

# BOARD OF ALDERMEN

ITEM NO. C(2)

## AGENDA ITEM ABSTRACT

MEETING DATE: October 6, 2009

**TITLE:** Request to Amend Chapter 10, Article III (Livestock and Wild Animals) of the Town Code

<b>DEPARTMENT: Police</b>	<b>PUBLIC HEARING: NO</b>
<b>ATTACHMENTS:</b> <b>A. Ordinance</b> <b>B. Letter from Susan Powell dated 8/31/09</b>	<b>FOR INFORMATION CONTACT:</b> <b>Carolyn Hutchison, 918-7412</b> <b>Mike Brough, 929-3905</b>

### PURPOSE

Susan Powell, a resident of the Cedars neighborhood, wrote a letter to the Board of Aldermen requesting an amendment to Section 10-5 of the Town Code. Mike Brough drafted an ordinance that would allow the Cedars residents to keep chickens on common land within the neighborhood. The Board is requested to consider adoption of the attached ordinance.

### INFORMATION

The Cedars is a neighborhood comprised of single-family homes situated on small lots and common areas for neighborhood use. Recently, the Cedars Homeowners' Association Board granted permission to neighbors interested in keeping 10 chickens on the common land. The land is approximately one acre in size and is designated for community gardening. The Cedar's HOA Board required a permit be issued by the Town prior to obtaining the chickens.

Staff is unable to approve such a permit request at this time because Section 10-5 of the Town Code does not specifically address common open space within a residential development. The question this issue presents obviously was not contemplated when the ordinance was drafted. Read literally, the current ordinance would not allow the requested use because the chickens would not be kept "for the consumption of persons who reside at that lot." The underlined criteria assures that the chickens are kept with the consent of the persons who reside there. In this case, the HOA consents to the chickens being kept there, but there is nothing in the current ordinance to limit the granting of permits to only those situations where the HOA authorizes the use.

The attached amended ordinance addresses these issues.

### FISCAL IMPACT

It is difficult to quantify the fiscal impact of this change to the current Animal Control Ordinance; however, additional staffing will not be necessary and we do not anticipate significant change in services provided.

### STAFF RECOMMENDATION

Staff requests that the Board of Aldermen consider adopting the proposed ordinance.