

TOWN OF BAILEYVILLE

DOMESTICATED LIVESTOCK ORDINANCE

Sec. 1. – Purpose.

The purpose of this article is to provide standards for the keeping of domesticated livestock within the designated zoned areas. The article is intended to enable residents of single family homes to keep a small number of domesticated farm animals on appropriately sized lots while limiting the potential adverse impacts on the surrounding neighborhood.

Sec. 2. – Definitions.

Domesticated farm animals are defined as bovine, horses, donkeys, mules, sheep, goats, swine, llamas, alpacas and all fowl including ducks, geese, guinea, chickens, and the like.

Barns, stables and other enclosures are defined as any structure designed to provide safe and healthy living conditions for the domesticated farm animals while minimizing adverse impacts to neighboring lot owners. The use of scrap, waste board, sheet metal or similar materials as construction material is prohibited.

Trespass: An owner or keeper of an animal may not allow that animal to enter onto or remain on the property of another or unattended on any local, county, or state road or highway after the owner or keeper has been informed by a law officer, or animal control officer.

Removal: The owner or keeper of an animal is responsible, at the owner's or keeper's expense for removing any animal found trespassing.

Household pets: Unless their numbers and variety qualify their keeping as a kennel or pet breeder, household pets such as dogs, cats, exotic birds and reptiles may be kept.

Animal Unit: The equivalent of 1 cow, horse, Llama or 2 donkeys, swine, alpacas, or 4 goats, sheep or 15 chickens (no roosters) or 8 ducks, guinea fowl or turkeys or 4 geese or 10 rabbits or 12 beehives.

Exotic Animals: See MRSA Title 12 ss.7235-A. All state laws apply locally.

Sec. 3. Lot Sizes, Setbacks

- a. A single family residence having a minimum lot area of 2 acres is required for the keeping of domesticated farm animals. See exception(s) in Sec. 4.

- b. No more than 2 domesticated farm animals (2 AU) shall be kept on a lot with a single-family dwelling.
- c. Minimum setback: Any structure used to house domesticated farm animals must be at least 35 feet from a property line and at least 50 feet from any residential dwelling located on an abutting lot. Securely enclosed roaming or grazing areas must be at least 20 feet from any property line, at least 30 feet from any residential dwelling located on an abutting lot. Existing enclosures in place as of the date of this ordinance enactment shall be exempt.
- d. Lot sizes of greater than 2 acres may hold a combined total of 2 animal units (AU) and a maximum of 2 AU's per each full acre over 3 acres.

Sec. 4. Domesticated Fowl

Domesticated fowl is intended to mean chickens, ducks, geese, turkeys, guinea fowl and the like.

- a. This section applies to the keeping of 15 or fewer chickens (females) that are 6 months old or older, or 8 ducks, guinea fowl, and turkeys; or 4 geese.
- b. The minimum lot size required is ½ acre and the minimum setback for the housing structure on the side and rear is 20 feet from abutting property owners. Housing structures are not allowed on the front side or street side of a lot.
- c. A housing structure shall be provided to provide safe and healthy living conditions for the fowl while minimizing adverse impacts to other residents in the neighborhood. An existing shed or garage, or portion of an existing building can be used if it meets the standards of this section.
- d. A building permit is required for a new housing structure.
- e. Housing structures must be enclosed on all sides, and have a roof and doors. Access doors must be able to be shut and locked at night.
- f. The roaming pen must have a minimum of 10 sq. feet per fowl and must be constructed so as to not allow the fowl to get out without human assistance.

Sec. 5. Waste Storage and Removal

- a. Provisions must be made for the storage and removal of animal waste. All stored manure shall be covered and not consist of more than 3 cubic yards on lots of 2 acres or less. All other manure not used for composting or fertilizing shall be removed and legally disposed of.
- b. No manure shall be stored within 300 feet of the normal high water mark of a water body, wetland, brook, stream, vernal pool, or well that supplies water for human consumption.

- c. Excessive odors from domesticated animals, manure or other related substances shall not be perceptible at the property lines of abutting land owners.
- d. Manure storage must meet all applicable Maine Department of Agriculture, Conservation and Forestry Best Management Practices or similar State or Federal guidelines.

Sec. 6. Rodents, Insects and Parasites

- a. The property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.
- b. Feed and water shall be unavailable to rodents, wild birds and predators by way of rodent proof containers.
- c. Animals found to be infested with insects and parasites shall be removed by the Animal Control Officer or any designated town agent.

Sec. 7. Licensing Requirements

A person who keeps domesticated animals shall obtain a license for a fee of \$15.00. The license shall expire annually on the 1st day of April. The license shall be issued after favorable inspection by the Animal Control Officer or an agent of the Town of Baileyville. The license fee is non-refundable if the license is not approved. There will be a late fee assessed to licenses that have expired, in the amount of \$25.00.

Sec. 8. Complaints

When any person files a complaint with the codes officer that this ordinance is being violated, the codes officer shall respond within 5 working days. All complaints and the action taken will be kept on file. It is at the discretion of the codes officer whether a complaint is valid.

Sec. 9. Penalty

In addition to any other enforcement action which the town may take, violation of any provision of this ordinance shall be a civil violation and a fine not exceeding \$100.00 may be imposed. Each day that a violation continues will be treated as a separate offense. Other State and Federal statutes, rules, regulations and laws may apply. It is the responsibility of the animal owner or keeper to be aware of all applicable laws.

Sec. 10. Severability

If any portion of this ordinance is held to be unconstitutional or invalid, such portion shall be deemed a separate, distinct and independent provision and such holding will not affect the validity of the remaining provisions thereof.

This Ordinance shall take effect upon its adoption and publication as required by law.

Ordinance First Hearing ___/___/___ Publication Date(s): ___/___/___/and ___/___/___

Ordinance Second Hearing ___/___/___

Ordinance Adoption ___/___/___

Authorization to Execute

The Town Manager of Baileyville and his/her agents is authorized to execute and the Deputy Clerk is authorized to attest to this Order on behalf of the Baileyville Town Council

Effective Date

PASSED, APPROVED AND RESOLVED by the Baileyville Town Council on this day of ___/___/___

Town Councilor _____ Town Councilor _____

Town Councilor _____ Town Councilor _____

Town Councilor _____ ATTEST: _____