

Chapter 6 – ANIMALS

ARTICLE IV. – BACKYARD HENS.

Sec. 6-106. - Prohibited.

It shall be prohibited to keep or maintain chickens, hens, roosters, or other poultry within the Town of Roseboro in violation of this ordinance. Any such animals kept in violation of this ordinance shall be seized by Animal Control.

Sec. 6-107. - Restrictions.

Hens may be maintained for the purpose of laying eggs within the Town of Roseboro with a permit allowing for same only. Maintaining hens without a permit is prohibited. Roosters and other poultry are prohibited in all circumstances and no permits shall be issued for same. Permits for maintaining hens will be subject to the following restrictions:

- (a) The number of laying hens is restricted to no more than 10 per household.
- (b) Hens must be contained in a coop; no free-range hens will be allowed.
- (c) Said coop/outdoor containment area must meet the following requirements:
 - (1) Constructed so that the hens cannot fly or dig out and also, therefore, protected from predators.
 - (2) Coop must be setback 15 feet from adjoining property. This setback restriction may be waived by the adjoining landowners by written consent signed by both landowners. It shall be the obligation of the alleged landowners to prove ownership to the satisfaction of the town and said consent shall remain valid only as long as ownership remains the same.
 - (3) No coop shall be constructed in what would be considered a property's front yard.
 - (4) Inside the coop, there must be a minimum of 2.5 square feet per bird inside a weatherproof enclosure.
 - (5) Inside the coop, there must be space allowed in order to have one nesting box per four (4) birds, located at least one (1) foot off the ground.
 - (6) The outside containment area of the coop must be a large enough space to allow for four (4) square feet per bird. For example: Ten (10) hens would require an outside area of the coop of 40 square feet.

Sec. 6-108. – Permits.

Permits will be issued in the following manner:

- (a) Registration forms will be available at Town Hall and the issuing of permits will take place at Town Hall.
- (b) Before any permit will be issued, an inspection of the coop enclosure will be required. Said inspection will be conducted by a County Animal Welfare Officer.

- (c) Said officer upon inspection will make the determination of how many hens will be allowed on the property in accordance with the set size limits mentioned in (c) above.
- (d) Once the County Animal Welfare Officer has determined that the cop and its surrounding area are in accordance with the rules and regulations set forth, the property owner will then be allowed to purchase a permit to maintain a number of hens not to exceed ten (10).
- (e) No hens shall be allowed in the coop or anywhere until the permit is actually issued.
- (f) Cost of said permit is twenty-five dollars (\$25.00). This is a one-time fee.
- (g) Permit will automatically renew annually as long as the holder of the permit continues to maintain chickens. If any permit holder ceases to maintain chickens for six (6) months, then their permit may be forfeited if there is a waiting list for permits. Any permit holder must be contacted and given an opportunity to respond if their permit is being revoked. Any dispute regarding this shall be resolved by the Town Board.
- (h) Permits shall not be transferrable. If a property owner moves, the current permit shall be considered null and void, and any new owner desiring to keep hens will be required to go through the steps necessary to obtain a new permit for the keeping of backyard hens.
- (i) Three (3) violations of the backyard hen ordinance within any 12-month period will result in the automatic revocation of the permit.
- (j) Upon revocation of the permit, the keeping of backyard hens or applying for a permit to do the same shall be prohibited for a period of 1 year after said revocation. Once the year has passed, the property owner may re-apply for a permit to be issued after an inspection has been conducted.
- (k) There shall be a maximum of 15 permits for hens in the jurisdiction of the Town of Roseboro at any one time. Permits shall be issued on a first come, first serve basis. If more people desire permits than permits are available, then the town shall maintain a waiting list for permits.

Sec. 6-109. – Violations.

- (a) 1st violation: Written warning.
- (b) 2nd violation within the same 12-month period: Fifty-dollar (\$50.00) civil penalty.
Failure to pay the \$50.00 civil penalty within 30 days or to appeal same to the Roseboro Town Board shall constitute a 3rd violation of this ordinance.
- (c) 3rd violation within the same 12-month period: One-hundred-dollar (\$100.00) civil penalty and automatic revocation of backyard hen permit.
- (d) Civil citations shall be served upon the violator by any local animal control officer, officer who is employed by the Sampson County Sheriff's Department, or by any other means authorized for the service of civil process by the North Carolina Rules of Civil Procedure.

- (e) Once a property owner's backyard hen permit has been revoked, the hens must be removed from the property within seven (7) days of the 3rd and final violation. If hens are not removed by the owner, said birds shall be seized by a licensed animal control officer.
- (f) Any violations of the backyard hen ordinance will be reported to the appropriate authorities at Roseboro Town Hall.
- (g) Any disputes regarding violations of the ordinance, penalties or revocation of permits may be appealed to the Roseboro Town Board.

Sec. 6-110. – Proper disposal of manure.

- (a) Cleanliness of the coop is required. Failure to clean the coop frequently enough to prevent the smell from encroaching on neighbors' property will be considered a violation of this ordinance.
- (b) Manure must be kept in a closed container until disposed of properly.
- (c) Proper disposal may include spreading manure on the Roseboro Community Garden and covering over with soil.
- (d) Manure may also be spread in the property owner's own backyard garden or flower beds as long as soil is added on top.

Sec. 6-111. – Disposal of deceased hens.

Any deceased hen must be disposed of in a manner in accordance with North Carolina State Law.

Secs. 112—130. - Reserved.

(Adopted 06/08/2021)