

**THE CITY OF FREDERICK  
MAYOR AND BOARD OF ALDERMEN**

**ORDINANCE NO: G-16-11**

**AN ORDINANCE concerning animals**

**FOR** the purpose of incorporating by reference and modifying certain County laws as the animal control laws of the City; allowing the keeping of a certain number of female chickens on single family detached residential properties, subject to licensing and other requirements; removing outdated provisions; clarifying language; and generally relating to animals within The City of Frederick.

**BY** repealing

Chapter 3  
The Code of the City of Frederick, 1966 (as amended)

**BY** adding

Chapter 3  
The Code of the City of Frederick, 1966 (as amended)

**SECTION I. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK** that Chapter 3 of The Code of the City of Frederick, 1966 (as amended) is hereby repealed and a new Chapter 3 is added to read as follows:

**Chapter 3 ANIMALS**

**ARTICLE I. COUNTY ANIMAL CONTROL REGULATIONS**

**Sec. 3-1. Adoption of County Code.**

(a) Except as otherwise provided in subsection (b) of this section, the provisions of the Frederick County Code, Chapter 1-5, as the same from time to time may be amended, are applicable and effective within the City as though those provisions were set forth at length in this section.

(b) The Frederick County Code, Chapter 1-5, is hereby amended as follows:

(1) Unless the context indicates otherwise, the word "county" shall refer to the City.

(2) In § 1-5-1, the definition of "at large" is amended to read:

"An animal shall be deemed to be at large whenever it is not: (1) on the owner's property; or (2) under the immediate physical control of a person and restrained by a chain or leash."

(3) In § 1-5-1, the definition of "dangerous dog" is amended to read:

"Any dog that: (1) Without provocation causes death or serious injury to a person; or (2) After having been designated as a potentially dangerous dog by the Director of Animal

Control, engages in any behavior which results in death or injury to a person or death or serious injury to an animal.”

(4) In § 1-5-1, the definition of “potentially dangerous dog” is amended to read:

“A dog that poses a threat to public safety, demonstrated by any of the following behaviors: (1) Causes injury to a person without provocation which is less severe than a serious injury, or causes severe injury to or kills a domestic animal; or (2) Runs at large, meaning that the animal: (A) Runs at large, as that term is defined in this section, three or more times within any consecutive six-month period; or (B) is impounded by the Division of Animal Control three or more times within any consecutive six-month period. An animal that has been deemed potentially dangerous based on running at large will no longer be deemed potentially dangerous two years after the dog was last cited for running at large if during that time the dog has not engaged in any behavior prohibited by this chapter.”

(5) Section 1-5-6 is amended to read:

“All fines imposed under this chapter shall be transferred to the City’s Finance Department by the Clerk of the Court.”

(6) Section 1-5-9 is deleted in its entirety.

(7) In § 1-5-22, subsection (F)(4) is amended to add:

“The owner shall notify the Director, in writing, of any change in the owner’s address within 48 hours after the change.”

(8) In § 1-5-24, the word “trained” is deleted.

(9) Section 1-5-25 is deleted in its entirety.

(10) In § 1-5-26, subsection (A)(1) is amended to read:

“(1) It shall be unlawful for any person to tether, fasten, chain, tie, restrain, or cause a dog to be fastened, chained, tied, or restrained to any stationary or inanimate object by means of a rope, chain, strap, or other physical restraint for the purpose of confinement for more than 4 hours.”

(11) In § 1-5-34, add to the end of subsection (A):

“A multiple domestic animal license or blanket kennel or cattery license will not be issued for any animal that has not been spayed or neutered.”

(12) Section 1-5-53 is deleted and replaced with the following:

“Violation of any provision of this chapter is a municipal infraction punishable by a fine of \$50 for a first offense, \$75 for a second offense, or \$100 for a third or subsequent offense within a calendar year.”

**Sec. 3-2. Administration and enforcement.**

The County shall administer and enforce its animal control regulations, as adopted and amended in Section 3-1 of this article, within the City in the same manner as they are administered and enforced in the unincorporated areas of the County.

**Sec. 3-3. Additional provisions.**

Section 3-1 of this article shall not be construed to limit the authority of the Board of Aldermen to provide for additional animal control through the adoption of provisions to this chapter or other ordinance. Except as otherwise stated in this chapter, any additional animal control provisions shall be administered by the City's Department of Public Works and enforced in accordance with Section 1-7 of this Code.

**Sec. 3-4. Prevailing law.**

Any inconsistency between the Frederick County Code and an amendment or additional provision set forth in this chapter shall be construed in favor of the amendment or additional provision.

**ARTICLE II. ADDITIONAL ANIMAL CONTROL REGULATIONS**

**Sec. 3-5. Definitions.**

- (a) **In general.** For the purposes of this article, the following terms have the meanings indicated.
- (b) **Own.** "Own" means to keep, harbor, or have control, charge or custody of an animal, or permit to be kept, harbored or fed upon or within premises owned, leased, rented or occupied by a person and does not require actual legal title or claim to the animal.
- (c) **Owner.** "Owner" means any person keeping, harboring or having charge or control of, or permitting any animal to habitually be or remain on, or be lodged or fed within buildings or land owned, leased, used or occupied by such person, irrespective of whether such person has legal title or claim to the animal. "Owner" does not include veterinarians, kennel operators, or like persons temporarily keeping on their premises animals owned by others.

**Sec. 3-6. Animal waste.**

- (a) **Disposal required.** An owner or other person who has possession or control of a dog or other animal:
  - (1) may not permit the animal's feces to remain upon any park, sidewalk, or other public property; and
  - (2) shall properly dispose of the animal's feces. For purposes of this section, "properly dispose" means to place in a designated waste receptacle or other refuse container that is regularly emptied by the City or some other refuse

collector, in compliance with all applicable provisions of Chapter 10 of this Code; or to dispose into a system designed to convey domestic sewage for proper treatment and disposal.

- (b) **Violation.** Violation of this section is a municipal infraction punishable by a fine of \$25 for a first offense, \$50 for a second offense, and \$75 for a third or subsequent offense per calendar year.

**Sec. 3-7. Noisy animals.**

- (a) **Prohibited.** An individual may not own any animal which, by barking, howling or in any other audible manner, disturbs the peace, order and quiet of the City.
- (b) **Violation.** Violation of this section is a municipal infraction punishable by a fine of \$100. Each day a violation continues is deemed a separate offense.

**Sec. 3-8. Special events.**

- (a) **Dogs prohibited.** Except as otherwise provided in this section, an individual may not bring a pet, on or off a leash, to any of the following:
  - (1) the City's annual Fourth of July celebration in Baker Park;
  - (2) the "In the Street" festival;
  - (3) summer evening concerts at Baker Park (permanent seating area in the band shell); or
  - (4) any other event if specified by ordinance or resolution of the Board of Aldermen.
- (b) **Violations.** Violation of this section is a municipal infraction punishable by a fine of \$100.

**ARTICLE III. LIVESTOCK AND FOWL**

**Sec. 3-9. Definitions.**

- (a) **In general.** For the purposes of this article, the following terms have the meanings indicated.
- (b) **Livestock.**
  - (1) "Livestock" means any domestic animal raised for business or commercial purposes or animals commonly associated with agricultural enterprises, including but not limited to horses, mules, donkeys, burros, cattle, swine, goats, sheep, llamas, alpacas, emus, and ostriches, regardless of age, sex, size or breed, or any crossbreeding of such species. "Livestock" includes poultry of any kind, including but not limited to chickens, pheasants, guineas, turkeys, peacocks, ducks, and geese.

- (2) "Livestock" does not include dogs, cats, ferrets, rabbits, or other animals commonly owned as household pets.
- (c) **LMC.** "LMC" means the Land Management Code, Appendix A of this Code.
- (d) **Own.** "Own" means to keep, harbor, or have control, charge or custody of an animal, or permit to be kept, harbored or fed upon or within premises owned, leased, rented or occupied by a person and does not require actual legal title or claim to the animal.
- (e) **Owner.** "Owner" means any person keeping, harboring or having charge or control of, or permitting any animal to habitually be or remain on, or be lodged or fed within buildings or land owned, leased, used or occupied by such person, irrespective of whether such person has legal title or claim to the animal. "Owner" does not include veterinarians, kennel operators, or like persons temporarily keeping on their premises animals owned by others.

**Sec. 3-10. Feeding fowl.**

- (a) **Prohibited.** An individual may not feed a duck, goose, or other fowl within the boundaries of a City park.
- (b) **Violations.** Violation of this section is a municipal infraction punishable by a fine of \$25 for a first offense, \$50 for a second offense, and \$75 for a third or subsequent offense within a calendar year.

**Sec. 3-11. Livestock.**

- (a) **Prohibited.** Except as otherwise provided in this section, an individual may not own any livestock in the City.
- (b) **Exceptions.** This section does not prohibit:
  - (1) livestock on property used exclusively for agricultural activity, as that term is defined in the LMC;
  - (2) the activities of the annual Great Frederick Fair or other agricultural events occurring on the Frederick Fairgrounds;
  - (3) livestock used in connection with commercial, industrial, or educational purposes, including but not limited to meat packing or processing facilities, laboratories, or retail sales, in accordance with the LMC and all other applicable regulations; or
  - (4) chickens kept in accordance with Article IV of this chapter.
- (c) **Violations.** Violation of this section is a municipal infraction punishable by a fine of \$25 per animal. Each day a violation continues is deemed a separate offense.

## ARTICLE IV. BACK YARD CHICKENS

### Sec. 3-12. Definitions.

- (a) **In general.** For the purposes of this article, the following terms have the meaning indicated.
- (b) **Back yard.** "Back yard" means that portion of a lot, extending between the two side lot lines, between the rear lot line and a line drawn parallel thereto at the point where the back façade of the dwelling unit is closest to the rear lot line.
- (c) **Chicken run.** "Chicken run" means an enclosed outside yard for keeping chickens.
- (d) **Coop.** "Coop" means a structure for housing chickens made of wood or other similar materials that provides shelter from the elements.
- (e) **Department.** "Department" means the City's Department of Public Works.
- (f) **Director.** "Director" means the Director of Public Works or the Director's designee.
- (g) **LMC.** "LMC" means the Land Management Code, Appendix A of this Code.
- (h) **Own.** "Own" means to keep, harbor, or have control, charge or custody of an animal, or permit to be kept, harbored or fed upon or within premises owned, leased, rented or occupied by a person and does not require actual legal title or claim to the animal.
- (i) **Owner.** "Owner" means any person keeping, harboring or having charge or control of, or permitting any animal to habitually be or remain on, or be lodged or fed within buildings or land owned, leased, used or occupied by such person, irrespective of whether such person has legal title or claim to the animal. "Owner" does not include veterinarians, kennel operators, or like persons temporarily keeping on their premises animals owned by others.
- (j) **Premises.** "Premises" means the property on which chickens are permitted to be owned under this article.

### Sec. 3-13. Generally.

- (a) **Purpose.** It is hereby found and declared that the keeping of chickens in the City supports a local, sustainable food system as well as pest control and animal companionship and pleasure. This article is intended to allow the keeping and maintenance of chickens in a clean and sanitary manner that is not a nuisance or detrimental to the public health, safety, or welfare of the City.
- (b) **Scope.** Except as otherwise provided in this subsection, a person may not own any live chickens except in compliance with all the requirements of this article. This article does not apply to:
  - (1) owning chickens on property used for agricultural activity, as that term is defined in the LMC;

- (2) the activities of the annual Great Frederick Fair or other agricultural events occurring on the Frederick Fairgrounds; or
  - (3) the sale or use of chickens for commercial, industrial, or educational purposes, including but not limited to poultry packing or processing facilities, laboratories, or retail sales, in accordance with the LMC and all other applicable regulations.
- (c) **Other laws.** Nothing in this article shall be construed to eliminate the need for compliance with any other applicable law or regulation, including but not limited to those relating to building, zoning, property maintenance, agriculture, or health.
- (d) **Registration.** Chickens owned under this article must be registered with the State Department of Agriculture, Domestic Poultry and Exotic Bird Registration Division, pursuant to the Annotated Code of Maryland, Agriculture Article, § 3-80.
- (e) **Private covenants.** This article shall not be construed to supersede or allow the violation of any homeowners' association regulations, deed restrictions, or other private covenants.
- (f) **Vested rights.** Neither this article nor a license issued under this article creates any vested rights in any individual to own or raise chickens.

**Sec. 3-14. Administration.** The Director may develop and implement administrative regulations as needed for the efficient implementation and enforcement of this article.

**Sec. 3-15. Location.** Subject to the provisions of this article, a person may own live chickens in the back yard of a single family detached residential lot in any zoning district. The lot must have an area of at least 2,500 square feet.

**Sec. 3-16. Number and type of chickens.** A person may own no more than one chicken per every 500 square feet of back yard area, and a maximum of six chickens on one lot. Only female chickens are permitted; roosters are prohibited.

**Sec. 3-17. Licenses.**

- (a) **Generally.** A person may not own any live chicken without a valid license issued in accordance with this section.
- (b) **License application process.**
- (1) The Director shall create and provide application forms for licenses. An individual who is at least 18 years old may submit an application in accordance with this section. The information required by the application will be the minimum information that is required of any applicant, and will include the following:
    - (A) the name and date of birth of the applicant, the address of the premises upon which the chickens will be kept, and if the applicant is not the owner of the premises, the name and address of the property owner;
    - (B) the breed and number of chickens to be maintained on the premises;

- (C) a schematic drawing of the premises showing:
    - (1) the location or potential locations of the coop;
    - (2) the size of the coop;
    - (3) distances between the coop and the side and rear lot lines;
    - (4) the location, style, and height of a chicken run, if applicable; and
    - (5) the location, style, and height of any other fencing located on the premises.
  - (D) a statement that the applicant will at all times own the chickens in accordance with this article and any license conditions prescribed by the Department.
- (2) Any person seeking a license shall file a completed application with the Department.
- (A) The application must be signed by the applicant. If the applicant is not the owner of the premises on which the chickens will be kept, the application must be accompanied by an agent authorization form signed by the property owner.
  - (B) The application must be accompanied by any application fee as specified in the City's fee schedule ordinance.
- (3) The Director shall review a submitted application for compliance with this section. If the Director finds that the applicant meets the requirements of this article, the Director shall approve the application and shall issue a chicken license to the applicant. If the Director finds that the applicant fails to meet the requirements of this section, the Director shall deny the application. At the discretion of the Director, the review conducted under this paragraph may include an inspection of the premises.
- (c) **Conditions.**
- (1) A license issued under this section authorizes the owning of chickens only by the license holder and upon the premises described in the license.
  - (2) The license holder must maintain a personal, primary residence on the premises on which the chickens are kept. The license holder may not be absent from the premises for a period of longer than 30 consecutive days.
  - (3) The Director may attach additional reasonable conditions to the license if reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or to protect the public health, safety, or welfare.

- (d) **Term.** A license issued under this section is valid until it is revoked or until the license holder requests, in writing, that the license be terminated.
- (e) **Transfer.** Chicken licenses are not transferrable to a new chicken owner or to a new property address.
- (f) **Violation.** Owning a live chicken without first obtaining a license as required by this section is a municipal infraction punishable by a fine of \$500. Each day a violation continues is deemed a separate offense.

**Sec. 3-18. Premises requirements.**

(a) **Enclosure.**

- (1) Chickens must be confined to the back yard of the premises at all times.
- (2) If the back yard or portion of the back yard where the chickens are kept is not enclosed by a fence at least 4 feet high, the chickens must be confined to a chicken run at all times. The chicken run must be either covered or at least 4 feet high.
- (3) If the back yard or portion of the back yard where the chickens are kept is enclosed by a fence at least 4 feet high, the chickens may be provided with a chicken run but are not required to be confined to the run.

(b) **Coop.**

- (1) In addition to the enclosure described in subsection (a) of this section, chickens must be provided with a covered, predator-resistant coop.
- (2) A coop must be located in a back yard and at least 10 feet from any lot line.
- (3) A coop must be:
  - (A) at least 4 square feet, but no more than 10 square feet, per chicken in area; and
  - (B) no more than 6 feet in height.
- (4) A coop must be properly ventilated, provide adequate shade from the sun and the elements, and constructed in a manner to resist predators, including dogs and cats.
- (5) A license holder shall ensure that chickens are secured within the coop during non-daylight hours.

- (c) **Condition.** A license holder shall maintain a chicken run and coop in a neat, clean, odor-free, and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.

- (d) **Waste storage and removal.** The license holder shall ensure that the property is kept free from excessive accumulated droppings and shall provide for the storage and removal of chicken manure. All manure for composting or fertilizing must be contained in a well-aerated garden compost pile. All other manure not used for composting or fertilizing must be removed.
- (e) **Other laws.**
  - (1) A license holder shall comply with any applicable legal requirements, including but not limited to obtaining a building permit or receiving approval from the Historic Preservation Commission, if needed.
  - (2) LMC § 803(c) does not apply to chicken runs or coops constructed or installed pursuant to this article

**Sec. 3-19. Care and feeding of chickens.**

- (a) **Generally.** A license holder shall keep the license holder's chickens in a humane manner at all times.
- (b) **Wings.** All chickens must be wing-clipped periodically to prevent escape.
- (c) **Food and water.** A license holder shall ensure that the license holder's chickens have access to adequate amounts of clean food and clean water at all times. All grain and food stored for the use of the chickens shall be kept in a rodent-proof container.
- (d) **Death of a chicken.** If a chicken dies, it must be buried or otherwise disposed of promptly and in a sanitary manner.

**Sec. 3-20. Prohibited acts.**

- (a) **Chickens living inside.** An individual may not own a live chicken inside a dwelling unit or other structure except for the coop required by Section 3-18 of this article.
- (b) **Chickens running at large.** A license holder may not deliberately or negligently allow chickens to escape outside the back yard of the premises.
- (c) **Commercial use prohibited.** A license holder may own chickens for personal use only. An individual may not sell eggs or engage in chicken breeding, meat production, or fertilizer production for commercial purposes.
- (d) **Slaughter.** A license holder may not slaughter chickens on the premises or on any other residential property. This prohibition does not preclude a license holder from having chickens slaughtered at a facility properly zoned and permitted for such use.
- (e) **Training.** A license holder may not use or train chickens for the purpose of fighting for amusement or sport.

**Sec. 3-21. Enforcement.**

- (a) **Municipal infraction.** Except as otherwise provided in this article, violation of any provision of this article is a municipal infraction punishable by a fine of \$50. For violations of a continuing nature, each day a violation continues shall be deemed a separate offense.
- (b) **Other laws.** A violation of this article may also constitute a violation of another law, such as the prohibition against animals running at large. Nothing in this article shall be construed to limit the imposition of penalties under such other law. Section 2-27.5 of this Code is not applicable to this article.
- (c) **Inspections.** The Director may, at all reasonable times and in a reasonable manner, enter upon and inspect the premises to determine whether the license holder is in compliance with this article.
- (d) **Suspension of chicken license.**
  - (1) The Director may suspend a license issued under this article for a period of up to 30 days, or a longer period if necessary to carry out the intent of this article, if the Director finds:
    - (A) there is a risk to public health or safety; or
    - (B) the license holder has violated any of the provisions of this chapter, including but not limited to failure to comply with license issued under this article.
  - (2) Upon suspending a license, the Director shall provide written notice to the license holder setting forth the grounds for the suspension, the effective date of the suspension, and the length of the suspension.
  - (3) The Director may reinstate a license when the Director is satisfied that the grounds for the suspension have been remedied.
- (e) **Revocation of chicken license.**
  - (1) The Director may revoke a license issued under this article if the Director finds:
    - (A) the license holder has misrepresented or provided false information on a license application; or
    - (B) the license holder has violated any of the provisions of this chapter, including but not limited to failure to comply with license issued under this article and the license has been suspended within the previous 12 months under subsection (d) of this section.
  - (2) Upon revoking a license, the Director shall provide written notice to the license holder setting forth the grounds for the revocation and effective date of the revocation.

(3) A new chicken license will not be issued to the same license holder for a period of one year after revocation.

**(f) Removal of chickens.**

(1) The Director may impound or remove, or cause to be impounded or removed, any chickens for the owner's violation of this article. The owner of the chickens is responsible for all costs associated with the impoundment or removal.

(2) Within 10 days after receipt of a notice of the suspension, revocation, or termination of a license issued under this article, the license holder shall remove all chickens from the premises.

**(g) Notices.** Any written notice required by this article is deemed properly served if it is delivered personally to the individual to be served or is sent by first class mail to the person's last known mailing address. For purposes of this chapter, the last known mailing address of a chicken license holder is the address on file with the Department. Notice is deemed received when it is personally delivered or on the third business day after it is mailed.

**(h) Remedies not exclusive.** In addition to the remedies set forth in this section, the City may seek any other remedies available to it at law or in equity.

**SECTION II. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK** that in the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the City that such remainder shall be and shall remain in full force and effect.

**SECTION III. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK** that this ordinance shall take effect on July 1, 2016 and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.

**PASSED:**

**DATE:**

  
\_\_\_\_\_  
Randy McClement, President,  
Board of Aldermen

May 5, 2016

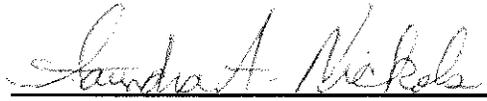
**APPROVED:**

**DATE:**

  
\_\_\_\_\_  
Randy McClement, Mayor

May 5, 2016

Approved for Legal Sufficiency:

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City Attorney