows. But windows, cats, West Nile virus, wind turbines — all those specific causes of death that are apparent in people's backyards — are not, at present, having any known effect on the population size of any continental bird species." Rappole continues, "Under most circumstances, the single factor that controls population size for most bird species is habitat. The loss of habitat— the fragmentation of habitat — is probably the biggest problem facing [birds]." (1)

In 2003, the WorldWatch Institute agreed that habitat loss is the number one threat to the survival of birds stating:

> "Human-related factors threaten 99 percent of the most imperiled bird species, and bird extinctions already far exceed the natural rate of loss. At least 128 species have vanished over the past 500 years, 103 of them since 1800. But extinction is only the last stage in a spiraling degeneration that sends a species into decline. A species stops functioning in its critical capacity well before the end.
>
> During the 20th century, the human population mushroomed, while industries, cities, and international commerce exploded and wilderness areas were carved into patchworks. Habitat loss is now the single greatest overall threat to birds." (2)

If we do not stop habitat loss, the end of birds and life on this planet as we know it, is just around the corner. The issue is complex and has a lot to do with education in developing countries, but also has a lot to do with developed nations using more resources than necessary. Humans have become over-consumers and profit-driven corporations continue to fuel the fire, all the while bulldozing acres of wildlife habitat.

N CONCLUSION

We all have the power to help heal the planet and help save animals, and now is the time for us to ut our convictions into action and create positive change. Helping local stray and outdoor cats in your eighborhood by TNRing them, not only shows compassion but it also improves public health and safety hile providing a community service. Eating fresh organic produce and supporting local farmers not only educes your carbon footprint, but it also directs money into the local economy and reduces the use of xic chemicals. And by telling the groups opposed to TNR that their "catch and kill" position is costly and effective -- and you will no longer support them until they stop scapegoating cats and address the real sue of declining bird populations -- you will send a clear essage not only to these groups, but to policy makers and ose with elected power that TNR works, it's humane and mpassionate citizens like yourself, will continue to practice it nd advocate for it.

HAT YOU CAN DO TO HELP:

Support the humane control of free-roaming cats by acticing trap-neuter-return (TNR), either on your own, with a cal rescue organization or by helping to form a TNR program your community.

Speak out on behalf of cats everywhere, by responding to ws stories that perpetuate misinformation surrounding cat edation. Please take the time to write editorial letters to wspapers, call news stations, and leave polite comments on cial media outlets.

Create a wildlife oasis in your backyard, by planting larger es around the parameter (to provide shelter and safety for

birds and other creatures) and p ıting fruit-bearing trees, flowering s ıbs and other flowering plants within the border.
4. Provide additional food and shelter by hanging different types of feeders and houses in your yard.
5. Do not use harmful pesticides, herbicides or fungicides in your garden. These products can be toxic and fatal to birds, bees, mammals and they contaminate waterways.
6. Support local organic farming by purchasing local and organic food items. This will help in reducing your carbon footprint and cut back on chemical usage.
7. Eat lower on the food chain. Moving your diet towards a more whole foods, plant-based diet will not only greatly reduce your carbon foot print, but it will also reduce the amount of chemicals and antibiotics used in food production. Plus, raising livestock is a major contributor to habitat loss, global warming and all types of pollution (air, water, soil).
8. Reduce, reuse, and recycle as much as possible to save valuable resources, reduce pollution and waste, and it will decrease your impact on the natural world; which is good for all of us.

==========

(1) King, David I., and John H. Rappole. "Population Trends for Migrant Birds in North America: A Summary and Critique." Defenders of Wildlife (2003).

(2) Youth, Howard. "Winged Messengers: The Decline of Birds." WorldWatch Paper 165. Ed. Thomas Prugh. WorldWatch Institute, March 2003. 5-6.

Cats In The News

Outdoor Community Cats Under Attack

This *Tucson Citizen* headline is scary for our outdoor cats: "Feral cat colonies could pose rabies risk, CDC says."

The Center for Disease Control (CDC) and the U.S Department of Agriculture together with the American Bird Conservancy (ABC) wrote a paper arguing that colonies "must be reduced and eliminated."

Best Friends cat initiative analyst, Peter Wolf said: "No community has killed its way out of the so-called 'feral cat problem.'"

It's really sad to see our government agencies fall for the anti-cat rhetoric. ABC started working against humane nonlethal control of community cats around 16 to 17 years ago. With the innocent title of *Cats Indoors!* they even fooled the Humane Society of the United States and the American Humane Association into joining them.

It was not until we informed HSUS and AHA to look more carefully at this program that they saw it for what is was. Totally anti-cat and calling for the eradication of millions of outdoor cats. ABC President, George Fenwick says "we should gather them up" and take them to shelters or build sanctuaries for them. Building sanctuaries for millions of cats is an impossible task, and "gathering" them and taking them to shelters is (1) a death sentence for these cats and (2) impossible to do, as our shelters are already inundated with owner-surrendered housecats, and have no time to be out there trapping and killing.

Nevertheless the CDC and the USDA went along with the ABC in their continuing campaign of vilifying and denigrating cats, even though the last time a rabid cat killed anyone in the U.S. was 35 years ago. And ignoring the fact that managed, controlled colonies are vaccinated for rabies, actually forming a barrier between wildlife (the real carriers of rabies) and the human population.

Do Vasectomies Work More Effectively than TNR?

According to a new study conducted by researchers at Tufts University, a vasectomy or hysterectomy procedure could prove more effective in controlling feral cat populations than spaying and neutering. The study suggests that by not removing the males' sex hormones, they fight for their territory and keep other cats out. Also, females have pseudo-pregnancies which keep fertile males away.

On the down side, allowing annoying fighting habitats is usually the reason people complain about outdoor cats in the first place. They will make lots of noise, spray pungent urine over everything, and often

Trap-Neuter-Return (TNR) Programs:
The Most Effective and Humane Method for Managing Community Cats

by Maggie Funkhouser

A feral cat waits to be neutered and vaccinated through our TNR clinic.

Every day more and more sterilization programs for feral cats are being implemented across the United States and around the world. Compassionate societies are embracing this humane, non-lethal method of managing community cats, not only because it preserves the sanctity of innocent life, but also simply because it is effective.

Just recently, *The Veterinary Journal* published a new study that concluded: spaying and neutering community cats in an area of high animal-control impoundments led to a dramatic decline in the number of cats who were admitted to and euthanized by the local shelter.

The study was lead by Dr. Julie Levy, the Maddie's professor of shelter medicine at the Univ. of Florida College of Veterinary Medicine. "We investigated whether we ever could neuter enough cats to slow their intake into animal control," stated Dr. Levy.

The two-year study was conducted in an area of Alachua County adjacent to the University of Florida campus and included a business district, several residential neighborhoods, a mobile home park, two homeless shelters, industrial parks, and a veterinary clinic. During the study, 2,366 community cats were TNR'd, which is estimated to be about 54 percent of the feral cat population in the targeted area. Most of the cats were returned to the site, with some being adopted.

Julie

The results after two years...the animal control intake for cats in that targeted area decreased by 70 percent and the shelter euthanasia rate for cats dropped by 95 percent! For the entire county, this TNR project reduced cat intake by animal control by 13 percent and shelter euthanasia rate by 30 percent.

History has shown that the catch and kill method of managing community cats is not effective nor is it humane (and it's costly). Removing cats from an area only opens the territory for new, un-neutered, un-vaccinated cats to move in. With no caretaker there to manage (spay/neuter) and monitor the cats, before too long there are lots of kittens and the situation is worse than before. You cannot keep killing.

Unlike catch and kill, Trap-Neuter-Return (TNR) stabilizes populations, improves the overall health of outdoor cats, and reduces both shelter costs and euthanasia rates. TNR also eliminates annoying mating behaviors such as yowling, spraying, and fighting, which are common complaints about feral cats. In addition, TNR programs help to drive community involvement and encourage compassionate actions.

The public no longer supports the use of lethal animal management practices. Today's society supports programs, like TNR, that preserve and respect life.

"[illegible] TNR [illegible] cats were being [illegible] a [illegible] farm [illegible] unpaved [illegible] there [illegible] neutered and [illegible] there [illegible] there the last year [illegible] all of the kittens are all over trapped [illegible] shelter. There have been no more kittens since [illegible]

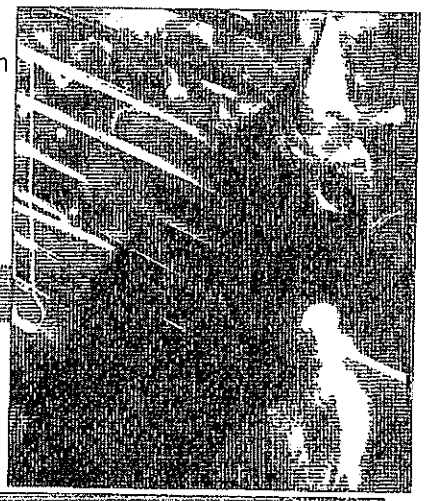
With the help of two other people I have maintained [illegible] cats at this farm ever since, feeding them and maintaining shelters they use in the barns in the winter. There are [illegible] six cats left. I have done the same in three other [illegible] that are now entirely gone.

There is absolutely no doubt that TNR works. Little cats can't reproduce, there will be no cats in about 12-15 years [illegible] commonly less — after they are all trapped. I think [illegible] we're observing the end of the feral cat problem, [illegible] the benefit of songbirds — in the cities and towns that have embraced TNR."

— Sheila, Massachusetts

A publication of Alley Cat Rescue, Inc.- The US National Cat Protection Association

ALLEY CAT MEWS



Vol. 11, Issue 1 www.saveacat.org

Scapegoating Cats

By Maggie Funkhouser

Despite being the number one companion animal in the United States (surpassing dogs), cats cannot seem to catch a break. Report after so-called report, study after so-called study, cats are being blamed for the decline in bird populations and depicted as enemies of the environment. Just as cats were hunted during the late Middle Ages under falsified pretenses, bird conservancy groups and wildlife organizations across the US are creating a "witch-hunt" for modern times.

The information these organizations are providing on cat predation and the effect cats have on the environment is plagued with errors, exaggerations, glaring omissions, and inexcusable bias – as is most of what passes for "research" on this issue. The research and data they offer can be traced back to a handful of deeply flawed studies that have become the "holy grail" of statistics for these groups. Not to mention, they completely ignore statistical information regarding the effectiveness of TNR, which has been gathered by countless highly accredited veterinarians and cat organizations through years of research and rescue.

Peter J. Wolf, the voice behind Vox Felina, examines just how these *sticky* statistics have come to be viewed as actual data. In his blog post "Repeat After Me," Wall Street Journal columnist Carl Bialik describes the process whereby such slippery figures gain traction, "An interesting phenomenon of these numbers is that they'll often be cited to an agency or some government body, and then a study will pick it up, and then the press will repeat it from that study. And Even once it appears in the press, public officials will repeat it again, and now it's become an official number." And unfortunately, that is exactly what has happened in this cat and bird debate.

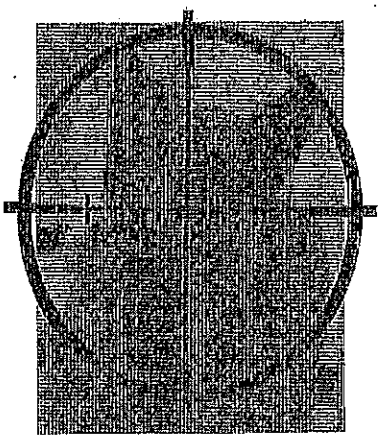
The relationship between cat predation and bird populations is highly complex, and our understanding is quite limited. And for these organizations to be advocating for the killing of a species based on tainted information is irresponsible and unethical. One study (Coleman/Temple) they often quote has been characterized by the original author as "not actual data" and Churcher (co-author of the Churcher/Lawton study) has stated, "I don't really go along with the idea of cats being a threat to wildlife. If the cats weren't there, something else would be killing the sparrows or otherwise preventing them from breeding." However, these groups are quick to "cherry pick" the information that fits into their

FEATURES

Cover: Scapegoating Cats
Page 1: Your Donations in Action
Page 2: Letter from the President
Page 4: ACR in the Community
Page 5: Free Feral Cat Spay Day 2011
Page 6: Order ACR Sweatshirts

Dr. Roger Tory Peterson, the renowned pioneer and legend, nominated for the Nobel Peace Prize in 1981 – the father of bird and nature: "Most thought around the world of the balance of nature, the balance between the environment. We learn that each [illegible] capacity, and that predation harvests only a surplus that otherwise would be leveled off in some different way. But, putting up fences and shooting all the hawks and cats will not increase the number of Red-eyed Vireos to any significant degree."

argument and make no mention of such insightful comments made by the researchers. These groups conveniently compile "evidence" against cats to prove they are detrimental to the environment, just as cats were demonized in Europe so the State could seize property.



Conservation groups and wildlife organizations continue to ignore the glaring reality behind the decline of species populations. When 11 football fields of forest are cleared every minute and 19 pounds of carbon dioxide are produced with every gallon of gas that is burned and 1.1 billion pounds of pesticides are used by 90% of households in the United States each year and this list of human impacts on the environment goes on and on, conservationists need to be focusing on the heart of the problem behind the extinction of species. HUMANS have the largest effect on the environment and all living things on the planet Earth; WE are the ones who NEED to be properly managed, not cats or birds. Unfortunately, not until politics, money, and personal agendas are set aside will the worth of the planet prevail.

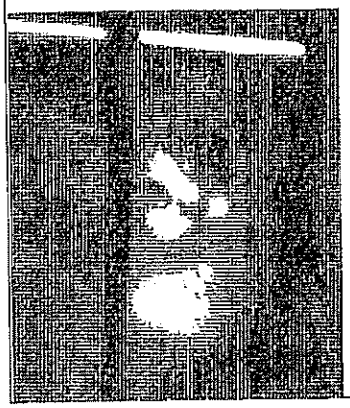
And until that time, Alley Cat Rescue will continue to advocate for the humane and nonlethal control of feral cats and other animals. Countless communities across America are embracing trap-neuter-return for feral cats and their successes should be motive enough for the entire country to commit to a humane method of controlling community cats. TNR programs are decreasing euthanasia rates at local shelters, decreasing the overall intake of cats at shelters, decreasing the number of complaints received about cats, and are saving cities and counties thousands of dollars a year. These programs foster compassion within the community and promote individuals to work together for a common good. Trap-neuter-return programs are more effective and less costly at managing community cats than the out-dated attempts of catch and kill. Numerous countries around the world have accepted this humane practice and it is time for the United States to do the same.

Your Donations in Action

By Kylie Riser

One of the hardest parts of being in animal rescue is trying to figure out how to help cats who are sick or injured. There are very limited resources for the average person, whether it is their own cat that has an issue, or a stray or feral cat that they found and needs help. People do not know where to turn, and many people are not prepared for the immense vet bill an injured or sick animal can incur, especially if the animal is not "theirs". In many places the only option may be to take the animal to the local animal control agency or animal shelter, where the animal is almost sure to be put to sleep instead of treated.

Hotshot before surgery



Thanks to the generosity of our members, Alley Cat Rescue is able to help out some of these individuals, especially in the case of a stray or feral cat who has a medical emergency. The New Year is young, and we have already had several cats that have needed our help.

Hotshot is an orange tabby, around five months old. He has white markings on his face and chest, and is wearing white "socks". One day in early January, one of our volunteers emailed to let us know that someone had dumped a young cat in her neighborhood that he needed to be seen by a vet. The pictures she attached showed an adorable baby with a badly infected eye. I told her to bring him in to the hospital as soon as she could.

Once Hotshot arrived, there was no mistaking that despite his eye infection, he was a very special cat. It was clear that there

Exhibit No. 7
Animal Ordinance
Public Hearing: 02/09/15

Off-leash space in ROckville
Sokobin, Debbie
to:
mayorandcouncil@rockvillemd.gov
01/29/2015 10:21 AM
Hide Details
From: "Sokobin, Debbie" <dsokobin@jccgw.org>

To: "mayorandcouncil@rockvillemd.gov" <mayorandcouncil@rockvillemd.gov>

2 Attachments

image001.jpg image002.jpg

Dear Mayor and Councilmembers,

I am sending this message in support of adopting the revision to the Rockville Animal Control Ordinance that would allow the city to designate an area(s) on public property for off-leash exercise and play for dogs.

Thanks for your consideration,

Debbie Sokobin
12 Devon Ct.
Rockville, MD 20850

Debbie W. Sokobin
Director, Senior Adult Programs
Jewish Community Center of Greater Washington
6125 Montrose Road • Rockville, MD 20852 • jccgw.org
p 301-348-3760• f 301.881.5512 • dsokobin@jccgw.org

Exhibit No. 8
Animal Ordinance
Public Hearing: 02/09/15

Dog park
lilianeblom
to:
mayorandcouncil@rockvillemd.gov
01/31/2015 05:35 PM
Hide Details
From: <lilianeblom@gmail.com>

To: "mayorandcouncil@rockvillemd.gov" <mayorandcouncil@rockvillemd.gov>

Dear Mayor and Council,
I am in support of the revision to the Rockville Animal Control Ordinance that would allow the City to designate an area(s) on public property for off-leash dog exercise and play.
[Your name and address]

Sent from Windows Mail

Exhibit No. 9
Animal Ordinance
Public Hearing: 02/09/15

February 9 agenda on animal control
Gene Cassel to: mayorcouncil@rockvillemd.gov 02/05/2015 01:39 PM
Cc: eugene cassel

As a long time resident of Rockville I must express my dismay and opposition to proposed amendments that would permit chickens and goats in Rockville.

In addition to public health concerns and transmission of illnesses, noise and odor will be adverse to the residents who live next to homes or places that have these animals. Chickens will attract predators --fox, raccoons and birds of prey. I certainly cannot conceive what purpose is served by permitting goats in Rockville.

What will the city do when the hens stop laying eggs and the homeowner wants to replenish the coop? Also, I am not aware that local vets are prepared to diagnose and treat chicken illnesses, which I understand can sweep through a flock quickly.

I also wonder whether potential home buyers will think twice about buying a home that has or had a chicken coop or is advised that there is one next door to the home for sale. Such a scenario would adversely affect the property values of all Rockville residents.

I am in support of the city regulating feral cats due to the lack of proof of vaccination but the same rationale does not apply to domesticated cats.

Please continue the prohibition re chickens and goats.

Respectfully submitted,

Eugene Cassel
1201 Princeton Place
Rockville, MD 20850

Genecassel@gmail.com
Sent from my iPad

Exhibit No. 10
Animal Ordinance
Public Hearing: 02/09/15

TNR BILL support
Nancy Lasko
to:
mayorcouncil
02/07/2015 10:37 AM
Hide Details
From: Nancy Lasko <nlasko76@gmail.com>

To: mayorcouncil@rockvillemd.gov

History: This message has been replied to.

Dear Mayor and City Council members,
I am a montgomery county resident and home owner who strongly favors the bill to support TNR for feral cats....I am unable to attend the meeting this coming week...I know of many people who also support this bill. I, myself, live in Gaithersburg and am a caretaker for a mother cat and her 2 grown kittens....They were trapped, neutered , vaccinated and returned to my yard about 2 years ago ...The cats are not a nuisance and have not been bothersome. The cats would still be there whether I cared for them or not...At the very least, they will not proliferate , are healthy and not spreading communicable diseases to other animals. I also provide several cat shelters in my yard which are not very noticeable and are somewhat hidden by low shrubs. Irregardless of how one feels about feral cats, it is more humane and sensible to TNR feral cats especially when one realizes that the current way of trapping and killing cats isn't very successful. Please consider the bill to support TNR. Thank you.
Respectfully
Nancy Lasko

Exhibit No. 11
Animal Ordinance
Public Hearing: 02/09/15

TNR Policy - Definitely!
Cheryl T
to:
mayorcouncil@rockvillemd.gov, Cheryl T
02/07/2015 10:40 AM
Hide Details
From: Cheryl T <fubukitaka@hotmail.com>

To: "mayorcouncil@rockvillemd.gov" <mayorcouncil@rockvillemd.gov>, Cheryl T <fubukitaka@hotmail.com>

History: This message has been replied to.

Good morning,

I am unable to attend the meeting on Monday regarding the TNR policy in Rockville. I am in complete support of this policy. For several years we had multiple litters every few months around our neighborhood. As you know it is very hard to find homes for these stray or feral kittens. Last year I worked with our veterinarian to TNR the cats that hung around our house. This is the first year we've been kitten free. Better for us, better for the kittens and better for the cats.

Sincerely,

Cheryl Twery

Exhibit No. 12
Animal Ordinance
Public Hearing: 02/09/15

Ordinance on Trap-Neuter-Release and Feral Cats in Rockville
Jeffrey W. Shultz
to:
mayorcouncil@rockvillemd.gov
02/08/2015 09:09 AM
Hide Details
From: "Jeffrey W. Shultz" <jshultz@umd.edu>

To: "mayorcouncil@rockvillemd.gov" <mayorcouncil@rockvillemd.gov>

History: This message has been replied to.

Dear Mayor and Council Members,

Thank you for the opportunity to make this statement supporting the proposed efforts to regulate feral cat populations in Rockville through a Trap-Neuter-Release program. We have personal experience in maintaining a feral cat colony in rural Montgomery County for over 15 years. Perhaps our perspective will be useful in your deliberations.

When we first encountered the feral colony, there were over two dozen unneutered cats. Kitten mortality through predation and cold was very high. However, once we implemented the TNR approach, reproduction plummeted and we were able to socialize and adopt out the few kittens produced prior to achieving 100% sterilization. We have had no new kittens in the last ten years and there are only about 5 of the original cats remaining.

Our first-hand experiences suggest that TNR can be an effective means of controlling feral-cat populations. We believe that TNR can be successfully scaled up to include all of Montgomery County and hopefully one day all of Maryland. We do recognize that to achieve "best outcome" public education and outreach in responsible pet ownership must be incorporated into TNR programs.

Sincerely,

Janet Easly
Jeff Shultz

Exhibit No. 13
Animal Ordinance
Public Hearing: 02/09/15

Hearing on Rockville TNR Ordinance: Mon., Feb. 9
amfrucci
to:
mayorcouncil
02/08/2015 12:24 PM
Hide Details
From: amfrucci@aol.com

To: mayorcouncil@rockvillemd.gov

History: This message has been replied to.

Dear Mayor and city counsel

I support the bill to establish a TNR program in Rockville.

VTY

Americo Michael Frucci
(301)646-6207 /cell
(301)649-3707 / home

Exhibit No. 14
Animal Ordinance
Public Hearing: 02/09/15

Support for TNR Bill in Rockville - Please say YES!
Patrice P
to:
mayorcouncil
02/08/2015 01:00 PM
Hide Details
From: Patrice P <patrice.pettinato@gmail.com>

To: mayorcouncil@rockvillemd.gov

History: This message has been replied to.

Hello,

I have helped to trap cats and "sponsored" several to have them ear-tipped and spayed/neutered for re-release into my old neighborhood.

The released cats fend for themselves and receive backup attention from several other kind neighbors who set out food and water for them. One old neighbor even has a few warm spots for sleeping.

The cats are not a nuisance, and I believe the TNR program is helping to reduce the population. Without it, we would have been overrun by now with dozens of cats.

While I love cats, I am certainly no 'crazy cat lady'..... I understand that some folks complain that dogs are not allowed to run free like cats, but cats do not pose the same threat to the public as dogs.

I wish we could abolish all killings of these animals in shelters, but that's a discussion for another day. By keeping the feral cat population down, we reduce the burden on animal control and other public and private entities that care for - and unfortunately - have to put them down for lack of homes or funding.
I'm sure the local government does not relish the task of euthanizing animals, but I understand the funding issue behind it. If for no other reason, look to the potential cost reduction in the future.

On the other hand, you can look to the rodent control aspect of having feral cats.... I know when I first moved in my townhome, things were just peachy, until I discovered mice roaming around inside. Soon after, the ferals came around and I'll bet none of my neighbors have a mouse issue anymore.

Please vote for TNR.

Thank you.
Patrice Pettinato
19016 Leatherbark Drive
Germantown, MD 20874

Exhibit No. 15
Animal Ordinance
Public Hearing: 02/09/15

TNR program
kalamile
to:
mayorcouncil
02/08/2015 01:44 PM
Hide Details
From: <kalamile@gmail.com>

To: <mayorcouncil@rockvillemd.gov>

History: This message has been replied to.

Gentlemen:

Please support the TNR program. Simply trapping cats, and killing them, does not solve the problem. More just move in, and the kitten, upon kitten, cycle never stops. Each feral litter with females will grow exponentially as a result – they can have a couple of litters each year...

Back in 2006, my court was becoming overrun with cats and kittens. The little kids were chasing the kittens. The kittens were getting hurt, and I was afraid of rabies becoming an issue for the residents and their kids. I trapped 28 or so cats, paid to have them all neutered, get their shots, etc. The kitten explosion has STOPPED as a result, and all of the cats that were trapped and released have kept all the other ferals away. They absolutely will not let them into "their" area.

They will live out their lives without more kittens, disease, etc.

I think this is a much more humane solution in addition to keeping the mice/rat population in check.

Thank you,
Nancy Carol Cox
12602 Red Pepper Court
Germantown, MD 20874
301-515-1379

Exhibit No. 16
Animal Ordinance
Public Hearing: 02/09/15

issues that are important to me
Jeff V
to:
mayorandcouncil
02/08/2015 03:21 PM
Hide Details
From: Jeff V <jeffvonreichenbach@gmail.com>

To: mayorandcouncil@rockvillemd.gov

History: This message has been replied to.

Dear Mayor and Council,

I have been following two issues and would like to add my voice to your consideration.

I am all for an off-leash dog play area, but not unfenced. There are too many "rough" dogs in Twinbrook and I, for one, would not want to be in any way connected to a decision that leads to a nearby child being mauled by a dog whose territorial "wolf" memory is heightened by other dogs.

On aligning the development goals with the counties, I am for keeping Rockville's development more restrictive. We have too much of a mess already on Rockville Pike, and effort should be more at managing the current quagmire, rather than adding density which will only make it worse. And although I do have a child in school, I am not swayed by the argument that aligning restrictions on development with the county's will make school redevelopment better, as was Twinbrook PTA. The treasurer does not speak for many of us.

The development at Twinbrook is already too much, so that I usually cannot get a seat on Metro in the morning - what's next, having to wait and let crammed trains pass us by, like people at Grosvenor suffer from? I understand the original plans, which bought many Twinbrook citizens' buy-in's, has been scrapped for more dense residential units instead of the mixed-use with green space design that was promised. We wanted something more like beautiful Town Center, which was what the original draft sketches looked like.

Please limit development so our quality of life, which already suffers from over-crowding, is not made worse. And please consider a fenced dog park.

Thanks for your consideration.

Exhibit No. 17
Animal Ordinance
Public Hearing: 02/09/15

Feral cat / TNR ordinance
Patricia Spring
to:
mayorcouncil
02/08/2015 07:22 PM
Hide Details
From: Patricia Spring <patspring@aol.com>

To: mayorcouncil@rockvillemd.gov

History: This message has been replied to.

Mayor and Council:

I have read and **strongly support** the proposed feral cat / TNR ordinance.

As a feral caregiver I have almost ten years of experience with this issue and view the TNR process as a positive and humane way to deal with the feral cat population. In my experience a colony quickly stabilizes after the TNR process (no new kittens!) and over time their numbers decrease through attrition while allowing them to live the lives to which they have become accustomed. Caregivers insure they are fed and watered and provide medical care when necessary and possible.

I would be thrilled to see the City of Rockville pass the proposed ordinance and take the lead in providing a responsible and reasonable solution to the issue of feral cats.

My ferals and I thank you for addressing this issue in a most sensible way.

Pat Spring

Exhibit No. 18
Animal Ordinance
Public Hearing: 02/09/15

Please support the bill to establish TNR in Rockville
Moyer, Brenda
to:
mayorcouncil@rockvillemd.gov
02/09/2015 06:54 AM
Hide Details
From: "Moyer, Brenda" <Brenda.Moyer@hosthotels.com>

To: "mayorcouncil@rockvillemd.gov" <mayorcouncil@rockvillemd.gov>

History: This message has been replied to.

I live in Rockville and support the bill to establish TNR for feral cats in our community. I have seen it work first hand and know that it is beneficial for both the community and for the cats. It reduces the ever increasing population of the cats without killing, and the cats are able to live out a more peaceful existence. The cats are vaccinated in this process, spay/neutered preventing more cats, and the males are no longer fighting. I am sending this email because I am unable to attend the hearing tonight but hoping to be heard in some way on this issue. Please support this bill.

Thank you.

Brenda Moyer
Rockville, MD 20850

This communication contains information from Host Hotels & Resorts that may be confidential, proprietary or privileged. Confidential, proprietary or privileged information may not be used, disclosed, copied or distributed except: (1) for personal use by the intended recipient; or (2) as expressly authorized by the sender. If you received this communication in error, please destroy it and promptly notify the sender. Nothing in this communication is intended to operate as an electronic signature under applicable law.

Exhibit No. 19
Animal Ordinance
Public Hearing: 02/09/15

Animal Control Public Hearing
Robert Gresh
to:
mayorcouncil
02/09/2015 09:05 AM
Hide Details
From: Robert Gresh <rgresh2@verizon.net>

To: mayorcouncil@rockvillemd.gov

To whom this concerns,

I am a life-long resident of Montgomery Co. and since 1995 I have been practicing Trap-Neuter-Return of Feral Cats. My first location was at the Montgomery County Fairgrounds, where approximately 50 stray cats were living and breeding. A local group of volunteers from the Montgomery County SPCA, had humanely trapped all the cats. The kittens were put up for adoption and the adults were neutered or spayed and vaccinated and returned backed to the fairgrounds. Feeding the cats was permitted and I was the volunteer that fed the cats daily. The cats remained at that location until they died off over the years. There are only 3 cats remaining there presently, that someone had dumped as kittens about 11 years ago. They were immediately trapped, neutered and returned and now those 3 are the only cats that remain.

This is a typical scenario of what Trap-Neuter-Return does for any given location where stray cats are. I have been feeding the same 4 TNR'd feral cat colonies, along Georgia Ave and Connecticut Ave in Silver Spring, for 7 years now and have so far have had only 2 new cats come along to join in. They happened to be friendly and I was able to take one to the The Montgomery County Humane Society to be put up for adoption and the other cat was taken in by a resident of the apartment complex where the feral cat colony is located.

Basically, what I am saying is that Trap-Neuter-Return is a proven system that keeps the stray cat population from getting out of control. If TNR is not done then the cats will breed to huge numbers. The people who practice TNR usually use their own money or donated money for this practice. These volunteers are dedicated for years (decades really).

Thank you fro considering these points in favor of Trap Neuter Return.

Regards, Lesslie Gresh

Exhibit No. 20
Animal Ordinance
Public Hearing: 02/09/15

TNR bill
Airis Epes, Susan B.
to:
mayorcouncil@rockvillemd.gov
02/09/2015 09:10 AM
Hide Details
From: "Airis Epes, Susan B." <susan.airisepes@nreca.coop>

To: "mayorcouncil@rockvillemd.gov" <mayorcouncil@rockvillemd.gov>

I am a Montgomery County resident and I strongly support the bill to establish a TNR (Trap Neuter Release) program in Rockville.

Susan Airis Epes
19648 Club Lake Road
Montgomery Village, MD 20886

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, copy, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Exhibit No. 21
Animal Ordinance
Public Hearing: 02/09/15

In support of Trap-Neuter-Return
Dianna Gniadek
to:
mayorcouncil@rockvillemd.gov
02/09/2015 10:00 AM
Hide Details
From: Dianna Gniadek <dgniadek@yahoo.com>

To: "mayorcouncil@rockvillemd.gov" <mayorcouncil@rockvillemd.gov>

Please respond to Dianna Gniadek <dgniadek@yahoo.com>

History: This message has been replied to.

Hello,

I understand that there is a hearing today regarding a bill for TNR, trap-neuter-return, and I am writing in support of this bill.

A few weeks ago, my husband and I adopted two kittens, and we couldn't be happier with them. In a short time they've already brought us such joy. These two litter-mates and brothers were scooped up by a kind lady, taken into a foster home, and put online for adoption, and they were born in a feral colony in Rockville. The current policy of trapping and killing only reduces the number of cats in the wild for a short time, as the remaining cats will continue to have litters. A neuter policy can actually reduce the number of cats living on the streets. And my own personal story proves that there are loving homes out there for cats that are living in feral colonies. The kittens have adjusted very well to being indoor cats, and before we adopted them they had been neutered and fully vetted, and we've since taken them to our own vet who found them to be in perfect health. The people who look after feral colonies do so for the benefit of the cats, and many do end up in forever homes.

Again, I fully support the adoption of a trap-neuter-return bill, and hope it will be given proper consideration today.

Thank you for listening to my story.

Best,
Dianna Gniadek

Exhibit No. 22
Animal Ordinance
Public Hearing: 02/09/15

TNR
Marcia Livengood
to:
mayorcouncil@rockvillemd.gov
02/09/2015 10:00 AM
Hide Details
From: Marcia Livengood <marcialivengood@yahoo.com>

To: "mayorcouncil@rockvillemd.gov" <mayorcouncil@rockvillemd.gov>

Please respond to Marcia Livengood <marcialivengood@yahoo.com>

History: This message has been replied to.

I am writing to let you know that we are in support of the Trap Neuter Release Program. It has helped reduce the number of stray cats in the neighborhood and is a humane way of reducing the number of feral cats.
Marcia and Ed Livengood
206 charles street
Rockville 20850

Message Body
I am writing to let you know that we are in support of the Trap Neuter Release Program. It has helped reduce the number of stray cats in the neighborhood and is a humane way of reducing the number of feral cats.
Marcia and Ed Livengood

Exhibit No. 23
Animal Ordinance
Public Hearing: 02/09/15

TNR for Ferals
Eric Blank
to:
mayorcouncil
02/09/2015 10:04 AM
Hide Details
From: Eric Blank <ericblank@gmail.com>

To: mayorcouncil@rockvillemd.gov

History: This message has been replied to.

Please support the Trap, Neuter, and Release of the feral cat population in Rockille. It works, and it's humane.

Thank you,
Eric Blank
508 Crabb Ave
Rockville

Exhibit No. 24
Animal Ordinance
Public Hearing: 02/09/15

TNR Ordinance
clanlo
to:
mayorcouncil
02/09/2015 10:49 AM
Hide Details
From: clanlo@aol.com

To: mayorcouncil@rockvillemd.gov

Dear Council Members,

I want to voice my opinion in support of a TNR ordinance in Rockville. As a former Montgomery County resident and current feral cat colony caretaker in the county, I know this approach works. When I first moved to an apartment complex in the county, there were 15+ feral cats living in the woods that lined the property. I TNR'd them all, and now, 6 years later, there are only 2 cats left. After I TNR'd them, not one kitten was born! They were all spayed, neutered, and vaccinated. They even provided a service to the apartment complex, as maintenance staff used to repeatedly say that the building nearest to the colony was the only one in the complex without a rodent problem. Please act in SUPPORT of this ordinance. We don't need to overload our shelters with cats who are already vaccinated, sterilized, and fed in controlled colonies!

Thank you,
Colin Berry

Exhibit No. 25
Animal Ordinance
Public Hearing: 02/09/15

AN INTERNATIONAL ORGANIZATION DEDICATED TO PROTECTING THE RIGHTS OF A

February 9, 2015

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS

Washington, D.C.
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

Oakland
554 Grand Ave.
Oakland, CA 94610
510-763-PETA

info@peta.org
PETA.org

The Honorable Bridget Donnell Newton, Mayor of Rockville
Members of the Rockville City Council
Rockville, MD 20850

Via e-mail: bnewton@rockvillemd.gov; bfeinberg@rockvillemd.gov; tmoore@rockvillemd.gov; vonley@rockvillemd.gov; jpalakovichcarr@rockvillemd.gov

Dear Mayor Newton and Members of the Rockville City Council:

PETA is the world's largest animal rights organization, with more than 3 million members and supporters worldwide, including hundreds of Rockville residents. Thank you for considering how the city's animal-control ordinance can better protect animals and the public and for the opportunity to share our position and expertise.

We urge you to oppose sections of the proposed changes to the city's animal-control ordinance, which, if passed, would cause animals to suffer and put the public in danger. Of considerable significance is the fact that proposed Section 3-28. "Feral Cats" includes propositions that are in direct conflict with the following current state laws:

- Md. Criminal Law Code Ann. §10-612 prohibits the abandonment of animals "on a road, in a public place, or on private property."[1]
- Md. Criminal Law Code Ann. §10-604 prohibits a person from "(2) depriv[ing] an animal of necessary sustenance" and "(5) if the person has charge or custody of an animal, as owner or otherwise, unnecessarily fail[ing] to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the weather."[2]
- Md. Criminal Law Code Ann. §10–617 allows animal-control units to disposition impounded animals in only three ways: (1) placing the animal in a suitable home; (2) retaining the animal in the animal control unit; or (3) humanely destroying the animal.[3]
- Code of Maryland Regulations 10.06.02.10 requires that owners and custodians of animals 4 months old or older must have them adequately vaccinated against rabies.[4]

By its very name, so-called "TNR" programs "return" or "release" cats into the street—usually with no way of securing preventive and/or emergency veterinary care (it's virtually impossible to re-trap cats who have been trapped once before) nor

[1]Article—Criminal Law §10–612 <http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gcr&section=10-612&ext=html&session=2015RS&tab=subject5>.
[2]Article—Criminal Law §10-604 <http://mgaleg.maryland.gov/2015rs/statute_google/gcr/10-604.pdf>.
[3]Article—Criminal Law §10–617 <http://mgaleg.maryland.gov/2015rs/statute_google/gcr/10-617.pdf>.
[4]Code of Maryland Regulations 10.06.02.10, "Vaccination of Animals" <http://www.dsd.state.md.us/comar/getfile.aspx?file=10.06.02.10.htm>.

Affiliates:
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

adequate shelter and protection from the elements or the countless dangers that domestic animals face when running at large—especially when they're perceived as a nuisance. This proposal seeks to legalize the state-prohibited abandonment of domestic cats who rely on humans to meet their basic needs and cannot be reconciled with the mandates of §10-604, requiring basic life-sustaining care to feral cats, which occasional or even regular food alone cannot and does not provide.

The Maryland Department of Health and Mental Hygiene reports that "cats are the most frequently identified rabid domestic animal."[5] The near-impossibility of re-trapping feral cats to provide them with legally required effective rabies vaccination would inevitably result in violations of Maryland Health Code (General Title 18—Disease Prevention, Subtitle 318) and is one reason why free-roaming cat populations have recently been identified as a significant public health threat.[6]

In June 2014, a rabid "stray" cat attacked an individual near an elementary school in Frederick County.[7] Another rabid "stray" cat exposed at least six people to rabies in Washington County in August 2013,[8] and rabid free-roaming cats have been documented in *at least 12* Maryland counties since 2009 (Baltimore County and city and Montgomery, Washington, Caroline, Frederick, Carroll, St. Mary's, Cecil, Worcester, Talbot, Prince George's, and Wicomico counties).

The Maryland Invasive Species Council, which includes representatives from several state and federal agencies, including the U.S. Department of the Interior, the U.S. Department of Agriculture, the Maryland Department of Agriculture, and the University of Maryland, reports that "small cats are not part of the native food web in North America and can wreak havoc on an ecosystem. ... Feral cats can take a toll on native wildlife, decimating populations already under stress due to habitat shrinkage. ... The number and size of prey that a small cat can bring down will amaze you. Even full grown rabbits can be killed. Supplemental feeding of feral cats is not an answer. Even well-fed feral cats will capture and kill, but not always eat, their prey."[9] PETA is concerned about cats and wildlife alike, and we hope you will consider wildlife, too.

We also urge city leaders to **oppose** Sec. 3-24. (b) "Livestock, V.," which proposes to allow residents to keep chickens in the city limits. With adequate care, a chicken's natural life span is 10 to 15 years. However, the birds lay eggs regularly for only approximately two years. Chickens who do not lay eggs and roosters (who are often

---

[5]Maryland Department of Health and Mental Hygiene, Rabies <http://phpa.dhmh.maryland.gov/OIDEOR/CZVBD/SitePages/rabies.aspx>.

[6]Elizabeth Weise, "Feral Cat Colonies Could Pose Rabies Risk, CDC Says," *USA Today*, August 18, 2013 <http://www.usatoday.com/story/news/nation/2013/08/17/feral-cats-colonies-rabies-risk/2665359/>.

[7] Loretta Gaines, "Rabid Cat Found Near Deer Crossing Elementary School," Jun. 18, 2014, WFMD.com <http://www.wfmd.com/articles/wfmd-local-news-119935/rabid-cat-found-near-deer-crossing-12476721#ixzz388m>.

[8]Your4State.com, "Six People Being Treated for Rabies in Washington Co.," Aug. 28, 2013 <http://www.your4state.com/story/six-people-being-treated-for-rabies-in-washington-co/d/story/Inz81IxwNUCPplDGBV6AHg>.

[9]MDInvasivesp.org, "Invasive Species of Concern in Maryland: Feral Cats," Apr. 2010 <http://www.mdinvasivesp.org/archived_invaders/archived_invaders_2010_04.html>.

sold as females because determining the sex of baby birds is difficult) would require city resources through animal control and sheltering services when the animals are turned in at animal shelters, illegally slaughtered, or abandoned and create feral flocks.

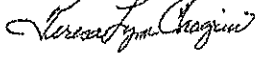
Sec. 3-26. "Cruelty to Animals" (b) (5) proposes to enhance restrictions on the cruel and dangerous practice of chaining dogs. **We urge the city to consider passing an outright ban on tethering.** Keeping dogs chained or "tethered" deprives these highly social pack animals of proper socialization and exercise. Chained dogs grow aggressively protective of their tiny spaces and often attack animals and people—especially children—who come near them. And in addition to leading lonely, miserable lives, chained dogs often injure or strangle themselves on their own tethers. Dozens of Americans are attacked by chained dogs each year, including an incident in which three Maryland women were injured by a chained dog in Shady Side[10] and an attack that left an 11-year-old Maryland boy with "severe facial injuries" in Berlin.[11]

In the communities where chaining has been outlawed, officials have found the ordinances straightforward, simple, and easy to enforce, unlike those with time and/or other restrictions. Officials have also reported that there have not been any significant increases in costs for enforcement or in incidents of surrender from owners.

PETA stands ready to help in any way that we can to aid the county in passing proven, effective ordinances and programs to address animal protection and public safety in your community. I can be reached at 443-320-1277 or TeresaC@peta.org.

Thank you for all your hard work for the citizens of Rockville.

Sincerely yours,



Teresa Chagrin
Animal Care and Control Specialist
Cruelty Investigations Department

---

[10]WBALTV.com, "3 People Injured in Shady Side Dog Attack," Aug. 19, 2013 <http://www.wbaltv.com/news/maryland/anne-arundel-county/3-people-injured-in-shady-side-dog-attack/21525574>.

[11]The Dispatch Staff, "Child Injured by Dog," Oct. 25, 2012 <http://mdcoastdispatch.com/2012/10/25/child-injured-by-dog/>.

URGENT from PETA re: Proposed Changes to the City's Animal-Control Ordinance
Teresa Chagrin
to:
'mayorcouncil@rockvillemd.gov', 'bnewton@rockvillemd.gov',
'bfeinberg@rockvillemd.gov', 'tmoore@rockvillemd.gov', 'vonley@rockvillemd.gov',
'jpalakovichcarr@rockvillemd.gov'
02/09/2015 11:32 AM
Hide Details
From: Teresa Chagrin <TeresaC@peta.org> Sort List...

To: "'mayorcouncil@rockvillemd.gov'" <mayorcouncil@rockvillemd.gov>,
"'bnewton@rockvillemd.gov'" <bnewton@rockvillemd.gov>,
"'bfeinberg@rockvillemd.gov'" <bfeinberg@rockvillemd.gov>, "'tmoore@rockvillemd.gov'"
<tmoore@rockvillemd.gov>, "'vonley@rockvillemd.gov'" <vonley@rockvillemd.gov>,
"'jpalakovichcarr@rockvillemd.gov'" <jpalakovichcarr@rockvillemd.gov>

2 Attachments

image001.jpg 2015-02-09_Rockville City Council.pdf

Dear Mayor Newton and Members of the Rockville City Council:

Please see the attached correspondence. I can be reached at 443-320-1277 and TeresaC@peta.org for further assistance.

Thank you.

Sincerely,

Teresa Chagrin
Animal Care and Control Specialist

Cruelty Investigations Department
443-320-1277
TeresaC@peta.org

Exhibit No. 26
Animal Ordinance
Public Hearing: 02/09/15

Off-leash areas in Alexandria, VA
Andrea K
to:
mayorandcouncil
02/09/2015 11:47 AM
Hide Details
From: Andrea K <andrea.kronzek@gmail.com>

To: mayorandcouncil@rockvillemd.gov

Dear Mayor and Council,

Below in red are responses I received from William Douglas, City of Alexandria CPSI/Contract Manager, Park Operations and Maintenance, regarding their off-leash areas. While he says that the ability of a dog to be aggressive to a passerby can increase, he also says that no attacks that he is aware of have been reported (he's worked there for 11 years). Some of the Alexandria off-leash areas are along streets; Rockville certainly would not follow that model, but maybe an area exists off the beaten path that would be safe for the dogs and where others wouldn't have occasion to go.

Andi Kronzek

From: **William Douglas** <william.douglas@alexandriava.gov>

Date: Mon, Feb 9, 2015 at 11:26 AM
Subject: Re: Off-leash area
To: Andrea K <andrea.kronzek@gmail.com>

Do you find that people clean up after their dogs in the off-leash areas?

We find that the off-leash areas are at times cleaner then the fenced in areas.

Have attacks been reported?

There have been no reported attacks that I am aware of.

How many complaints do you receive regarding the off-leash areas?

Off leash areas generate the least amount of complaints compared to fenced in areas. Complaints are few but generally are about trash cans not being serviced.

Are the areas expensive or difficult to maintain?
These areas require no extra expense to maintain. They are just lumped into our normal mowing schedule.

Is there a problem with dogs staying inside the designated areas?
These areas tend to be used by your well trained dogs. There could be an issue with non-trained dogs running into the streets or jumping on passing citizens.

What do you think are the positive aspects of off-leash areas?
The absence of a fence is more aesthetically pleasing.

What do you think are the negative aspects of off-leash areas?
The ability and likely hood for a dog to run into the street or be aggressive to a passerby is increased.

Do you receive complaints about the fenced-in dog parks, and what do those people generally complain about?
Complaints are generally about aggressive dogs and users not cleaning up behind their dogs.

For a community that is considering establishing off-leash areas, what would you tell them?

Try to locate your area away from schools and busy roads. Establish a user group willing to take ownership in and provide added support to maintenance staff.

Exhibit No. 27
Animal Ordinance
Public Hearing: 02/09/15

Support for TNR program in Rockville
Deborah Mack
to:
mayorcouncil
02/09/2015 11:22 AM
Hide Details
From: Deborah Mack <dmackesq@comcast.net>

To: mayorcouncil@rockvillemd.gov

Good morning:

I am writing in support of the proposed bill that would make "Trap-Neuter-Return" (TNR) the official policy in the City of Rockville. TNR is not only the most humane means of controlling Rockville's feral cat population, it is the most effective means. In addition to neutering, the TNR caregivers would provide rabies inoculation.

I further support the feral cat community caregivers. Their efforts should be supported, as their dedication is well placed. Their work provides Rockville with the most intelligent means of dealing with the issues created by the feral cat population.

I thank you in advance for your time and consideration.

Best regards,

Deborah Mack, Esquire
10 Monroe St., #302
Rockville, MD 20850
240.644.7949

Exhibit No. 28
Animal Ordinance
Public Hearing: 02/09/15

A.C. Laws
pekehazelnut
to:
mayorcouncil
02/09/2015 12:03 PM
Hide Details
From: pekehazelnut <pekehazelnut@gmail.com>

To: mayorcouncil@rockvillemd.gov

Dear Mayor,

I cannot attend the City Council meeting tonight, but was aware that the issue of feral cats in our area is on the agenda.

I wanted to say that as a resident of Rockville, there has been a noticeable decline in the number of feral cats in my neighborhood.

I am willing to vouch that your trap and release program is in fact impactful, is a great community service and very humane way to control the overpopulation of stray cats.

I hope that other cities follow Rockville's example of creating a beautiful, safe and welcoming environment for all people and animals.

Sincerely,

Hazel Hodgson

Exhibit No. 29
Animal Ordinance
Public Hearing: 02/09/15

Proposed Chapter 3 (Animal Control) Amendment
Grant Sizemore
to:
mayorandcouncil@rockvillemd.gov
02/09/2015 10:36 AM
Cc:
"environment@rockvillemd.gov"
Hide Details
From: Grant Sizemore <GSizemore@abcbirds.org>

To: "mayorandcouncil@rockvillemd.gov" <mayorandcouncil@rockvillemd.gov>

Cc: "environment@rockvillemd.gov" <environment@rockvillemd.gov> .

1 Attachment

ABC Letter Regarding Chapter 3 Amendment.pdf

Mayor Newton and Councilmembers,

Please consider the attached letter from American Bird Conservancy as you evaluate the proposed amendment to Chapter 3 of the Rockville City Code. I appreciate your willingness to gather all the information before making a decision and hope that you will contact me if you have any questions or comments.

Kind regards,

Grant

Grant Sizemore
Director of Invasive Species Programs
American Bird Conservancy
1731 Connecticut Ave., NW
Washington, D.C. 20009
Phone: 202-888-7480
gsizemore@abcbirds.org
www.abcbirds.org/cats

AMERICAN BIRD CONSERVANCY

Shaping the future for birds

February 9, 2015

Mayor and Council
City of Rockville
111 Maryland Avenue
Rockville, MD 20850

Re: Animal Control Amendment

Dear Mayor Newton and Councilmembers:

On behalf of American Bird Conservancy (ABC), I am writing to urge your **opposition** to the amendment to Chapter 3 of the Rockville City Code. This amendment would sanction the establishment and maintain colonies of feral domestic cats (*Felis catus*) in parks and communities throughout Rockville through the program known as "trap, neuter, release" (TNR). ABC strongly supports the management of feral cats, but TNR is ineffective, threatens public health, and sacrifices wildlife.

TNR Does Not Reduce Feral Cat Populations
Although well-intentioned, TNR programs do not effectively reduce feral cat populations. Rather than slowly disappearing, scientific studies have identified that colonies persist and the number of cats may actually increase.[i] Indeed, TNR may be worse than doing nothing.[ii] TNR programs fail because not enough individuals can be spayed/neutered to impact the population, cats lose their innate territoriality, and other cats arrive as a result of pet dumping and attraction to provided food. The results of an evaluation of two long-term TNR programs in California and Florida led a team of researchers to conclude that "no plausible combination of [conditions] would likely allow for TNR to succeed in reducing population size."[iii]

Feral Cat Colonies Threaten Public Health
The practice of enabling and maintaining colonies of feral cats is a recognized risk by public health scientists, agencies, and professional organizations such as the National Association of State Public Health Veterinarians.[iv] Cats are consistently the number one carrier of rabies among domestic animals and represent a "disproportionate risk for potential human exposure."[v] This heightened risk is due to the greater likelihood of human-cat interactions, relative to human-wildlife interactions, and the total prevalence of rabid cats. Between 2000 and 2012, the Maryland Department of Health & Mental Hygiene documented that cats accounted for 36% of all animals tested for rabies and were nearly 17 times more likely than dogs to test positive for the disease.[vi] In 2013 the ratio of rabid cats to rabid dogs in Maryland was 25 to 1. Even when TNR programs include an initial rabies vaccination, which lasts only one year, cats almost never receive the follow-up vaccinations necessary to protect the cat and the public.[vii]

1731 Connecticut Avenue, NW, 3rd Floor • Washington, D.C. 20009
Tel: 202-234-7181 • Fax: 202-234-7182 • abc@abcbirds.org • www.abcbirds.org

Cats also spread the parasite *Toxoplasma gondii*, which causes toxoplasmosis. This parasite is excreted by cats into the environment through feces, effectively contaminating soil and waterways. Although cats are the only definitive hosts for the parasite, all warm-blooded species (e.g., chickens, deer) can be infected with toxoplasmosis, and studies have linked such infections in deer with nearby feral cat colonies in TNR programs.[viii] Although once thought to only harm people with compromised immune systems, new research has shown that even healthy adults are at risk. In people toxoplasmosis has been linked to neuro-degenerative diseases such as schizophrenia and can cause miscarriages, birth defects, memory loss, blindness, and death.[ix,x] In nearby Fairfax County, Virginia, where TNR is practiced, *T. gondii* is widely dispersed. Using raccoons (*Procyon lotor*) as indicators of environmental contamination, a group of researchers found that 84% were infected with *T. gondii*, suggesting widespread contamination with the cat-excreted parasites.[xi] TNR programs actually facilitate the spread of *T. gondii*. Such conditions can lead to epidemics of toxoplasmosis in North America.[xii]

Feral Cat Colonies Threaten Native Wildlife

Domestic cats are a non-native species that impose considerable ecological damage and have contributed to the extinction of 33 species.[xiii] The International Union for the Conservation of Nature (IUCN) lists cats among the world's worst invasive species globally, and the Department of Interior's State of the Birds 2014 Report recognized outdoor cats as the number one source of direct, human-caused mortality for birds.[xiv,xv] Every year in the United States, outdoor cats kill approximately 2.4 billion birds and 12.3 billion mammals.[xvi] Unfortunately, feeding cats does not eliminate this instinctive hunting behavior.[xvii] A 2010 study that included Montgomery County found that 47% of all gray catbird mortalities were from cats. Even when cats do not directly kill wildlife, their mere presence has been shown to result in a reduction in the feeding of nesting chicks by one-third and an increased likelihood of nest failure by an order of magnitude.[xviii] Not only are these wildlife species public trust resources, many are also protected by a variety of state and federal laws including the Migratory Bird Treaty Act and the Endangered Species Act. To support a program that intentionally releases non-native predators into an environment with known endangered species is a potentially severe legal liability.

In conclusion, the presence of feral cats in Rockville is a tragic problem, but TNR will only perpetuate that problem. Sanctioning TNR programs would unequivocally fail to effectively control feral cat populations and would furthermore threaten public health, and wildlife conservation. These programs are also illegal under state laws governing the abuse or neglect of an animal by not providing the released feral cat with sufficient veterinary care, proper drink, shelter, or protection from the weather (Criminal Law Article, §10-604) and violate the state's prohibition on abandonment (Criminal Law Article, §10-612). Due to the many negative consequences of feral cats on the landscape and the overwhelming scientific literature that shows the failures of TNR, ABC respectfully requests that you **oppose** the amendment to Chapter 3.

Thank you for your consideration,

1731 Connecticut Avenue, NW, 3rd Floor • Washington, D.C. 20009
Tel: 202-234-7181 • Fax: 202-234-7182 • abc@abcbirds.org • www.abcbirds.org

Grant Sizemore, M.S., AWB®
Director of Invasive Species Programs
American Bird Conservancy

---

[i] Castillo D. and A.L. Clarke. 2003. Trap/Neuter/Release methods ineffective in controlling domestic cat "colonies" on public lands. Natural Areas Journal 23: 247-253.

[ii] McCarthy R.J., S.H. Levine, and J.M. Reed. 2013. Estimation of effectiveness of three methods of feral cat population control by use of a simulation model. Journal of the American Veterinary Medical Association 243: 502-511.

[iii] Foley P., J.E. Foley, J.K. Levy, and T. Paik. 2005. Analysis of the impact of trap-neuter-return programs on populations of feral cats. Journal of the American Veterinary Medical Association 227: 1775-1781.

[iv] National Association of State Public Health Veterinarians. 1996. Free-roaming/Unowned/Feral Cats. Position Statement. http://www.abcbirds.org/abcprograms/policy/cats/pdf/NASPHV%201996%20%20-%20Free-roaming,%20unowned,%20feral%20cats.pdf.

[v] Roebling A. D., D. Johnson, J. D. Blanton, M. Levin, D. Slate, G. Fenwick, and C. E. Rupprecht. 2013. Rabies prevention and management of cats in the context of Trap-Neuter-Vaccinate-Release programmes. Zoonoses and Public Health doi: 10.1111/zph.12070.

[vi] Maryland Department of Health & Mental Hygiene. 2012. Animal Rabies in Maryland, 2000-2012. http://phpa.dhmh.maryland.gov/OIDEOR/CZVBD/Shared%20Documents/Animals%20Tested%20Proportion%20Positive%20Maryland%202000%20thru%202012.pdf.

[vii] Barrows P.L. 2004. Professional, ethical, and legal dilemmas of trap-neuter-release. Journal of the American Veterinary Medical Association 225: 1365-1369.

[viii] Ballash G.A., J.P. Dubey, O.C.H.Kwok, A.B. Shoben, T.L. Robison, T.J. Kraft, and P.M. Dennis. 2014. Seroprevalence of *Toxoplasma gondii* in white-tailed deer (*Odocoileus virginianus*) and free-roaming cats (*Felis catus*) across a suburban to urban gradient in northeastern Ohio. EcoHealth. doi: 10.1007/s10393-014-0975-2.

[ix] Torrey E.F. and R.H. Yolken. 2013. Toxoplasma oocysts as a public health problem. Trends in Parasitology 29: 380-384.

[x] Gajewski P.D., M. Falkenstein, J.G. Hengstler, and K. Golka. 2014. Toxoplasma gondii impairs memory in infected seniors. Brain, Behavior, and Immunity 36: 193-199.

[xi] Hancock K., L.A. Thiele, A.M. Zajac, F. Elvinger, and D.S. Lindsay. 2005. Prevalence of antibodies to *Toxoplasma gondii* in raccoons (*Procyon lotor*) from an urban area of Northern Virginia. The Journal of Parasitology 91: 694-695.

[xii] Boyer K., D. Hill, E. Mui, K. Wroblewski, T. Karrison, J.P. Dubey, M. Sautter, A.G. Noble, S. Withers, C. Swisher, P. Heydemann, T. Hosten, J. Babiarz, D. Lee, P. Meier, and R. McLeod. 2011. Unrecognized ingestion of *Toxoplasma gondii* oocysts leads to congenital toxoplasmosis and causes epidemics in North America. Clinical Infectious Diseases 53: 1081-1089.

[xiii] Medina F.M., E. Bonnaud, E. Vidal, B.R. Tershy, E.S. Zavaleta, C.J. Donlan, B.S. Keitt, M. Le Corre, S.V. Horwath, and M. Nogales. 2011. A global review of the impacts of invasive cats on island endangered vertebrates. Global Change Biology 17: 3503-3510.
[xiv] Lowe S., M. Browne, S. Boudjelas, and M. De Poorter. 2000. 100 of the World's Worst Invasive Alien Species: A Selection from the Global Invasive Species Database. The Invasive Species Specialist Group, International Union for the Conservation of Nature.
[xv] North American Bird Conservation Initiative, U.S. Committee. 2014. The State of the Birds 2014 Report. U.S. Department of Interior, Washington, D.C. 16 pages.
[xvi] Loss S.R., T. Will, and P.P. Marra. 2013. The impact of free-ranging domestic cats on wildlife of the United States. Nature Communications 4:1396.
[xvii] Adamec R.E. 1976. The interaction of hunger and preying in the domestic cat (*Felis catus*): an adaptive hierarchy? Behavioral Biology 18: 263-272.
[xviii] Bonnington C., K.J. Gaston, and K.L. Evans. 2013. Fearing the feline: domestic cats reduce avian fecundity through trait-mediated indirect effects that increase nest predation by other species. Journal of Applied Ecology 50: 15-24.

Exhibit No. 30
Animal Ordinance
Public Hearing: 02/09/15

change.org

Recipient: Mayor and Council of Rockville, Maryland

Letter: Greetings,

Please revise the Rockville Animal Control Ordinance to allow the City to designate an area on public property for off-leash dog exercise and play.

Name	City	State	Zip Code	Signed On
Maryellen Thirolf Thirolf	Rockville	Maryland	20852	1/31/2015
William Dillinger	Rockville	Maryland	20852	1/31/2015
Sheldon Kronzek	Rockville	Maryland	20852	1/31/2015
Zee Snyder	Rockville	Maryland	20850	1/31/2015
Dawn Rundhammer	Rockville	Maryland	20852	1/31/2015
Maureen Short	Rockville	Maryland	20852	1/31/2015
Ben Rosenberg	Rockville	Maryland	20850	1/31/2015
Chi Pham	Rockville	Maryland	20850	1/31/2015
Mary k Thoman	Rockville	Maryland	20850	2/1/2015
Glenn Faigen	Rockville	Maryland	20852	2/1/2015
Jim Beane	Rockville	Maryland	20850	2/1/2015
Charlotte Bosmans	Rockville	Maryland	20850	2/1/2015
Tipawan Bhutaprateep	Rockville	Maryland	20850	2/1/2015
John Hope	Rockville	Maryland	20850	2/1/2015
Jonathan Pollack	Rockville	Maryland	20850	2/2/2015
Elizabeth Crane	Rockville	Maryland	20852	2/2/2015
Darren Astran	Rockville	Maryland	20850	2/2/2015
Deborah Sokobin	Rockville	Maryland	20850	2/2/2015
Pierre Smith	Rockville	Maryland	20850	2/3/2015
Nancy Corr	Rockville	Maryland	20850	2/3/2015
Arleen Probst	Rockville	Maryland	20850	2/3/2015
gerri kochan	Rockville	Maryland	20850	2/3/2015
Christy Koenig	Rockville	Maryland	20850	2/3/2015
Sherry Grimes	Rockville	Maryland	20851	2/3/2015
Karen Della Torre	Rockville	Maryland	20850	2/3/2015
Eric Palakovich Carr	Rockville	Maryland	20850	2/3/2015
Rhonda Gordon	Rockville	Maryland	20850	2/4/2015
Linda Gordon	Rockville	Maryland	20851	2/4/2015
Paul Finver	Rockville	Maryland	20850	2/4/2015
Marie Soveroski	Rockville	Maryland	20851	2/4/2015
Donald Gradwell	Rockville	Maryland	20851	2/4/2015
Diane Finver	Rockville	Maryland	20850	2/4/2015
James Seavey, Jr.	Rockville	Maryland	20851	2/4/2015
Jin Zhou	Rockville	Maryland	20852	2/5/2015
Caitlin Leonard	Rockville	Maryland	20851	2/5/2015
Tracy DiGioia	Rockville	Maryland	20850	2/5/2015
patricia kassiday	Rockville	Maryland	20850	2/5/2015
Briana Seymour	Rockville	Maryland	20851	2/6/2015
Susan Adams	Rockville	Maryland	20851	2/6/2015
Jodi Shulimson	Rockville	Maryland	20852	2/6/2015
John Kochowicz	Rockville	Maryland	20852	2/6/2015
David Prince	Rockville	Maryland	20850	2/6/2015
Edward Mattos	Rockville	Maryland	20851	2/8/2015
Kathy Deppe	Rockville	Maryland	20851-214	2/8/2015
Monte Fisher	Rockville	Maryland	20851-190	2/8/2015
Lauren Menser	Rockville	Maryland	20851	2/8/2015
Patricia Choquet	Rockville	Maryland	20853	2/8/2015

Exhibit 31
Animal Ordinance
Public Hearing: 2/9/15

PLEASE ESTABLISH AN OFF-LEASH AREA IN ROCKVILLE!

I am in support of the revision to the Rockville Animal Control Ordinance that would allow the City to designate an area(s) on public property for off-leash dog exercise and play.

Please Print Name	Please Sign Name	Address	E-mail Address
Andrea L Kronzek	Andrea L. Kronzek	1038 Brice Rd. Rockville, MD 20852	andrea.kronzek@gmail.com
GARMEN Stephenson	[illegible]	13713 Losee Lane Rockville MD 20853	godsfewel@ekinzon.net
JOAN EARP	Joan Earp	1611 BURRIS RD ROCKVILLE, MD 20851	JOANEARP@AOL.COM
Adam Tennen	[illegible]	12010 Shagbark Dr. Rockville, MD 20852	adamtennen@yahoo.com
Caroline Cardullo	[illegible]	540 Anderson Avenue Rockville, MD 20850	ccmagdog@gmail.com
Megan Riggs	[illegible]	4808 Cloister Dr Rockville MD 20850	meganriggs18@hotmail.com ~~mriggs~~
Lisa Levine	Lisa R. Levine	11301 Huntover Dr. Rockville, Md. 20852	lrlevine17@aol.com
DEBORAH SOKOBIN	[illegible]	12 DEVON CT. ROCKVILLE MD 20850	debsokobin@yahoo.com

PLEASE ESTABLISH AN OFF-LEASH AREA IN ROCKVILLE!

I am in support of the revision to the Rockville Animal Control Ordinance that would allow the City to designate an area(s) on public property for off-leash dog exercise and play.

Please Print Name	Please Sign Name	Address	E-mail Address
Lisa Epstein	L Epstein	6050 California Cir. #603 Rockville, MD 20852	lacCA@aol.com

PLEASE ESTABLISH AN OFF-LEASH AREA IN ROCKVILLE!

I am in support of the revision to the Rockville Animal Control Ordinance that would allow the City to designate an area(s) on public property for off-leash dog exercise and play.

Please Print Name	Please Sign Name	Address	E-mail Address
Audrey Mandell	Audrey Mandell	7504 Clarendon Rd. N. Bethesda, MD	
Sue Ann Houlon	S A Houlon	Rockville MD	
Mary Ann Rubin	M. A. Rubin	11807 Rockville	
Margaret Tickner	M. J. Tickner	7215 Old Stage Rd.	
Rachael R. Gingrich	Rachael Gingrich	10022 Vanderbilt Cir #6 Rockville, MD	
Jaime D'Agostino	[illegible]	11800 [illegible] Old Georgetown Rd Unit 1736 Rockville MD	
William R Strosnider	[illegible]	4913 Sunflower Dr Rockville MD 20853	
BORIS MUCHNIK	[illegible]	511 CROSSFIELD ROCKVILLE MD 20852	

PLEASE ESTABLISH AN OFF-LEASH AREA IN ROCKVILLE!

I am in support of the revision to the Rockville Animal Control Ordinance that would allow the City to designate an area(s) on public property for off-leash dog exercise and play.

Please Print Name	Please Sign Name	Address	E-mail Address
MAURICIO GARCIA		6010 CALIFORNIA CIR Apt 115 Rockville, MD 20852	mgarcia.graphics@gmail.com
OSCAR ROCHA		6000 CALIFORNIA CIR Apt 101 ROCKVILLE, MD, 20852	OSCAR@rotular.bu
Ana Carolina Iriarte		6010 California Cir Apt. 115 Rockville, MD 20852	caritoiriarte@gmail.com
Janette Sagarnaga		6000 California Cir. Apt. 101 Rockville, MD 20852	janettesagarnaga@gmail.com

PLEASE ESTABLISH AN OFF-LEASH AREA IN ROCKVILLE!

I am in support of the revision to the Rockville Animal Control Ordinance that would allow the City to designate an area(s) on public property for off-leash dog exercise and play.

Please Print Name	Please Sign Name	Address	E-mail Address
TRACEY E DORFMANN	Tracey E Dorfmann	6000 California Cir. Rockville, MD (#405) 20852	tdorfmann@jccgw.org
Eliana Quiroz	[illegible]	1716 Veirs Mill Rd. Rockville, MD 20851	eli_quiroz@msn.com
Treva Bustow	Treva Bustow	713 Azalea Drive Rockville MD 20850	tbustow@jccgw.org

Exhibit 32
Animal Ordinance
Public Hearing: 2/9/15

TNR bill
Airis Epes, Susan B.
to:
mayorcouncil@rockvillemd.gov
02/09/2015 09:10 AM
Hide Details
From: "Airis Epes, Susan B." <susan.airisepes@nreca.coop>

To: "mayorcouncil@rockvillemd.gov" <mayorcouncil@rockvillemd.gov>

I am a Montgomery County resident and I strongly support the bill to establish a TNR (Trap Neuter Release) program in Rockville.

Susan Airis Epes
19648 Club Lake Road
Montgomery Village, MD 20886

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, copy, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Exhibit 33
Animal Ordinance
Public Hearing: 2/9/15

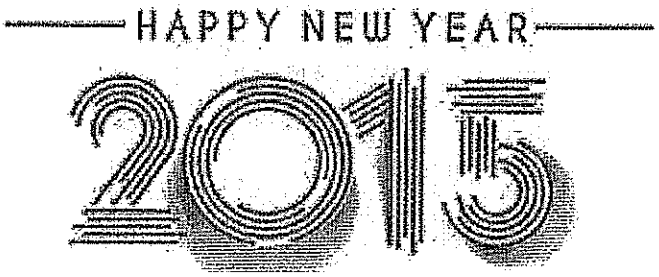
SUPPORT
Garrison, Janet K.
to:
mayorcouncil@rockvillemd.gov
02/09/2015 12:13 PM
Hide Details
From: "Garrison, Janet K." <Janet.Garrison@rockvillelexus.com>

To: "mayorcouncil@rockvillemd.gov" <mayorcouncil@rockvillemd.gov>

1 Attachment

image001.jpg

I work at a dealership and my GM was very HAPPY to hear the cats the property are all fixed and well taken care of!!! He was very supportive of me having this done!!! They are no threat and very friendly animals now!! I have a very friendly car and he waits for me to pull in and comes running!! THEY ARE THE HAPPIEST CATS I HAVE EVER SEEN. People also THANK ME FOR DOING THIS! It promotes the people opinions of our company!! PEOPLE Highly support it!!! THANKS SO MUCH!!!



Janet Garrison

Exhibit 34
Animal Ordinance
Public Hearing: 2/9/15

AMERICAN BIRD CONSERVANCY

Shaping the future for birds

The Evidence Against Trap, Neuter, Release

Overwhelmingly, the scientific literature indicates that Trap, Neuter, Release (TNR) programs fail to reduce feral cat populations and negatively impact people and wildlife. The following studies outline many of the failings of TNR programs.

Trap/Neuter/Release methods ineffective in controlling domestic cat "colonies" on public lands – Castillo and Clarke (2003)
Data "contradict[ed] the assertion that managed cat colonies decline in size over time" and "suggest[ed] that trap, neuter, and release programs are not an effective method to help control the population of unwanted feral and free-roaming cats."

Professional, ethical, and legal dilemmas of trap-neuter-return – Barrows (2004)
"Although well meaning, many advocates of TNR lack professional training in the biological, ecologic, and wildlife sciences. Consequently, they may misunderstand, minimize, or choose to ignore the documented concerns regarding the ecologic, domestic animal and public health, legal, humane, and social nuisance impacts of feral cats, including those in TNR programs."

Use of matrix population models to estimate the efficacy of euthanasia versus trap-neuter-return for management of free-roaming cats – Andersen et al. (2004)
Results indicated that a 50% humane euthanasia rate would yield a reduction in the feral cat population by 10% per year, but even a 75% spay/neuter rate would still yield an increasing feral cat population. A spay/neuter rate as high as 88% of the feral cat population would be needed to merely stabilize population growth.

The welfare of feral cats and wildlife – Jessup (2004)
"Attempting to maintain cats in colonies only compounds the problem by causing massive killing and crippling of native wildlife, jeopardizing biodiversity, undermining traditional animal control, enabling irresponsible people to abandon cats, and sending mixed messages about the...commitment to serve the welfare of all species, including cats and wildlife." Furthermore, "[TNR]'s failures are, in part, attributable to its being based on several false assumptions."

Analysis of the impact of trap-neuter-return programs on populations of feral cats – Foley et al. (2005)
Researchers evaluated two long-term TNR programs in California and Florida. Analyses "indicated that any population-level effects were minimal" and that "no plausible combination of life history variables [e.g., survival, fecundity] would likely allow for TNR to succeed in reducing population size."

1731 Connecticut Avenue, NW, 3rd Floor • Washington, D.C. 20009
Tel: 202-234-7181 • Fax: 202-234-7182 • abc@abcbirds.org • www.abcbirds.org

RE: Proposed Chapter 3 (Animal Control) Amendment
Grant Sizemore
to:
Tom Moore
02/09/2015 12:37 PM
Cc:
City Council!, "environment@rockvillemd.gov"
Hide Details
From: Grant Sizemore <GSizemore@abcbirds.org>

To: Tom Moore <tmoore@rockvillemd.gov>

Cc: City Council! <mayorandcouncil@rockvillemd.gov>, "environment@rockvillemd.gov" <environment@rockvillemd.gov>

1 Attachment

The Evidence Against TNR.pdf

Councilmember Moore,

Thank you very much for your question.

The study in question (McCarthy et al. 2013) does in fact state that TVHR performed better than TNR and euthanasia. TVHR is a very new line of research regarding feral cat management, and this particular paper indicates that it may have a positive impact for population reduction. Please note that both TVHR and TNR involve both male and female cats. There is, however, a key difference between TVHR and TNR. TVHR stands for Trap, Vasectomy, Hysterectomy, Release. TNR, of course, involves spay/neuter (i.e., ovariohysterectomy/castration). What the authors found was that there is a significant difference between vasectomy/hysterectomy and castration/ovariohysterectomy on feral cat population dynamics. These differences led the authors to conclude that "TNR was actually counterproductive."

TVHR is an interesting new concept that will require additional research, but there are many other studies that have looked at the utility of TNR programs. I have attached a short fact sheet regarding those scientific studies for your use. Feral cat population reduction is important, but I think it is also important to consider the costs of

the methods selected. These costs include public health risks, impacts to local wildlife, and the potential nuisance of colonies of feral cats.

I sincerely appreciate your question and the opportunity to respond. I hope that I have expressed the fundamental differences between TVHR and TNR and the reasons why maintaining feral cats on the landscape is ill-advised. As such, even knowing that the proposed TNR program will spay/neuter both male and female cats, American Bird Conservancy, based on the available science, opposes the amendment and ask for you to do the same.

Very kind regards,

Grant

From: Tom Moore [mailto:thmoore.cc@gmail.com] **On Behalf Of** Tom Moore
Sent: Monday, February 09, 2015 11:53 AM
To: Grant Sizemore
Cc: City Council; environment@rockvillemd.gov
Subject: Re: Proposed Chapter 3 (Animal Control) Amendment

Mr. Sizemore,

Thanks very much for reaching out to us on this. I do have a question for you.

The National Institutes of Health summary of the study you cite in your white paper, found here:

http://www.ncbi.nlm.nih.gov/pubmed/23902443

...states that TVHR (trap-vasectomy-hysterectomy-release) programs outperform both TNR and lethal methods. ("TVHR outperformed both TNR and lethal control at all annual capture probabilities between 10% and 90%.")

The shorthand for Rockville's proposed feral-cat program has been "TNR," but the actual program being proposed is, technically speaking, a TVHR program covering both genders. Section 3-28 (a)(1) of the proposed ordinance refers to animals that have been "spayed or neutered"; my understanding is that the "spaying" of an animal generally refers to the performance of an ovario-hysterectomy on it.

With these facts in mind, do you and your organization continue to oppose the feral-cal control program being proposed within the City of Rockville?

Many thanks.

Sincerely,

Tom Moore
Councilmember
City of Rockville
tmoore@rockvillemd.gov
240-314-8292 (office)

301-642-2976 (cell)

On Feb 9, 2015, at 10:39 AM, Grant Sizemore <GSizemore@abcbirds.org> wrote:

Mayor Newton and Councilmembers,

Please consider the attached letter from American Bird Conservancy as you evaluate the proposed amendment to Chapter 3 of the Rockville City Code. I appreciate your willingness to gather all the information before making a decision and hope that you will contact me if you have any questions or comments.

Kind regards,

Grant

Grant Sizemore
Director of Invasive Species Programs
American Bird Conservancy
1731 Connecticut Ave., NW
Washington, D.C. 20009
Phone: 202-888-7480
gsizemore@abcbirds.org
www.abcbirds.org/cats

<ABC Letter Regarding Chapter 3 Amendment.pdf>

Exhibit 35
Animal Ordinance
Public Hearing: 2/9/15

SNR Program
betty.foley
to:
mayorcouncil@rockvillemd.gov
02/09/2015 01:24 PM
Hide Details
From: <betty.foley@gmail.com>

To: "mayorcouncil@rockvillemd.gov" <mayorcouncil@rockvillemd.gov>

Esteemed Mayor and Colleagues:

I am writing to support the Spay Neuter and Release Program. It has been my personal experience that this program produces a positive impact on any location it services.

A friend of mine has been feeding a feral colony for two years. My first witness to her work was extremely educational. I stayed in my car and watched as she pulled into a space near me and opened her trunk to prepare warm food. From storm drains, bushes, trees, and dumpsters, cats appeared and ran to her. They were winding between her legs and waiting patiently as she prepared 'dinner' for them. I didn't even know cats were living there. As she continued her work, I tried to help when and where I could but her work grew exponentially. She knew the original cats and then their babies and their babies' babies. It seemed there was no end in sight. The animals I have personally handled from this sight are beautifully groomed, somewhat timid, healthy and appreciative of care. You must establish a relationship over time before they will allow you near them and even longer to be touched by you. The rewards are well worth the effort.

After numerous attempts to contact agencies that would help with spaying and neutering, she finally managed to get support for this colony of cats. This was only after she personally saved a few of them on her own. She has been a tireless advocate for these animals and educated many about their plight. Now the lucky ones have been saved as babies for adoption and the mothers returned to their colony to live a better life.

To quote Mahatma Gandhi: "The greatness of a nation and its moral progress can be judged by the way its animals are treated." You have an opportunity to continue a good practice with the Spay, Neuter and Release program. These animals have done nothing wrong. They are not bad animals and once they have been trapped, they receive vaccinations as well as spay and neuter to be even healthier. They do not deserve death. Without the SNR programs, problems of containment are easy to imagine.

Please do the right thing by continuing this program. The fear of those who believe these animals carry disease or will attack them can be eliminated through education.

Most sincerely,

Betty Foley

Sent from Windows Mail

Exhibit 36
Animal Ordinance
Public Hearing: 2/9/15

February 9, 2015

Dear Mayor Newton,

I am enclosing for your review some of the literature I have collected regarding off-leash areas. While the information in this packet demonstrates why many of us are in favor of the establishment of an off-leash area if implemented in a way that works safely for our community, I am aware that others hold opposing views.

I hope that you will adopt the revision so that civil discourse among all stakeholders can take place to determine whether or not an off-leash area could work in Rockville.

Thank you for your consideration of this matter, and for all that you do for our city.

Sincerely,

Andrea L. Kronzek

Dear Mayor Newton and Councilmembers:

I am here to support the revision of the animal control ordinance that would allow the city to designate an area on public property for off-leash dog play.

Of the 4,624 licensed dogs in Rockville, 26 are currently off-leash certified. That does not mean that the rest are all disobedient, aggressive and undeserving of the opportunity to run and exercise and do what dogs were born to do. But the irresponsible behavior of the few has caused rules to be enacted that are punitive for the many responsible dog owners who have friendly dogs.

In fact, the City of New York Department of Mental Health and Hygiene stated that a leash law requirement does not guarantee that one will not encounter unleashed dogs in city parks. They state that clearer rules with formal off-leash opportunities should foster more compliance, rather than less, concerning the proper control of dogs by their owners.

Moreover, they assert that leash requirements cannot and do not prevent all incidents of dogs attacking other dogs or people, and say that animal behavior experts have concluded that there is evidence to suggest that well exercised and socialized dogs are less likely to bite other dogs or people.

It's notable that the website nycoffleash.org reports that New York's dramatic reduction in dog bites from 40,000 annually before off-leash privileges to under 4,000 annually in 2005 coincides with the advent of park off-leash hours.

The Bloomington, Minnesota web-site states that there has never been a single serious injury reported in any off-leash area to their knowledge. A Minneapolis attorney commented, "There is less liability in an off-leash area than in most other park activities."

Relatively small fenced-in dog parks meet the needs of some, but often a pack mentality exists among dogs in these parks that make it a stressful experience, especially for submissive dogs. So for them, visiting King Farm is not a viable option.

Many off-leash areas have been successfully implemented throughout the United States for more than 20 years. They have arisen from the understanding that most dogs, even those who are not perfectly trained, need and deserve the opportunity to exercise and expend energy in a large, open and neutral territory, and that giving them this opportunity leads to happier, calmer and more well-behaved dogs, which benefits the community. They have also arisen in

recognition of the fact that dog owners represent a large contingency of the city's tax payers and park users, and their needs and desires deserve to be heard.

We can look to the hundreds of other communities that have already invented this wheel and learn from their experiences and the challenges they have faced to help determine if and how off-leash areas might work for Rockville. One community established an off-leash area on a 25-acre plot of land that was lying dormant. Another established one on a golf course that had closed down.

With 1,000 acres of parkland in Rockville, maybe just a few of them that may be out of way, unused or underused, or are undesirable for any other purpose, could be identified for this purpose, and in a way that doesn't threaten others or infringe on their rights.

Adopting this revision does not mean that an off-leash area will necessarily be established in Rockville. Accepting it merely opens the possibility for constructive, creative and sensitive dialogue among all stakeholders to see if we can cooperate and compromise to make this happen in a way that is reasonable, with education and enforcement as key components. Allowing active participation of citizens is what democracy is about. Please don't deny the process a chance to work by not allowing it to take place at all.

Seventy-one people have signed a petition so far in favor of this revision. The Recreation & Park Advisory Board has endorsed it. Positive precedent has been set in other communities. On those merits, please adopt this revision to the animal control ordinance to allow a conversation to take place to determine if and how an off-leash area could work in Rockville.

Thank you.

Andrea L. Kronzek
February 9, 2015

THE CITY OF NEW YORK

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Michael R. Bloomberg
Mayor

Thomas R. Frieden, M.D., M.P.H.
Commissioner

nyc.gov/health

FOR THE ATTENTION OF THE BOARD OF HEALTH

TO: Thomas R. Frieden, M.D., M.P.H.
Commissioner

THROUGH: Jessica Leighton, Ph.D.
Deputy Commissioner, Environmental Health Services

FROM: Edgar R. Butts, Ph.D., M.B.A.
Assistant Commissioner, Veterinary and Pest Control Services

and

Norma S. Torres
Director, Veterinary Public Health Services

SUBJECT: Response to public comments and additional modifications regarding amendments to Article 161.05 of the New York City Health Code

DATE: November 28, 2006

On November 1, 2006 a public hearing was held pursuant to the Notice of Intention to amend Article 161.05 of the New York City Health Code (the "Health Code" or "Code"). Thirty-nine persons testified at the public hearing on behalf of themselves or organizations.

The Department of Health and Mental Hygiene (the "Department") has carefully reviewed the testimony and comments and we summarized our responses below. Supporting comments were received from 13,268 individuals (11,312 of which were included as part of petitions) and organizations. Negative comments were received from 202 individuals and organizations. Comments and the Department's response are summarized below.

RESPONSE TO PUBLIC COMMENTS

A. Comments Supporting the Proposed Amendment

The responses included many comments indicating various public health benefits of amending Article 161.05 of the Health Code. Generally, the comments included:

1) Better community and park safety,

- "I also appreciate how such hours contribute to safer parks and community well being as like minded people gather to enjoy parks."
- "A few winters back a young man fell through the ice in Prospect Park Lake." The commenter indicated that the only people present were those walking their dogs – they saw the incident, called for help and the man was saved.
- "In this great big city, off leash time gives owners a chance to develop a sense of community."

2) Better health for people,

- "Healthy dogs lead to healthy people."
- "...canines help in the lowering of blood pressure, reducing heart attacks, stroke and reduced stress, and provide a positive influence on patients with mental illness, as well as helping patients recover from illness."
- "Canines offer benefits to humans. If people want to use the benefits of dogs, we should address the needs of dogs as well."

3) Exercise opportunities for people,

- "...express, as strongly as I possibly can, how much I value the daily opportunity to take a long walk with my dog off lead."

4) Socialization opportunities for people,

- "The community also benefits from having residents get to know one another. Meeting other "regulars" in the Park gives busy New Yorkers a chance to create or solidify social relationships that are important to any community."
- "Additionally, the social implication that results from the off leash policy enhances intellectual exchange, especially regarding canine training and rearing and proper canine socialization."

5) Community spirit and cohesion.

- "The community also benefits from having residents get to know one another. Meeting other "regulars" in the Park gives busy New Yorkers a chance to create or solidify social relationships that are important to any community."

- "People with dogs together form a community, and it forms a community across all lines, across race, across class, across age, across gender, across sexual identity lines, it doesn't matter. Dogs don't care if you are rich or poor."

B. Comments Objecting to the Proposed Amendment

1. **General Opposition** – Seventy-nine general comments were received opposing "any effort to amend the NYC leash law."

   Response: We have reviewed the specific concerns and have modified the original proposal. The Department of Health and Mental Hygiene believes that the benefits of modifying Article 161.05 of the Health Code outweigh the risks. Further, the proposed amendment has been de facto in effect in Department of Parks and Recreation parks for over 20 years.

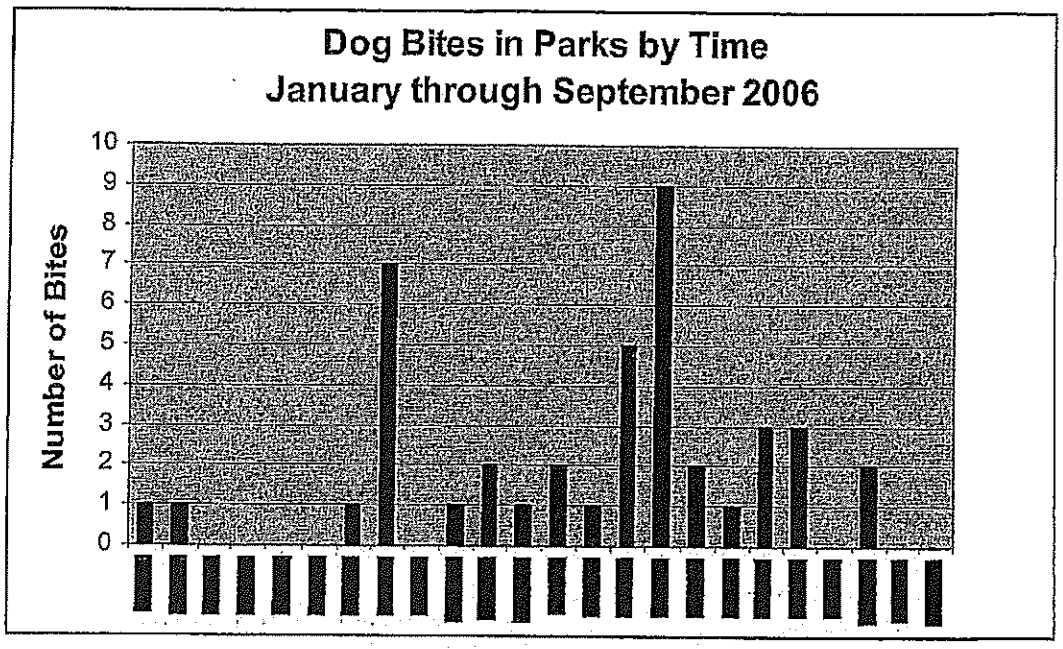
2. **Physical Attacks by Dogs** – Concern was expressed regarding the potential of dogs biting or attacking humans (38 comments).

   Comments included: "I have been attacked by a dog and my son was attacked by a dog, both incidents being in Central Park." Additionally, one comment was received about the lack of data regarding dog bites in parks. This comment was "There have been no studies done on off leash activity in NYC…no statistics kept on bites occurring in parks by dogs on their leashes verses bites by dogs not on leashes…".

   Response: Information reported to the DOHMH on dog bites show 93 (2.3 %) of 4,082 dog bites were reported in parks in 2004 and that 86 (2.2%) of 3,956 dog bites were reported in parks in 2005. Current reported data for the period from January thru September 2006 show that of 2,991 bites 55 (1.5%) occurred in parks.

   The number of reported dog bites to humans has decreased in the City annually since 1993. Animal bites are reportable under Health Code Section 11.03. The Department is in the process of updating its animal bite reporting program. In addition to accepting reports by telephone, mail and fax, the Department is now accepting on-line reports through the Department's Universal Reporting Form.

   The DOHMH has reviewed data on the 55 dog bites that were reported in NYC parks from January through September 2006. A graphic of these dog bites by hour of the day is provided below. A majority of the bites with known hours of bite occurred during daytime ("non-off leash") hours (n=30) during probably peak hours of dog walking in the park, than at the off leash hours during the night (n=12). Bites are only slightly more likely to occur by unleashed dogs than leashed dogs: of the thirty-five dogs for which leashing status was reported - regardless of time of the bite, sixteen were leashed and nineteen were not leashed.



3. **Uncontrolled Dogs, Dog on Dog Attacks and Irresponsible Owners** – Fourteen comments expressed concern regarding activity of uncontrolled dogs in parks, ten comments expressed concern for knockdown of humans by off leash dogs and three comments alleged that unleashed dogs would form dog packs. Eight comments expressed concern regarding the potential of dog on dog attacks. Eleven comments expressed concern of the dangers from dogs in parks with irresponsible owners.

   Comments included: "My ankle was broken by an off the leash dog in Riverside Park….two dogs were chasing one another and one hit my ankle." "Approximately 1/3 of my cases start out as a dog attacking another dog and then a dog attacking a person." "Not all dog owners are responsible smart people."

   Response: Parks does not have any rules that specifically address dog-on-dog violence—either at Parks' Dog Runs or elsewhere within City parks. Parks, however, does explicitly prohibit dog owners from allowing their animals to be out of control in any park, and an owner allowing his or her dog to attack another dog would be a clear example of an animal being out of control regardless of whether it was leashed or unleashed. Similarly, anyone who might allow multiple dogs under their care to run unleashed could be considered to have allowed such dogs to be out of control. Park Enforcement Patrol (PEP) Officers may issue violations to owners who are unable to control their dogs—whether or not such dogs are leashed—regardless of the time of day. Parks has issued almost ten thousand (10,000) summonses since 2002 for unleashed/out of control dogs.

   Moreover, a leash law requirement does not guarantee that one will not encounter unleashed dogs in City parks. Clearer rules with formal off-leash opportunities should foster more compliance, rather than less, concerning the proper control of dogs by their owners.

4. **City Liability** – Three comments expressed concern that allowing dogs off leash will increase City liability.

   Comments included: "Have you considered the consequences for the city when a child gets mauled or killed in a NYC park by a /legal/off-leash dog, not to mention the effects on the victim and family?"

   Response: We have considered concerns that the adoption of the proposed amendment might result in City liability. After consultation with the Law Department, we have concluded that the proposed amendment will not result in an increased risk of liability, because it is anticipated that the modifications in Article 161.05 of the Health Code will allow the Department of Parks and Recreation to better define and regulate areas of the parks that will allow dogs off leash. Parks indicates that selected areas in only approximately 300 of the total of 1,833 parks will allow dogs off leash. Further, codified rules will allow better enforcement by PEP and other entities such as the New York City Police Department

5. **Adverse Effects – Wildlife and Parks**– Twelve comments indicated concern regarding the potential for adverse effects on wildlife, especially on birds during the breeding season, in parks caused by off leash dogs. Additionally, twelve comments expressed concern regarding potential for adverse physical effects on parks caused by off leash dogs.

   Comments included: "these animals chase and disturb the birds, eggs and young of ground nesting species." ..."bitten tails off of squirrels, killed ducks and raccoons." "Dogs running loose have destroyed habitat by trampling on plantings and vegetation."

   Response: Department of Parks and Recreation has significant experience dealing with issues related to dog owners and the presence of domestic and wild animals in the City's parks and has found this policy has increased positive uses of parks at less trafficked hours, while not otherwise compromising the safety of other visitors to parks or unduly impacting the natural flora and fauna Section 1-04(i) of Parks' rules prohibits dogs from certain portions of parks, whether leashed or unleashed, at <u>all</u> times, e.g. (1) playgrounds, (2) zoos, (3) beaches, (4) bathing facilities, and (5) ballfields.

6. **Adverse Effects – Humans and Fear of Unleashed Dogs** – Five comments expressed concern about the perception that dogs are given preference over humans; eleven comments indicated that people were unable to fully utilize the park due to off leash dogs. A total of fifty-six comments indicated that fear of unleashed dogs was a major concern.

   Comments included: "Do unleashed dogs deserve eminent domain; are they the dominant species, are their owners more equal then the rest of us?" "It is inevitable that when off leash dogs are introduced to a public area, use of the space by people diminishes." "Our grandchildren are afraid to go to the park because of fear that they'll be attacked by dogs." "I walk my kids to school by the park at 8am. I can't take a chance with unleashed dogs."

Response: Leash requirements cannot and do not prevent all incidents of dogs attacking other dogs or people and animal behavior experts have concluded that there is evidence to suggest that well exercised and socialized dogs are less likely to bite other dogs or people.

The last statement is supported in comments submitted by the New York Council of Dog Owner Groups as follows: Dogs need to be properly socialized to be good "canine citizens" (Canine Behavior, 1965). "The vast majority of dogs do benefit greatly from having exercise periods. And walking dogs on a leash is not sufficient exercise" (from an interview with Dr. Nicholas Dodman, a leading animal behaviorist and veterinarian).

The Veterinary Medical Association of New York City stated that "This interaction [allowing dog to be off leash] would reduce animal anxiety and reduce the propensity for animals to injure people."

7. **Animal Waste** – Sixteen comments indicated concern regarding the presence of dog feces and waste in parks occurring for off leash dogs, four comments on potential for spread of zoonotic disease and one comment stated "off leash dog owners harass(ing) park users when asked to keep their pets under control or clean up after them."

   Comments included: "Wildlife, people and other dogs will all have greater exposure to "pernicious zoonotic infections". "Off leash dogs often defecate out of their owner's sight so the pooper scooper laws are being broken."

   Response: Parks currently requires dog owners to clean up after their pets. Specifically, Section 1-04(j)(1) of Parks' rules states that "[n]o person shall allow any dog in his custody or control to discharge any fecal matter in any park unless he promptly removes and disposes of same...". Indeed, in over twenty years of experience with the "courtesy hours" policy of informally allowing off-leash opportunities in certain parks, there does not appear to be any serious problem regarding the accumulation of dog waste in City parks attributable to unleashed dogs. Moreover, Parks believes that clearer rules formally allowing off-leash opportunities for dogs, with certain restrictions, will tend to foster greater, rather than less, respect for other Parks rules, including the rules regarding animal waste removal. Further, since Parks has also recently expanded its PEP Officers ranks, the enforcement potential to address such violations will be much greater.

8. **Poor History and Lack of Enforcement** – Five comments indicated that there is a lack of enforcement by Department of Parks and Recreation.

   One comment was: "Parks enforcement of the leash law at present is non existent and they have not presented any plan for better enforcement if off leash activity is written into law." Additionally, one comment stated that there was a history of unsuccessful "off leash" policy in parks. This comment stated, "In no way has this been a "successful 20 year policy" as some claim rather an act of physical necessity." One comment stated that there was not enough space allotted in parks for dog runs and one comment indicated that there is a perceived preference by Parks of Manhattan over Queens. "Parks in Manhattan currently have 16 dog runs to serve 1.3 million people. Yet Queens with its population of 2.2 million

people have 7 dog runs. It is clear that Parks prefer to spend their money in upper class Manhattan while unleashing the dogs on middle and lower class Queens."

Response: Parks has recently hired additional permanent PEP Officers, resulting in a net increase of one hundred and sixty-three (163) new Officers since 2004 and Parks has issued almost ten thousand (10,000) summonses since 2002 for unleashed/out of control dogs. However, with a parks system of over one thousand, eight hundred (1,800) individual park sites covering approximately twenty-nine thousand (29,000) acres it is difficult to deploy our PEP Officers in such a way as to prevent all infractions, whether dog related or otherwise. Notwithstanding this limitation, if a member of the public contacts Parks, they will advise its PEP Officers to take appropriate action, including increasing patrols in areas where Parks has received complaints.

Lastly, courtesy hours have been in place for the last twenty (20) years. In fact, leash requirements cannot and do not prevent all incidents of dogs attacking other dogs or people and animal behavior experts have concluded that there is evidence to suggest that well exercised and socialized dogs are less likely to bite other dogs or people.

9. **Rulemaking Process** – One commenter alleged that the Parks Commissioner is being allowed to change the law.

   Comment: This commenter stated, "I wasn't aware that being Parks Commissioner allowed you to change the law. What a terrific perk! Now it's the leash law what's next."

   Response: The off leash allowance was a courtesy implemented during non-peak hours by the Department of Parks and Recreation that had mutual benefits to both Parks and dog owners. The reason for this amendment is to enable Parks to codify these courtesy hours.

CHANGES MADE IN RESPONSE TO PUBLIC COMMENTS

As noted, publication of this proposal generated substantial public comment. Approximately 13,200 individuals and groups expressed support for the proposal, and 202 individuals and groups expressed opposition to any amendment that would allow dogs to be off the leash under any circumstances stating that this would adversely affect public health. After review of the public comments, and for the same reasons stated in the original Statement of Basis and Purpose, and because the off leash policy has been in effect for approximately 20 years, the Department has no reason to believe that there will be any increased risk to public health as a result of the Health Code change at this time. However, the amendment as originally proposed has been changed to require that DOPR adopt rules allowing dogs to be off the leash in unenclosed DOPR areas and facilities only from 9 p.m. to 9 a.m. To facilitate enforcement by DOPR and identification of dog owners, the rule requires that persons controlling off leash dogs present proof of current dog licensure, as well as of current rabies vaccination, as originally proposed. Many comments of persons opposed to the amendment alleged that persons in control of off leash dogs do not comply with the current unofficial policies. DOPR, after reviewing such comments, has assured the Department that complaints should be made promptly through 311 if there are persons who let dogs run on or off the leash in areas off limits to dogs, or allow dogs to be off leash at impermissible times; or create any nuisance; or menace people, or otherwise behave in any manner that compromises public health, or threatens public safety. DOPR has represented that it will direct its enforcement officers to investigate and address such complaints. In addition, the rule has been further

amended to authorize the Department's Commissioner to limit or eliminate off-leash privileges in specific DOPR areas and facilities if the Department determines, based on epidemiological evidence, that there is an increase in preventable off leash dog bites or a risk of zoonotic disease transmission in such areas or facilities.

In other changes, subdivision (a) of §161.05 has been amended to substitute the term "other restraint" for the term "chain" and there has been a minor, non-substantive, change in subdivision (c) with respect to identifying officers of the Department of Sanitation and the DOPR as authorized to enforce this section.

Frequently Asked Questions about Off-leash Recreation in New York City

How did the NYC Off-leash Hours policy begin?
About 20 years ago, Parks Commissioner Henry Stern recognized that the half million NYC dog owners could help the parks recover from a state of decline, crime, and violence and simultaneously serve dog owner recreational needs to socialize and exercise their dogs. He recently said that the Off-leash Hours policy was a compromise for Parks resources between "dog owners and dog haters. I was thrust into this controversy, and it was an endless struggle. But it's worked out extremely well over the many years that it's been in place, and it's never been challenged before now."

What is the Parks Department's policy on dogs off-leash?
For approximately 20 years, Parks has allowed dogs to be off-leash in certain specified parks, in certain specified locations, during restricted hours. Frequently those hours are 9pm in the evening through 9am in the morning (though further restricted to only when the park is officially open). In 1990, the first official off-leash dog park appeared in Tompkins Square Park. A few years later, several other dog parks were created specifically for dogs to have an enclosed area to be off-leash. There are currently approximately 40 dog parks in NYC. With the advent of official dog parks, the Parks Department made its off-leash dog policy that where an official dog park exists in a park, there are no Off-leash Hours; dog owners must use the official dog park and not allow their dogs off-leash, even during 9pm-9am. However in parks without an official dog park, which constitute the vast majority of parks in NYC, with permission from the Parks Department, dog owners may allow their dogs off-leash from 9pm-9am but only while the park is open.

I don't own a dog. How does the Off-leash Hours policy benefit me?
Well socialized and exercised dogs benefit the entire City with less barking, less on-leash aggression, less tendency to become territorial, friendlier behavior towards people and other dogs, and, as Health Department statistics over the past 20 years clearly show, a dramatic decrease in the number of dog bites. Additionally, the past three Parks commissioners and many borough Parks administrators have partially credited dog owners who use the Off-leash Hours with helping to bring the Parks back from their state of decline and crime. Dog owners continue to keep the parks safe in hours where many people do not use them, 7 days a week, 365 days of the year, in all types of weather.

Why do dogs need off-leash time? Shouldn't a good owner be able to just walk his/her dog on leash to get the dog socialized and exercised?
Over the past 20 years, science has began to understand that most dogs, both large and small, require some off-leash time outside every day for proper socialization. Scientific studies show that dog behavior when a dog is on-leash tends to be more aggressive, more territorial, and more anti-social towards people and other dogs. When dogs are allowed time off-leash, studies show that they are far more social towards people and other dogs, considerably less aggressive, bark less, bite less, and tend to have far less neurotic behavior than dogs who get no off-leash exercise.

Why do dog owners need to use the Parks to socialize and exercise their dogs? Why don't they take their dog to an

Off-leash Hours policy brings New Yorkers together

Top 10 Reasons to Preserve Dog Off-leash Hours Policy in NYC

1. Off-leash dog owners have been repeatedly credited by Parks Commissioners with helping reclaim NYC parks from crime, violence, and decline.
2. The half million taxpaying dog owners of NYC deserve and need outdoor space to recreate with their dogs.
3. Off-leash recreation better socializes dogs, resulting in better canine citizens which benefit the communities in which they live.
4. Off-leash Hours policy gets people into the parks, bringing New Yorkers together and making the City a more pleasant place.
5. Dog owners who use Off-leash Hours are a strong deterrent against crime in the parks early in the morning and late in the evening.
6. New York's dramatic reduction in dog bites from over 40,000 annually before off-leash privileges to just under 4,000 annually in 2005 coincides with the advent of the Off-leash dog recreation, official Off-leash Hours and dog parks.
7. Dogs off-leash in a natural setting playing, running, and being themselves are a beautiful sight for dog owners and most non-dog owners.
8. Many other cities and municipalities have agreed that providing off-leash opportunities makes good public policy and has has overall positive effect that strongly outweighs any negatives.
9. Throwing a ball, running with, and playing with one's dog is a legitimate park recreational activity.
10. Though dog parks are great, there are not

official enclosed dog p[illegible] Why not build more dog parks?
If only there were enough [illegible]g parks. The first dog park in NYC was built about 15 years ago, and at this point there are approximately 44 dog parks. Although there are some outstanding dog parks in NYC, some of these 44 dogs parks are very small and can not accommodate many dogs. It's impossible for the City's half million dog owners and 1.4 million dogs (that comes out to over 30,000 dogs per dog park) to be served by 44 dog parks alone.

It takes approximately $125,000 and several years of community activism to build a single new dog park in New York City. The Parks Department, though strong supporters of the Off-leash Movement through their commitment to both build dog parks and Off-leash Hours policy, does not have the budget to build enough dog parks. Also, land prices, landmark restrictions and community preference, make Off-leash Hours the right policy solution in conjunction with the creation of new dog parks.

[illegible] nearly enough of them to meet the demand from 500,000 dog owners.

Anti-Offleash Rhetoric Answered

Doesn't the City's Leash Law prohibit dogs off-leash in public at all places and at all times? Isn't the Off-leash Hours policy illegal?
No to both.

These questions were finally and unequivocally put to rest by New York State Supreme Court Judge Peter J. Kelly's written decision on November 30, 2006 in the case of *Juniper Park Civic Association v. The City of New York, NYC Parks Department*, when the judge concluded that the Off-leash Hours Policy always has been and continues to be legal and within the discretionary power of the New York City Parks commissioner. This ruling came from the failed legal attempt by the Juniper Park Civic Association, a small group in Middle Village, Queens, to eliminate Off-leash Hours recreation in all New York City parks.

Six days later, on December 5, 2006, the New York City Health Board heeded Judge Kelly's written recommendation to amend the New York City Health Code to eliminate any discrepancy in agency regulations that could result in further lawsuits. The Health Board amended Section 161.05 of the Health Code (the "Leash Law") to specifically grant the New York City Parks commissioner limited discretionary authority to allow dogs off-leash in New York City parks.

On April 10, 2007, the Parks Department amended its regulations to specifically mention the previously unwritten Off-leash Hours policy, formally allowing dog owners to allow their dogs to be off-leash in certain areas of designated parks between the hours of 9pm until the park closes, and then from when the park opens until 9am. The amended regulations went into effect one month later on May 10, 2007. A complete list of parks that allow Off-leash Hours recreation is on the NYC Parks Department's Website.

Aren't all these dogs running off-leash every morning destroying the parks and making parks unsanitary with their excrement?
Off-leash groups such as FIDO in Prospect Park and Central Park PAWS are consistently thanked by the employees and management of the parks for helping them to keep the parks clean. Ask most parks employees and they will likely tell you that after off-leash each day, the areas are cleaner because many dog owners who use the off-leash hours take great pride in the park and treat off-leash as a cherished privilege. People consistently in the park each morning or evening, take a great

interest in keeping the envi ment clean and protected.

The parks are going to the dogs! Aren't parks built for people, rather than dogs?
The dogs don't walk themselves to the park. Taxpaying dog owners are the largest single activity-specific user group in NYC parks. And dog owners are in the parks every day of the year, in all types of weather. Recreating with one's dog–throwing a ball, frisbee, running, walking, benefits dog owners as much as their dogs, and for the past 20 years, has been recognized by the Parks Department as a legitimate recreational activity within the bounds of the Limited Off-leash Hours Policy.

I've seen dog owners in parks abusing the off-leash rules. We should ban Off-leash Hours Policy because some dog owners are irresponsible.
If the irresponsible actions of a small percentage of activity-specific parks users were reason to ban those activities in NYC Parks, there would be no cycling, rollerblading, baseball, football, frisbee, running, and many other activities. All of these activities result in real injuries to other Parks users each year. A small percentage of people who participate in these sports/activities abuse their privileges, break the rules, and violate the law.

The solution is to stiffen enforcement of the rules and laws and to educate users about the rules through placement of better signage and a continuation of pamphleting done for many years by the local community Off-leash groups. Off-leash dog owner groups spend a significant amount of time and effort each year educating Off-leash Hours users about the rules and try to self-police Off-leash Hours. The various groups that comprise the Off-leash Movement are strongly in favor of stiffer fines, better signage stating the rules, and strong enforcement of the law and are ready to work even closer with Parks authorities to make sure everyone understands and obeys the rules.

Intro. Res. No. 1467-2007 Laid on Table 5/15/2007
Introduced by Legislators Stern, Cooper and Browning

RESOLUTION NO. 643 -2007, ADOPTING LOCAL LAW NO. 23 - 2007, A LOCAL LAW TO AMEND PARK RULES AND REGULATIONS RELATING TO DOG RUN AREAS IN COUNTY PARKS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on May 15, 2007, a proposed local law entitled, "**A LOCAL LAW TO AMEND PARK RULES AND REGULATIONS RELATING TO DOG RUN AREAS IN COUNTY PARKS**;" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 23 -2007, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO AMEND PARK RULES AND REGULATIONS RELATING TO DOG RUN AREAS IN COUNTY PARKS

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Suffolk County Park Rules and Regulations do not permit dogs to be off-leash on County parklands outside of authorized, fenced-in dog runs.

This Legislature further finds that the County of Suffolk is working to make county parks more accessible to persons and families that own dogs.

This Legislature also determines that efforts are under way to identify suitable unfenced areas in County parks where dogs would be allowed to run unleashed.

Therefore, the purpose of this local law is to amend Chapter 378 of the SUFFOLK COUNTY CODE to permit dogs to run off-leash in designated fenced and unfenced dog run areas in County parks.

Section 2. Amendments.

Chapter 378 of the SUFFOLK COUNTY CODE is hereby amended as follows:

CHAPTER 378, PARK RULES AND REGULATIONS

* * * *

§ 378-4. Prohibited acts.

A. No person in a County park shall:

* * * *

(5) Bring in or permit any horses, cattle, livestock or domestic animals of any kind in or on any parkland, except that a dog or cat may be permitted to use County parkland on a leash, in

areas designated for such use [and in accordance with the provisions of Resolution No. 566-1998 "Authorizing County Department of Parks, Recreation and Conservation to Construct Dog Runs within County Parks"]. No dogs shall be permitted off leash outside of an authorized [fenced in] dog run area that is fenced in, bordered by natural boundaries or otherwise segregated from other park users. Horses may be permitted on approved trails and special permits must be obtained from the Commissioner for any events involving horses, dogs, etc. No animals shall be allowed at large except as provided in this section.

* * * *

Section 3. Applicability.

This law shall apply to actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[ ] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: June 26, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: July 27, 2007

After a public hearing duly held on July 10, 2007

Unleash the truth

Myths and misconceptions about off-leash areas

Off-leash areas have been successfully implemented and maintained throughout the U.S. for over a decade. Often, some people oppose these areas due to the common myths and misconceptions about off-leash areas. In reality, these areas provide great benefits not only to dogs, but also to the community at large. After considerable research of other cities that have successful off-leash programs we have learned the following:

Myth #1
Hordes of loose dogs will over-run the city.

Untrue. Bloomington's off-leash area has fencing and natural barriers. The sign at the entryway alerts the public that this area is for off-leash enjoyment and leash laws will be in effect everywhere else in the city.

Myth #2
My child or dog will be viciously attacked.

Untrue. There has never been a single serious injury reported in any off-leash area to our knowledge - it simply hasn't happened. As a Minneapolis attorney commented, "There is less liability in an off-leash area than in most other park activities." Off-leash areas are neutral territories for visiting dogs, so it is highly unlikely that they will try to protect their turf. Dogs prefer to work things out in their groups peacefully, much as humans do. Plus, animal behaviorists have know for years that dogs are less likely to be aggressive with each other when off-leash than when they are on leash!

Children under adult supervision will be allowed in the off-leash areas, but parents are advised to use common sense, especially with very small children. Dogs while playing can inadvertently bump into children, which may frighten them. Dogs known to be aggressive are not permitted to use these areas.

Myth #3
The noise and stench will be overwhelming.

Untrue. Well-exercised and well-socialized dogs are much quieter in public areas and at home. So the more running and playing a dog does, the less likely that it will play-bark or engage in nuisance barking. The cities we consulted reported that nuisance barking was not a problem in their off-leash areas.

A strict "pick up" policy will be in effect at all locations and it is everyone's responsibility to keep the areas clean. Extra plastic bags and trashcans will be provided at the site and the trash will be emptied regularly. The experience of other cities shows that once there are legal off-leash areas, there is stronger peer pressure to pick up dog droppings and trash and these areas tend to be far cleaner than other public areas of the city.

Related links:

- Community Services HOME
- City Facilities

yth #4
The vegetation and grass will be destroyed and the fencing will be unsightly.

Untrue. The size of the off-leash area will help ensure that there is plenty of room to spread out to decrease pressure on vegetation. Areas of high use (entryways, common paths) may need wood chips or other material, as is already done in many city parks. Part of the design and calculated maintenance is for beautification projects, such as vines or shrubs around fencing to camouflage it. There are many types of fencing available that can be quite unobtrusive or even very attractive. The type of fencing used will depend on how much money is allocated from the city and raised from private donors (such as you).

Myth #5
It's too expensive.

Untrue. Aside from initial start-up costs to pay for fencing, signage, and amenities such as trashcans, it costs very little to maintain the areas. Unlike softball fields or hockey rinks, off-leash areas require very little maintenance beyond trash removal, occasional mowing or snow removal. It has been proposed that a modest increase in dog licensing fees would pay for any maintenance costs. In fact, making off-leash areas a benefit of dog registration would lead to more dog registrations and increased revenue for the city.

The reality:

Off-leash areas are a great neighborhood gathering places. Experience shows that off-leash areas build strong neighborhoods and communities. Crime has decreased in many cities near the off-leash areas and people who normally would not talk to each other will start conversations when a dog is there to break the ice. So neighbors get to know each other, friendships are made and romances can even bloom!

For more information, contact:

Parks and Recreation
1800 W. Old Shakopee Road, Bloomington, MN 55431-3027
PH: 952-563-8877, TTY: 952-563-8740, FAX: 952-563-8715
Email: parksrec@BloomingtonMN.gov

Off-leash HOME | Off-leash myths | Tips and info

Parks and Recreation functions:

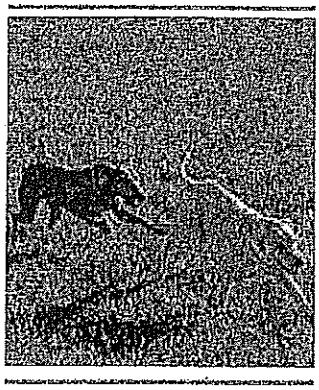
- Athletics
- Center for the Arts
- Arts in the Parks
- Farmers Market
- Online Program Services
- Parks
- Park rules
- Programs
- Seasonal jobs
- Services
- Special events

Community Services Divisions:

- Communications
- Human Services
- Parks and Recreation
- Public Health
- Recreational Facilities

Off-leash HOME | Off-leash myths | Tips and info

Off-leash recreation areas for dogs



- **Bloomington off-leash site rules**
  - Dogs must be licensed in the city that you live in for licensure requirements.
  - Dogs must be under voice control at all times.
  - Dog handlers must closely supervise their dogs and be within view.
  - Dog handlers must have leashes in hand at all times.
  - Clean up after your dog.
  - Children must be supervised.
  - Maximum two dogs per handler.
  - Leash dogs while entering and exiting the area.
- Myths and misconceptions
- Off-leash recreation area tips
- Pet license application

111th Street between Nesbitt and Hampshire Avenues

This 25-acre site is a dog's dream! You have to see it to believe it: a very large grassy area, hills, trees and even a pond for those dogs that like to swim.

Directions

From 169: Go East on Old Shakopee Road to Nesbitt. Go south on Nesbitt – the road turns into 111th Street. The off-leash recreation area will be on your right.

From the east: Follow Old Shakopee Road west to Nesbitt. Go south on Nesbitt – the road turns into 111th Street. The off-leash recreation area will be on your right.

- Google map

Tretbaugh Park – seasonal (closed for 2014 season)

Located at West 90th Street and Tretbaugh Drive, two dog parks are available for use within the broomball rinks, **April 1 - October 1.** Actual seasonal availability is weather dependent, so give us a call (952-563-8877) for details.

While these areas are much smaller than the off-leash area at 111th and Nesbit, this convenient location offers dog owners the opportunity for fun and exercise. Check them out today!

- Google Map

Related links:

- Community Services HOME
- City Facilities

For more information, contact:

Parks and Recreation
1800 W. Old Shakopee Road, Bloomington, MN 55431-3027
PH: 952-563-8877, TTY: 952-563-8740, FAX: 952-563-8715
Email: parksrec@BloomingtonMN.gov

Off-leash HOME | Off-leash myths | Tips and info

QUALITY SERVICES – AFFORDABLE PRICE

Home | Contact us | Site map | Search
Web and accessibility policies | Website feedback

Rules and Regulations

For the enjoyment of City residents and their dogs, the following rules apply in City parks and dog exercise areas:

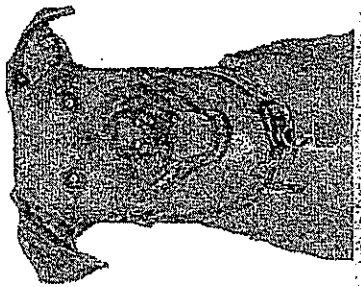
- All dogs must be under the owner's/handler's control.
- Only three dogs per person (owner/handler) are allowed.
- All dogs must be on a leash unless in a designated dog area.
- No female dogs in heat are allowed in public areas.
- Only dogs 4 months and older are allowed in public areas.
- Dogs must be legally licensed, vaccinated and wearing both current tags.
- Dog owners/handlers must keep their dog(s) in view at all times.
- Dogs are not allowed to bark incessantly or to the annoyance of the neighborhood.
- Dog owners/handlers must immediately pick up and dispose of, in trash receptacles, all dog feces.
- Aggressive dogs, posing a threat to human beings or other dogs, are not allowed at any time.
- Any bite of a person or other dog must be immediately reported to Alexandria Animal Control and parties involved must wait for an officer to respond, except in the case where immediate medical care is needed.
- Owners/handlers are legally responsible for their dog(s) and any injury or damage to facilities caused by them.

In addition to the above rules, the following applies at fenced dog parks:

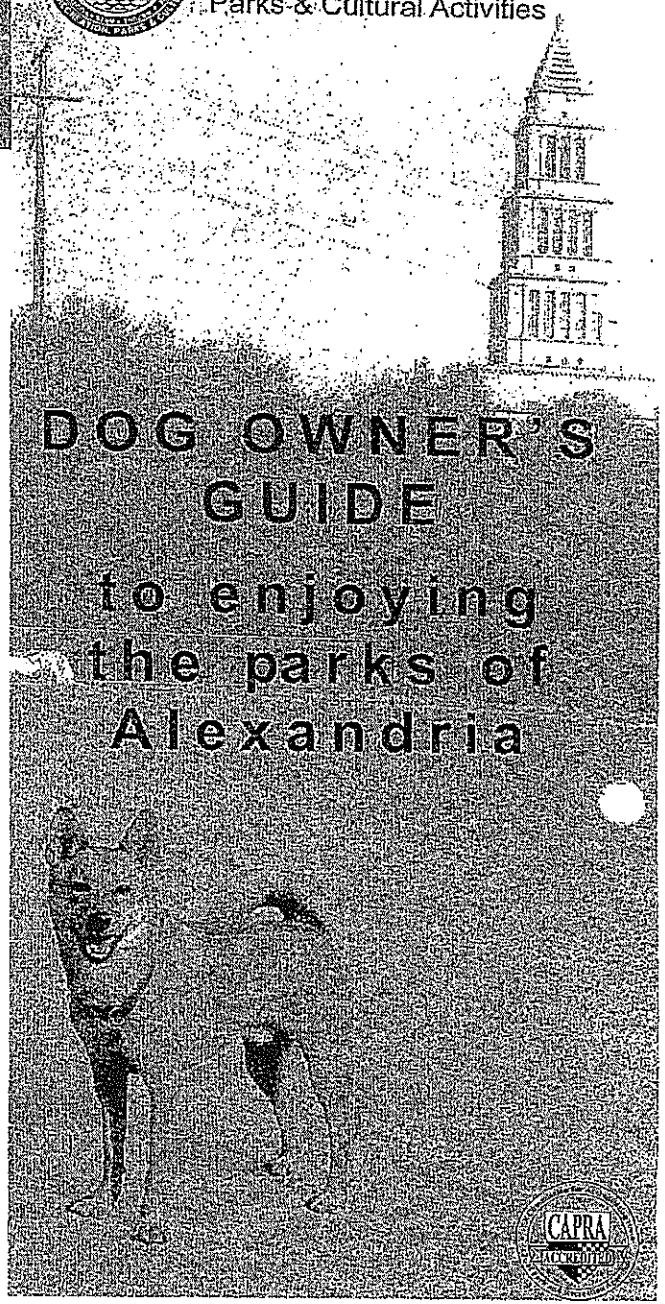
- Children under the age of 16 must be accompanied by an adult when inside a fenced dog park.
- Food is not allowed inside the fenced dog park. Non-alcoholic beverages are allowed.

To report use inconsistent with these regulations, please contact Alexandria Animal Control at 703.746.4774.

City of Alexandria
Department of Recreation, Parks & Cultural Activities
1108 Jefferson Street
Alexandria, VA 22314



CITY OF ALEXANDRIA
Department of Recreation,
Parks & Cultural Activities



DOG OWNER'S GUIDE to enjoying the parks of Alexandria

CAPRA ACCREDITED

Dogs in Alexandria Parks

Open Space Areas
Dogs are welcome in public parks but are to be kept secured by a leash unless in a designated dog exercise area or dog park. Dogs are not permitted in certain areas as marked by official City signage including athletic fields, playgrounds, and school grounds.

The leash may be removed from a dog on private property, provided that the owner or person in control of such private property has permitted such dog to be present without a leash.

Off-Leash Areas
The Department of Recreation, Parks, and Cultural Activities provides eighteen dog exercise areas and fenced dog parks for the convenience and enjoyment of City residents.

Unfenced off-leash dog exercise areas have defined boundaries marked by bollards and are designated locations for dogs and their owners to exercise and recreate without disrupting other uses of the parks.

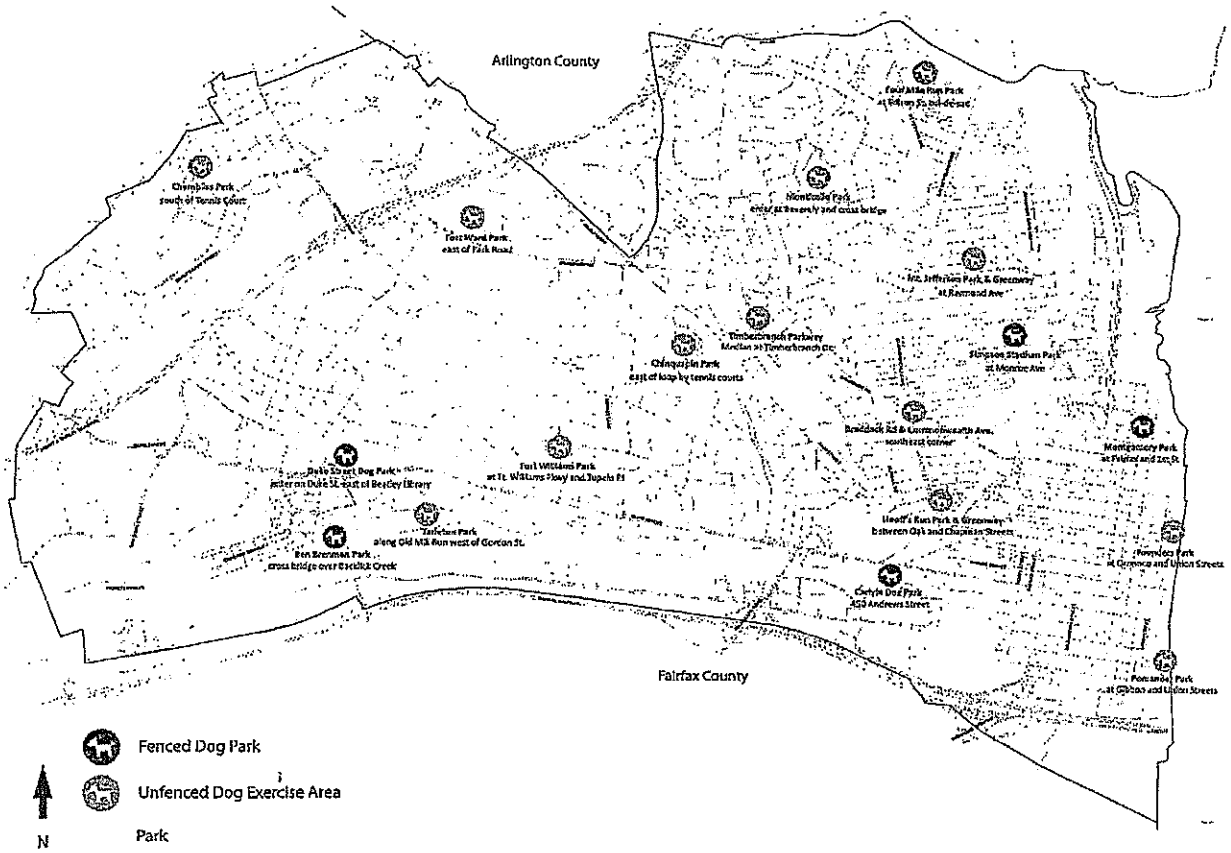
Dog owners who believe their pets are not safe in an open exercise area are encouraged to visit a fenced dog park.

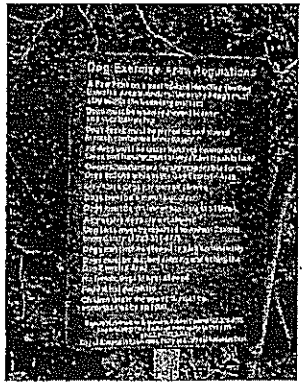
Please remember that regardless of whether a dog is in an off-leash or open area, if it defecates on public property the owner/handler of the dog must immediately remove the waste and dispose of it in a trash receptacle.

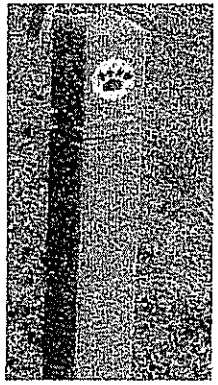
For additional information on:

- City of Alexandria rules and regulations regarding pets refer to City Code Sec. 5-7 and visit www.municode.com
- Pet ownership in Alexandria, contact the Animal Welfare League of Alexandria at 703.746.4774 or www.alexandriaanimals.org
- Dog exercise areas or public parks visit www.alexandriava.gov/recreation

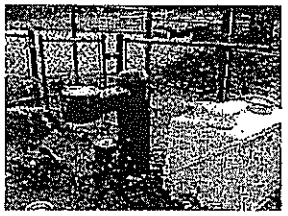
Designated Dog Areas







Signs and bollards define unfenced dog exercise areas



Dog water fountain in Dog Run at Carlyle

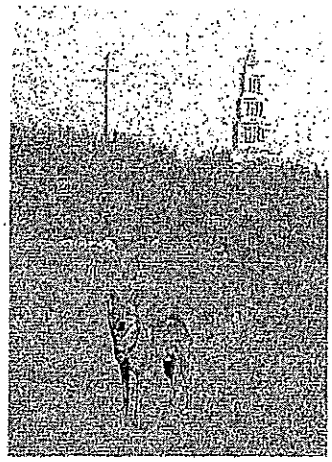
Double gated entrance at Duke Street Dog Park

Animal Welfare League *of Alexandria*

Recreation, Parks & Cultural Activities

Page updated Apr 4, 2013 10:04 PM

Dogs in Alexandria



The Department of Recreation, Parks, and Cultural Activities provides 18 Dog Exercise Areas and Fenced Dog Parks for the convenience and enjoyment of City residents.

Unfenced off-leash dog exercise areas have defined boundaries marked by bollards and are designated locations for dogs and their owners to exercise and recreate without disrupting other uses of the parks. Click here for locations.

Dog owners who believe their pets are not safe in an open exercise area are encouraged to visit a fenced dog park. Click here for locations

Dogs are welcome in public parks, not designated as a dog exercise area, but are to be kept secured by a leash. The leash may be removed from a dog on private property, provided that the owner or person in control of such private property has permitted such dog to be present without a leash.

Click here for all rules and regulations in dog areas.

Resources

- "Dog Owner's Guide to Enjoying the Parks of Alexandria," including all regulations and a dog park map
- Updated Dog Park Master Plan (2-24-2011)
- Animal Welfare League of Alexandria
- Pet Adoption Services
- Pet Licensing
- Alexandria Prohibits Use of Electronic Collars on Dogs as Form of Physical Restraint - News Release (June 28, 2013)
- Alexandria Animal Legislation

Please click here to send questions to the Department regarding dog parks.

Fenced Dog Parks:

Simpson Stadium Park at Monroe Avenue (map)

Duke Street east of the Charles E. Beatley, Jr. Library (map)

Montgomery Park at the corner of Fairfax and 1st Streets(map)

Ben Brenman Park by Backlick Creek (map)

Dog Run Park at Carlyle, 450 Andrew's Ln. (map)

Unfenced Sites / Dog Exercise Areas:

Founders Park at Oronoco Street and Union Street (map)

Windmill Hill Park at Gibbon and Union Streets (map)

Southeast corner of Braddock Road and Commonwealth (map)

Hooff's Run, east of Commonwealth between Oak and Chapman

Recreation, Parks & Cultural Activities
Alexandria Safe Place
Aquatics
Calendar of Events & Activities
Chinquapin Park Recreation Center & Aquatics Facility
Commissions
Concerts
Facility & Park Rentals
General Information
Jerome Buddie Ford Nature Center
Living Landscape Fund
Marina & Waterfront Parks
Office of the Arts
Park Information
Park Operations
Park Planning & Capital Projects
Recreation Centers
Recreation News
Recreational Programs
Resource Allocation and Cost Recovery
Special Events
Sport Leagues & Programs
Therapeutic Recreation
Trees
Volunteer Opportunities
What's Next Alexandria?

Find neighborhood parks?
Start a small business?
Learn about new development?
Pay my taxes or parking citation?
Report fraud, waste and abuse?
Speak at a City Council meeting?
Apply for a marriage license?
Find information for retired City employees?
Get information about permits?
Search property and sales data?
Find visitor information?
Find volunteer opportunities?

Streets (map)

Ft. Williams Parkway at Dearborn Rd (map)

Tarleton Park (map)

Chambliss Street (map)

North Fort Ward Park (map)

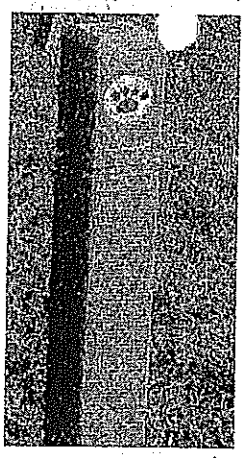
W. Timberbranch Parkway and Parkway Terrace* (map)

Chinquapin Park (map)

Monticello Park (map)

Four Mile Run Park / Edison Street cul-de-sac (map)

Mount Jefferson Park / W&OD Railroad at Raymond Avenue* (map)



Bollards define unfenced dog exercise area boundaries.

Dog Park / Exercise Area Rules & Regulations

For the enjoyment of City residents and their dogs, the following rules apply at the Dog Parks and Exercise Areas:

- Dog areas are open from sunrise to sunset
- All dogs must be under their handlers' control.
- Only three dogs per handler are allowed.
- Dogs must be on leash when entering and exiting the park. Each handler must have a leash in hand at all other times.
- No dogs in heat are allowed.
- Only dogs 4 months and older are allowed.
- Dogs must be legally licensed, vaccinated and wearing both current tags.
- Handlers must keep their dogs in view at all times.
- Any bite occurring to a person or dog must be immediately reported to Alexandria Animal Control. Persons and dogs involved must wait for an officer to respond, except when immediate medical care is needed.
- Unleashed dogs must remain within the boundaries of the dog exercise area, as defined by bollards.
- Handlers may not permit dogs to bark incessantly or to the annoyance of neighbors.
- Handlers must immediately pick up all feces and dispose of them in trash receptacles.
- Aggressive dogs (defined as dogs posing a threat to human beings or other dogs) are not allowed at any time. Handlers are legally responsible for their dogs, and any injury or damage to facilities caused by them.

In addition to the above rules, the following applies at Fenced Dog Parks:

- Children under the age of 16 must be accompanied by an adult when inside the fenced dog area.
- Food is not allowed inside the fenced dog area. Non-alcoholic beverages are allowed.

If people are not abiding by these regulations, please contact Alexandria Animal Control at 703-746-4774

Use of the parks are subject to the Alexandria City Code, including, but not limited to sections 6-1-2.2, 5-7-35, 5-7-42, 5-7-40, 5-7-38, 5-7-47

Obtain and review public documents and records?

Find information about parking?

Learn more about Verizon FIOS?

1108 Jefferson St.
Alexandria, VA 22314
703.746.4343
Fax: 703.838.6344
E-Mail

Office Hours
Monday-Friday
8 am - 5 pm

James B. Spengler
Director
703.746.5500

ARLINGTON
VIRGINIA

Welcome
to the
Glencarlyn
Community Canine Area

For everyone's greater enjoyment, please:

1. Help pick up after the dogs every time you visit. It's important to the health and comfort of all.
2. Be a good neighbor. Do not permit continuous barking.
3. If your dog behaves aggressively, please respect others by removing it immediately.
4. Be sure that children in the park are closely supervised.
5. Leash your dog before leaving the fenced area.
6. No food allowed in park.

See complete rules and other useful information in the kiosk.
Your voluntary compliance and support are appreciated and will reduce the need for active enforcement.

Please Enjoy Your Visit

Arlington County Department of Parks, Recreation
And Cultural Resources

Glencarlyn Park Dog Run

301 S. Harrison St.
Arlington, VA 22204
(703) 228-6525
www.arlingtonva.us

For the ultimate off-leash, fence-free exploration area, Fido wants the Glencarlyn Park's dog run. This off-leash area is wooded with plenty of rocks to climb, creeks to wade in and trees to mark. This off-leash park is quiet and there aren't too many dogs around, but be sure that you have a reliable off-leash recall as the complete lack of fence means that your pooch may take off if it finds something it would like to chase. It's also ideal for human exercise as you can walk through a series of trails and paths while your canine companion runs along freely at your side.

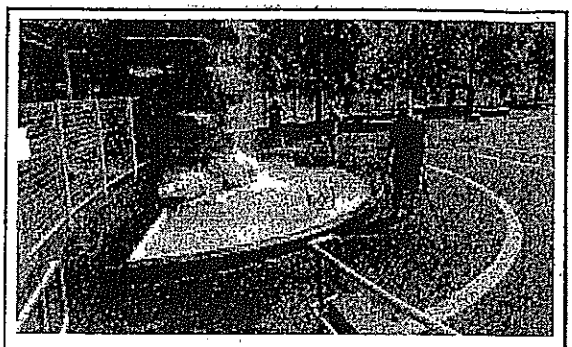
Shirlington Park

2601 S. Arlington Mill Drive
Arlington, VA 22216
(703) 228-6525
www.arlingtonva.us

Unlike most urban dog parks, the Shirlington Park feels more like the great outdoors with lush landscaping and a shallow stream that both you and your best friend can wade in. There are wooded paths that allow you to walk peacefully in the shade while your companion may search around the area. For those with smaller breeds or puppies, there's a dedicated area just for you that offers picnic tables to relax at while your pooch plays with other dogs of the same size. This large area is fenced in, so you don't have to worry about your dog if it is a runner. There's a DIY pet bath next door if your pooch is just way too dirty to get into the car afterwards.

Dog Parks

Our Dog Parks (also known as Community Canine Areas – CCAs) are **open from sunrise until one half hour after sunset.** Dogs are not allowed off leash except in designated canine community areas and are never allowed on athletic fields


James Hunter Dog Park

Rules and regulations

Dog Parks noted with an asterisk (*) indicates that dog park is not or is only partially fenced in.

Benjamin Banneker Park
1701 North Van Buren Street
Arlington, VA 22205
Lights on until 8 p.m.
Sponsor: Banneker Dogs

Fort Barnard
at the corner of South Pollard Street
and South Walter Reed Drive
Lights on until 9 p.m.
Sponsor: Douglas Dogs

Fort Ethan Allen Park
3829 North Stafford Street
Arlington, VA 22207
Lights on until 7 p.m.
Sponsor: Madison Dogs

Glencarlyn Park *
301 South Harrison Street
Arlington, VA 22204

James Hunter Park
1230 N. Hartford Street
Arlington, VA 22201
CCA area closes at 9 p.m.
Sponsor: Clarendon Dogs

Shirlington Park *
2601 South Arlington Mill Drive
Arlington, VA 22206
Sponsor: Shirlington Dogs II

Towers Park
801 South Scott Street
Arlington, VA 22204
Lights on until 10 p.m.
Sponsor: Towers Park CCA

Utah Park
3191 South Utah Street
Arlington, VA 22206

Summary of Dog Off-leash Studies.
Web address provided where applicable.

1. **Study – Isaz 2003 12th Annual Conference**
   www.vetmed.ucdavis.edu/CCAB/isaz2003.html

Off Leash Dog Parks: What makes them Work? Page 5 of 34
BY – Melissa Bain, School of Veterinary Medicine, University of California

Injury to people and other dogs was never observed during the visits, and was reported by Park managers to be of extremely low incidence.

A Walk in the Park: An Ethnographic Account of an Interspecies Social Community.
Page 29 of 34
BY – Shelley Scott, Northwestern University

In a yearlong ethnography of resident who bring their dogs to a neighborhood park in Evanston, Ill. a northern suburb of Chicago

The small park does not contain a designated dog area and people are frequently warned and occasionally fined by patrolling authorities who find them with dogs off leash. This does not deter the folks who live in the nearby houses and condos from meeting at the park because social time has become an essential part of the day for the neighbors and their dogs. In my research I have noted what the park-goers talk about regarding their dogs and other issues.

Taking dogs to Baker Park each day provides as much of a social outlet for many of the neighborhood residents as it does for the dogs. This paper details how human-animal relationships can enhance human-human encounters and how humans and dogs together may form a social community.

2. **Study – Golden Gate National Research**

Suggestions of the Social Research Laboratory based on study

Page 46 - 47

Limit off-leash dog walking to specific designated (not fenced) areas.

Cite only irresponsible dog owners.

Schedule specific times for off-leash walking

Create separate and/or fenced areas for off-leash dogs.

Create a licensing process for off leash dogs.

Fence environmentally sensitive areas to reduce environmental impact of off-leash dogs.

3. **Eurobodalla Shire Council (Australia) Companion Animal Plan**
http://www.esc.nsw.gov.au/Animals/brochures/CompanionAnimal.pdf

Page 4 Public Risk

Concerns expressed about risks from dog attacks and Council's exposure to an unreasonable level of public liability claims. It is important to understand the reason why dogs won't necessarily behave in the same way in the neutral territory of a public park. Attacks on private property frequently occur when a dominant, protective or injured dog is not adequately supervised with children and visitors. These triggers are not present in the neutral territory of a public park when a dog is with its owner. Most data collected on this issue suggests that dog attacks are more likely to occur in and around the family home or another home.

Page 10 Recognizing the benefits of Pet ownership

The health and social benefits of owning pets are now well understood and have been documented in numerous scientific studies. At one level this means a balanced approach to managing domestic pets. At another more implicit level, there is an emerging understanding that pets contribute to quality of life, a positive that could perhaps be fostered by local government.

4. **Establishing a dog Park In your community American Kennel Club**

Page 2

Dogs who are accustomed to playing with animals and people other than their owners are more likely to be well-socialized and react well toward strangers.

Page 3

The love people share for their dogs reaches beyond economic and social barriers and helps foster a sense of community.

Well-exercised dogs are better neighbors who are less likely to create a nuisance, bark excessively and destroy property. Their presence in the park along with their owners, also may help deter crime.

5. Meeting the Need: Providing Off-Leash Recreational Space in Santa Barbara

Page 3 of 10

The benefits of dog ownership are becoming clearer as scientific attention is increasingly directed toward the human-animal bond. Dogs are now recognized not just for their physical and mental health benefits, but for their role as companions and catalysts for human social interaction, and in helping children learn responsibility (Annual Review of Public Health, 1996; Psychological Reports 1996) For many single and elderly people a dog not only provides companionship but often is the only source of home and personal security.

The link between off-leash recreation and promoting acceptable behavior from dogs. Dogs need to be properly socialized to be good "canine citizens" (Canine Behavior, 1965). They also need appropriate exercise to reduce boredom and pent up energy at home. Access to a park close to home is the safest and most effective way to ensure that owners socialize their dogs and provide them with on-going experiences in the outside world. This not on benefits the dog and its owner but also neighbors, other park and street users, and authorities responsible for urban animal management, all of whom are affected by unacceptable behavior from unsocialized and underexercised dogs.

Another reason dogs need access to public open space is for the positive effects on dog owners. Owning a dog encourages people to exercise, promoting physical and mental health. Taking a dog to a community park has also been found to stimulate social interaction with other people (Journal of Nutrition and the Elderly 1996). The community building that takes place in off-leash areas results in more cohesive neighborhoods, more local involvement in municipal affairs and a heightened sense of connectedness and community for all users.

Page 4 of 10

The final reason, of most benefit to urban managers and animal control departments, is that a balanced approach to accommodating dog owners in public open space results in higher levels of compliance with relevant laws by dog owners

6. Wikipedia

ref- Pets and People the bonds Grow stronger.

Off-leash dog areas provide a social setting in which people can gather and interact in friendship. Off leash dog areas are places where dog owners and nondog owners can delight in the entertaining and interesting interaction of dogs at play. Scientific studies have shown that people somehow find it easier to talk to each other with dogs as the

initial focus, breaking down the usual social barriers that make people in our society perceive others as "strangers". Research has also shown that companion dogs improve people's health and increase resistance to disease by providing pleasurable activity by providing a source of constancy in our changing lives.

7. PetNet
Prepared by Harlock Jackson Planning and Development Consultants in Association with Associate Professor Judith K. Blackshaw
http://www.petnet.com.au/openspace/frontis.html

Section 4 Page 3 of 7

That dogs should be allowed access to public open space is a basic premise of this study. As a principle we believe it should be incorporated into both urban animal management strategies and open space/recreation plans. That is not to say that problems don't exist, only that the benefits should outweigh the disadvantages and that there is considerable scope for the problems to be better managed.

Unduly restrictive access policies are inequitable and likely to be counter-productive in managing conflicts and varying demands.

Page 4 of 7

The benefits of allowing dogs access to public open space are not immediately clear and warrant closer examination. It is important to understand that they apply not only to dogs and their owners but also to the wider community as well as those responsible for urban animal management.

The most obvious reason why dogs need access to public open space is because of their popularity. Dog owners are a substantial group of park users.

The second reason has to do with its links with promoting acceptable behavior from dogs. Dogs need to be properly socialized in appropriate behavior. They also need regular outings to reduce boredom and pent up energy at home. Access to a park close to home is the safest and most effective way to ensure owners socialize their dogs and provide them with on-going experiences in the outside world. This not only benefits the dog and its owner but also neighbors who are effected by unacceptable behavior at home, other park and street users and authorities responsible for urban animal management.

The third reason why dogs need access to public open space is for the positive effects it can have on their owners. Owning a dog encourages people to exercise and visit their local park. Taking a dog out has also been found to stimulate social interaction with other humans.

8. <u>Dog Park Scandals</u>
BY Wendy van Kerkhove of Owner of Fresh Air Training

This whole article is relevant

Summarization:

Off-Leash parks give owners the opportunity to exercise their dogs in a manner that is hard to do under any other condition. Nothing beats playing with other dogs when it comes to getting a dog tired out. In addition, one cannot underestimate the importance of allowing a dog to continually practice his or her social skills. Yes, each one of us assumes some risk when taking our dog to a dog park, but in my opinion, the reward substantially outweighs the risk.

9. <u>FirePaw Newsletter</u>
The Foundation for Interdisciplinary Research And Education Promoting Animal Welfare

Page 6

Dog play allows your puppy to learn his own language. A dog who knows how to communicate with other dogs is less likely to be afraid of them. Fear is the primary cause of aggression. Undersocialization is the primary cause of fear.

Frequent off-leash dog play throughout a dog's life is considered by behaviorists to be the first line of defense against fear and aggression in dogs.

10. <u>The Bark Unleashed</u>
Page 1 of 5
www.thebark.comcommunity/advocacy_dogparks/dogparks_02.html

Jan Drago City of Seattle Councilmember

Issued a position defining press release on October 9, 1995. As I listed to the concerns of these Seattle residents I thought back to the time when I served as a member and chair of a Park Board, when I developed a personal philosophy that ALL residents of a community had a right to utilize park facilities, not just SOME residents. Why not have some area where dog owners could exercise and play with their pets, socialize with other dog owners? I came to agree with what Seattle dog owners from all over this city were saying: **<u>This is not a DOG issue it is a PEOPLE issue.</u>** It is about recognizing off-leash activity a valid recreational activity. It is about Seattle residents who pay taxes to support our parks system, who willingly pay for those swimming pools, tennis courts and fields

that they may never use and who ask in return only that they be allowed in some places in some parks and to be able to engage in their favorite recreational activity. She then introduced legislation to implement Seattle's off-leash pilot program.

Page 2 of 5

John Etter, Parks Planning, Public Works Maintenance, Eugene, Or.

The trial period came to an end, and following public hearing, the decision was made to retain all five locations. Testimonials include the fact that people have moved into a neighborhood because of their existence, and that people derive enjoyment in sharing this activity with others; it is as if these locations are community centers for people as well as canines. There have been no complaints about people having failed to clean up after their dogs. Introducing a new activity to a park can bring out the kind of people you want in parks, which can help control some of the undesirable activity that may be taking place (in the park).

11. <u>The Bark Unleashed</u>
Page 1 of 4
www.thebark.comcommunity/advocacy_dogparks/dogparks_03.html

Dee Tilson, East Bay Regional Park District Park Supervisor

Dog fights are rare. In fact, there have been very few reported incidents involving fighting dogs in the last three years. Further, there has never been an incident resulting in litigation in the history of the special dog park of leash use since 1975 over a dog fight incident. The interactions between dogs and people have been very positive.

12. <u>The Bark Unleashed</u>

Interview with Dr. Nicholas Dodman Leading Animal Behaviorist and Veterinarian

Page 4 of 5

The vast majority of dogs do benefit greatly from having exercise periods. And walking dogs on a leash is not sufficient exercise.

There's responsible pet ownership. But it is irresponsible behavior of the few that has made society make rules that are punitive for the many responsible owners. So it is not appropriate walk along Fifth Avenue with you dog off leash .

So whether it's continued petitioning to provide parks for dog owners, these things are necessary, considering how many dogs there are in the country. There are something like half as many dogs as there are cars. If you told car owners they could not park on the streets what would they do? So there is this massive problem. One in five people owns a dog, something like 40 percent of all American households have a pet. And to make a

rule that people can't exercise their dogs off leash might even be one of the reasons that we are seeing an increase in problems these days. The demographics of the human population is such that people are moving into the inner cities, we are becoming a nation of city dwellers, and in the city it is a concrete jungle, as Desmond Morris would say. Life is very bizarre for dogs who line in Manhattan. It is not at all like the natural life. A dog needs to be provided with natural outlets-being able to run and exercise and chase things and do what dogs were bred to do. Say you have an apartment –dwelling dog who has little or no exercise and is fed one of these high-energy foods. Then add to that that there isn't much communication because the owner took the dog to obedience training as a puppy and doesn't do it anymore. So now you have a dog that is neither is communicated with properly, nor has appropriate outlets or diet. This situation, which is all too common, is an accident looking for a place to happen.

13. Cal-Dog.com
http://www.caldog.org/off_leash.php

Page 2 of 4

Off-Leash recreation offers exercise for people and their dogs. The daily dog walk gives people a chance to exercise, to be out in nature, to meet with others and to create a community. Dog walkers find friends at off-leash parks; they also monitor each other and spread the word about courtesy, clean-up and control. A strong argument in favor of creating off-leash spaces is that availability of legal off-leash areas cuts down on illegal off-leash use, making dog averse people more comfortable in public spaces because there is less chance of encountering off-leash dogs in unauthorized places.

The National Parks & Recreation Service notes in its booklet, Planning Parks for Pets:? Designating an area where dog owners can allow their animals to run off-leash successfully remedies this problem in parks where the concept has been introduced. Violations of the leash law and subsequent public complaints have decreased; and dog owners have a place to legally exercise their pets.

Additional benefits of Off-Leash

Accommodate senior citizens and the disabled, who cannot always walk their dogs on leash.

Promote Pet behavioral socialization, making dogs safer around other dogs and people.

Discourage delinquent and criminal activity in city parks.

14. Better Health Channel
http://www.betterhealth.vic.gov.au/bhcv2/bhcarticles.nsf/pages/dog_walking_the_health_benefits

Page 1 of 3

People who walk their dogs are seen by other people as friendly and approachable.

Stroking and patting a pet can reduce the physiological indicators of stress, including high blood pressure.

The non-judgmental companionship and unconditional love offered by pets is known to have considerable mental health benefits for owners including increased self-esteem.

Research taken by the University of Western Australia has found that owning a pet can also benefit the whole community. The researchers found that pet owners, in particular dog owners, were more likely to:

- Acknowledge and greet other people in the street
- Exchange favors with neighbors
- Meet others in their neighborhood.

15. <u>The San Francisco Society for the Prevention of Cruelty to Animals</u>

Statement to the City and County of SF Advisory Dogs Off-Leash Task Force

Page 2 of 5

Perhaps most importantly, dogs also contribute to a more positive environment in our City by facilitating communication between people. Studies have found that the presence of a dog increases the likelihood of friendly contact. This is especially true and important for people with mobility problems or other special needs that keep them socially isolated. As one dog organization has noted, "neighbors who would otherwise have little reason to speak to one another will stop and chat when dogs are present" (SF Dog Owners Group SF DOG Managing Off-Leash Recreation in Urban Parks, March 1999 at P. 6) This fact is an important ingredient in the formation of a community. There are countless examples of dogs introducing people to other people, thus leading to the formation of neighborhood groups, park clean-up days, new friendships, and even marriage.

Dogs do so much good for the community: they give us a sense of optimism, safeguard us from depression and loneliness, and break down the barriers that isolate us from one another. Their presence improves our health, protects us from danger, and teaches us about caring and responsibility. While dog ownership may not be a fundamental right, it is unquestionable an integral aspect of our daily life – which cannot be dismissed lightly and should not suffer unwarranted limits.

Because dogs, like human beings are "pack" animals, they like us, need to socialize in order to remain psychologically healthy. Keeping dogs isolated from one another goes

against a dog's most basic instincts. In addition, if continually frustrated by their lack of mobility, many dogs will react with intense enthusiasm, such as dashing around wildly.

As noted by the San Francisco Dog Owners Group, "Dogs require daily exercise and contact with other dogs in order to remain healthy and well socialized...A well socialized dog learns the skills required for getting along with the people and the other dogs (he/she) meets each day (SF DOG Page 7).

Page 3 of 5
There is no substitute for off-leash parks: Dogs socialize with each other through subtle displays of posture and behavior that can only occur when they are not impeded by a leash. A leash limits a dog's natural movement and can even cause some dogs to become territorial, protecting the area to which the leash confines them" (SFDOG at P.7)

Moreover as the Task Force recognized, the twenty-year old park system does not reflect the distribution of dogs and dog owners in the City, nor does it reflect an apparent increase in dog ownership in the last twenty years (p.3)

Page 4 of 5

As stated in the Task Force Report, the current off-leash areas "are by and large, poorly marked, poorly maintained, and inadequate to meet the needs of dog owners" (p.8). Just as our park system as a whole has aged, the areas available to dog owners have aged along with it. In some cases, simple maintenance and signage will help to improve dog areas. In other, the availability of trash cans, waste bags and benches will lead to a more successful park.

16. P.E.I. Humane Society
http://www.peihumanesociety.com/park.htm

Page 1 of 3

The Benefits of a Dog Exercise & Education Park

Research shows that dogs are more than just companions. They provide both physical and mental health benefits to their owners. The importance of dogs in society has even helped spawn a new field of study, Urban Animal Management, which aims to ensure that animals are taken care of in the urban environment.

Off-Leash recreational areas not only foster the strong historical relationship between dogs and people; they also contribute to urban animal management and urban environment.

The Benefits of a Dog Exercise & Education Park to Dogs

Studies have shown that dogs that exercise and are allowed to run freely are not as aggressive towards people as dogs that are under-exercised. Allowing dogs to have an off-leash area socializes dogs. It brings them in contact with other dogs and causes them to be less aggressive in each future encounter with dogs. Dog Parks improve the mental state of dogs. Many dog owners report that after a visit to the park their dog is less agitated, more relaxed and in general nicer to be around.

Page 2 of 3

The Benefits of a Dog Exercise & Education Park to Dog Owners

The benefits enjoyed by dogs are also benefits to dog owners. A well adjusted, less aggressive dog is more enjoyable and easier to handle for the owner. In addition the Dog Park benefits owners research shows that these benefits include:

The provision of a vital public space allowing people to meet and form the bonds of community.

Allows people to have the pleasure of watching their dogs at play. Contributes to the overall physical fitness of people by encouraging them to exercise with their dogs. Provides an opportunity for owners to enjoy the outside.

The Benefits of a Dog Exercise & Education Park to Dog Owners

By providing socialization and exercise opportunities, the Dog Park can make dogs less aggressive, thus reducing the risks of dog attacks. In addition, well-exercised puppies and dogs are less likely to create a nuisance by barking excessively or destroying property.

Benefits to the Community that do not rest on Dog Behavior.

Designated spaces for dogs and their owners reduces the likelihood that dogs will be let loose in other recreational areas where they could infringe on the rights of other park users.

Dog owners have an interest in the safety of their community and can act as a neighborhood watch. Also designated off-leash spaces reduce the resources law enforcement and animal control officials must spend on enforcing leash laws, allowing of them to devote their time to other areas of crime prevention and animal cruelty investigations.

Dogs often help people break the ice, allowing people who share interests to socialize while exercising their dogs. These interactions help neighbors to get to know each other

and to build a sense of community. The social aspect of the off-leash spaces also tends to enforce the basic rules of dog ownership such as cleaning up after one's dog and always controlling one's dog behavior.

DOG OFF-LEASH AREAS

A project is under way to allow dogs off-leash during designated hours in 7 city parks. The multi-use parks are fully developed with green grass, restrooms and irrigation. Owners must pick up after their pets.

The program was approved in March 2011 by the Parks & Recreation Commission, a citizen board that provides oversight for the Boise Parks & Recreation Department.

Parks and hours for the dog off-leash program are:

Ann Morrison Park
Sunrise to sunset
November 1 - February 28

Castle Hills Park, 5350 Eugene St.
Sunrise-10 a.m. & 4 p.m.-sunset

Cypress Park, 4382 S. Tabletridge Way
Sunrise-10 a.m, & 4 p.m.-sunset

Manitou Park, 2001 S. Manitou Ave.
Sunrise-10 a.m. & 4 p.m.-sunset

Redwood Park, 2675 N. Shamrock St.
Sunrise-10 a.m. & 4 p.m.-sunset

Sunset Park, 2625 N. 32nd St.
Sunrise-10 a.m.

Winstead Park, 6150 Northview St.
June 1 - August 31, Sunrise to 8:00 a.m.;
September 1 - May 31, Sunrise to 10:00 a.m.;
November 1 - February 1, 3:00 p.m. to Sunset.

Public feedback is welcome; please feel free to comment at www.cityofboise.org/parks.

HELPFUL TIPS

Dog Owners

- Your dog must have a leash AND a Boise City animal license. Boise City Code Section 6-7-17 states that it is unlawful for a person to own, harbor, keep or possess an unlicensed dog within the city limits.
- A leash protects your dog from accidents like becoming lost, injured by a fast-moving bicyclist or suffering from a painful or even fatal fall.
- Citations may be issued by the City of Boise for violations.

Everyone

- Remember, many dogs – even the most obedient – chase and threaten wildlife. It's a natural instinct! So have your leash ready.
- Dogs can become aroused visually by a scent or noise and may scare birds or other wildlife away from nesting, feeding and resting sites. Be courteous to wildlife.
- Lots of people are afraid of dogs – even friendly ones. Some fear being knocked over or bitten. Never assume people want to meet your dog!
- Wildlife may bite or transmit disease to your dog. Your dog may digest poisonous plants. On a leash, your dog is less likely to encounter these dangers.

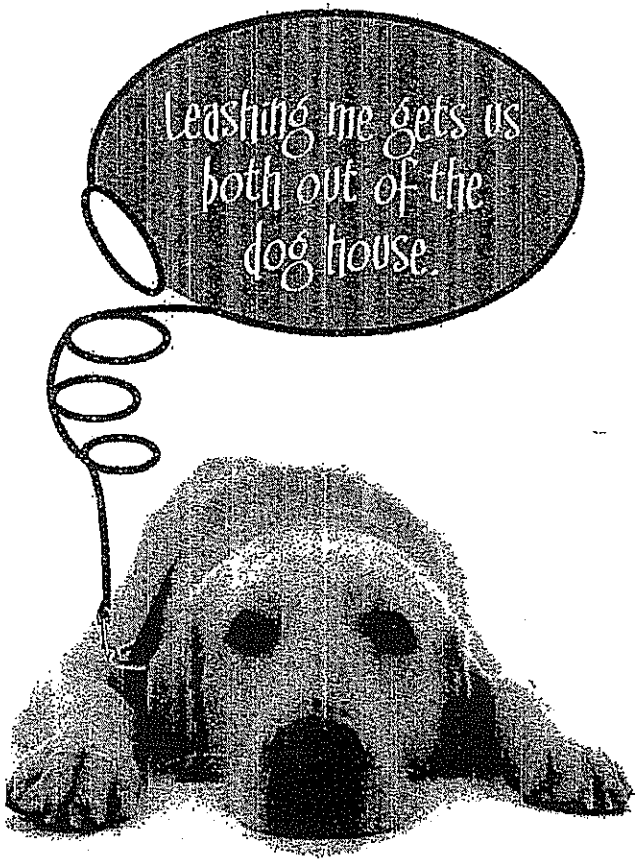
BOISE
Office of the City Clerk

150 N. Capitol Boulevard
P.O. Box 500
Boise, Idaho 83701-0500
(208) 384-3710
Fax: (208) 384-3711
TDD/TTY (800) 377-3529
www.cityofboise.org

©2013 BP&R 04/13

BOISE Office of the City Clerk

Dog Off-Leash Areas



DOG OFF-LEASH RULES

Dog Owners

- Never leave your dog(s) unattended or allow them out of sight.
- Never leave the area without your dog(s).
- Always clean up after your dog. Remove and dispose of waste in bins provided.
- Always carry leash in hand; leash dog(s) when entering/leaving park.
- Gates, where present, must be kept closed at all times.
- Be prepared to encounter children in the Dog Off-Leash Area (DOLA). If your dog is not comfortable around children, please try to alert the parents and keep distance between the dog(s) and children.
- You are legally responsible for your dog's behavior and any injuries or damages he/she causes.

Dogs

- You must wear a visible and current license.
- If you're in heat, stay home; likewise if you are an un-neutered male.
- If you're aggressive or like to bully other dogs or start fights, you're not welcome. Period.
- For safety reasons, please remove pinch, spike or choke collars and halters before entering the area; we don't want anyone getting hurt.

Parents

- This is a dog park; toddlers and small children do not belong in the dog area.
- This is not a children's playground; it is a Dog Off-Leash Area. Some dogs are not used to being around children and may react negatively.
- You are encouraged to keep your child within arms' reach at all times; do not allow toddlers to run at will.

Kids

- If you're age 8 or under, you must be accompanied by an adult.
- If you're uncomfortable around dogs this is not a safe place for you to play. Please ask your parents not to bring you to this area.
- No running! This triggers a prey and chase response from some dogs, which may result in injury.

Don't Forget!

- Provide your dog with lots of drinking water before and after exercise (you too!)
- Check ears and between toes for pesky seeds or thorns.
- Love 'em & leash 'em in public!

OFF-LEASH PARKS

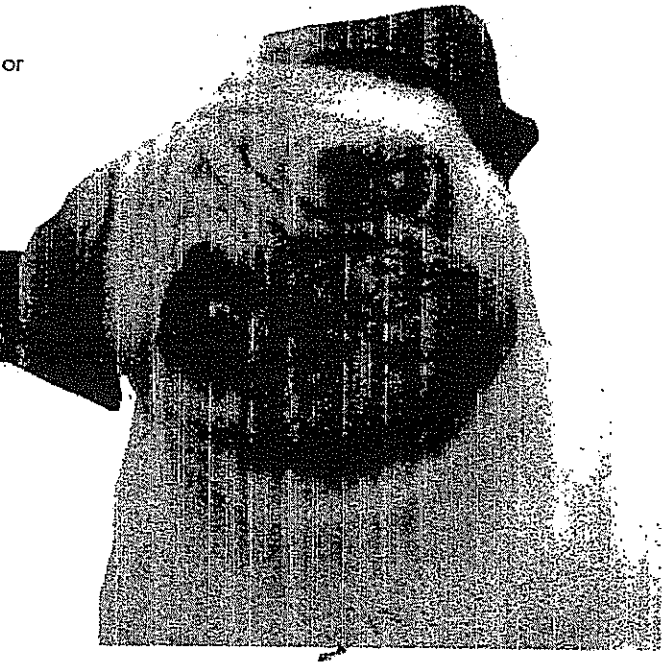
Dogs and their owners will enjoy playing at 4 off-leash parks maintained by Boise Parks & Recreation. At the parks, dogs can romp during daylight hours. The parks feature mulch or sand surface materials; no green grass. Owners must pick up after their pets.

Military Reserve Flood Basin
750 Mountain Cove Rd.
The unfenced park is a large undeveloped area in a flood retention basin off Reserve Street. Amenities include picnic benches and trash cans.

Morris Hill Park, 10 Roosevelt St.
The 1-acre enclosed park features a shelter and benches, trash cans, fire hydrants and other play features.

Pine Grove Park, 8995 W. Shoup Dr.
A 1-acre enclosed dog park with benches, shade structures, trees and trash cans.

Sterling Park, 9851 W. Irving St.
A .75-acre enclosed dog park with benches, shade structures, trees and trash cans.



ON THE FOOTHILLS TRAILS

In the Boise Foothills, dogs can run off leash if they are not disturbing wildlife or causing a safety concern with other trail users. In these "Controlled Off-Leash" areas, dog owners still must carry a leash and waste bag with them, and their dogs should not be further than 30 feet away at any time. For more information, see www.ridgetorivers.org.

Dog Owners

- Leashes are required on trails in the Boise City reserves.
- Several trails have been designated as "Controlled Off-Leash." This means that you're on the right trail if your dog is not leashed.
- "Controlled Off-Leash" means dogs must be within 30 feet of the owner and stay on the trail; your dog(s) must not approach or harass people, other pets or wildlife
- Be smart! Leash where required and pick up after your dog.
- Share the trails by managing your dog!

DOGS OFF-LEASH RULES & F ULATIONS

Boise City Code

Dog Owners must adhere to the following rules when using either a dog off-leash park or an hourly dog off-leash area.

- Dogs are required to be licensed (BCC 6-07 (http://cityclerk.cityofboise.org/media/223598/13560_0607.pdf)).
- Dogs may not harass humans or other animals (BCC 6-07 (http://cityclerk.cityofboise.org/media/223598/13560_0607.pdf)).
- Dogs must be on a leash unless in an area otherwise indicated (BCC 13-03-06 (http://cityclerk.cityofboise.org/media/223238/17954_1303.pdf)).
- Owners are required to remove fecal matter deposited by their pets (BCC 13-03-06 (http://cityclerk.cityofboise.org/media/223238/17954_1303.pdf)).

Park users in violation of any of the above ordinances or any other rules of the parks outlined in Boise City Code (http://www.cityofboise.org/Departments/City_Clerk/CityCode/index.aspx) may be cited, fined, and asked to leave.

Definitions

- Dog Off-Leash Parks & designated foothills trails are available everyday from sunrise to sunset. Feature mulch or sand surface materials; no green grass.
- Dog-Off Leash Areas are available for off-leash use during designated hours. Multi-use parks are fully developed with green grass, restrooms and irrigation.

Dog Off-Leash Rules & Regulations

Visitors to the Dog Off-Leash Parks/Areas should be aware of the following:

Dogs

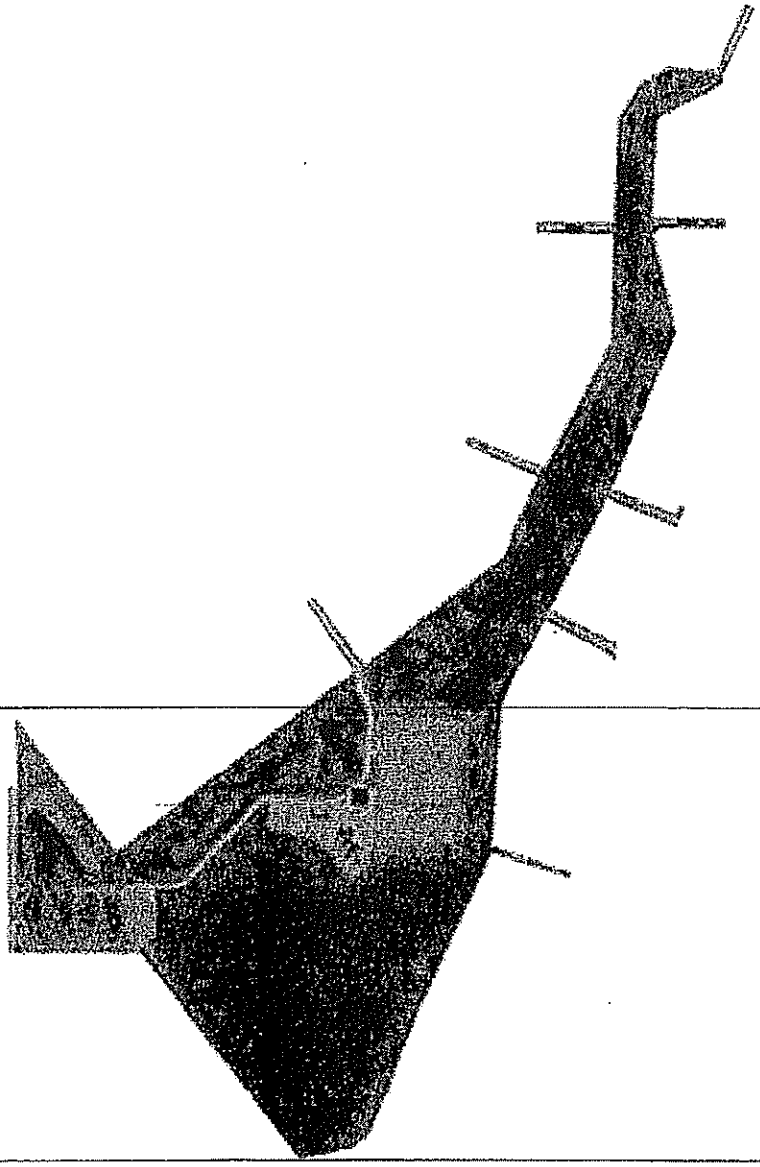
- You must wear a visible and current license.
- If you're aggressive, you're not welcome. Period.

Owners

- You are legally responsible for your dog's behavior and any injuries or damages he/she causes.
- By entering the dog off-leash area, you do so at your own risk and agree to abide by all park rules.
- Never leave your area without your dog(s), leave them unattended, or allow them out of sight.
- You are required to carry the equipment necessary to clean up after your dog. Remove and dispose of waste in bins provided.
- Always carry a leash; leash dog(s) when entering/leaving park.

Copyright © 1999-2015 City of Boise. All rights reserved.

CASTLE HILLS PARK
DOG OFF-LEASH AREA



OFF-LEASH AREA

The Castle Hills Park Off-Leash area is defined by the park's property lines on the east, south, and west of the park, and the sidewalk, playground, and tennis courts to the north. Dogs must be on a leash in the parking lot. The map to the left shows the approved area in red.

OFF-LEASH HOURS

Off-leash use can occur in the designated (red) area during the following times.

- Sunrise to 10:00 a.m.
- 4:00 p.m. to Sunset

Off-leash use outside the designated times will result in a citation.

Dogs that are off-leash outside the designated (red) area during designated hours will be cited by enforcement officers.

BOISE
CITY OF TREES
Parks & Recreation

Long Island Dog Owners Group
lidog_news@yahoo.com
www.lidog.org

Frequently Asked Questions and Answers About Dog Parks

1. **Aren't parks for people, not dogs?**
   Taking a dog to the park for exercise, play or training is a legitimate form of recreation. People accompany their dogs and all tax-paying citizens enjoy the parks. People without dogs are no more deserving of enjoying parks than people with dogs.

2. **Won't dogs take over the park, especially if dog owners come from all over the County?**
   No. If other areas have their own designated areas, dog owners will usually prefer to stay closer to home. This is why more off-leash areas are needed. Also, if dogs are in the park for a limited number of hours and/or have a limited amount of space, that is not taking over the park, but a shared use. The County Parks Dept. will not allow us to take over. Our legal, designated off-leash areas will be the result of compromise and cooperation among all park users.

3. **What about people who hate stepping in dog poop?**
   Nobody likes to step in dog poop. But dog poop can be controlled if confined to a certain area, not allowed to collect on resident's lawns, go into storm drains and onto ball fields. Poop from off-leash dogs will be picked up more than that of dogs on leash because we have user groups who want to keep the dog areas open and legitimate. People walking their dogs on leash have less reason to pick up their dogs' feces. User groups use peer pressure and a ready supply of plastic bags.

4. **Don't dogs carry a lot of germs?**
   As to germs from dogs, dogs are not permitted in playgrounds. The actual occurrences of zoonotic diseases -- those transmitted from animals to humans-- are exceedingly rare.

5. **Can't dogs exercise on a leash?**
   The handicapped, seniors and many other dog owners cannot keep up with large dogs on leash. Dogs cannot play or socialize on a leash. Lack of exercise leads to behavior problems like excessive barking. Running off leash guarantees exercise, stress reduction and fun for a dog. A stroll on the street does not. Larger dogs can run with a jogger, but prolonged running on pavement is not good for dogs.

6. **Don't dogs get into fights at dog parks?**
   Most dogs are thrilled to see each other so fights are infrequent. Dogs on leashes are more aggressive because restraints tend to make dogs fearful and insecure. Dogs off leash are friendlier towards each other. As dogs get to know each other off leash they have fewer disagreements. The socialization happens very quickly. Parks are neutral territory so dogs are less likely to fight. Banning aggressive dogs from the park and control by dog owners will also lessen the probability of fights. The more neighborhood off-leash areas, the less density of dogs in a particular park – and the fewer fights.

7. **Won't dogs attract criminals to the park?**
   No. The opposite is true. Park managers from other areas have commented that – "Dog owners are the least expensive and most reliable clean up crew and safety patrol in our parks system."

8. **Won't property values near the parks decrease because of dogs?**
   No. Studies have shown and recent newspaper articles support that many homeowners look for homes close to off-leash areas.

9. **Why do dogs need to socialize in the park?**
   Socialization improves the behavior of dogs towards other dogs and people. Unsocialized dogs will be more aggressive and unruly. Dogs often are relinquished to animal shelters and euthanized because they are not properly socialized. This causes much heartache and costs taxpayer dollars. Socialized dogs make better pets and are much happier.

10. **What about dogs jumping up on people, especially children?**
    Our shared use of the parks with limited hours or limited space will keep our dogs away from anyone who doesn't want to be near them. Many children love dogs and want to be near them. Dog parks can be fun places for children old enough and big enough to play safely with dogs. They are not natural enemies but more like natural companions.

11. **Why do dog owners keep violating the leash law?**
    Many dog owners are torn between obeying laws and doing what is best for their dogs. Dog owner groups, such as ours are working hard to create legal off-leash areas so that we won't feel forced to break the law.

12. **Aren't the big dogs more dangerous?**
    Not necessarily. The danger comes from dogs confined in back yards, not given enough exercise and not socialized.

13. **I want to walk my little dog on leash and don't want it bothered by loose dogs. What's to stop big dogs from attacking my little dog?**

Dogs on leash should not be brought into an off leash area. This can create aggression problems. On leash dogs can be walked almost anywhere at any time of the day. As for off-leash little dogs we are providing separate areas where they can romp and play safely.

14. Aren't dogs noisy, barking and bothering neighbors?

Excessive barking is not allowed in designated off-leash areas. Dogs are quieter than many activities of children at play or in organized activities. Most excessive barking comes from back yard dogs not allowed to play off-leash.

15. Aren't many dog owners irresponsible?

Some park users are irresponsible and commit vandalism, litter our parks and graffiti park property. But we do not close our parks because of this and thereby punish all park users. We need to prosecute only those who commit the crimes. In much the same way, dog owners who are irresponsible should be prosecuted for the laws that they break. Dog owner groups are as much against irresponsible dog owners as any park user and we will not make excuses for them. Irresponsible dog owners will find that they are not welcome in off-leash areas. This will make it more comfortable for all park users.

16. Will dogs dig holes and damage the ground surface?

The condition of any grassy area is affected by the amount of park maintenance and the number of dogs using the area. Dog owners will fill holes that their dogs have dug. All park areas require maintenance, especially golf courses.

17. Isn't this something new? I have never heard of dog parks.

No, this is not new. In California, Dog Beach and Fiesta Island have been leash free since 1972. New York City has allowed dogs in designated areas of its parks for more than 20 years and now has almost 50 dog runs. Today there are well over 1,000 dog parks throughout the United States, with more opening daily.

###

We are LI-DOG, the Long Island Dog Owners Group, a 501(c)(3) nonprofit organization dedicated to to increasing access to public parkland for Long Island dog owners and their dogs. Visit us at www.lidog.org or email us at lidog_news@yahoo.com

Exhibit 37
Animal Ordinance
Public Hearing: 2/9/15

in support of hens
Stephanie Richard
to:
Mayorandcouncil
02/09/2015 03:15 PM
Hide Details
From: Stephanie Richard <stephaniearichard@gmail.com>

To: Mayorandcouncil@rockvillemd.gov

Hi -

I am unable to attend the meeting tonight, but I wanted to write in support of the keeping of hens in Rockville. We were not aware they were illegal and bought a groupon for rental chickens, which we enjoyed for a week until we learned they were illegal and had to return them before our month-long rental was over. They were lovely when we had them, clucking around the yard, with our 4 year old in charge of picking up the eggs. It was a great experience and I hope to be able to do that again.

Thank you.

Stephanie Richard
318 Seth Place
Rockville, MD 20850

Exhibit 38
Animal Ordinance
Public Hearing: 2/9/15

TNR
pbygones
to:
Mayorcouncil
02/09/2015 03:50 PM
Hide Details
From: pbygones@aol.com

To: Mayorcouncil@rockvillemd.gov

Dear Mayor and Council Members,

My first experience with TNR was in 1997, in the parking lot outside of my office in Rockville. One day a mother cat brought all five of her little babies to the food I provided on a daily basis. I managed to catch all of them, kept the mother and babies together for another week to make sure all kittens were eating on their own, and they were. The mother cat was then spayed, vaccinated against rabies and distemper and released her to her home territory in Rockville. I kept the kittens until they were old enough for spay/neuter, and when done, I found good homes with family and friends for all five. The mother cat lived out the rest of her years with assistance of food and shelter from me and never had another litter. What I have just described is a managed feral cat colony, which I believe is a very important component of TNR. Feral cats are not just rounded up and TNR'd, they're also managed by a volunteer, such as myself. Over the last eighteen years, I have spent thousands of hours and thousands of my own income managing multiple feral cat colonies in Rockville. This is my time and money on cold, snowy or rainy days as well as hot, sunny days, 365 days each year for eighteen years.

Managed feral cat colonies are stable colonies, meaning no more cats foraging for food and getting hit and killed by cars or unwanted litters being born. Should a problem arise and a cat is observed in need of medical care, it is caught right away and transported to a vet. There is a huge network of volunteers, veterinarians, as well as many charities who are concerned about the feral cats that help provide care and financial aid. In closing, I would like to add that the cats are harmless to the community, actually many of them are friendly and deserve to live out their days. Please help us help the feral cat population by allowing us to continue to give of ourselves, and not condemn the cats.

Sincerely,

Peggy Shaw

Exhibit 39
Animal Ordinance
Public Hearing: 2/9/15

Feral cats law
kelli monk
to:
mayorcouncil@rockvillemd.gov
02/09/2015 04:32 PM
Hide Details
From: kelli monk <kmonk1@hotmail.com>

To: "mayorcouncil@rockvillemd.gov" <mayorcouncil@rockvillemd.gov>

Dear Mayor, I have been feeding feral cats for over 10 yrs and in all that time I missed only 1 day. Think about it. 10yrs of no vacations, no weekends off ,no Holidays off. The only day I missed was the day after my mastectomy due to stage 3 breast cancer. I even passed on the reconstructive surgery because I would have had to spend the night in the hospital and miss feeding my feral colonies in the morning. Unfortunately due to a bad reaction to the anesthesia I didn't go that morning .A good friend by the name of Rita Flygar (who is attending and speaking at tonights meeting) went for me. Otherwise I would have gone .Most people aren't that dedicated to a paying job.These animals didn't chose their circumstances and with TNR they are able to live disease free ,kitten free lives and I have seen first hand the decrease in populations . The colonies are maintained by people like me who feed and care for them at our own expense.The cats no longer have need to hunt wild prey such as birds for the bird lovers who I count myself amongst. I love and respect all creatures great and small as should we all in an educated ,civilized society.Please help us with laws to protect them and our efforts on their behalf. Thank you for your consideration. Sincerely Kelli Monk

Exhibit 40
Animal Ordinance
Public Hearing: 2/9/15

Written testimony for Public Hearing on Animal Control Ordinan
joseph
to:
mayorcouncil
02/09/2015 04:35 PM
Hide Details
From: "joseph" <josjordan@verizon.net>

To: <mayorcouncil@rockvillemd.gov>

Re: allowing dogs that don't meet one of the two provisions in today's ordinance to be allowed off-leash in certain public spaces:

I oppose this proposed change.
To my recollection, there was only one resident asking for this, and it was because his dog isn't comfortable around other dogs in a dog park. There is already a provision in the ordinance that allows dogs to be off-leash, provided they are either AKC certified companion dogs or have passed a test administered by Neighborhood Services. I strongly believe either of these conditions must be met before anyone is allowed to have a dog off-leash in public spaces, especially in public recreation areas. If anyone wants to go to an area and have their dog be without a leash, they can follow the law like everyone else. Dogs are unpredictable, and to assume owners can control behavior and actions at all times is not a safe bet. Passing a test and getting a permit mitigates some of the risk.

Re: allowing pets requiring a license to not be required to wear their tag when outside, if micro-chipped:

I oppose this proposed change:
I don't know how the ordinance can be enforced if the animal isn't wearing the license tag. Microchips are not visible, so how would an officer know if the pet had one or not? I have been stopped several times while walking our dog and the officer asked to see the tag. She also has a microchip, but how could I have proven that?

At a Park and Rec advisory board meeting last year, a motion was made as follows: *"Tom Lynch motioned to pursue an off leash pilot program where dogs have free reign with specific days and times. The vote was unanimous."*

Has this vote been sent to the M&C? The advisory board is just that, advisory only. I hope you do not follow this suggestion. There is no need to start a pilot program – dogs are allowed to be off-leash provided they meet one of the conditions above.

I believe having two conflicting provisions for allowing dogs to be off-leash makes no sense, and the primary focus should be on the safety and welfare of citizens, not on dogs that may have socialization issues with other dogs.

Sincerely,

Joseph Jordan
Rockville, MD

Exhibit 41
Animal Ordinance
Public Hearing: 2/9/15

Section 3-28 Feral Cats
Krista Rakovan
to:
cityclerk@rockvillemd.gov
02/09/2015 04:44 PM
Hide Details
From: Krista Rakovan <krakovan1@yahoo.com>

To: "cityclerk@rockvillemd.gov" <cityclerk@rockvillemd.gov>

Please respond to Krista Rakovan <krakovan1@yahoo.com>

To Whom it May Concern,

I am a feral cat caregiver in Montgomery County, MD and I'm in support of the proposed amendments to the city code regarding Trap-Neuter-Return and feral cats.

A group of concerned citizens and I care for approximately 60 feral and community cats across several colonies in our town. We feed them daily, have them spayed or neutered, provide shelters, and provide veterinary care when needed. We do all of this at our own expense and several of us spend thousands of dollars a year. We have not had any kittens born into our colonies for several years; however, people still do dump cats they no longer want (which we then have to take responsibility for).

If it were not for the dedication of feral and community cat caregivers who volunteer their time and money to spay/neuter the cats, there would be a much larger cat problem including kittens and nuisance cats (spraying, fighting). I do not believe animal control has the resources to provide the services that the cat caregivers are currently providing to their communities.

These amendments are good for communities, animal control, and the cat caregivers.

Thank you for your consideration.

Krista Rakovan
301-351-3140

Exhibit 42
Animal Ordinance
Public Hearing: 2/9/15

Testimony before Rockville Mayor and Council
on the Animal Control Ordinance
Given by Clark Reed, Rockville Environment Commission
February 9, 2014

Good evening Madam Mayor and Council. My name is Clark Reed and I live at 5913 Crawford Drive in the Twinbrook neighborhood. I serve as chair on the Rockville Environment Commission and it is as a commissioner that I speak tonight.

Last October, when Council member Palakovich Carr introduced this proposal, I conveyed the commission's support for it, in principle. For a variety of food safety, environmental, and social reasons, the commission believed (and still believes) that residents ought to have the right to raise egg-laying hens on their own property. Tonight, after careful consideration of the specific requirements proposed under the rule, I am pleased to report that the commission unanimously endorses and supports it in full.

We believe that this proposal strikes a reasonable balance between those who want to raise their own chickens and those who would deny their neighbors that right altogether. This rule does not allow an excessive number, like twenty-five chickens, as some cities allow. Five is the maximum number proposed in Rockville. Nor does this rule allow roosters, like some other cities do. Our sunrises will continue to be seen and not heard.

Allowing a small number of hens also ensures that their environmental impacts are kept in line with other domestic animals in Rockville. Because sound level decreases with distance, under current proposed setbacks of 40 feet from a residential structure, the noise level would be only **33 decibels from an open window**, or twice as loud as a whisper. How does that compare to other sounds we hear from our homes? A residential street (55 decibels), a vacuum cleaner (80), a lawn mower (90 decibels), a barking dog (90 decibels), and a crying baby (110 decibels).

Waste is not an issue, either. Five hens produce 1/3 of a pound of waste per day. One forty-pound dog produces twice as much solid waste as

these chickens. And a dog's nitrogen load on the soil is larger as well. A well-kept coop -- just like a well-kept dog run -- will not smell. Proposed regulations require that the coop and outdoor enclosure be cleaned on a regular basis to prevent the accumulation of waste.

Chickens will not be roaming free in backyards, either but kept in a covered, predator proof coop or cage that is well ventilated and designed to be easily accessed for cleaning. The ordinance is written not only to protect the neighbors from free ranging birds, but to keep the hens safe as well.

You may hear tonight an unsubstantiated claim that hens will bring in more predators. Our backyards are already attracting coyotes, foxes, and hawks with wild bird feeders, pet food, gardens, fishponds, birdbaths, and trash. To say that chickens in protected coops will attract even more predators to our backyards is like believing the banquet hasn't already started. The table is already set. This proposal ensures the hens are reasonably safe and protected.

We are in the midst of a massive urban agricultural renaissance happening now across the country. Hundreds of cities have eased restrictions over the past decade. Reports from these cities indicate that there are very few complaints about chickens. Allowing residents a small number of egg-laying hens has not created a financial burden for these cities, presented a noise, odor, or rodent problem, reduced property values, or posed a public health threat. In fact, public officials in cities where backyard chickens have been permitted for years, view it as a beneficial, community-building and self-sustaining activity that they promote and encourage.

These reasons compel the commission to vote unanimously in favor of recommending that the city ease restrictions to revive this historic American tradition. We hope the Mayor and Council will agree.

Thank you!

We are petitioning the City to permit 2 chickens per residence for those of us who would like fresh eggs (no roosters)

Phone	Name	Email
301-367-5385	(Gail Willow Frazer)	gailwfrazer@gmail.com
	Jay Machado	
240-477-8081	Rupa Raote	
	(Neal Machado)	
301-424-8010	Lydia Barr	lydstar16@yahoo.com
301 294-0703	Pete Heister	PtheisterVerizon.net
301-294-0703	Annabelle Heister	Annabellelee618@gmail.com
	Annabelle Heister	
301 460-1984	Nancy Oleksa	noleksa@comcast.net
240-478-3589	Rick Slingluff	rslingluff@gmail.com

Town Hall meeting in October

RKVREED@gmail.com
scan & send

I'm for chickens!

Phone	Name	Email
301-294-7921	Deborah S	dmstah193@verizon.net
.2811628	Maizie Rocke	hasselsend@[illegible].com
318-7482	Désirée Anspach	reddes22@gmail.com
10-476-1577	Zachary Belmont	zbelmo1@students.towson.edu
.40-855-9457	Nathaniel Velugu	nate.velugu@yahoo.com
14243204	Karen McLane	kmclane1211@verizon.net
1-610-0620	María Alonso	astrolily@gmail.com
1-873-3175	Ben Creitz	creitz@gmail.com
1-294-0104	Marylou McNamara	marylouomcnamara1@verizon.net
1-610-7472	Gregory Smith	gsmith@hobbsstraus.com
1-613-5332	Carmen Briscoe	bugebuge@gmail.com
0-750-4100	Manuel Hernandez	none
40 432 2593	Mary Raymond	None
3014247773	Jenna Land	N/A
31 260 0717	Jennifer MacDonald	jennsparty@aol.com
6466944	Andrea Haba	dreable7@hotmail
14242110	William Halfpap	Bill.Halfp@verizon.net
1869 5640	Stanley Rothstein	edgewater78@netzero.net

Marybeth Lawson 7416 Argus Ct. Gaithersburg, MD

Brett Phillips 4600 iris st Rockvill MD 20853

Patrice Roe 13812 Sloan St, Rockville MD 20853

Jessica Bronson 10312 Strathmore Hall St. Rockville MD 20853

Sean Kimber 10312 Strathmore Hall St Apt 406 Rockville MD

Renee Funk 8525 Bickrood R. Potomac MD 20852

Fernanda Mouco 803 Maple Ave Rockville MD 20850 20854

Barbara Eghalm 14103 Rockvale Rd, Rockville MD 20853

Christa Karim 415 ritchi parkway Rockville MD 20852

Catherine McAlpine 315 Baltimore Rockville MD 20850

We are petitioning the City to permit 2 chickens per residence for those of us who would like fresh eggs (no roosters)

Phone	Name	Email
12022948099	Sabina Mästle	amastle@yaho
12022946624	Andrea Mästle	amastle@yahoo.
12022946624	KATJA. MÄSTLE.	amastle@yahoo.c
301-838-9067	Anna Martin	sellallyououn@yahoo
301-838-9067	Andrew Martin	sellallyououn@yahoo.c
301-762-4132	Mildred Jacobs	no computer
301-315-2691	Mark Hesselberg	maple717@gmail.com
301-512-3240	William Felix	wifelix@verizon.n
301 251-6384	JAMES O. HENSON	hentwin@AOL.com
301-838-9067	Penny Martin	sellallyououn@yahoo.co
301-526-4954	Melissa Lynott	
240-403-7127	Konchhi Maya Sherpa	kmayasherpa@
240-876-8258	Theresa Durham	Grapesal@aol.l
2022948099	Clemencia Torres de Mästle	clemenciatm@yahoo.com
240-477-6455	Wendy Sparks	wenketome@hotmail.com
301 251-1407	Janice Curtis	jjjcurtis3@verizon.
410 251 3628	WESLEY TOWNSEND	wesley.a.townsend@gmail.com
301-340-0250	Forest Mills	millscarl@Verizon
301 610-6583	MOHAMED	
240-565-7428	CRIS SHULTZ	CRIS_SHULTZ@AOL.COM
240-252-0556	Samantha Nelson	

Anne Gordman
Laura Kamichn
Denise Elliott
Casey Byers
Ann Marlowe
Susan Schraper
Michael G. Fleming 1219 Maple Grove Ln, Rockville MD 20850
Marie N. Kingfe (Gaithers Burg.
Jacqui Pork Rockville 307 W. Montgy A Rockville MD 20
[illegible]
Elizabeth Woodall 502 Nelson street Rockville MD 2085
Jason Lazo 4800 Arbutus Ave Rockville 20853
Jen Fishpaw 3 Observation Court Apt. #303 20876 (cell #) (240-403-308
Karen Parks 10113 Daphney House Way 301-279-02
Dr Karen Becker SW Beall Ave Rockville 301 738126
Elaine Strass 32 Eton Overlook R'Ville 301 340 75
Naomi F. Belkin 3378 Chiswick Ct Aspen Hill 301-455-8
Christie Wagner 4610 Franklin Street, Kensington, Maryland 20895 Christie Wagner cell. 202-486-200
Erin Eldridge 7420 Monona Ter Rockville MD 20855
Cathy Nestorak 3 China Rose Ct Rockville MD 20850
Julie Taylor 520 Beall Ave. Rockville, MD 20850
Peyton Stress 8914 Walden Rd. Silver Spring 20901
Greg Gilak 38 Orchard Way N. Rockville 2085
Danielle Carley 225 Ashley Ave Rockville MD 2085
James M. Raber 11000 Arcott View Lane, Silver Spring, MD 20901
Rob Weichbrod 123 Lexington Dr. S.S. MD 20901
Kathleen Hulley 21809 Dutch Lake Boyds MD 20841
Breece Clancy 10895 Debosah Dr Potomac, MD 208

per residence for those of us who would like fresh eg. ~ chickens (no roosters)

I'm For Chickens!

301 231 4964	Caryl McNeilly	skypcaryl2@aol.com
410 790 3033	Andrew Garinther	agarinthar@gmail.com
301-335-1488	Roberta Gibbs	rgibbs@comcast.net
301 251 3754	Monique De Frees	mdefrees@verizon.net
240 997-2209	Chuck Woolery	chuck@igc.org
301-315-9089	Deborah Landau	dlandau@tnc.or
301-802-6904	Carol Hannaford	Carolhannaford@westat.com
301-802-6904	Loren Scherbak	Loren@claymaven.com
301-340-8930	James Farrelly	farrelly@erols.com
703-501-9658	Lindsey Roe	email@LindseyRoe.com
301 219 6121	Elaine Buckman	ebbuckman@smcm.edu
240-460-7584	Jenny Sier	Stargirl751@Aol.com
301 906 4263	Laura Villarreal	lvillar317@gmail.com
301-217-0866	Lisa L. Gundling	rgundling@msn.com
301 257 8473	Kim Stanton	kds1969@comcast.net
301 309 8904	Patrice Roe	patrice.roe@gmail.com
301 428 0562	Kelsie Holtz	Beaksandtails@aol.com
301 428 0562	Eric Holtz	Pearljamd@aol.com
240-499-8184	Vivi Cowl	vcowl@comcast.net
240-271-9340	Danny Zelaya	dannyjzelaya@gmail.com

chickens per residence for ...
ke Fresh Eggs (no roosters)

Im For Chickens! To M+C 3/11/13

Phone	Name	Email
1-762-5016	(1) Suzy Qawiyy	knitweavers@yahoo.com
-340-7189	(2) George Opryszko	g_opryszko@yahoo.com
01 762 1179	(3) Arnessa Lesko	Somerset.lifeguard@yahoo.com
1251 3754	(4) Monique DeFrees	defrees@verizon.net
1-928-2993	(5) Dorothy Scott	dorothy.scott@Fda.hhs.gov
1 424 4057	(6) Sue Alderman	
03) 475-8548	(7) Aaron Thorp	athorp28@yahoo.com
01-717-3237	(8) [signature] (JEFF GROLIG)	RFSEAFOOD@AOL.COM
240-855-7872	(9) Leah Creswell	eccrew3@gmail.com
9738 8764	(10) Jacqui Porth	jacquiporth@hotmail.com
301-493-4141	(11) Christie WAGNER	ChristieWagner@gmail.com

Marian Hardy 301-762-7217

Name	Address	Phone or Email
Kristopher Perry	417 Macarthur dr	Perry.Kris@yahoo.
Wendy Ver Hoef	329 Bradley Ave	wverhoef@yahoo.com
Sarah Harris	212 Congressional Cir	sharris1221@hotmail.com
Michael Osmun	16445 Keats Ter	MEOsmun@aol.COM
Julie Kaneshiro	26 Eldwicket,	julie.kaneshiro@yahoo.com
Frank Powers	405 Silver Rock Rd	twinbrook37@ewatc.com
Jane Thomas	7700 Baederwood Ter 20855	jlyndat@hotmail.com
Wanda Flores	19611 Galway Bldg.	lylyan86@gdm
Lauren Lu...	919 Maple Ave.	imical@yahoo.com
Thomas D Britton	1685 Shady Grove Rd	Thomas D Britton @GMail
Charles Plost	1705 Sunrise Dr	[signature]
Martha Hoaf	1368 Canterburgway	301-340-3043
Robert Corrigan	1302 Princeton	bob.corrigan@gmail.com
[signature]		

Deborah Stahl	119 Charles St.
Lora Mangolina	728 Ivy League Dr.
Laura Villarreal	300 Taylor Ave
Madeleine Cohen Oakley	1827 Greenplace ~~Terrace~~
Cynthia Cotte Griffith	609 Monroe street Terrace
[illegible]	602 Crocus Dr.
Denise Sack	13570 Stoneborn Lane
Ona Maria Muller	4926 Battery Lane # 3
Susan Carlson	723 Grandin Ave
~~Lisa Lee~~	13 Darby Ct.
Robert P Hirsch	525 Anderson Ave, Rockville
Rachel C. Kuta	721 Monroe St. #202 Rockvill
Noelle Kuta	721 Monroe St. #202 Rockville
Warren Smith	7210 Wapello Drive Rockville
Fernanda Mouco	803 Maple Ave Rockville MD 20850
K Heatherley	7211 Sheehan Ct.
Hazel Young	1206 Gladstone Dr. Rockville MD 208
~~Janice~~ Marshall	7601 Timbercrest Dr Rockville 208
Pete Sienkiewicz	13216 Valley Dr. Rockville 20850
Melissa Selss	5 Big Tree Ct. Rock
Karen Selss	5 Big Tree ct Rock

Exhibit 43
Animal Ordinance
Public Hearing: 2/9/15

My name is Aaron Rosenzweig. I live on 1 Thorburn Road.

One year ago my family decided to buy our first single family home. We had two main requirements.

#1 we wanted to be in the Wootton High School cluster. A house in Rockville would work fine for that, as would Gaithersburg.

#2 we wanted pet chickens. Rockville's "no chicken" policy made our decision easy, we simply found a home in Gaithersburg.

Our nation was founded on the notion that life and liberty are rights for all people. Along with this our constitution grants us the right to own property which includes chickens. If you are going to remove any liberty from your city residents, there better be a darn good reason.

I ask you, what is your good reason for banning chickens in Rockville? It's a trick question, you have none.

You owe your citizens an apology. You unconstitutionally revoked their right to own chickens.

A chicken is not a farm animal. It is a bird similar to a talking parrot. It was originally a woodland creature. Yes you may find a chicken on a farm but that does not define this animal. A chicken makes a wonderful urban companion.

A chicken is not a mammal. It's normal body temperature is 104 degrees. Their body chemistry is so different that the number of diseases humans can obtain from them are close to zero. Contrast this with a Dog or cat, both mammals, both contain roundworms which will cause human children to go blind if you do not administer "heart worm" medication to those animals. This is the leading cause of blindness in Appalachia.

A chicken learns faster than a dog. In fact, the best dog training programs start by teaching how to train chickens. It's simple, you feel encouraged when a chicken follows your commands which gives you confidence and skills to make training stubborn dogs easier.

A chicken is soft, cuddly, cute, and just fun to snuggle with.

A chicken is useful. They sometimes give you eggs. They always eat ticks, slugs, and other nasties. They are cheap therapy because you can't help but smile when you see them. Everything about them is useful, even their poo. You can sell their poo. A 20 pound bag of chicken poo will cost you $15 or more. Their poo is one of the few kinds of fertilizer that is safe to use on vegetable gardens for human consumption. This is not true for dog or cat poo.

Allow chickens, you might like it. If you don't, no harm, no fowl.

Exhibit 44
Animal Ordinance
Public Hearing: 2/9/15

Backyard Hens in Rockville! YES!

Hundreds of cities across the country, large and small, allow their citizens the freedom to keep a limited number of hens in their backyards. We, the undersigned citizens of Rockville, petition the Mayor and Council to grant that right to Rockville citizens. Those concerned about the economy, the environment, food safety, emergency preparedness, and animal welfare ought to be able to keep backyard hens within certain limits. Let's strengthen Rockville's local food movement with backyard hens!

Name	Street Address	email(optional)
Shannon Brown	212 W Montgomery Ave Apt 2	Rockville, 20850
[illegible]	1903 Rockland	[illegible]
CHRIS BARON	1903 Rockland Ave	20851
Job Crow	5910 Coral Sea Ave	20851
Joe Morra	316 Lorraine Dr.	20852
[illegible]	805 Princeton Pl	20850
[illegible] S. Feldscamied	4712 Listra Rd	20853
MARC STRUMPF	605 Ivy League Ln.	MARCINMD@Ad.com
Dan Mills	308 Crabb Ave, Rockville	20850

Backyard Hens in Rockville! YES!

Hundreds of cities across the country, large and small, allow their citizens the freedom to keep a limited number of hens in their backyards. We, the undersigned citizens of Rockville, petition the Mayor and Council to grant that right to Rockville citizens. Those concerned about the economy, the environment, food safety, emergency preparedness, and animal welfare ought to be able to keep backyard hens within certain limits. Let's strengthen Rockville's local food movement with backyard hens!

Name	Street Address	email(optional)
JAN PROVOST	1705 GLASTONBERRY RD R'VILLE, MD 20854	
Megan Huddock	5918 Halsey Rd. Rockville, MD 20851	
Scott Huddock	5918 Halsey Rd. Rockville, MD 20851	
Sara Young	10609 Unity La Potomac MD 20854	
John Lowry	518 Reserve Champion Dr.	johnclowry@yahoo.com
Sharon Silverman	203 Evans	
Siddhya Mukerjee	417 Wetts Branch Parkway	siddhya.mukerjee@gmail.com
Cate Hlaczi Hivkay	1801 G Muncaster Rd	[illegible]
Elizabeth Enders	814 Crothers Lane	elizaend@gmail.com

We are petitioning the City to permit 2 chickens per residence for those of us who would like fresh eggs (no roosters)

Phone	Name	Email
301 315 9333	Paul C Jackson	travelnj[illegible]@gmail.com
301-309-[illegible]	[illegible]	c.bretsaher@gmail.com
301 279 2687	Miles Goldstein	milesgoldstein@aol.com
3[illegible] 43 7694	Dan Dugol	jnagano89@yahoo.com
602-412-7881	[illegible]	
240-490-0577	Helina Tedla	Helinatdl@gmail.com
301-926-7830	Elizabeth Hauer	elz.hauer1@gmail.com
240-755-2435	ABOUDOUKADIRI DIALLO	Aboudoukadiridiallo@yahoo.fr
	Connie Yeung	cyeung506@gmail.com
301 977-1953	Thuyvi Trinh	ttrinh14@gmail.com
301-942-3103	Michele Evans	
602-694-3232	Dennis Michie	dennismichie@gmail.com
240-490-668[illegible]	cvaldez1@umbc.edu	Erbin Valdez
240-757-6088	Alex Santini	alexsantini@gmail.com
301-717-5730	Elizabeth Enders (I would like more than 2 actually)	elizaend@gmail.com
571-286-6515	Mathew Palmer	myuile4923@Hotmail
	Myrna Wohl	
301-466-8400	Sean Deljubar	Sean=y0102@hotmail.com
301 298-2670	Ike Jones	[illegible]
301 816 6957	Doss [illegible]	
301-983-1004	Andrea Boyarsky [illegible]	evesapples.abm@gmail.com
	[illegible]	Iviko Bruno@yahoo

I petition the City Council of Rockville to allow families to keep up to five hens (no roosters) per lot.

Name	Signature	Address	email
Larry Jones	Larry Jones	8116 Fort Foote Rd, Rockville MD.	
ORAPAN PRASOPCHOKCHAI		13201 ARDENNES AVE Rockville MD. 20851	
VENKATA YENIGALLA		9920 ALTA Spring Way 20850	
Susan Carlson	Susan Carlson	723 Grandin Ave Rockville, MD 20850	susancarlson@verizon.net
VAL HOFF		723 Falls Grove Road, Apt. 402 20850	valerinaoff@hotmail.com
Suzanne Garen		12 Kentbury Way	
Tanya Bitterman		200 Garden View Way	Suzanne.c garen@yahoo.com
JEROME R. WUJEK		326 Casey LN	tellerbrook@gmail.com
Marsha Green		616 Great Falls Rd	jrwujek26@gmail.com
Gilda Linton		13766 Notley Road S.S. Md.	gilda24@verizon.net
Terry Cha		10220 Shining Willow Drive Rockville, MD	terryfcha@gmail.com
Jack Baur		537 Anderson AVE. RKVL, MD.	

I petition the City Council of Rockville to allow families to keep up to five hens (no roosters) per lot.

Name	Signature	Address	email
Yunlong Zhuang	Yunlong Zhuang	303 MT Vernon PL	yunlongzhuang@gmail
Wesley Yates	Wesley Yates	19020 Wasche Rd Dickerson Md	
Monica Chaus	[signature]	612 Cappy Ave	monicamchaus@gmail.com
Michelle Morgan	[signature]	6912 Valley Pk Rd	
Hailong chen	[signature]	13906 Willow Tree Dr Rockville, MD 20850	
Cathie Alderks	[signature]	1204 Crawford Dr Rockville 20851	alderks@earthlink.net
Sylvia Jones		5901 Bethlehem Ct Rockville MD 20855	decaffqueen@gmail.com
Christina Jasi	[signature]	6 Monroe St #301 Rockville MD 20850	Christinaduenas@yahoo.com
Kenneth Yates		10500 Rockville Pike 20852	
Mashy Moore		7224 Millcrest	meems11@gmail
Edith Spano		16917 Baederwood Lane	
A. GONSALVES		13300 GEORGIA AVE	
Zhen Zhang	[signature]	1639 E Jefferson St. Rockville MD	zhen0806@gmail.com
Jack Smith		205 Baltimore Rd Rockville	SylesForce@arrownewmedia.com

I petition the City Council of Rockville to allow families to keep up to five hens (no roosters) per lot.

Name	Signature	Address	email
Jamila Veeraraghavan	[signature]	12014 Chase Crossing Cr Rockville MD. 20852	
Ana Sonc-Jevti	[signature]	1271 KNOLL HIST, Gaithersburg	
Doris Raffel	[signature]	1133 Halesworth Dr, Rockville	
Ceren Smart	[signature]	144 Monroe Street, Rockville MD 20850	
Chavu. Chavu Chavu.		16524 Raven Rock Pl. Gaithersburg MD 20878	
Lisa G. Braden + Dennis Braden.	[signature]	18 Thomas St. Rockville MD. 20850	
Jill Lucena	[signature]	4233 Norbeck Rd Rockville MD 20853	
Joe Stump	[signature]	842 College Parkway Rockville MD 20852	
Helen Triolo	[signature]	606 Mannakee St	
SHIRLEY H. HARIN		131 CHEVY CHASE ST GAITHERSBURG MD	
Fran Thompson	[signature]	1005 Aster Blvd, Rockville	

I petition the City Council of Rockville to allow families to keep up to five hens (no roosters) per lot.

Name	Signature	Address	email
Olga Yefimov	Olga Yefimov	15810 Glacier Ct N Potomac, MD	olya_yurk@yahoo.com
Cindy Hoffman	[signature]	75 Harrington Rd 20852	cindyfin013@gmail.com
Larry Gottenberg	[signature]	805 Carter Rd 20852	lgottenberg@gmail.com
Daniel Joe	[signature]	13201 Lantern Hill CT P.S.S. 20906.	
Matthew VanHerry	[signature]	203 Cedar Lane	
Ann Ferrero	[signature]	203 Cedar Lane 20851	apf4371@yahoo.com
Ayse Dosemeci	[signature]	14106 Parkvale Rd 20853	dosemeci@gmail.com
James M. Locey	[signature]	1515 Baylor Ave Rockville, MD 20850	
David Sun	[signature]	6002 Lavin Ln 20817	
Ana P. Perez	[signature]	13012 Turkey Branch Pkwy.	
Steve Matheny	[signature]	1624 Brice Rd Rockville md	
[signature]			
Anna Drabovsky		1009 Curtis Place Rockville MD 20852	
Maria Grinkrys		11112 Deborah Dr. Potomac, MD 20854	

I petition the City Council of Rockville to allow families to keep up to five hens (no roosters) per lot.

Name	Signature	Address	email
Lindsey Auxier	Lindsey Auxier	725 Monroe St Apt 201 Rockville, MD	LindseyKatt Auxier@gmail.com
Tom Rathbone	[illegible]		
Ram Balasubramanian	[illegible]	54 Calabash ct. Rockville, MD 20850	rbalasub@gmail.com
Donna Panagos	Donna Panagos	8145 Inverness Ridge Rd. Potomac, Md. 20854	donna453@verizon.net
Cathleen R. Irish	Cathleen Irish	14672 Keeneland Cir	
Veronica Greenwell	Veronica Greenwell	1619 Farragut Ave Rockville, MD 20851	veronica.greenwell@gmail.com
Juan Rojas	[illegible]	5709 Denfield Rd Rockville MD 20851	
[illegible]		4621 Great Oak Rd R ville MD 20853	
Mimi Magyar	[illegible]	401 E. Jefferson St, Rockville MD 20814	
Cathy Roberts		804 Burdette 20851	
Susan Klein		9 Watchwater Way 20850	susanklein7@comcast.net

I petition the City Council of Rockville to allow families to keep up to five hens (no roosters) per lot.

Name	Signature	Address	email
Sara Monterrosa	[illegible]	600 Blandford Street Apt #5 Rockville MD 20850	saramonterrosa1@gmail.com
John Schepis	[illegible]	14705 Janice Dr Rockville, MD 20853	awesomej96@gmail.com
Eric Charlery	[illegible]	11509 Lovejoy St Silver Spring MD 20902	masterEcharlery@gmail
Tessa Charlery	[illegible]	11509 Lovejoy St Silver Spring MD 20902	Charlery@umd.edu
Joseph P. Schepis	[illegible]	14705 Janice Dr., Rockville, MD 20853	JOE_SCHEPIS@VERIZON.NET
Cathy R. Dobos	[illegible]	13410 Oriental Ct., Rockville 20853	cdobos@mishingt
Lisa Gannon	[illegible]	541 West Montgomery Ave Rockville, MD 20850	lisagannon12@verizon
Sharon Vandegriff	[illegible]	14656 Woonsockett Dr Silver Spring MD	sharon.vandegriff@gmail.com
Abbey Zhao		19469 Rayfield Dr Germantown. MD 20874	abbeyzhao@gmail.com
Victor Gannon	[illegible]	591 W. Montgomery Ave. Rockville, MD, 20850	vicgannon26@ko
Carlos Monterrosa	[illegible]	600 Blandford St apt 5 Rockville MD 20850	MonterrosaCarlos1@Gmail.com

I petition the City Council of Rockville to allow families to keep up to five hens (no roosters) per lot.

Name	Signature	Address	email
Paula Monterroso	Paula Monterroso	600 Blandford St. Apt. 5 Rockville MD 20850	monterrosopaula@gmail.com
Curtis Lamarr	[illegible]	54 West Montgomery Avenue 20850 Rockville MD	curtisgarren54@verizon.net
Kavia Pozawui	[illegible]		
Celeste Vandegriff	[illegible]	3819 Gawayne ter. Silver Spring MD 20906	[illegible]@gmail.com
		14656 [illegible] Kett Dr Silver Spring MD 20906	celeste.vandegriff@[illegible].com
Cynthia French	Cynthia French	14401 Tarpon Ter Silver Spring MD 20905	cindyfrench63@gmail.com
Ashley McLaughlin	Ashley McLaughlin	3230 St Florence Terr Olney MD 20832	ashley10_9@yahoo.com
Christopher Tchsgou	Cor Tchsgou	2731 Washington Ave Cheverly 20815 MD	cortchsgou@me.com
Lindsey			
Janine McLaughlin	3230 St. Florence Terrace Olney, MD 20832		
2403832344	Tate Bouvier	TKBOURC@comcast.net	
3048389759	KEITH ALLEN	KALLEN79@MINDSPRING.com	
214 551-8350	Joel Olier	yeulolier@MEN.com	

Exhibit 45
Animal Ordinance
Public Hearing: 2/9/15

chickens in the backyard
gilda, Linton
to:
mayorandcouncil
02/10/2015 07:33 AM
Hide Details
From: "gilda, Linton" <gilda24@verizon.net>

To: <mayorandcouncil@rockvillemd.gov>

To the Mayor and Council of Rockville,
It would be a wonderful thing for people to have their own birds in the backyard especially people with children not only to teach them responsibility but also where certain type of food come from. chickens are only pretty birds they are productive. There are people that have no idea how and where some of the food come from, I participate at the Rockville farmers market and had some people come and look at my fresh carrots with leaves on and say oh this how carrots grow. It would be great to incorporate some agriculture in education beside all the technology of today.
Sincerely
Gilda Linton

Exhibit 46
Animal Ordinance
Public Hearing: 2/9/15

TNR Bill
Russ &/or Marilla Thompson to: mayorcouncil 02/09/2015 10:31 PM

We support the bill to establish a TNR program in Rockville. We know from personal experience that the TNR program works.

Russ and Marilla Thompson
Gaithersburg, MD

Exhibit 47
Animal Ordinance
Public Hearing: 2/9/15

Proposed Revisions to Rockville's Animal Control Ordinance
Victoria Antoinette Rose
to:
mayorandcouncil
02/09/2015 07:18 PM
Hide Details
From: Victoria Antoinette Rose <victoriaarose@verizon.net>

To: mayorandcouncil@rockvillemd.gov

While you are considering the revisions to Rockville's Animal Control Ordinance, I want to share with you the tremendous success of Trap, Neuter (TNR) and Release in my Silver Spring neighborhood.

Over two years ago, neighbors and I began working with Metro Ferals and Friends of Montgomery County Animals (FMCA) to TNR all of the feral cats running through our neighborhood. I have lived in downtown Silver Spring for over 20 years and have seen dozens of feral cats suffer and die, little kittens blind in one eye struggling to survive, and hungry,skinny cats. However, once we teamed up with the aforementioned cat advocacy organizations, everything changed for the better.

Metro Ferals and FMCA helped us get almost a dozen feral cats TNR'd, and that included rabies shots. My neighbors and I

feed the TNR'd feral cats and they have become friendly. As an added bonus, they keep the rodent population down. Some of the neighbors, including me, have adopted some of these creatures. We leave water and food out for them.
Now, there are no more starving, kitty babies in our neighborhood. Unlike the un-neutered cats, the feral cats do not fight and make noise. In the winter, there are shelters for them.

Unlike regular wild animals, feral cats are the result of human indifference, neglect and cruelty. Domestic animals that should be pets living in forever, loving homes with their humans are left to struggle against foxes, coyotes (both of which are seen often in our neighborhood) and other wild animals. Sadly in my neighborhood, some of our 415 apartment dwellers simply dump them. However, now those of us preaching the advantages of TNR are beginning to make a difference. The Rockville Animal Control ordinance should include TNR.

I would welcome any questions from Councilmembers or their staff.
Victoria Rose 1919 Spencer Road, Silver Spring
301-367-6781

Victoria A. Rose
Weichert Realtors
7200 Wisconsin Avenue
Bethesda, MD 20814
cell 301-367-6781
office 301-656-2500; fax 301-907-8572

Exhibit 48
Animal Ordinance
Public Hearing: 2/9/15

Amendment to Chapter 3 of the Rockville City Code, entitled "am
Wendy Sue
to:
mayorcouncil
02/10/2015 01:05 PM
Hide Details
From: Wendy Sue <wpridgen85@gmail.com>

To: mayorcouncil@rockvillemd.gov

Dear Mayor Newton and members of the Council,

I would like to lend my support to the amendment to Chapter 3 of the Rockville City Code, entitled "Animal Control". Prior to 2010, I had no experience with Trap, Neuter, Release (TNR) programs. I was not even a "cat" person. I owned one cat when I moved from Virginia to Maryland. The people that owned the property I purchased had participated in TNR and had trapped all of the cats from their colony to take with them except one they were unable to trap. They asked me to feed this animal and I agreed. I was not aware of the extent of the feral cat problem in my neighborhood at this time. One cat being fed outside quickly turned to two, then three, then four and on and on. I started investigating the situation and found that the neighbors next door had several unaltered animals, including a male house cat and a woman renting up the street had more unaltered cats than I can even count. I contacted the Humane Society and they spoke to both of these home owners who initially agreed to let us trap animals on their property. On the day we planned to trap, the woman up the street changed her mind. We trapped 16 cats that weekend and had them altered. The problem continued and I eventually called Animal Control to complain. I was told they would not take any action against the woman breeding cats out of control as long as I continued to feed cats outside on my property. I trapped cats a few at at time over approximately three years until the woman was finally evicted. At that time Animal Control came and trapped what they thought were the remaining animals and euthanized them but cats continued to show up at my house. I began going to the vacant property to feed them and eventually was able to trap the last five cats. One female was already pregnant. I am not criticizing Animal Control. I know they do not have the time, personnel and resources needed to get control of a feral cat colony. If homeowners like myself are willing to take on the problem, we are much more likely to be successful because we establish feeding schedules and can be sure to trap all the animals without leaving any unaltered to propagate. Over the last four and a half years I have trapped, neutered and released 32 cats. I did not do this alone. I had help from the Humane Society, Metro Ferals, the SPCA, the Animal Welfare League, personal friends, neighbors and many kind-hearted veterinarians. I did manage to find homes for a few of these animals. My colony has been closed for some time now with no new animals. The majority of these animals have become friendly and I am able to get them vaccinated for rabies annually. I support

this amendment because I believe that as a community we will be more effective in controlling the feral cat population if we have the support of the Council in Rockville and other jurisdictions. I support this amendment because I believe TNR is the right thing to do for the animals as well as the most effective means of controlling breeding. I believe that volunteers such as myself will be more effective at trapping the animals over time than Animal Control can be in a single day of trapping. Please support this amendment.

Exhibit 49
Animal Ordinance
Public Hearing: 2/9/15

The importance of TNR programs
Rachel Bernhardt
to:
mayorandcouncil
02/10/2015 08:51 PM
Sent by:
roobernhardt@gmail.com
Hide Details
From: Rachel Bernhardt <takoma@schoolbench.com>

To: mayorandcouncil@rockvillemd.gov

Sent by: roobernhardt@gmail.com

To the Mayor and City Council,

When I moved to my apartment complex I was surprised to discover that most of the cats wandering around were strays. A number of good-hearted neighbors were feeding them, but my concern was that they were not neutered; when spring arrived with several groups of kittens, it was clear that was the case. A friend put me in touch with a TNR group, and we've had tremendous success.

All the kittens were trapped young enough to be socialized, and they have all been adopted into forever homes. The adult cats were neutered and got shots, and even the ones who will never be human friendly are regularly fed and healthy.

Before they are neutered, pet cats and ferals alike will pick fights with each other; if a female cat is in heat, males for blocks around will fight over her and yowl disturbingly all night. Neutered cats stay healthier, as do the pets in the neighborhood who aren't neutered (sadly, in many neighborhoods, very few of the pets are neutered. I wish there was a dedicated phone line to report them).

Some people object to TNR because they're afraid of being attacked by ferals. In fact, ferals keep to themselves and tend to avoid people except the ones who feed them; I feed three ferals, all of whom let me pet them and respond to my call from a block away.

As a lifelong Montgomery County resident and pet owner, I am proud to be involved in our local TNR groups. I believe it is the best way to deal with the stray cat population, and I hope you will pass the ordinance.

Rachel A. Bernhardt
1927 East West Highway
Apt. T1
Silver Spring, MD 20910

Exhibit 50
Animal Ordinance
Public Hearing: 2/9/15

SEC 3-28 Feral Cats
Anne Lurton to: mayorcouncil@rockvillemd.gov 02/13/2015 02:12 PM

Good afternoon

I wanted to express my delight in the bill regarding feral cats.

We have a colony in our neighborhood that started about 4 years ago. Over time, I was able to capture some of them to have them vaccinated and altered. To date, we have removed over 50 kittens and were able to place the animals with agencies to help them find good homes. I was recently involved in an all day trapping with a lovely woman Kim Deserio who was referred to me by the SPCA. We were able to capture the four remaining cats (2 females and 2 males) and have them vetted through Metro Ferals. They were free of disease, altered, vaccinated, ear tipped and returned. I am relieved that by doing so we will greatly reduce the number of kittens while allowing the cats to return to their home.

Please consider passing the bill before you. It is the right thing to do for the animals.

Thank you for your time and consideration.

Anne Lurton
5094 Scarsdale Rd
Bethesda, MD 20816

Exhibit 51
Animal Ordinance
Public Hearing: 2/9/15

RECEIVED
CITY CLERK'S OFFICE

2015 FEB 18 AM 11:42

February 13, 2015

Mayor and Council
111 Maryland Avenue
Rockville, MD 20850

Re: Animal Control Public Hearing; February 9, 2015; 7:00 PM

Dear Mayor and Council:

Thank you for allowing me to speak at your February 9, 2015 Animal Control Public Hearing. I would like to follow-up in writing on three of my main points:

1. Regarding Cat Licensing: I am one hundred percent in favor of cat licensing. Just like dogs, cats need to be licensed in the City of Rockville. Not only would this provide needed revenue for the City of Rockville Animal Control but it would give the city a better handle on the current cat situation.

2. Establish a Trap/Neuter/Return Program for Feral Cats: the reason we are considering a Trap/ Neuter/Return program for feral cats is because City residents are abandoning their cats by the truckload. If the City of Rockville had an effective cat licensing program in place maybe the TNR program would not even be necessary.

3. Regarding allowing certain livestock (ie. Chickens): personally I am against allowing chickens in the City of Rockville given the current animal control situation. Alot of mention was made about what great pets they would make etc.. However, I can assure you that a large portion of Rockville residents will keep chickens purely for food consumption purposes and not as pets. Chickens are farm animals and do not have a place in the City of Rockville.

In conclusion, you need stronger and more effective animal control guidelines than currently exist. You also need additional manpower to actually enforce these guidelines and steeper fines for non-compliance with the rules and regulations. As I mentioned we have dogs, cats, roosters and rabbits running at-large in our neighborhood.

Sincerely,

Leslie

Leslie Loomis
Nimitz Avenue
Rockville, MD 20851

Exhibit 52
Animal Ordinance
Public Hearing: 2/9/15

I support keeping chickens in Rockville
E. Griffin
to:
mayorandcouncil@rockvillemd.gov
02/20/2015 02:34 PM
Hide Details
From: "E. Griffin" <redthebarber@yahoo.com>

To: "mayorandcouncil@rockvillemd.gov" <mayorandcouncil@rockvillemd.gov>

Please respond to "E. Griffin" <redthebarber@yahoo.com>

History: This message has been replied to.

Hello,

I support keeping laying hens (without roosters) in Rockville.

Sincerely,
Earl Griffin

Exhibit 53
Animal Ordinance
Public Hearing: 2/9/15

Backyard Chickens
Katherine Smyth
to:
Mayorandcouncil
02/11/2015 02:18 PM
Hide Details
From: Katherine Smyth <kmsmyth@gmail.com>

To: Mayorandcouncil@rockvillemd.gov

To Whom it May Concern,

I am a resident of East Rockville, and although I know that I missed the hearing on February 9th, I did want to email and voice my support for the proposal to allow Rockville residents to keep up to five hens in their backyards. I think that the reasonable restrictions presented (such as having no more than five hens, and no roosters) strikes the appropriate balance between allowing the benefits of backyard chicken, while not inconveniencing neighbors with unpleasant sounds or smells.

I know that some people concerned about backyard chicken ownership are concerned about the potential for noise, smells, or even pests that they fear would result. However, as someone who has owned a few (pet) chickens in the past (not in the Rockville area), in my experience not only can these concerns be addressed by reasonable restrictions such as those as set forth here, but these concerns also apply equally with all sorts of other pets, such as dogs and cats, and apply primarily when pets are not properly cared for, which is a separate issue.

For example, if dogs are kept in a backyard and not properly cared for, they can cause unpleasant sounds, smells, and even attract pests (if food is not properly stored). However, I think few people would argue that dogs as a whole should be prohibited because of this. Instead, those bad actors whose dogs have become a nuisance, or who cannot properly care for them, are dealt with individually. In my opinion, chicken ownership should be treated the same way.

Thank you very much for your time in reading this email. Again, I apologize for sending this after Monday's meeting, but hope that if the matter is still under consideration, that my email be considered as well.

Sincerely,
Katherine Smyth

Exhibit 54
Animal Ordinance
Public Hearing: 2/9/15

Backyard chickens, yes please!
Sarlah Toze to: mayorandcouncil@rockvillemd.gov 02/20/2015 04:50 PM

Hi,

I want you to know that I hope the mayor and council will pass the ordinance to allow laying chickens in backyards. I know for our family it will help our budget, our health, and enhance our children's lives.

Thank you,

Sariah Toze
Rockville city resident

Exhibit 55
Animal Ordinance
Public Hearing: 2/9/15

Laying hens in Rockville
Amanda Sellers to: mayorandcouncil@rockvillemd.gov 02/20/2015 05:27 PM

Madame Mayor and Council Members,

I am writing to you so I may voice my opinion concerning the proposal put before you allowing Rockville residents to keep laying hens in a coop. I have wanted to keep hens for many years, and must admit, my husband and I have considered moving to Gaithersburg so we may have the opportunity to do so and teach our children how to raise chickens.

As urban farming is becoming more popular, those of us who have been putting up small gardens in the corner of our lot, growing tomatoes from a hanging bag or keeping bees to pollinate these plants have long wished for more chances to be better connected to our food source.

I believe the urban farmer movement is preparing future generations to feed themselves. As our communities are losing land to urban development, which is necessary, we need to find alternatives for food production in urban settings so by teaching our children how to provide for themselves we help our future community to be self reliant.

Thank you for considering this proposal.

Regards,
Amanda Sellers

Exhibit 56
Animal Ordinance
Public Hearing: 2/9/15

Re: Off Leash Policies
Andrea K
to:
EDeal
02/21/2015 02:46 PM
Cc:
LAtkins, mayorandcouncil
Hide Details
From: Andrea K <andrea.kronzek@gmail.com>

To: EDeal@rockvillemd.gov

Cc: LAtkins@rockvillemd.gov, mayorandcouncil@rockvillemd.gov

2 Attachments

Natural Borders Dog Park Law (1).doc NYC Health Dept. Comments Summary.pdf

Dear Ms. Deal and Ms. Atkins:

Attached are two more documents which I have shared with the mayor and council, and that the city may find helpful when examining the issue of off-leash areas. I would appreciate if these documents could be shared with the city attorney and the chief of police.

Notably, the City of New York determined that off-leash areas do not result in an increased risk of liability. In fact, New York's dramatic **reduction** in dog bites from over 40,000 annually before off-leash privileges to just under 4,000 annually in 2005 coincides with the advent of off-leash areas (nycoffleash.com).

Also, I have been in touch with William Douglas, Contract Manager of City of Alexandria Park Operations and Maintenance (703.746.4656 or william.douglas@alexandriava.gov). Following are some questions I asked him by email, with his responses in red:

Do you find that people clean up after their dogs in the off-leash areas?
We find that the off-leash areas are at times cleaner then the fenced in areas.

Have attacks been reported?
There have been no reported attacks that I am aware of.

How many complaints do you receive regarding the off-leash areas?
Off leash areas generate the least amount of complaints compared to fenced in areas. Complaints are few but generally are about trash cans not being serviced.

Are the areas expensive or difficult to maintain?
These areas require no extra expense to maintain. They are just lumped into our normal mowing schedule.

Is there a problem with dogs staying inside the designated areas?
These areas tend to be used by your well trained dogs. There could be an issue with non-trained dogs running into the streets or jumping on passing citizens.

Do you receive complaints about the fenced-in dog parks, and what do those people generally complain about?
Complaints are generally about aggressive dogs and users not cleaning up behind their dogs.

For a community that is considering establishing off-leash areas, what would you tell them?
Try to locate your area away from schools and busy roads. Establish a user group willing to take ownership in and provide added support to maintenance staff.

Thank you for your consideration of this matter.

Andrea Kronzek

On Fri, Nov 21, 2014 at 11:23 AM, <EDeal@rockvillemd.gov> wrote:

Hello Ms. Kronzek,
Tim Chestnutt provided me with your contact information and noted that you had researched other municipalities with off leash policies. Could you please provide me with that information? It would be very helpful as we continue to examine the issue. I appreciate your assistance.

Regards,

Elisabeth Deal
Recreation Marketing and Development Manager
City of Rockville
111 Maryland Avenue
Rockville, MD 20850
240-314-8658
www.rockvillemd.gov

Intro. Res. No. 1467-2007 Laid on Table 5/15/2007
Introduced by Legislators Stern, Cooper and Browning

RESOLUTION NO. 643 -2007, ADOPTING LOCAL LAW NO. 23 - 2007, A LOCAL LAW TO AMEND PARK RULES AND REGULATIONS RELATING TO DOG RUN AREAS IN COUNTY PARKS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on May 15, 2007, a proposed local law entitled, "**A LOCAL LAW TO AMEND PARK RULES AND REGULATIONS RELATING TO DOG RUN AREAS IN COUNTY PARKS**;" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 23 -2007, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO AMEND PARK RULES AND REGULATIONS RELATING TO DOG RUN AREAS IN COUNTY PARKS

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Suffolk County Park Rules and Regulations do not permit dogs to be off-leash on County parklands outside of authorized, fenced-in dog runs.

This Legislature further finds that the County of Suffolk is working to make county parks more accessible to persons and families that own dogs.

This Legislature also determines that efforts are under way to identify suitable unfenced areas in County parks where dogs would be allowed to run unleashed.

Therefore, the purpose of this local law is to amend Chapter 378 of the SUFFOLK COUNTY CODE to permit dogs to run off-leash in designated fenced and unfenced dog run areas in County parks.

Section 2. Amendments.

Chapter 378 of the SUFFOLK COUNTY CODE is hereby amended as follows:

CHAPTER 378, PARK RULES AND REGULATIONS

* * * *

§ 378-4. Prohibited acts.

A. No person in a County park shall:

* * * *

(5) Bring in or permit any horses, cattle, livestock or domestic animals of any kind in or on any parkland, except that a dog or cat may be permitted to use County parkland on a leash, in

areas designated for such use [and in accordance with the provisions of Resolution No. 566-1998 "Authorizing County Department of Parks, Recreation and Conservation to Construct Dog Runs within County Parks"]. No dogs shall be permitted off leash outside of an authorized [fenced in] dog run area that is fenced in, bordered by natural boundaries or otherwise segregated from other park users. Horses may be permitted on approved trails and special permits must be obtained from the Commissioner for any events involving horses, dogs, etc. No animals shall be allowed at large except as provided in this section.

* * * *

Section 3. Applicability.

This law shall apply to actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[ ] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: June 26, 2007

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: July 27, 2007

After a public hearing duly held on July 10, 2007

Filed with the Secretary of State on August 10, 2007

THE CITY OF NEW YORK

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Michael R. Bloomberg
Mayor

Thomas R. Frieden, M.D., M.P.H.
Commissioner

nyc.gov/health

FOR THE ATTENTION OF THE BOARD OF HEALTH

TO: Thomas R. Frieden, M.D., M.P.H.
Commissioner

THROUGH: Jessica Leighton, Ph.D.
Deputy Commissioner, Environmental Health Services

FROM: Edgar R. Butts, Ph.D., M.B.A.
Assistant Commissioner, Veterinary and Pest Control Services

and

Norma S. Torres
Director, Veterinary Public Health Services

SUBJECT: Response to public comments and additional modifications regarding amendments to Article 161.05 of the New York City Health Code

DATE: November 28, 2006

On November 1, 2006 a public hearing was held pursuant to the Notice of Intention to amend Article 161.05 of the New York City Health Code (the "Health Code" or "Code"). Thirty-nine persons testified at the public hearing on behalf of themselves or organizations.

The Department of Health and Mental Hygiene (the "Department") has carefully reviewed the testimony and comments and we summarized our responses below. Supporting comments were received from 13,268 individuals (11,312 of which were included as part of petitions) and organizations. Negative comments were received from 202 individuals and organizations. Comments and the Department's response are summarized below.

RESPONSE TO PUBLIC COMMENTS

A. Comments Supporting the Proposed Amendment

The responses included many comments indicating various public health benefits of amending Article 161.05 of the Health Code. Generally, the comments included:

1) Better community and park safety,

- "I also appreciate how such hours contribute to safer parks and community well being as like minded people gather to enjoy parks."
- "A few winters back a young man fell through the ice in Prospect Park Lake." The commenter indicated that the only people present were those walking their dogs – they saw the incident, called for help and the man was saved.
- "In this great big city, off leash time gives owners a chance to develop a sense of community."

2) Better health for people,

- "Healthy dogs lead to healthy people."
- "...canines help in the lowering of blood pressure, reducing heart attacks, stroke and reduced stress, and provide a positive influence on patients with mental illness, as well as helping patients recover from illness."
- "Canines offer benefits to humans. If people want to use the benefits of dogs, we should address the needs of dogs as well."

3) Exercise opportunities for people,

- "...express, as strongly as I possibly can, how much I value the daily opportunity to take a long walk with my dog off lead."

4) Socialization opportunities for people,

- "The community also benefits from having residents get to know one another. Meeting other "regulars" in the Park gives busy New Yorkers a chance to create or solidify social relationships that are important to any community."
- "Additionally, the social implication that results from the off leash policy enhances intellectual exchange, especially regarding canine training and rearing and proper canine socialization."

5) Community spirit and cohesion.

- "The community also benefits from having residents get to know one another. Meeting other "regulars" in the Park gives busy New Yorkers a chance to create or solidify social relationships that are important to any community."

- "People with dogs together form a community, and it forms a community across all lines, across race, across class, across age, across gender, across sexual identity lines, it doesn't matter. Dogs don't care if you are rich or poor."

B. Comments Objecting to the Proposed Amendment

1. **General Opposition** – Seventy-nine general comments were received opposing "any effort to amend the NYC leash law."

   Response: We have reviewed the specific concerns and have modified the original proposal. The Department of Health and Mental Hygiene believes that the benefits of modifying Article 161.05 of the Health Code outweigh the risks. Further, the proposed amendment has been de facto in effect in Department of Parks and Recreation parks for over 20 years.

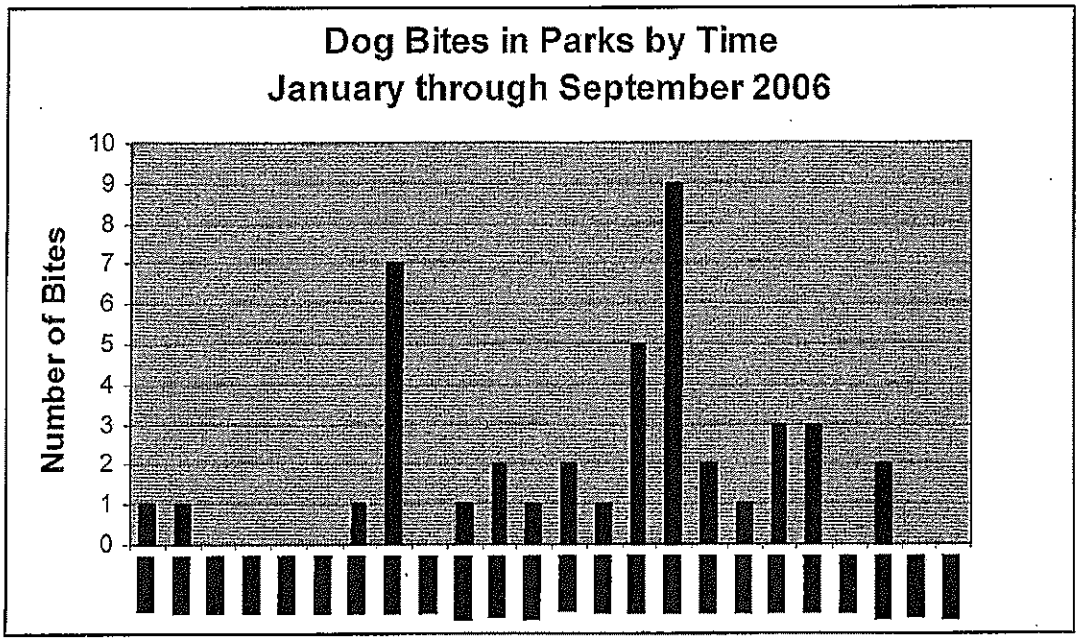
2. **Physical Attacks by Dogs** – Concern was expressed regarding the potential of dogs biting or attacking humans (38 comments).

   Comments included: "I have been attacked by a dog and my son was attacked by a dog, both incidents being in Central Park." Additionally, one comment was received about the lack of data regarding dog bites in parks. This comment was "There have been no studies done on off leash activity in NYC…no statistics kept on bites occurring in parks by dogs on their leashes verses bites by dogs not on leashes…".

   Response: Information reported to the DOHMH on dog bites show 93 (2.3 %) of 4,082 dog bites were reported in parks in 2004 and that 86 (2.2%) of 3,956 dog bites were reported in parks in 2005. Current reported data for the period from January thru September 2006 show that of 2,991 bites 55 (1.5%) occurred in parks.

   The number of reported dog bites to humans has decreased in the City annually since 1993. Animal bites are reportable under Health Code Section 11.03. The Department is in the process of updating its animal bite reporting program. In addition to accepting reports by telephone, mail and fax, the Department is now accepting on-line reports through the Department's Universal Reporting Form.

   The DOHMH has reviewed data on the 55 dog bites that were reported in NYC parks from January through September 2006. A graphic of these dog bites by hour of the day is provided below. A majority of the bites with known hours of bite occurred during daytime ("non-off leash") hours (n=30) during probably peak hours of dog walking in the park, than at the off leash hours during the night (n=12). Bites are only slightly more likely to occur by unleashed dogs than leashed dogs: of the thirty-five dogs for which leashing status was reported - regardless of time of the bite, sixteen were leashed and nineteen were not leashed.



3. **Uncontrolled Dogs, Dog on Dog Attacks and Irresponsible Owners** – Fourteen comments expressed concern regarding activity of uncontrolled dogs in parks, ten comments expressed concern for knockdown of humans by off leash dogs and three comments alleged that unleashed dogs would form dog packs. Eight comments expressed concern regarding the potential of dog on dog attacks. Eleven comments expressed concern of the dangers from dogs in parks with irresponsible owners.

   Comments included: "My ankle was broken by an off the leash dog in Riverside Park....two dogs were chasing one another and one hit my ankle." "Approximately 1/3 of my cases start out as a dog attacking another dog and then a dog attacking a person." "Not all dog owners are responsible smart people."

   Response: Parks does not have any rules that specifically address dog-on-dog violence—either at Parks' Dog Runs or elsewhere within City parks. Parks, however, does explicitly prohibit dog owners from allowing their animals to be out of control in any park, and an owner allowing his or her dog to attack another dog would be a clear example of an animal being out of control regardless of whether it was leashed or unleashed. Similarly, anyone who might allow multiple dogs under their care to run unleashed could be considered to have allowed such dogs to be out of control. Park Enforcement Patrol (PEP) Officers may issue violations to owners who are unable to control their dogs—whether or not such dogs are leashed—regardless of the time of day. Parks has issued almost ten thousand (10,000) summonses since 2002 for unleashed/out of control dogs.

   Moreover, a leash law requirement does not guarantee that one will not encounter unleashed dogs in City parks. Clearer rules with formal off-leash opportunities should foster more compliance, rather than less, concerning the proper control of dogs by their owners.

4. **City Liability** – Three comments expressed concern that allowing dogs off leash will increase City liability.

   Comments included: "Have you considered the consequences for the city when a child gets mauled or killed in a NYC park by a /legal/off-leash dog, not to mention the effects on the victim and family?"

   Response: We have considered concerns that the adoption of the proposed amendment might result in City liability. After consultation with the Law Department, we have concluded that the proposed amendment will not result in an increased risk of liability, because it is anticipated that the modifications in Article 161.05 of the Health Code will allow the Department of Parks and Recreation to better define and regulate areas of the parks that will allow dogs off leash. Parks indicates that selected areas in only approximately 300 of the total of 1,833 parks will allow dogs off leash. Further, codified rules will allow better enforcement by PEP and other entities such as the New York City Police Department

5. **Adverse Effects – Wildlife and Parks**– Twelve comments indicated concern regarding the potential for adverse effects on wildlife, especially on birds during the breeding season, in parks caused by off leash dogs. Additionally, twelve comments expressed concern regarding potential for adverse physical effects on parks caused by off leash dogs.

   Comments included: "these animals chase and disturb the birds, eggs and young of ground nesting species." ..."bitten tails off of squirrels, killed ducks and raccoons." "Dogs running loose have destroyed habitat by trampling on plantings and vegetation."

   Response: Department of Parks and Recreation has significant experience dealing with issues related to dog owners and the presence of domestic and wild animals in the City's parks and has found this policy has increased positive uses of parks at less trafficked hours, while not otherwise compromising the safety of other visitors to parks or unduly impacting the natural flora and fauna Section 1-04(i) of Parks' rules prohibits dogs from certain portions of parks, whether leashed or unleashed, at <u>all</u> times, e.g. (1) playgrounds, (2) zoos, (3) beaches, (4) bathing facilities, and (5) ballfields.

6. **Adverse Effects – Humans and Fear of Unleashed Dogs** – Five comments expressed concern about the perception that dogs are given preference over humans; eleven comments indicated that people were unable to fully utilize the park due to off leash dogs. A total of fifty-six comments indicated that fear of unleashed dogs was a major concern.

   Comments included: "Do unleashed dogs deserve eminent domain; are they the dominant species, are their owners more equal then the rest of us?" "It is inevitable that when off leash dogs are introduced to a public area, use of the space by people diminishes." "Our grandchildren are afraid to go to the park because of fear that they'll be attacked by dogs." "I walk my kids to school by the park at 8am. I can't take a chance with unleashed dogs."

Response: Leash requirements cannot and do not prevent all incidents of dogs attacking other dogs or people and animal behavior experts have concluded that there is evidence to suggest that well exercised and socialized dogs are less likely to bite other dogs or people.

The last statement is supported in comments submitted by the New York Council of Dog Owner Groups as follows: Dogs need to be properly socialized to be good "canine citizens" (Canine Behavior, 1965). "The vast majority of dogs do benefit greatly from having exercise periods. And walking dogs on a leash is not sufficient exercise" (from an interview with Dr. Nicholas Dodman, a leading animal behaviorist and veterinarian).

The Veterinary Medical Association of New York City stated that "This interaction [allowing dog to be off leash] would reduce animal anxiety and reduce the propensity for animals to injure people."

7. **Animal Waste** – Sixteen comments indicated concern regarding the presence of dog feces and waste in parks occurring for off leash dogs, four comments on potential for spread of zoonotic disease and one comment stated "off leash dog owners harass(ing) park users when asked to keep their pets under control or clean up after them."

   Comments included: "Wildlife, people and other dogs will all have greater exposure to "pernicious zoonotic infections". "Off leash dogs often defecate out of their owner's sight so the pooper scooper laws are being broken."

   Response: Parks currently requires dog owners to clean up after their pets. Specifically, Section 1-04(j)(1) of Parks' rules states that "[n]o person shall allow any dog in his custody or control to discharge any fecal matter in any park unless he promptly removes and disposes of same... ". Indeed, in over twenty years of experience with the "courtesy hours" policy of informally allowing off-leash opportunities in certain parks, there does not appear to be any serious problem regarding the accumulation of dog waste in City parks attributable to unleashed dogs. Moreover, Parks believes that clearer rules formally allowing off-leash opportunities for dogs, with certain restrictions, will tend to foster greater, rather than less, respect for other Parks rules, including the rules regarding animal waste removal. Further, since Parks has also recently expanded its PEP Officers ranks, the enforcement potential to address such violations will be much greater.

8. **Poor History and Lack of Enforcement** – Five comments indicated that there is a lack of enforcement by Department of Parks and Recreation.

   One comment was: "Parks enforcement of the leash law at present is non existent and they have not presented any plan for better enforcement if off leash activity is written into law." Additionally, one comment stated that there was a history of unsuccessful "off leash" policy in parks. This comment stated, "In no way has this been a "successful 20 year policy" as some claim rather an act of physical necessity." One comment stated that there was not enough space allotted in parks for dog runs and one comment indicated that there is a perceived preference by Parks of Manhattan over Queens. "Parks in Manhattan currently have 16 dog runs to serve 1.3 million people. Yet Queens with its population of 2.2 million

people have 7 dog runs. It is clear that Parks prefer to spend their money in upper class Manhattan while unleashing the dogs on middle and lower class Queens."

Response: Parks has recently hired additional permanent PEP Officers, resulting in a net increase of one hundred and sixty-three (163) new Officers since 2004 and Parks has issued almost ten thousand (10,000) summonses since 2002 for unleashed/out of control dogs. However, with a parks system of over one thousand, eight hundred (1,800) individual park sites covering approximately twenty-nine thousand (29,000) acres it is difficult to deploy our PEP Officers in such a way as to prevent all infractions, whether dog related or otherwise. Notwithstanding this limitation, if a member of the public contacts Parks, they will advise its PEP Officers to take appropriate action, including increasing patrols in areas where Parks has received complaints.

Lastly, courtesy hours have been in place for the last twenty (20) years. In fact, leash requirements cannot and do not prevent all incidents of dogs attacking other dogs or people and animal behavior experts have concluded that there is evidence to suggest that well exercised and socialized dogs are less likely to bite other dogs or people.

9. **Rulemaking Process** – One commenter alleged that the Parks Commissioner is being allowed to change the law.

   Comment: This commenter stated, "I wasn't aware that being Parks Commissioner allowed you to change the law. What a terrific perk! Now it's the leash law what's next."

   Response: The off leash allowance was a courtesy implemented during non-peak hours by the Department of Parks and Recreation that had mutual benefits to both Parks and dog owners. The reason for this amendment is to enable Parks to codify these courtesy hours.

CHANGES MADE IN RESPONSE TO PUBLIC COMMENTS

As noted, publication of this proposal generated substantial public comment. Approximately 13,200 individuals and groups expressed support for the proposal, and 202 individuals and groups expressed opposition to any amendment that would allow dogs to be off the leash under any circumstances stating that this would adversely affect public health. After review of the public comments, and for the same reasons stated in the original Statement of Basis and Purpose, and because the off leash policy has been in effect for approximately 20 years, the Department has no reason to believe that there will be any increased risk to public health as a result of the Health Code change at this time. However, the amendment as originally proposed has been changed to require that DOPR adopt rules allowing dogs to be off the leash in unenclosed DOPR areas and facilities only from 9 p.m. to 9 a.m. To facilitate enforcement by DOPR and identification of dog owners, the rule requires that persons controlling off leash dogs present proof of current dog licensure, as well as of current rabies vaccination, as originally proposed. Many comments of persons opposed to the amendment alleged that persons in control of off leash dogs do not comply with the current unofficial policies. DOPR, after reviewing such comments, has assured the Department that complaints should be made promptly through 311 if there are persons who let dogs run on or off the leash in areas off limits to dogs, or allow dogs to be off leash at impermissible times; or create any nuisance; or menace people, or otherwise behave in any manner that compromises public health, or threatens public safety. DOPR has represented that it will direct its enforcement officers to investigate and address such complaints. In addition, the rule has been further

amended to authorize the Department's Commissioner to limit or eliminate off-leash privileges in specific DOPR areas and facilities if the Department determines, based on epidemiological evidence, that there is an increase in preventable off leash dog bites or a risk of zoonotic disease transmission in such areas or facilities.

In other changes, subdivision (a) of §161.05 has been amended to substitute the term "other restraint" for the term "chain" and there has been a minor, non-substantive, change in subdivision (c) with respect to identifying officers of the Department of Sanitation and the DOPR as authorized to enforce this section.

Exhibit 57
Animal Ordinance
Public Hearing: 2/9/15

To:
Cc:
Bcc:
Subject: Fw: hen houses
From: Brenda Bean/RKV - Monday 02/23/2015 12:41 PM

Caroline Levine	Dear Mayor Newton, I've been thinking about th...	02/23/2015 09:09:17 AM

From: Caroline Levine <carolinelevine@gmail.com>
To: bnewton@rockvillemd.gov,
Date: 02/23/2015 09:09 AM
Subject: hen houses

Dear Mayor Newton,

I've been thinking about the hen house issue in Rockville. I know the council will vote on it soon. But talking with College Gardens neighbors at a party two weeks ago who do NOT want to live next door to hen houses, we would like to see the issue on the next ballot. I know that some residents, especially those with kids, would like to have hen houses. But I have the feeling that many more residents do not want them. Letting residents vote on this important issue is fair.

As I said in an earlier email, I like the other amendments to the animal control law: humane leash laws, commercial goats, trap neuter and release programs and licensing for outdoor cats. I hope that the TNR practice will lead to fewer feral cats in College Gardens. They are killing our beautiful birds, and since they've been roaming in our yards, there is far less birdsong. We don't let dogs run free. Why should we let our cats do so?
I hope you and the council consider this fairness issue.

Thanks,

Caroline Levine
1502 Auburn Avenue
February 23, 2015

Exhibit 58
Animal Ordinance
Public Hearing: 2/9/15

February 15, 2015

To Whom It May Concern:

My purpose in writing this letter is to support the effort of Aaron Rosensweig to avoid killing his roosters and to keep them as part of his flock within city limits. Aaron has discovered a technique of muting the crowing sounds of his rooster by applying a Velcro collar around the voice box.

I have Bachelors, Masters, and Doctor of Philosophy degrees in Poultry Science. I conducted numerous scientific experiments with chickens and turkeys during my 50 years of work experience with the University of Arkansas, Texas A & M University, and U.S. Food and Drug Administration. I currently own more than 60 breeds of fancy chickens on my farm in Damascus, Maryland. I provide fertile eggs to the Frederick County School House Chick program in ~90 Elementary Schools and Middle Schools in Frederick County, Maryland. I show my fancy chickens at Montgomery, Howard, and Frederick County Fairs, and Damascus Community Fair. I provide fertile eggs to 4-H members, home schooled children and other families who enjoy chickens and eggs.

I enjoy chickens as a hobby, and enjoy hearing my roosters' crow. I have about 150 roosters, and consider their crowing sounds to be music – not noise! Many people take great pleasure in watching hens and roosters act as they should in Mother Nature's paradise. Watching chickens is very enjoyable, even therapeutic to most people, and provides a sense of calm, happiness, and normality.

To own a flock of hens without a male rooster in the flock, it can be argued, is cruel and abnormal. To not enjoy the sound of a crowing rooster is abnormal in my view. The action that certain municipalities have taken to prohibit rooster sounds within the city limits is unbelievable. One wonders why city council men and women believe barking dogs should be permitted, but crowing roosters should not be permitted. Dogs can kill people, chickens pose no harm.

So, Councilmen and Councilwomen, I ask you to take corrective action and allow people who want roosters to keep them. The right thing for the council to do is to revoke the prohibition against crowing roosters. If you can't do what is right, at least permit folks to keep roosters who don't crow. Aaron Rosensweig discovered a novel way to mute the sound of a crowing rooster, by applying a collar to alter the sound. This approach is not inhumane as some animal rightists may argue. The rooster is not in pain or discomfort. Another acceptable option would be to remove the voice box, but this requires surgery which few people are trained to do.

I encourage the council to take appropriate action to accommodate Mr. Rosensweig's request to keep a rooster in his flock.

Sincerely,

Lonnie W. Luther, Ph.D.

Poultry Scientist

Exhibit 59
Animal Ordinance
Public Hearing: 2/9/15

No "crowing" rooster
Aaron Rosenzweig
to:
mayorandcouncil
02/23/2015 10:40 AM
Sent by:
Aaron Rosenzweig <recurve@cocoanutstech.com>
Hide Details
From: Aaron Rosenzweig <aaron@chatnbike.com>

To: mayorandcouncil@rockvillemd.gov

Sent by: Aaron Rosenzweig <recurve@cocoanutstech.com>

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

Hi Mayor and Council,

It is not reasonable to allow a rooster to crow next to a neighbor. Nor is it reasonable to play music too loud, etc. Noise nuisance ordinances should take care of ALL noise complaints without having to itemize all the ways neighbors can make noise.

A generalized noise ordinance provides full protection.

If you *must* ban roosters, add the clause "crowing rooster." Do not ban roosters outright because such a ban will raise problems. Have you trained your animal control officers to differentiate all the breeds of chicken? Can they tell, by looking, what is a rooster and what is a hen? Invariably rooster bans lead to hens being confiscated because they have a comb on their head or they have spurs... but they don't crow. If they don't crow, it shouldn't matter.

Additionally, roosters can wear a collar which turns their "crow" into a "burp." So there truly is no need to ban them.

I will send you another email with letters from PHD doctors and Veterinary medicine doctors stating

that rooster collars are both humane and effective.

Summary:

1) General noise nuisance laws provide full protection.

2) Rooster bans end up being abused to remove hens.

3) Roosters can actually be quiet

Thank you,

AARON ROSENZWEIG / Chat 'n Bike

e: aaron@chatnbike.com t: (301) 956-2319

Chat 'n Bike

Chat 'n Bike

Exhibit 60
Animal Ordinance
Public Hearing: 2/9/15

Doctors speak - rooster collars work
Aaron Rosenzweig to: mayorandcouncil 02/23/2015 10:42 AM
Sent by: Aaron Rosenzweig <recurve@cocoanutstech.com>

Hello Mayor and Council,

Attached are three letters from various doctors stating that rooster collars are both humane and effective.

Thank you,

Aaron Rosenzweig / Chat 'n Bike
e: aaron@chatnbike.com t: (301) 956-2319

Dr. Gregory Meyer - Rooster Collar.pdf Lonnie Luther - rooster collar.pdf Peter Brown - Crow Collar.pdf

From: Allson alisonmeyer@verizon.net
Subject: Rooster Collar
Date: February 17, 2015 at 3:20 PM
To: aaron@chatnbike.com

February 17, 2015

To Whom it may concern:

This letter concerns the use of a rooster collar that is used to reduce the volume of a rooster's crow. With proper instructions on how to use this collar, I don't think this causes harm to the rooster. Seeing videos with roosters wearing the actual collar showed the birds to be natural in their environment. This collar should be considered when individuals would like to keep a rooster.

Gregory V. Meyer D.V.M.
Marymont Animal Hospital, Inc.
24 Randolph Road
Silver Spring, Maryland 20904

From: Peter Brown chickendr@firststatevetsupply.com
Subject: Crow Collar
Date: February 16, 2015 at 7:41 PM
To: Aaron Rosenzweig aaron@chatnbike.com

Hello Aaron:
For the record, I am a Poultry Biologist with more than 50 years of experience raising poultry and advising people how to care for their birds. I am the guest speaker every Monday on the Chicken Whisperer Radio Talk Show and I am one of the Principal Authors of information for the Chicken Whisperer Magazine which is a National Magazine Publication.

I have reviewed the Video concerning the no crow collar and as you can see the bird is acting normal in every way possible. If the Collar were interfering with his breathing the bird would be turning Cyanotic(turning blue)which is not the case in this Video.If the Collar were irritating the bird he would make every move to dislodge the Collar but that is also not the case as the bird is quite content with the Collar.

Concerning de-voicing Roosters it is not possible to do so and that in fact would be inhumane and as far as I am concerned be illegal to do. I have attached two photos to show you where the Syrnx(voice box)is located in the birds body.Devoice # 0006 depicts the area where the Trachea(wind pipe) is located and the birds Syrinx(voice box) is located under the breasts at the end of the Inserted Forceps. Devoice # 0008 shows the Syrinx(voice box) removed from the Trachea(wind pipe) and the small flat part is the Valve that allows the forced air to exit the Trachea(wind pipe) and cause the bird to Crow. Its location is at the end of the Trachea(wind pipe)at the Junction where the Trachea(wind pipe) branches off into the Bronchi which then lead to each Lung one on the left and one on the right. The Syrnx(voice box)is protected from exterior harm by he birds Breasts as the end of the Trachea(wind pipe) lies directly under the Breasts. The no crow collar in no way is able to make any contact with the birds Syrinx(voice box).

Crowing is then caused by air pressure controlled by muscle movement as the bird Exhales air through the Syrnx(voice box). Restricting the extension of the Neck Muscles by use of the no crow collar limits the force that the expelled air is able to achieve when it enters the Syrnx(voice box) there by limiting the amount of Noise Volume that takes place.

Keep em Healthy,

Peter Brown, aka The Chicken Doctor

Exhibit 61
Animal Ordinance
Public Hearing: 2/9/15

Limit to 5 - optional permit for more
Aaron Rosenzweig
to:
mayorandcouncil
02/23/2015 11:25 AM
Sent by:
Aaron Rosenzweig <recurve@cocoanutstech.com>
Hide Details
From: Aaron Rosenzweig <aaron@chatnbike.com>

To: mayorandcouncil@rockvillemd.gov

Sent by: Aaron Rosenzweig <recurve@cocoanutstech.com>

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

Hello Mayor and Council,

5 Chickens is a nice number but it is also limiting.

Pet limit laws have sometimes been thrown out as unconstitutional:

"Even legitimate legislative goals (controlling nuisances) cannot be pursued by means which stifle fundamental personal liberty when the goals can be otherwise more reasonably achieved."

http://www.naiaonline.org/articles/article/pennsylvania-court-strikes-down-ordinance-limiting-number-of-cats-per-resid

What really matters is public health, noise health, and sanitary conditions for animals.

If a person can keep 9 dogs responsibly, why not? Three might be show dogs, another three might be retired show dogs, and the other three might just be pets because they could not compete.

If you going to limit Rockville residents to 5 chickens, may I suggest you allow them to get a permit

if they want more than 5. This way you can charge a reasonable fee to look at what the resident wants to do. You can see if they are going to have adequate support for the number of birds they want and ensure that there will be no nuisance.

Note: One 40 pound dog makes the same amount of poo as 10 chickens.

A hard limit with an optional permit for more can ensure individual liberties while still making sure a public nuisance does not occur.

AARON ROSENZWEIG / Chat 'n Bike

e: aaron@chatnbike.com t: (301) 956-2319

Chat 'n Bike

Chat 'n Bike

Exhibit 62
Animal Ordinance
Public Hearing: 2/9/15

Off-leash areas - additional signatures on petition
Andrea K
to:
mayorandcouncil
02/23/2015 01:11 PM
Hide Details
From: Andrea K <andrea.kronzek@gmail.com>

To: mayorandcouncil@rockvillemd.gov

1 Attachment

Off-leash petition - additional signatures.pdf

Dear Mayor and Council,

Attached please find a list of signatures of Rockville residents who are in support of the revision to the Animal Control Ordinance to allow the City to designate an area(s) on public property for off-leash dog exercise and play.

Together with the list that I sent to you on February 9, 79 people have signed the petition to date.

Thank you,

Andi Kronzek

change.org

Recipient: Mayor and Council of Rockville, Maryland

Letter: Greetings,

Please revise the Rockville Animal Control Ordinance to allow the City to designate an area on public property for off-leash dog exercise and play.

Lee Ann Weir	Rockville	Maryland	20851	2/9/2015
Leanne Bayer	Rockville	Maryland	20850	2/9/2015
Claudia Faigen	Rockville	Maryland	20852	2/9/2015
Michael Auger	Rockville	Maryland	20850	2/9/2015
Charese Vo	Rockville	Maryland	20850	2/10/2015
Annie Lee	Rockville	Maryland	20852	2/10/2015
Heather brown	Rockville	Maryland	20853	2/16/2015
Amanda Kudis	Rockville	Maryland	20850	2/16/2015

Exhibit 63
Animal Ordinance
Public Hearing: 2/9/15

Re: Letter from MBC regarding TNR policy in Rockville

Bridget Newton to: Gail B. Mackiernan %3Ckatahdinss%40comcast.net%3E 02/23/2015 03:40 PM

Cc: Brenda Bean

Dear Dr. Mackiernan - thank you for your letter regarding TNR - I've copied Brenda Bean so that it is included in the Public Record.

Sincerely -
Bridget

Bridget Donnell Newton, Mayor
City of Rockville
111 Maryland Avenue
Rockville, MD 20850
P: 240-314-8291

"Gail B. Mackiernan %3Ckatahdinss%40comcast.net%3E" 02/23/2015 03:11:31 PM

From:	"Gail B. Mackiernan %3Ckatahdinss%40comcast.net%3E" <katahdinss@comcast.net>
To:	bnewton@rockvillemd.gov,
Cc:	bfeinberg@rockvillemd.gov, tmoore@rockvillemd.gov, vonley@rockvillemd.gov, jpalakovichcarr@rockvillemd.gov
Date:	02/23/2015 03:11 PM
Subject:	Letter from MBC regarding TNR policy in Rockville

Dear Mayor Newton and City of Rockville Council Members,

The attached letter has been sent to you in regard to proposed changes in the City's Animal Control Ordinance. I am Conservation Chair of the Montgomery Bird Club, and as a biologist as well as a long-time supporter of the Montgomery Co. Humane Society, I hope my comments will prove informative.

Thank you for the opportunity to comment,

Best,
(Dr.) Gail B. Mackiernan
301-989-1828[attachment "CityofRockville.doc" deleted by Bridget Newton/RKV]

Exhibit 64
Animal Ordinance
Public Hearing: 2/9/15

Support of backyard chickens
Stephanie Diaz to: mayorandcouncil 02/24/2015 08:16 AM

Good day,

My husband and I would like to add my voice to those interested in backyard chickens. It seems like another good way for Rockville to demonstrate its status as an environmentally friendly city.

In addition to being a great way to eat healthy and grow your own food, there are some other benefits:

* They eat food waste, reducing the amount that goes to refuse pickups.
* They eat insects, including ticks, mosquitoes, and stink bugs, as well as mice.
* Their manure helps create rich topsoil for gardens.

They certainly create less waste than a typical household dog and laying hens are no louder then their human owners, especially since roosters will be prohibited. There are also no documented cases of backyard chickens leading to a reduction in home values.

Thanks for your time,

Stephanie and Ignacio Diaz
Twinbrook

Exhibit 65
Animal Ordinance
Public Hearing: 2/9/15

Poultry on Private Property
Karl Reis
to:
mayorandcouncil
02/23/2015 10:03 PM
Hide Details
From: Karl Reis <karl.anthony.reis@gmail.com>

To: mayorandcouncil@rockvillemd.gov

Dear Mayor Newton and Councilmembers Feinberg, Moore, Onley and Palakovich Carr,

I am writing to you to express my support for moving forward with enabling citizens of Rockville to raise poultry on their private property within reasonable limits. I believe that raising poultry would engender several positive outcomes for the community, including, but not limited to, nutritious food production, insect control, waste recycling, and ecological education.

Thank you for your consideration.

Karl Reis
Rockville, MD

Exhibit 66
Animal Ordinance
Public Hearing: 2/9/15

My name is Aaron Rosenzweig. I live on 1 Thorburn Road.

If we don't stand for something, we'll fall for anything. Let's not kid ourselves. The chicken issue has nothing to do with chickens and everything to do with liberty.

Liberty is a funny word. Two people can speak of liberty and mean totally opposite things.

In this hand I have a sheep. The sheep wants to play and graze in the open field. He is friendly.

In the other hand I have a wolf. The wolf wants control of the sheep and to prey on the sheep whenever he feels hungry.

For the sheep, liberty is granted when the shepherd is on guard. For the wolf, liberty is granted when the shepherd is in bed.

The shepherd is both a liberator and an oppressor depending on your point of view.

From the beginning, liberty has been the cornerstone of our nation. Differing definitions on liberty led to our civil war. Those who desire chickens want to exercise their constitutional freedoms to own property and pursue happiness. Those who oppose chickens want to control others and maintain their emotional distance from birds which they eat daily.

This is an issue of love vs. hate. It is that simple.

When you see people stand up in favor of chickens, look into their eyes. Now, do the same when someone stands up to oppose chickens. Which person would you want as your next door neighbor? Who would you count on to help you in times of need?

Those who have stood up to oppose chickens speak with venom. They huff and they puff but they have no rational reason for their opposition other than "look it's a chicken! can you believe it!" They say Rockville's laws are perfect, "leave it alone." Dare I say, if this was fifty years ago when we had separate but not-so-equal, the haters would say the same, "it's perfect, leave it alone."

A city that bans chickens has a problem. They create a climate that is more likely to stipulate the color of your siding than to raise funds to build a playground. It's a city that respects hate for hate's sake. A city looking for problems rather than exalting in the inherent good of their community.

I leave you with a letter from the Mayor of Gaithersburg. He clearly explains why Gaithersburg allows chickens.

Don't be chicken. Stand up for what is right. Rockville citizens have a constitutional right to own chickens. Support them.

Jud Ashman for Gaithersburg City Council 2011

Vote Jud!

- Home
- News/Blog
- Get Involved
- Donate
- Platform
- Meet Jud
- Contact

« Endorsements
What I've Done In Office: Individual Achievements »

One to Crow About: More on a Gazette Question

In one of several media questionnaires, the Gazette posed a question that I think warrants more than the alotted 100-word response. The question was:

> Has there been a recent approval or decision of the City Council that you disagreed with or had a differing opinion about? How would you have addressed the issue differently, if making a decision alone?

My initial response was that my Council colleagues and I have been so remarkably effective that, when I look back on my first term, I'm not finding myself regretting the few instances when I disagreed with an outcome; I'm taking pride in our substantial successes in areas like public safety, budgeting, the environment, and economic development.

That's all very true, but it's not a specific answer. Since I have all the space I want on this blog, I hereby offer a more specific answer to the question.

Not that I'm the type to go about *crowing* about things, but the issue at the time had to do with roosters. (No, I am not making that up!) On the face of it, it probably seems silly, but I think it will give you a sense of some of my core values and how I go about making decisions. Here's the whole story:

The Great Debate on Backyard Chickens – Background
At one of our meetings, not all that long ago, our Animal Control Director, Lisa Holland, came to the podium to introduce an amendment to our animal control ordinance. The amendment, she explained, would make it illegal for a resident to raise chickens in his/her back yard.

"Seriously??" I asked, in disbelief, "Is this really a problem in Gaithersburg? How many people are raising chickens in this City?" Lisa replied that she was aware of two chicken coops in the City, and, to her knowledge, both were kept up to the standards outlined in City Code.

In fact, while many would balk at the idea of keeping chickens as pets, City Code did allow residents to raise backyard chickens, so long as they maintained certain conditions, mostly having to do with cleanliness and the physical location of the coop in relation to property lines.

So it was indeed legal and that's precisely why a family living nearby one of the aforementioned coops asked staff to consider changing the ordinance. Their position was that their neighbor's chicken coop was bringing down their property value.

The Feathers Fly!

What followed was some of the most impassioned testimony we saw in the last four years. The pro-chicken side had people from the City and outside testify about the value of keeping chickens as pets and about how effectively their living space could be kept up to code. They brought up with ordinances from elsewhere; turns out, Gaithersburg is not the only community in which the question has come up. They sent us news reports describing how raising backyard chickens could be a low-impact good thing for the environment. And they brought us baskets of eggs! (We obviously didn't accept them)

The opposition testified repeatedly that they were concerned about property values, particularly in the current economic climate. (They were largely unable to find hard evidence of this, but I certainly understood the concern. Property values throughout the City had taken a hit.) Some of the opponents were concerned with noise, although hens are quiet and neither of the known coops had any roosters. Some of them were concerned about the possibility of infectious disease being carried by chickens. (Again, they were unable to provide sufficient evidence of this)

Who could've predicted that chickens would spur this kind of emotion?!

The Decision

To me this was a 'freedom' issue – and (silly as it may sound because we're talking about chickens after all!), I take 'freedom' very seriously. My rule of thumb: if we're going to take away someone's Freedom, there better be a darn good reason why it is in the general public interest to do so.

At the beginning of the process, residents had the right to raise chickens, assuming they were in compliance with code requirements. The arguments for taking away this right, while understandable on an emotional level, were not compelling enough to meet my "darn good reason" standard.

Thus was my explanation the night it came time to vote on the amendment. I was going to vote against the chicken ban. And so were my colleagues.

The Rooster Clause

'So, wait a second,' I can hear you thinking, 'I thought the question was about you disagreeing with your colleagues. Where's the disagreement?'

Well, it turns out that some of my colleagues wanted to take more of a middle ground. While we all agreed on continuing to allow backyard chickens, they began to talk about banning roosters. Why? To put it simply, roosters can be loud little troublemakers!

While I might concede that point, I asked Lisa Holland if there was a documented problem with roosters in

the City. She reiterated that neither of the two known chicken coops in Gaithersburg included any roosters, but she did note that there were occasional reports of roosters in the City. (Again: really??? Renegade roosters in Gaithersburg!!)

During the process, we'd heard testimony about homeowners who had successfully kept roosters and found ways to do it without antagonizing the neighbors.
And we have a noise ordinance that already protects the neighbors if such an issue were to arise.

So, the idea of banning roosters also failed my "darn good reason" standard. And I ended up being the lone voice against the rooster amendment and I think the Council got that one wrong.

The Lesson
Whether it's about something that might seem trivial, like roosters, or something more significant or obviously dear to us, I believe in personal freedom – and, to take advantage of an easy pun – I won't be a chicken in standing up for it!

Sharing is caring!

- Post to Facebook
- Post to Twitter
- Add to LinkedIn

This entry was posted on Wednesday, October 26th, 2011 at 10:27 am and is filed under Uncategorized. You can follow any responses to this entry through the RSS 2.0 feed. You can leave a response, or trackback from your own site.

- Comments (0)
- Trackbacks (0)

1. No comments yet.

Name (required)
E-Mail (required) *(will not be published)*
Website

Submit Comment
Subscribe to comments feed

1. No trackbacks yet.

- Search Go

Exhibit 67
Animal Ordinance
Public Hearing: 2/9/15

February 24, 2015
Statement to Rockville, MD Mayor and Council
RE: Proposed TNR and Feral Cat Ordinances

My name is Erin Robinson, and I am the National Cat Help Desk Associate at Alley Cat Allies. Alley Cat Allies is the only national advocacy organization dedicated to the protection and humane treatment of all cats. We have promoted the neutering and returning of community cats since our founding over 25 years ago, and we frequently advise local governments and state policymakers on humane approaches to cats.

I want to, again, thank Councilwoman Palakovich-Carr for proposing this ordinance. She is a wonderful advocate for both the residents and animals of Rockville. I also want to thank the city of Rockville for considering Trap-Neuter-Return.

Trap-Neuter-Return is the only effective approach to cat management. We have trapped and killed feral cats for decades, at great expense to taxpayers, yet here we are, still, today. Removing cats from an area by killing or relocating them is futile. Removing feral cats opens up the habitat to an influx of new cats, either from neighboring territories or born from survivors. Each time cats are removed, the population will rebound through a natural phenomenon known as the "vacuum effect." Trap-Neuter-Return stops that cycle, and, over time, the cat population decreases through attrition.

Trap-Neuter-Return also makes cats better neighbors. Mating behaviors, like roaming, yowling, spraying and fighting, all cease. In turn, calls to animal control decrease. Investing in spay/neuter and TNR is an investment in public health, the local shelter, and it demonstrates a socially-responsible and efficient approach to serving the animals and the public.

I want to quickly address the statements made by People for the Ethical Treatment of Animals in their letter to the council. PETA expressed concerns regarding having "no way of securing preventive and/or emergency veterinary care (it's virtually impossible to re-trap cats who have been trapped once before)." While cats are very intelligent and after being trapped once can certainly become trap-savvy, there are multitudes of ways to re-trap cats who have been previously trapped.

Alley Cat Allies has an entire webpage dedicated to trapping just those types of cats. It can be viewed at www.alleycat.org/page.aspx?pid=340. I, along with many of my colleagues, have successfully re-trapped cats who have needed medical attention. TNR does not mean a cat in need of medical attention will never receive it.

Alley Cat Allies urges you to pass this ordinance and start building a partnership between caregivers and the city that will benefit the whole community.

Thank you again Councilwoman Palakovich-Carr and the City of Rockville.

Sincerely,

Erin Robinson
Alley Cat Allies
7920 Norfolk Avenue, Suite 600
Bethesda, MD 20814

Exhibit 68
Animal Ordinance
Public Hearing: 2/9/15

February 24, 2015

Rockville City Hall
111 Maryland Avenue
Rockville, MD 20850
Attn: Mayor and City Council

Re: **NO** to Proposed Changes to Animal Ordinance – Chapter 3 of the Rockville City Charter

As a longtime, taxpaying City of Rockville resident, I am in favor of a more humane capture neuter release program for feral animals and **against** any changes that would allow chickens to be kept by Rockville residents.

Many in Rockville believe the case against "backyard chickens," as recently proposed by Rockville Councilmember Palakovich-Carr, is stronger than the case for.

During a Town Hall Meeting held on October 21, 2014 by Councilmember Palakovich-Carr, which was attended by approximately 40 people, at least half apposed the keeping of chickens. During a recent public hearing and subsequent Community Forums, many have testified in favor of keeping chickens, however, more than half of those testifying resided outside Rockville City limits, which should lessen the weight of their testimony for consideration by the Mayor and Council.

Some of the many reasons to not allow the keeping of chickens include, but are not limited to:

HEALTH CONCERNS

Chicken waste promotes the growth of the fungus, Histoplasma capsulatum. Its spores become airborne and initially attack the lungs (in humans). At best, this can cause debilitating respiratory issues; at worst it can cause miscarriage, organ failure, blindness or even death.

There is also a big problem with potential runoff. If a chicken coop sits uphill of another yard (and can you image seeing one from your backyard deck?), chicken fecal matter runoff can occur. If there are children exposed to this waste (or any human/dog/cat/etc.), they can become extremely ill. In the very young and very old, this can be fatal.

Chickens, especially egg laying chickens, attract predators such as rats, snakes, foxes and coyotes.

When hens stop laying, many will convert "back yard chickens" into "backyard roasters" by slaughtering them on site (even though this is prohibited). Again, can you imagine this site from

From the desk of Drew Powell
1035 Carnation Drive • Rockville, MD 20850
301-520-2642 • drewpowell@verizon.net

your backyard deck? "Hey honey, look at that man with the chicken and the hatchet... oh never mind dear... whatever you do please DON'T look."

Even though the proposed ordinance would prohibit them; many would keep and raise roosters. Why, you ask? It can be very difficult to tell the sex of a baby chick... Many purchase baby chicks to raise them into egg laying hens. If some of the baby chicks turn out to be male... oh well... hundreds will attempt to return the roosters to animal control for "redistribution" up county or they will be euthanized. If Rockville backyard poultry farmers do not return them, the roosters will get big enough to cause a nuisance by crowing (typically 4 AM to 6 AM) and many of these birds will also be turned into "roasters" in the same backyard slaughter scenario above.

COST TO THE CITY OF ROCKVILLE

All of this is going to cost more in t0axpayer dollars. Based on just some of the abovementioned scenarios, there will be violations, which require site visits by Rockville Animal Control personnel. Will this result in excessive overtime on the part of existing staff? Will new Animal Control personnel need to be hired? If so, how much will this cost? A good thumbnail figure including all loaded employee cost would be $80K - $100K per new employee. There is also the added expense of a vehicle for each new Animal Control employee. If there are unforeseen consequences due to health concerns, the costs to the City could be much higher.

CIVIL DISCOURSE

Lastly, in testimony presented during a Community Forum on February 23, 2015, a non-Rockville resident spoke of "liberty," then used shadow puppets representing a sheep and a wolf, when speaking in favor of residential chickens. The speaker from Gaithersburg went on to suggest that anyone against keeping chickens didn't want to see the animal, which they planned to consume and went on to compare those opposed to keeping chickens as racists. It is unfortunate that this level of discourse was tolerated by Rockville's Mayor and Council. Rockville residents opposed to residential chickens have rights too, just as non-smokers have the right to breathe clean air and not secondhand smoke. One's liberty is great, as long as it does not impinge upon someone else's liberty. As a vegan, I can assure you that I don't mind seeing chickens and have no plans to eat them. As a resident of a growing metropolis and taxpayer, I and many Rockville citizens believe that chickens are not in the City's collective best interest moving forward. Please modify the proposed changes to the animal ordinance and remove any language having to do with the keeping of chickens on residential property. Thank you. ■

Most sincerely,

Drew Powell

Drew Powell

From the desk of Drew Powell
1035 Carnation Drive • Rockville, MD 20850
301-520-2642 • drewpowell@verizon.net

Exhibit 69
Animal Ordinance
Public Hearing: 2/9/15

My name is Akiva Rosenzweig. I live on 1 Thorburn Road.

I live in Gaithersburg, most of the poultry club lives in Damascus. You might wonder what I'm doing here in Rockville.

Gaithersburg is not so far from Rockville. Damascus is a bit further. Perhaps you don't want chickens in Rockville, you think they should be in Damascus.

Let's imagine 10 years into the future. More people will move into Damascus. Some people will complain and say "those are farm animals, I don't want them next to me."

Eventually, there will be no place for people to raise a few chickens at home. That's terrible.

What makes a chicken a farm animal anyway? They are not farm animals, they are birds. It's ok for a crow to land in your yard but if your neighbor has a few chickens… that's not ok?

I can find dogs and cats on a farm. Why aren't those considered farm animals?

What makes a dog a good companion and not a chicken? Those who don't want chickens, have they ever held a chicken? Have they touched one? Have they even seen one up close?

I'm here to speak for my friends in Rockville who really want to legally raise chickens. They hope my family's experience will give you something positive to think about.

Do we really need so many laws? Do we need a long list of things we cannot do, including caring for chickens? Is it really necessary? Does owning chickens really impact your neighbors quality of life in a bad way? So badly that you must ban chickens from your city?

My family invited the entire Rockville council to visit our home and see how wonderful chickens can be. Only one of you came. I'm sorry Rockville, I wish you could enjoy chickens too.

Exhibit 70
Animal Ordinance
Public Hearing: 2/9/15

My name is Rachel Rosenzweig. I live on 1 Thorburn Road.

The poultry club was supposed to meet tonight but it was cancelled because of the snow. Maybe it is a blessing in disguise because it frees up time to come to city hall instead.

We do talk chicken in our club but we do much more. Two months ago we gathered up all our eggs and then made egg salad sandwiches. We made over 500 lunch bags, each with two sandwiches, some cookies, some fruit, a candy cane, and something to drink. Then we donated them to the homeless for the holidays.

Chickens are really cool. They are pets with benefits. There are so many breeds. They are all so pretty and they are really calm creatures. Fun to snuggle with and love on.

You've gotten eggs at the store, probably white and tan colored. Did you know that typically eggs can come in all shades of colors? Green, blue, pink, olive, and dark chocolate. Each breed of hen has different genes that set their egg color. You cannot find those eggs in the store, only in pet chickens.

Please explain something to me. Rockville allows rabbits. You can have as many as you want. People eat rabbits too. So what's the problem with Chickens? Why did you ban chickens in Rockville? Why is it such a struggle to even make it possible to have a handful of chickens as pets?

Is it poo? Chicken poo is the best! you can use it on your vegetable garden. Dog and cat poo is toxic, it can't be used for anything. Is it the amount of poo? One 40 pound dog makes the same amount of poo as 10 chickens.

Please explain. Why do you allow rabbits and not chickens? Thank you.

Exhibit 71
Animal Ordinance
Public Hearing: 2/9/15

SCHOOL OF LAW
CASE WESTERN RESERVE UNIVERSITY

Contact Us
11075 East Blvd
Cleveland, Ohio 44106
216.368.3600

Jaime Bouvier

Senior Instructor in Law

Publications

Animals in the City
Urban Lawyer

Regulating Chickens, Goats, and Bees, How Cities are Regulating Micro-Livestock
Urban Agriculture, ABA

Illegal Fowl: A Survey of Municipal Laws Relating to Backyard Poultry and a Model Ordinance for Regulating City Chickens
Zoning And Planning Law Handbook, Patricia Salkin, ed., Thompson West (42 ENV. L. REP. 10888-10920, Sep. 2012, as a chapter to draw attention to it as an important contribution to the field of zoning and planning law)

Jaime Bouvier is the Co-Director of the Academic and Writing Support Program. She teaches classes and workshops designed to help students succeed in law school and on the bar exam. Before joining the faculty, she clerked for Judge Kathleen M. O'Malley in the Northern District of Ohio, served as staff counsel for Dennis Kucinich in the 10th Congressional District of Ohio, and worked as a trial lawyer specializing in public-policy litigation with the Chandra Law Firm. Her scholarship is focused in the area of food policy and land-use law; one of her articles was recently reprinted as a chapter in The Zoning and Planning Law Handbook, a book that collects articles representing important contributions to that field.

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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.

Electronic copy available at: http://ssrn.com/abstract=2119494

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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).

Electronic copy available at: http://ssrn.com/abstract=2119494

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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.

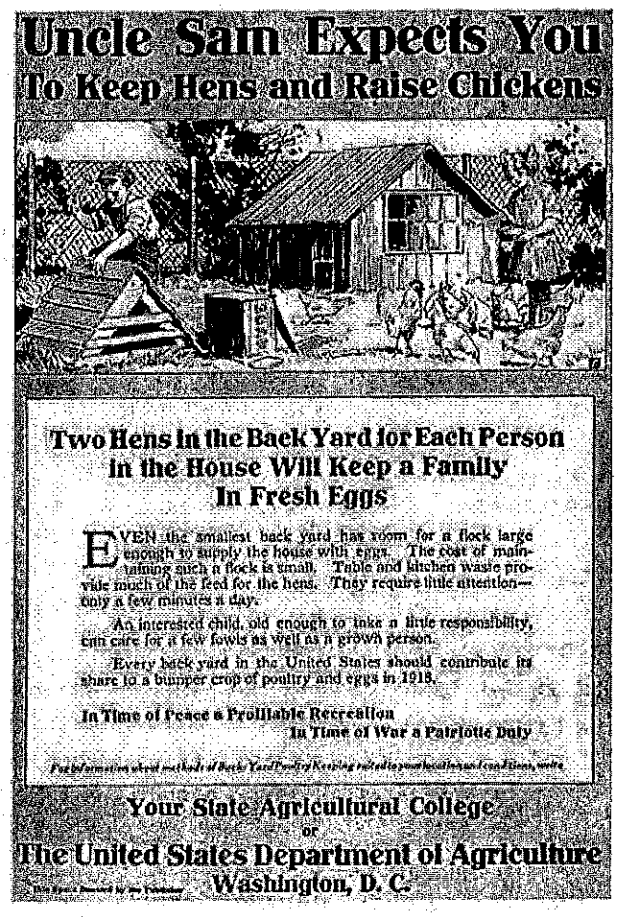
Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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



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).

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.

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.*

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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.

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

$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=_cgyLnv7jDV7hGIVZty89g (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).

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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).

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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]

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).

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

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).

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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.

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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.

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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 runways 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.

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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-

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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).

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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)(c) (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).

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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,

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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.

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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).

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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.*

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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).

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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).

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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).

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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).

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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).

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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).

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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).

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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).

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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 off-site 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

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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.*

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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 visited 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).

Copyright © 2012 Environmental Law Institute®, Washington, DC. Reprinted with permission from ELR®, http://www.eli.org, 1-800-433-5120.

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.

End