

Chapter 29

Animals

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NOTE:

§ 29-1. Definitions.

At Large – Off premises of the owner of the animal and not under the immediate control of a human being either by leash, cord, chain, or otherwise.

Commercial Kennel – an establishment wherein any person, group of persons, or corporation engages in the business of boarding, breeding, buying, grooming, or selling animals, or wherein at any one time there are kept or harbored five or more animals over six months old for a business or commercial purpose.

Domesticated Animal – Animals which by long and continued association with humans have become thoroughly tamed and domesticated. These animals are only intended to be pets and shall not be kept for commercial purposes.

Emotional Support Animal – A companion animal or pet that a medical professional has determined provides therapy or benefit for a person with a disability. These animals have not been trained to do work or perform tasks for the benefit of a person with a disability. An emotional support animal is not a service animal.

Large Animals – All animals considered livestock; those animals typically kept or raised on a farm; all animals typically weighing more than 100 pounds.

Owner – Any person, partnership, or corporation owning, keeping or harboring domesticated animals.

Pet Shop – An establishment which offers to sell two or more species of live animals with intent that they be kept as pets.

Public Nuisance Animal – Any animal which unreasonably annoys humans; endangers the life or health of other animals or persons; or gives offense to human senses; or which substantively interferes with the rights of citizens to the enjoyment of life or property. The term public nuisance animal shall mean and include, but is not limited to, any animal which:

- Damages property of anyone other than its owner
- Molests pedestrians
- Chases vehicles
- Excessively makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other disturbances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- Attacks other domesticated animals
- Is repeatedly found at large
- Has bit two or more person

- Has been designated by the Animal Control Officer to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety.

Small animals – All animals and birds except for livestock, typically weighing less than 100 pounds.

Service animals – An animal that is required by a person with a disability for assistance and is certified, in writing, as having been trained by a professional service animal institution to assist a person with a disability and which is properly harnessed in accordance with standards established by a professional service animal institution.

§29-2. Enforcement Authority.

The Town hereby adopted through Resolution 2020-15 the Kent County Animal Ordinance.

The Town hereby adopted through Resolution 2020-16 the Queen Anne’s County Animal Ordinance.

§29-3. Proper Confinement.

The owner of any dog, cat, or other domesticated animal within the town shall keep the same securely upon his or her own premises or under the control of said owner by means of a leash, cord, chain, or otherwise.

§29-4. Property size requirement and setbacks from property line.

To allow for the keeping, raising, and maintaining small animals within the Town limits of Millington, the below chart is the recommended minimum requirement:

Animal	Open Space per animal (sq. ft.)	Set Back (ft.) Rear line/side line
Chickens, Ducks, birds	200	10/5
Goats, sheep, small animals	10,000	10/5
Rabbits	100	10/5

Example of calculation:

Size of lot 6,750 sq ft. – size of house 1,384 sq ft = 5,366 open space * 10% allowable usage = 536.6 sq ft / 200 chickens/ducks/birds required space = 2.683 allowable number of small animals

§29-5. Keeping of small animals.

The keeping of small animals, excluding pets, service animals, and emotional support animals shall be allowed in any district in the town only upon approval by the Zoning Officer through the issuance of a certificate of compliance, subject to the following requirements:

General Requirements:

- No person shall have, own, permit or otherwise possess a rooster on their property.
- Unless as part of a farm, as defined in this chapter, the use and consumption of small animals and their eggs is limited to the occupants of the premises and shall not be sold.
- Keeping small animals shall be considered an accessory use and permitted only as incidental to lots on which the principal use is residential.
- The provisions of this section shall not apply to raising small animals on farms or farmettes.

Location restrictions and planning. In reviewing an application for a certificate of compliance, the Zoning Officer must find that the proposed use meets all of the following requirements:

- Any premises used for keeping of small animals shall include a manure management plan so as to ensure animals are kept only in conditions that effectively limit odors and noises, while also avoiding attraction of insects and rodents, so as not to cause a nuisance to occupants of nearby buildings or properties and so as not to cause health hazards. The coop, pen, cage, or other shelter must be cleaned on a regular basis to prevent accumulation of waste.
- All small animals shall be provided with a covered, predator-proof coop, pen, cage, or other shelter that is thoroughly ventilated, designed to be easily accessed, and cleaned, and of sufficient size to permit free movement of the animals, exclusive of areas used for storage of materials or vehicles. Animals shall not be allowed to roam the premises outside of such shelters. Any mobile structure or shelter used for rotational use of a property for the keeping of animals shall be deemed a structure under this chapter.
- The total area for all coops, pens, cages, or other shelter shall not be greater than 10% of the parcel.
- Any coop, pen, cage, or other shelter used for keeping small animals shall be located in such a manner as to observe the applicable required yard setbacks and shall be prohibited in a front yard.
- No small animal coops, pens, cages, fences, or other shelters are permitted on a lot within 100 feet of any lake, pond, river, or stream, unless such body of water is wholly contained on same lot.
- The coop, pen, cage, or other shelter must be placed on a location on the lot so as not to harm adjoining properties or environmentally sensitive areas.
- No small animals shall be allowed in multifamily complexes, including duplexes, without the written consent of the owner of the building and all tenants residing in the building other than the applicant.

- No small animals shall be allowed without the express written consent of all residents residing on property adjacent to that of the applicant.

Required documentation.

- The approval for a service animal or emotional support animals will require a letter from a doctor and/or therapist stating that the owner will benefit from the service animal or emotional support animal, that the requirement of such animal is indispensable or essential to the owner. The letter(s) must state why the requested approval is necessary and a more reasonable alternative is not available.

§29-6. Keeping of Large Animals.

The keeping of large animals is strictly prohibited within the limits of the Town of Millington unless property is zoned agriculture and is a farm or farmette.

§29-7. Violations and Penalties.

Any person violating the provision of this Chapter shall be deemed guilty of a Municipal Infraction and shall be fined \$500 per day, each day will be considered a separate violation until violation has been brought into compliance.

Keeping of Small Animals Permit Application

The Process:

- Review the Small Animals Ordinance, Chapter 29 of the Town's Code.
- Prior to obtaining small animals, the property owner shall apply for and obtain a Zoning Permit (fee = \$100) and an annual Small Animals License (fee = \$100).
- A Zoning permit is required and must be approved by the Zoning Officer.
 - A zoning permit for an accessory structure (fee = \$105) must be submitted with the Zoning Permit Application. A coop, pen, cage, or other structure is considered an accessory structure and shall require a separate permit from the Zoning Permit required to keep small animals.
- Site Plan. This must be included with your permit, before you build the coop, pen, cage, or other structure for the small animals. Coop, pen, cage, or other structure must meet all set-back requirements as stated in Chapter 29 of the Town's Code.
- If keeping or raising chickens, ducks, birds, etc. registration with Maryland Department of Agriculture, Maryland Poultry is required.

Keeping of Small Animals Registry Neighbor Approval Form

The Town of Millington's Code, Chapter 29 requires that any property owner proposing to keep small animals shall receive a written consent of 75% of the owners of all residentially and commercially zoned adjacent properties within 200 feet of any portion of the proposed coop, pen, cage, other structure, or run. The applicant shall forward the consent forms to the adjacent property owners within the 200 feet zone. The adjacent property must send their responses to the Zoning Officer, thus keeping disapproving responses in confidence to avoid neighborhood conflicts.

Applicant Name: _____

Site Address: _____

Attached are the site plan specification in keeping Small Animals at the site address listed above. I/We being the adjacent property owner(s) have **NO** objections to the above named property owner(s) keeping small animals in accordance with the Town of Millington's Small Animal ordinance, Chapter 29 of the Town's Code.

If you are not the property owner, you must have a signed approval from the property owner.

Property's Owner Name: _____

Address: _____

Phone: _____ Email: _____

Signature: _____ Date: _____

Zoning Permit – Accessory Structure for Small Animals

(\$105 fee)

NOTE: If structure exceeds 200 square feet, two (2) sets of construction plans indicating the type of materials, size of structural materials, lumber, hardware, the spacing of material and anchor details will be required for permits. MDIA (inspections) may be required.

Please read Chapter 29 of the Town of Millington's Code, Keeping of Small Animals. If you meet the requirements, please fill out the information below. You must be approved before construction can begin.

Site Information:

1. Property Owner: _____
2. Applicant Name: _____
3. Property Address: _____
4. Do you own or rent: _____ Rent _____ Own
5. Owner Email: _____
6. Applicant Email: _____
7. Owner Phone: _____
8. Applicant Phone: _____
9. Estimated Cost of Construction: _____
10. List the setback information. Setback is the number of feet from your property line to the structure:
 a. _____ Side Yard b. _____ Rear Yard c. _____ Lot Size
11. List the dimension and square footage of the coop, pen, cage, or other structure construction and run dimensions:
 _____ Width _____ Length _____ Height
 _____ Dimension in sq. ft.
12. Is there an existing fence enclosing rear yard: _____ Yes _____ No
 Type: _____ Height: _____
13. How many small animals will be kept: _____
14. What breed of small animals will be kept: _____

Additional Requirements:

- Drawings should accompany this application. You must have an approved site plan for the coop, pen, cage, or other structure and run prior to having any small animals. Do not start construction without site plan approval or you will be required to remove coop, pen, cage, or other structure and run.

- A plan providing the following information:
 - How the structure and run will be maintained on a routine basis;
 - Continuous provision of fresh food and water supplies;
 - Waste collection and removal plan;
 - Amounts of mulch or animal bedding;
 - How complaints from neighbors will be addressed;
- A copy of approved license by Department of Agriculture, Maryland Poultry if keeping or raising poultry, ducks, birds.

Property Owner Consent:

By signing below, you agree that the tenant of the property located at the addressed noted as "Applicant Address" may keep small animals on the property, subject to the conditions and requirements outlined in the Town of Millington's Code and the permit issued by the Town.

Property Owner Mailing Address: _____

Signature: _____ Date: _____

Office Use:

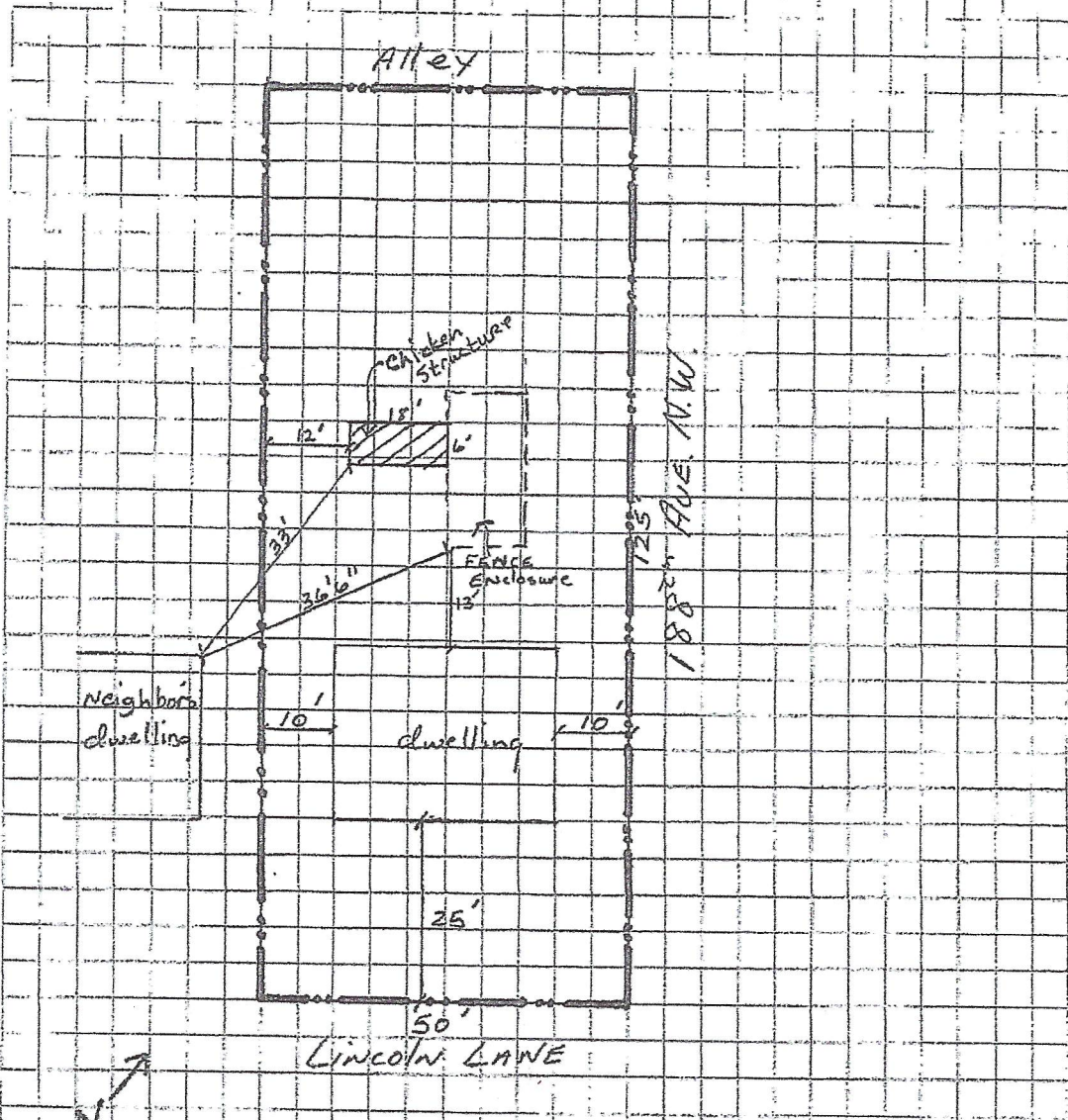
Date: _____ Permit #: _____ Received by: _____

Fee Amount: _____ Payment Method: _____ Amount Paid: _____

Contingencies: _____

Approved by: _____ Date: _____

Example of site plan required for chicken
licen:



North arrow required
Scale: 1" = 20 feet

SITE PLAN

Grid is 4 squares per inch
DO NOT USE PENCIL

Site Address 18743 LINCOLN LANE
 Owner's Name ELMER SMITH
This site plan is an accurate and complete representation of the footprint(s) of all existing and proposed structure(s) and their location(s) on the subject property.
 Applicant's Signature _____
 Date _____

Legal Description
 Required Lots 1 & 2
 Blk 3 WARNER Div.

Small Animals License Application

Fee \$100 – renewed annually

Applicant Name: _____

Applicant Address: _____

Property Owner's Name: _____

Property Owner's Signature: _____

Conditions of the Small Animals License:

The Small Animals License must be renewed annually before January 1 of each year.

- The written consent of 75% of the owners of a residentially and commercially zoned adjacent properties within 200 square feet of any portion of the proposed coop, pen, cage, other structure, or run is required. The applicant shall forward the consent forms to the adjacent property owners with in the 200 sq. ft. zone.
- Written consent of an adjacent property owner may contain provisions requiring screening of the proposed coop, cage, pen, other structure, or run from the view of the adjacent property owner. When screening is requested by an adjacent property owner, this screening is to appear on the site plan submitted with the application. Any work done would need to be by the criteria outlined in the zoning ordinance. The screening materials shall provide a minimum of 60% capacity and a height of at least four (4) feet. This screening shall be in place before small animals are introduced to the applicant's property.
- The Small Animals License will expire at the end of the calendar year after the date of issuance. Application for a new License shall be under the procedures and requirements that are application at the time the person applies for a new Small Animals License. A person who wishes to continue keeping small animals must obtain a new license on or before January 1.
- The Zoning Officer may refuse to grant or renew a Small Animals License to keep or maintain small animals for the following reasons:
 - Failure to comply with the provisions of the sections of the Code;
 - Submitting an inaccurate or incomplete application;
 - The conditions of the License are not met;
 - A nuisance condition is created;

- Public health and safety would be endangered by granting or renewing the Small Animals License.
- If there are multiple violations through the Small Animals License term; or
- At the discretion of the Zoning Officer.

By signing below, I acknowledge that I am aware of the following conditions:

- That I must receive approval from all abutting owners using the Keeping of Small Animals Neighbor Approval Form of my intent to keep small animals before keeping any small animals.
- That I must submit this form to the Zoning Officer, along with a \$100 registration fee and zoning permit before keeping any small animals.
- That I must first receive approval from an inspector/Zoning Officer for all requirements outlined in the Town Code and the Keeping of Small Animals Application, before keeping any small animals.
- That the small animals may require veterinary care if they are known to or are suspected to be sick or injured.
- That I am responsible for keeping any and all small animals within the confines of my property at all times.
- That my small animals will be provided with daily food and water, free of visible contamination, which is of sufficient quantity and nutritional value. Food shall be stored in containers such that rodents are unable to access the contents.
- That I am responsible for any property maintenance violations related to keeping small animals.
- That I am required to manage, remove, dispose of, or otherwise handle small animal manure in such a way that does not cause pollution or environmental harm of any kind.
- That I am required to provide any and all small animals on my property a sturdy coop, pen, or cage, and an attached secure enclosure following these guidelines:
 - The coop, cage, pen, and secure enclosure shall be completely enclosed on all sides. A protective covering shall cover the top of the secure enclosure.
 - All openings, including protective covering and doors, shall be secured in such a manner as to prevent predator access.
 - The coop, pen, cage, other structure, and run shall meet property size requirements.
 - The coop, pen, cage, other structure, run, and secure enclosure must be kept clean, free of all odors, and materials that can attract rodents or harbor manure-borne pathogens.
 - That I am subject to random unannounced inspections upon the issuance of this permit.

- That if I make dimensional changes to my coop, pen, cage, or other structure and/or run, I must reapply with the Small Animals License Application and Zoning Permit – Accessory Structure for Small Animals including fees and neighbor approval.
- That I shall conform to any registration requirements of the Maryland Department of Agriculture including the Poultry Registration. The form can be found at http://mda.state.md.us/pdf/poultry_registration.pdf
- That a complete Keeping of Small Animals Registry Neighbor Approval Form signed by all of my abutting neighbors is required to be submitted with this application.
- That any uncorrected violation to conditions contained herein may result in the revocation of my permit.

My signature below certifies that I am at least 18 years of age, that the information provided on this application is true and complete, and that I agree to comply with all conditions and requirements as set forth in this application and the Town of Millington. Keeping of Small Animals and any license conditions prescribed by the Ordinance _____. I understand that any misrepresentation or submission of false information on this application is grounds for the revocation of my license once issued. I understand that if I do not comply with the Town Code and any conditions imposed, my license to keep small animals may be suspended, or revoked. I certify that I have personally examined and am familiar with the information submitted in this document and attachment, and that based on my inquiry of these individuals immediately responsible for obtaining the information herein, I believe the submitted information is true, accurate, and complete.

Printed Name	Signature	Date
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Office Use:

Date: _____ Permit #: _____ Received by: _____

Fee Amount: _____ Payment Method: _____ Amount Paid: _____

Contingencies: _____

Approved by: _____ Date: _____