

**AN ORDINANCE AMENDING AND ENACTING CHAPTER 5,  
ARTICLE I, ANIMALS AND FOWL, SECTIONS 5-14 AND 5-16  
OF THE CITY CODE OF THE CITY OF WINCHESTER, VIRGINIA**

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE  
CITY OF WINCHESTER, VIRGINIA THAT:**

1. Chapter 5, Article I, Animals and Fowl, Sections 5-14, of the City Code of the City of Winchester, Virginia is deleted in their entirety and readopted as follows:

**ARTICLE I. -IN GENERAL**

**Sec. 5-14. - Keeping livestock and fowl within the city limits.**

- (a) For the purposes of this section:
  - (1) The term "livestock" refers to all breeds of cattle, goats, horses, llamas, sheep, and swine, including miniatures of each.
  - (2) The term "fowl" refers to all breeds of chickens, ducks, geese, guineafowl, peafowl, swans, and turkeys.
  - (3) The term "chicken" refers to a domesticated type of fowl from the genus Gallus that is commonly kept for egg production. The female bird is known as a hen and the male counterpart a rooster.
  
- (b) It shall be unlawful for any person to raise or keep livestock or fowl within the City with the exception of the following:
  - (1) The property on which the livestock or fowl is kept is at least two acres in size, and
  - (2) The livestock or fowl are securely fenced or are otherwise prevented from escape.
  - (3) The keeping of chickens as allowed in Sec. 5-16.
  
- (c) On properties of two or more acres, one animal unit is allowed for each acre in the property which is set aside for animal use.
  - (1) An animal unit consists of:
    - a. One bull, cow, llama, or steer; or
    - b. Three horses; or
    - c. Six goats, sheep, or swine or any combination thereof; or
    - d. Six chickens, ducks, geese, guineafowl, peafowl, or swans, or any combination thereof.
  - (2) For horses, goats, sheep, swine, chickens, ducks, geese, guineafowl, peafowl, or swans the number of animals shall be rounded to the next higher whole unit.

- (3) For the purposes of subsection (c), an animal shall not be counted until it reaches the age of eight months.
- (d) Animals' owners shall be subject to the City sound restrictions (Chapter 17 of this Code) with regard to noises.

## **5-16 – Chicken Permits**

### **Statement of Intent**

The keeping of chickens on residential properties is designed to allow for homeowners to keep chickens in their rear yard provided they are kept in a safe and clean manner and do not create a nuisance. By allowing chickens on residential properties, this provision is designed to create an opportunity for individuals to keep chickens for personal use only. This provision is not designed for individuals to keep chickens for the purpose of slaughter or for the purpose of selling eggs. No ongoing business sale of chickens, chicken meat, or eggs are to take place as a result of receiving a chicken permit.

### **5-16.1 – Regulations**

Residents keeping chickens must abide by the following:

- (a) No more than six (6) chicken hens shall be allowed for each single-family dwelling.
- (b) Chickens allowed under this section shall only be raised for domestic purposes, and no commercial use, such as selling eggs or selling chickens for meat, shall be allowed.
- (c) No roosters shall be allowed.
- (d) There shall be no slaughtering of birds outside or in enclosed structures.
- (e) All chicken hens must be kept at all times in an enclosed and covered, secure, movable or stationary pen that contains at a minimum four (4) square feet per bird. No chickens shall be permitted to run at large.
- (f) Pens shall be located in the rear yard and shall be situated at least five (25) feet from any residential structure. However, pens may be located a minimum of 10 feet from the residential structure on the lot it serves. In addition, all pens shall be located at least twenty (20) feet from streams, tributaries, ditches, swales, storm water management facilities, drop-inlets, or other storm drainage areas that would allow fecal matter to enter transport to a landfill. Pens for chickens shall be situated at least ten (10) feet from all property lines.
- (g) All pens must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors.
- (h) All feed for the chickens shall be kept in a secure container or location to prevent the attraction of rodents and other animals.

- (i) Chicken litter and waste shall not be deposited in any trash container that is collected by any public or private waste collector and shall be disposed of by composting on site, collected by a bona fide poultry litter service, or bagged and taken directly to a landfill.
- (j) Any dead bird shall not be deposited in any city storm drainage system or stream or trash container that is collected by any public or private waste collector but shall be either composted or buried on site or taken to the landfill. Further, all unexplained bird deaths shall be reported to the Virginia Department of Agriculture and Consumer Services prior to composting, burial, or disposal.
- (k) Chicken permits are permissible in all residential zoning districts with the exception of B-1 and RB-1.
- (l) Chickens shall not be permitted on any parcel of land that is within five hundred (500) feet or less from any poultry processing plant, poultry hatchery, poultry feed mill, poultry truck lot, poultry farm, or from property where facilities are operated by the Virginia Department of Agriculture and Consumer Services. If any portion of a parcel is located in the prohibited five hundred (500) feet area described above, no chickens shall be kept on that entire parcel.

### **5-16.3 - Application submission requirements**

Persons wishing to keep chickens pursuant to this subsection must file an application with the City's Zoning Division, which application shall include:

- (a) A sketch showing the area where the chickens will be housed and the types and size of pens in which the chickens shall be housed. The sketch must show all dimensions and setbacks.
- (b) A twenty-five-dollar (\$25.00) application fee.
- (c) Verification that the applicant has completed the Virginia Livestock Premises Registration with the Office of Veterinary Services, Virginia Department of Agriculture and Consumer Services.

### **5-16.3 - Permit Revocation**

Any person found in violation of any of the regulations contained in section 5-15 shall be issued a penalty as prescribed in Chapter 5 and have their chicken permit revoked for a period of one year.

### **5-16.4 - Violation of this section as nuisance.**

In addition to any penalty imposed for a violation of any provision of this Article, such violation is hereby declared a public nuisance and the City may also administer and enforce any violation as a public nuisance and penalty therefor in accordance with City Code Sec. 16-19 or the Zoning Code Sec. 18-16, and any person suffering injury or damage by the public nuisance

violation may seek the correction, removal, or abatement of such nuisance through appropriate suit in equity.

Except as amended hereby, Chapter 5, Article I shall remain in full force and effect.