

Application for Permit to Keep Domesticated Hens

State of Tennessee

City of Rocky Top

Permit No. _____

Date Approved _____

I hereby make application for a permit to keep domesticated hens within the City of Rocky Top under the provisions of Animal Control Ordinance 570, Section 10-102-104 and base my application upon answers to the following questions:

1. Full Name of Applicant:

Last _____ First _____ MI _____

Date of Birth _____

Home Address _____

Home Phone _____ Work Phone _____

Email _____

2. Does the Applicant?

- Own the property where the hens will be located?
- Lease (or occupy as other than an owner in fee) the property where the hens will be located?

If the Applicant leases (or occupies as other than an owner in fee) the property where the hens will be located, please provide the following information:

Name of Property Owner _____

Address of Property Owner _____

Home Phone _____ Work Phone _____

Email _____

Signature of Property Owner _____ Date _____

3. The following information will be used to locate and contact the applicant in case of an emergency:

Emergency Contact: (local friend, relative, neighbor, etc.)

Name _____ Relationship _____

Home Phone _____ Work Phone _____

Email _____

Veterinarian Information:

Name _____

Office Address _____

Office Phone _____ Emergency Phone _____

Email _____

4. Prior applications for permits or licenses:

Has the Applicant:

Been denied any type of license by the City of Rocky Top? Yes/No

Had any type of license revoked in the City of Rocky Top? Yes/No

Been charged with a violation of any animal law or code? Yes/No

If the answer to any of the preceding questions is Yes, please explain below using a separate sheet of paper, if necessary.

Has the Applicant either:

- Acquired a building permit and paid the permit fee for a coup that meets the requirements set out below and in the ordinance?
- Acquired and held a permit for a pre-existing coup?

The Applicant should bring the building permit with him or her when submitting this application for review and authentication by Animal Control.

5. Enclosure description:

Is the fenced enclosure:

- Covered?
- At least forty-two (42) inches high with all hens wing-clipped to prevent escape?

By signing below, I, the Applicant:

1. state that all of the information provided above is accurate as of the date below;
2. that I will provide current accurate information if any of the information above becomes inaccurate;
3. that I have read, understood, and agree to each and every term, condition, and waiver listed below;
4. that I agree to comply with all applicable zoning ordinances, rules, and regulations, as they pertain to the keeping of hens;
5. I understand that all references to the 'permittee' in this application and in the also in the 'Domesticated Chickens' ordinance refer to me, the Applicant, and apply to me; and
6. I understand that failure to comply with the terms of the permit will result in immediate termination of the permit granted pursuant to this application.

Signature of Applicant _____ Date _____

Approval by City of Rocky Top:

Signature _____ Date _____

Name and Title _____

Terms, Conditions, and Waivers

(1) Only one (1) annual permit to keep hens is allowed per permittee and that permit is personal to the permittee and may not be assigned.

(2) The annual permit to keep hens authorizes the keeping of hens only on the property described in the permit and the permittee must occupy that property as a primary residence.

(3) The permittee must get the approval of the property owner if the permittee does not own the property on which the hens are to be kept.

(4) In the event the permittee is absent from the property for longer than thirty (30) days, the permit shall automatically terminate and become void.

(5) The issuance of a permit does not create a vested right of renewal of the permit beyond the stated term thereof.

(6) The first permit year shall extend from the date of issuance through December 31. Thereafter the permit year shall be January 1 through December 31.

(7) The fee for an annual permit to keep domesticated hens is twenty-five dollars (\$25.00). In addition, a fee shall be required for the building permit for the construction of a henhouse and fenced enclosure.

(8) Up to six (6) hens may be allowed. The provisions of this section apply to all lots regardless of how many dwelling units are on the lot. In the case of multifamily residential complexes without individually owned back yards, the maximum number of hens allowed is six (6) per complex.

(9) Only female hens are allowed. There is no restriction on domestic chicken breeds. However, fowl and poultry other than chickens are not allowed.

(10) Hens shall be kept for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

(11) Hens must be kept in a fenced enclosure at all times. The fenced enclosure must be either: (i) covered, or (ii) at least forty-two (42) inches high, in which case, all hens must be wing-clipped to prevent escape. Hens shall be secured within the henhouse during non-daylight hours.

(12) In addition to the fenced enclosure, hens shall be provided with a covered, predator-resistant henhouse.

(13) A minimum of two (2) square feet per hen shall be provided for henhouses and six (6) square feet per bird for fenced enclosures.

(14) Fenced enclosures and henhouses must be properly ventilated, clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.

(15) The henhouse and fenced enclosure must provide adequate ventilation and adequate sun, shade and must be constructed in a manner to resist access by rodents, wild birds, and predators, including dogs and cats.

(16) Henhouses shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night.

Opening windows and vents must be covered with predator- and bird-resistant wire of less than one (1) inch openings.

(17) The materials used in making the henhouse and fence shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The henhouse shall be well-maintained.

(18) Henhouses shall be located in compliance with the City of Rocky Top Code of Ordinances.

(19) Neither the henhouse nor the fenced enclosure may be located less than ten (10) feet from any abutting property line.

(20) Henhouses and enclosures shall not be permitted in front yards.

(21) All stored food for the hens must be kept either indoors or in a weather-resistant container designed to prevent access by animals. Uneaten food shall be removed daily.

(22) Provision must be made for the storage and removal of chicken manure. All manure for composting or fertilizing shall be contained in a well-aerated garden compost pile. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse and surrounding area must be kept free from trash and accumulated droppings.

(23) In addition to the standards set forth in this ordinance, the permittee must follow all other applicable rules for the keeping of animals included in this code.

(24) Every applicant for a permit to keep domesticated hens shall complete and file an application on a form prescribed by the animal control unit and deposit the prescribed permit fee with the animal control office at the time the application is filed. Any material misstatement or omission shall be grounds for denial, suspension or revocation of the permit.

(25) The animal control board shall deny a permit if the applicant has not demonstrated compliance with all provisions of this section. A permit to keep domesticated hens may be suspended or revoked by the animal control board where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this section or with the provisions of any other applicable ordinance or law. Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.

(26) In addition to any other enforcement action which the city may take, violation of any provision of this section shall be a civil violation and a fine not exceeding fifty dollars (\$50.00) may be imposed. Each day that a violation continues will be treated as a separate offense.

I understand that, should my application be accepted, I am waiving my Fourth Amendment Rights as provided by the United States Constitution with regard to hens allowed by this permit but I am not waiving my Fourth Amendment Rights with regard to anything else. I understand that I am being granted a privilege, not a right. I acquire no vested interest in continuing to keep domesticated hens within the City of Rocky Top beyond the stated terms of this permit. I understand that neither the City of Rocky Top nor any of its instrumentalities, agents, or employees makes any representations as to continued rights to keep domesticated hens within the City of Rocky Top or to extend the duration of the permit or grant additional permits in the future. I absolve the City of Rocky Top of all liability flowing from any damage or harm that I or another granted authority under this permit might cause, by negligence or otherwise, in the enjoyment of the privileges granted therein. I assert that I have read and understand the relevant provisions of the Animal Control Ordinance 570 Title 10 of the City of Rocky Top Code and agree to comply with all relevant provisions of those ordinances governing the treatment, sale, transport, and care of the animals in question and understand the criminal and civil consequences of violating those ordinances. I further understand that, in the event of a public health emergency, I agree to immediate compliance with directions of public health

Sec. 10 - Domesticated chickens.

Section 10-104. **Permit required.** An annual permit is required for the keeping any domesticated chickens.

1. The permit to keep chickens is personal to the permittee and may not be assigned. In addition, the permit authorizes the keeping of chickens only upon the property described in the permit. The permittee must occupy the residence on the property where the chickens are kept as the permittee's personal, primary residence. An applicant for a permit must either own the property or have permission from the property owner to be eligible for a permit. Only one (1) permit is allowed per permittee. In the event the permittee is absent from the property for longer than thirty (30) days, the permit automatically shall terminate and become void. The issuance of a permit does not create a vested right to renewal of the permit beyond the stated term thereof.
2. The first permit year shall extend from the date of issuance through December 31. Thereafter the permit year shall be January 1 through December 31.

Section 10-105. **Fees.** The fee for an annual permit to keep chickens is twenty-five dollars (\$25.00).

Section 10-106. **Number and Type of Chickens Allowed.** No other fowl and poultry other than chickens are allowed.

1. Up to three (3) chickens may be allowed on a lot of less than one (1) acre. For lots over one (1) acre, up to six (6) chickens may be allowed.
2. Only female chickens (hereinafter "hens") are allowed. There is no restriction on domestic chicken breeds.

Section 10-107. **Noncommercial Use Only.** Hens shall be kept for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

Section 10-108. **Fenced enclosures and henhouse.** Hens must be kept in a fenced enclosure at all times. Hens shall be secured within the henhouse during non-daylight hours.

1. The fenced enclosure must be either:
 - a. covered, or
 - b. at least forty-two (42) inches high, in which case, all hens must be wing-clipped to prevent escape.
2. In addition to the fenced enclosure, hens shall be provided with a covered, predator-resistant henhouse. The area of the henhouse structure shall not exceed 100 square feet.
3. A minimum of two (2) square feet per hen shall be provided for henhouses and six (6) square feet per bird for fenced enclosures.
4. Fenced enclosures and henhouses must be properly ventilated, clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
5. The henhouse and fenced enclosure must provide adequate ventilation and adequate sun, shade and must be constructed in a manner to resist access by rodents, wild birds, and predators, including dogs and cats.

6. Henhouses shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator- and bird-resistant wire of less than one (1) inch openings.
7. The materials used in making the henhouse and fence shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The henhouse shall be well- maintained.
8. The henhouse may not be located less than fifteen (15) feet from any abutting property line.
9. Henhouses and enclosures shall not be permitted in front yards.

Section 10-109. Food Storage and Removal. All stored food for the hens must be kept either indoors or in a weather-resistant container designed to prevent access by animals. Uneaten food shall be removed daily.

Section 10-110. Waste Storage and Removal. Provision must be made for the storage and removal of chicken manure. All manure for composting or fertilizing shall be contained or enclosed. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse and surrounding area must be kept free from trash and accumulated droppings.

Section 10-111. All Other Rules of This Code Apply. In addition to the standards set forth in this ordinance, the permittee must follow all other applicable rules for the keeping of animals included in this code.

Section 10-112. Application for Permit. Every applicant for a permit to keep domesticated hens shall:

1. Complete and file an application on a form prescribed by the City Manager or his/her designee;
2. Deposit the prescribed permit fee with the animal control office at the time the application is filed. Any material misstatement or omission shall be grounds for denial, suspension or revocation of the permit.

Section 10-113. Denial, Suspension or Revocation of Permit. The City Manager or his/her designee shall deny a permit if the applicant has not demonstrated compliance with all provisions of this section. A permit to keep domesticated hens may be suspended or revoked by the City Manager or his/her designee where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this section or with the provisions of any other applicable ordinance or law. Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.

Section 10-114. Penalty. In addition to any other enforcement action which the city may take, violation of any provision of this section shall be a civil violation and a fine not exceeding fifty dollars (\$50.00) may be imposed. Each day that a violation continues will be treated as a separate offense.

Section 10-115. Separability. In the event that any portion of this section shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other portion of this section.

(Ord. No. 570- 9-15-2022)