

**Planning Commission**  
Town of Wallingford VT.  
26 January 2022  
7:00 PM  
Wallingford Vt. 05773

**Members Present:**

Erika Berner (Chair), Tony Masuck, Bill Brooks, Kevin Mullin and Jill Burkett (via phone)

**Member(s) of the Public:**

Wayne Kelly

**I. Chair to call meeting to order:**

Meeting was called to order by E. Berner at 7:04

**II. Additions / Deletions Agenda items:**

There were no additions or deletions. K. Mullin moved to accept Agenda, T. Masuck seconded. Motion PASSED

**III. Review and approval of minutes of December meeting:**

B. Brooks moved to accept the Minutes as written, K. Mullin seconded. Motioned PASSED.

**IV. Received draft of Energy Plan from Energy Committee**

E. Berner explained draft Energy Plan as received by Planning Commission and process. T. Masuck noted a typo on page 13 of the Energy Plan. K. Mullin noted that it was well written.

J. Burkett made a motion to Table further discussion of the Energy Plan in order to give more time for review. B. Brooks seconded motion. Motion Passed. Further discussion of Energy Plan table until February meeting.

**V. Proposed Zoning Regulations***Solar Panels / Farms Landscaping*

T. Masuck discussed the results of his Google search concerning vegetation screening specifically the from Hamburg, NY, Westhampton, MA, Talbot County MD. (copies attached to these minutes). Discussion followed on each version. K. Mullin inquired if Vermont had any vegetation regulations.

W. Kelly (public) asked to speak to this item as he is affected by a solar panel array on a neighbor's property. W. Kelly discussed using trees for landscaping, and using scenery for buffering panels, as well as reflections from solar panels. Further discussion centered on staggering trees for better growth potential. W. Kelly suggested using conifers.

T. Masuck reviewing any Vermont State guidelines for solar panel/farms landscaping. E. Berner asked T. Masuck if he could draft a section addressing landscaping and present to next month meeting.

T. Masuck went on to discuss the future disposal of solar panels and that it was not addressed in the proposed Energy Plan. A suggestion was that the contractor proved funds in an escrow account for future disposal. It was suggested that this topic be sent back to Energy Committee for clarification.

B. Brooks suggest that addressing solar panel disposal would help the Development Review Board make decisions when reviewing application for proposed Solar projects.

#### *Air BnB regulations*

E. Berner apologized to the Commission but she was not ready to present. W. Kelly discussed licensing of Air BnBs in the State of Vermont, and gave the Commission copies of the "Short Term Rental Safety, Health and Financial Obligations" form from the Vermont Department of Health. (attached to these minutes). M. Kelly then continued with the past situation of an Air BnB application in his area two years ago, and his position concerning having one near his property. He continued on that there were many unlicensed Air BnBs in Wallingford.

J. Burkett asked if anyone had checked the Air BnB website for places in Wallingford.

#### *Livestock proposal*

K. Mullin shared a draft/proposal from surrounding towns that chickens were allowed but not rosters. Discussion followed for issuing permits for numbers of chickens but that there were no official numbers for chickens per acre, only suggestions – 10 square feet per chicken. K. Mullin also submitted and briefly discussed a copy of an article he found from Jamie Bouvier : "Illegal Fowl: A Survey of Municipal Laws Relating to Backyard Poultry and a Model Ordinance for Regulating City Chickens." (Copy attached to minutes).

Further discussion Tabled until next month to give Commission time to read the presented article.

T. Masuck discussed how the article may solve the perceived problem of the number of chickens. K. Mullin also suggested that raising chickens could be considered as a Home Occupation. J. Burkett asked if raising chickens were a business and K. Mullin replied it was.

K. Mullin read that Brandon did not permit any chickens.

E. Berner discussed a prior proposed addition to the ARR Zone under permitted use was to add to Version 22 adding Farm animals as a permitted use in the ARR.

E. Berner discussed Section 223 reference Vermont State definitions of types of Farms and specific regulation number.

E. Berner also discussed what the term "Village proper," encompassed. Discussion followed concerning South Wallingford, East Wallingford and Wallingford. T. Musack asked about using the Zoning District map. E. Berner pointed out the "Village proper" was only defined for the route-7 corridor on the Future Land Use map. E. Wallingford was defined a multi-residence and Industrial. B. Brooks looking at the Future Use map. E. Berner will look into a Future Land Use map for East Wallingford. If not B. Brooks suggested using specific roads.

**VI. Review of comments received from Public Hearing**

E. Berner discussed the proposed changes to Draft 22, Section 102, page 4. K. Mullin suggested adding sentence. "As commonly referred to as Grandfathering." Discussion followed.

Proposed:

These Regulations should not be interpreted to impair, replace, mitigate or supersede any valid permits previously issued (Grandfathered use). Where these Regulations impose a greater restriction upon the use of a structure or land than are required by any other statute, ordinance, rule, regulation, permit, easement, or agreement, the provisions of these Regulations shall control.

E. Berner discussed other changes proposed from December meeting to Section 104 page 4, Page 37: Artisan; Page 43, addition of Legislative Body and Licensing Authority.

**VII. Next Meeting date: 12 January 2021**

**VIII. Adjournment:**

B. Books made a motion to adjourn the meeting. K. Mullin seconded. Motion PASSED. Meeting was adjourned at 20:11hrs (8:11PM)

Respectfully submitted by E. Berner

Google search: Solar array screening vegetation

Hamburg, NY

**[3]**

The screening and landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system. The landscaped screening shall be comprised of a minimum of one evergreen tree, at least six feet high at time of planting, plus two supplemental shrubs at the reasonable discretion of the Town Planning Board, all planted within each 10 linear feet of the solar energy system. (Existing vegetation may be used to satisfy all or a portion of the required landscaped screening.) A list of suitable evergreen tree and shrub species can be provided by the Town. This minimum screening requirement will be reduced if adjoining properties are participating properties.

Westhampton, MA

Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts and be architecturally compatible with each

other. Vegetation shall be varieties native to New England and a mix of deciduous and evergreen species. Vegetative screening shall reach a mature form to effectively screen the installation within five years of installation. Planting of the vegetative screening shall be completed prior to final approval of the installation by the Building Inspector.

Talbot County, MD

Screening.

(a) The applicant shall submit a landscaping and screening plan, prepared by a licensed professional, along with the major site plan application, to provide vegetative screening from adjoining lands and road rights-of-way and road easements. The plan shall identify existing vegetation, including species, size, and the location of all proposed plant materials to be used for buffering and screening of the SES. Screening shall include a minimum of two staggered rows of evergreen screen trees, interspersed with shrubs and low-lying native vegetation, or an equivalent approved by the SES approving authority. The evergreen trees shall be a minimum of six feet (6') in height when planted, or an equivalent combination of tree and berm height. The plant species shall be only those noted within the approved Talbot County plant species list for screening and landscaping, unless authorized to substitute on an approved planting plan. Existing vegetation within or near a required planting area that meets or exceeds these standards may be used to satisfy screening requirements. All required

screening shall be maintained in a live, healthy condition for the duration of the SES and shall be replaced by the owner as necessary to maintain all required screening to the satisfaction of the Planning Director.

Maryland.gov

Also, in response to concerns from residents regarding impacts to scenic views, the county required aggressive landscaping, berms, and setbacks (75 feet from any property line; 100 feet from any road or right of way, unless a larger setback is required; and 300 feet from any single family, cluster, or sliding scale lot). After five years, the landscaping must completely hide the solar panels from public view. Additional county landscape requirements for utility-scale solar projects include:

- To the maximum extent practicable, solar arrays must be sited using natural topography and vegetation to buffer it from the view of adjacent properties and roads and/or rights-of-way;
- Applicants must provide a detailed landscape plan, which may be a combination of plantings, existing vegetation, fencing, berms, and at a minimum shows the following:
  - A vegetated buffer that is a minimum of 50 feet wide around the perimeter of the site area of the utility-scale solar array. This buffer may be located within the required setback.
  - Existing healthy vegetation within the required buffer area may be used to satisfy the specific buffer standards.
  - A minimum 50% of the landscaping shall be installed prior to initial certificate of occupancy.
- The vegetation shall visually screen the solar array from all adjacent residential uses and zones, from publicly traveled ways (public roads, trails, waterways, scenic highways, and byways), publicly owned properties, open space, preserved farms, and historic resources.
- Native plant species are recommended. Nonnative plant species shall not total more than 50% of all plantings. Invasive species shall not be permitted.
- To ensure adequate variety, and avoid monotony and uniformity within the buffer, plant materials shall not include more than 25% of any single species. Plantings, detailed in a plant schedule on the plan, shall include a mix of evergreen and deciduous trees, understory trees, shrubs, and flowering herbaceous layer.
- A landscape berm, a minimum of three feet high to assist in screening, may be required. The requirement of providing a berm will be evaluated by staff, may be recommended by the Planning Commission, but finally determined by the Board of Appeals.
- Irrigation shall be provided for maintaining plant materials in a healthy condition for all newly created landscape buffer areas.

- The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas such as adjacent properties, roadways, or structures.
- A maintenance agreement shall be provided with a surety or other financial assurance to cover replacement of the plantings and/or irrigation system for any failed plantings and/or irrigation system. All plantings shall be maintained in a live, healthy condition for the duration of the solar array use and shall be replaced by the solar array operator or owner as necessary to maintain all required screening.

## Short Term Rental Safety, Health and Financial Obligations

### Contact Information

**Department of Health: 802-863- 7221**

**Division of Fire Safety: 802 479-7561**

### Instructions

The short term rental operator shall post within the unit a telephone number for the persons responsible for the unit and the contact information for the Vermont Department of Health and the Vermont Division of Fire Safety. This form shall be completed by the short-term rental operator and retained on site. The form need not be filed with the department.

### SHORT TERM RENTAL OPERATOR INFORMATION

Operator(s) Name (Print):		Number of Rooms Rented:
Physical 911 Address of Property:		Type of Heating System:
Mailing Address:		Public or Private Water:
Cell phone number:	E- Mail:	Tax Account Number:

### Division of Fire Safety General Checklist ([www.firesafety.vermont.gov](http://www.firesafety.vermont.gov))

- ☐ Smoke and carbon monoxide alarms are provided in accordance with the attached fire safety info sheet.
- ☐ GFI Outlets are provided in locations identified on the attached fire safety info sheet.
- ☐ Every sleeping room is provided with a secondary means of escape (see attached fire safety info sheet).
- ☐ Heating systems (fuel and wood) have been inspected by a certified fuel service technician (see info sheet).
- ☐ Landings, decks, porches and balconies higher than 30 inches from grade are provided with guards and rails.
- ☐ Stairs must be provided with graspable handrails (see attached fire safety info sheet).

### Health Department General Checklist ([www.healthvermont.gov](http://www.healthvermont.gov))

- ☐ Appliances are operational and in good repair and hot and cold potable water have been supplied.
- ☐ Guest rooms have been serviced and cleaned before each new guest.
- ☐ Refuse containers are available and emptied at least once each week or more frequently, if necessary.
- ☐ Swimming pools, recreational water facilities, and hot tubs are kept sanitary and in good repair.
- ☐ Sewage system and toilets function and are in good repair.
- ☐ Toxic cleaning supplies are properly labeled, safely stored and used according to the manufacturer's directions.
- ☐ Guest rooms are free of any evidence of insects, rodents, and other pests.

### Tax Department General Checklist ([www.tax.vermont.gov](http://www.tax.vermont.gov))

- ☐ Meals and rooms taxes are filed and paid by a third party. I do not need a Vermont tax account.
- ☐ Meals and rooms taxes are **NOT** filed and paid by a third party. I have a Vermont tax account.
- ☐ The Vermont Meals and Rooms Tax license is displayed in each rental unit.
- ☐ My income from these activities is included on my income tax return.
- ☐ I file and pay Vermont Sales Tax for any tangible items I sell.

**Signature of Short Term Rental Operator**

**Date**



## Fire Safety Considerations for Short-Term Rental Operators

For detailed information on providing and maintaining a safe short-term rental, please visit our home page [www.firesafety.vermont.gov](http://www.firesafety.vermont.gov)

### Smoke Alarms

- Photoelectric type smoke alarms are required in the immediate vicinity of sleeping rooms, inside each sleeping room, and on all floor levels including the basement. All newly installed smoke alarms must be hard wired into the buildings electrical system.
- Smoke alarms in sleeping rooms of buildings constructed prior to 1994, may be of the 10-year photoelectric lithium powered tamper resistant type.

### Carbon Monoxide Alarms

- Outside each sleeping area in the immediate vicinity of the bedrooms. An additional detector shall be installed in each sleeping room that contains a fuel- burning appliance.
- Carbon Monoxide alarms installed or replaced in a dwelling after July 1, 2005 must be directly wired to the building electrical service and have a battery backup.
- Existing One and Two family dwellings constructed prior to July 1, 2005 may use plug in style alarm with battery backup or battery power or you may hardwire.

### Guard and Handrails

- Landings, decks, porches or platforms more than 30 inches of grade must be provided with guards and intermediate rails spaced no more than 4 inches apart.
- Graspable handrails must be provided on all stairs.

### Electrical Safety:

Ground Fault Current Interrupters (GFCI) are required in the following areas;

- Bathrooms, garages and accessory buildings having a floor located at or below grade level, not intended as a habitable room and limited to storage. Work areas, outdoors, crawl spaces, unfinished portions or areas of the basement not intended as a habitable room. Kitchen, where the receptacles are installed to serve countertop surfaces and sinks and where the receptacles are installed within 6ft from the top inside edge of the bowl of the sink. Boathouses and bathtubs or shower stalls, where receptacles are installed within 6ft of the outside edge of the bathtub or shower stall and laundry areas.

### Secondary Means of Escape from Sleeping Rooms

- Every sleeping room must be provided with a primary and secondary means of escape.
- A window meeting rescue and ventilation requirements can satisfy the secondary means of escape.

### Heating System Safety

- Oil, gas, wood, wood pellet and kerosene fuel fired heating systems shall be cleaned and maintained in accordance with manufacturer's installation instructions and shall be inspected at least once during any 2-year period by a certified fuel service technician or Chimney sweep in the case of solid fuels.

For additional details and information, visit the Code Information & Hot Topic Fire Safety Sheet section of our web page.

<https://firesafety.vermont.gov/buildingcode/codesheets>



# Illegal Fowl: A Survey of Municipal Laws Relating to Backyard Poultry and a Model Ordinance for Regulating City Chickens

by Jaime Bouvier

Jaime Bouvier is Visiting Legal Writing Professor,  
Cleveland-Marshall College of Law.

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## Summary

As the movement toward keeping backyard chickens continues to grow, many cities are facing the decision of whether to allow residents to keep chickens and, if so, how to effectively regulate the practice. A survey of municipal ordinances in the top 100 most populous cities in the United States that concern keeping and raising chickens offers lessons that may be applied to designing a model ordinance. This survey reveals that chickens are, perhaps surprisingly, legal in the vast majority of large cities. The survey also identifies regulatory norms and some effective and less effective ways to regulate the keeping of chickens. A proposed model ordinance, based on the background information and survey results, could be adopted by a city or easily modified to fit a city's unique needs.

So much depends  
upon

a red wheel  
barrow

glazed with rain  
water

beside the white  
chickens.

William Carlos Williams, 1923.

The movement toward bringing agricultural practices into the city has continued to expand during the last decade.<sup>1</sup> As we learn more about the problems with our modern commercial agricultural practices—like keeping large numbers of animals crowded in small indoor facilities with little or no access to fresh air or sunlight and growing vast amounts of corn and soy in a monoculture environment to feed those animals<sup>2</sup>—many city-dwellers are taking it into their own hands to provide solutions.<sup>3</sup> Community gardens are increasing in cities across the country.<sup>4</sup> Market farms and even full-scale urban farms are popping up both in cities where the foreclosure epidemic has caused an abundance of abandoned properties and in cities where property has maintained or even increased in value.<sup>5</sup> And, farmer's markets have increased exponentially across the country—allowing smaller scale local farmers to directly link to consumers and sell their produce for far above the wholesale amounts they could get from selling through

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*Author's Note: I would like to thank my research assistant Hannah Markel. I would also like to thank Heidi Gorovitz Robertson and Carolyn Broering-Jacobs for their support and mentorship.*

1. Kimberly Hodgson et al., *Urban Agriculture: Growing Healthy Sustainable Places*, American Planning Association, Planning Advisory Service, Report No. 563 (Jan. 2011); JANINE DE LA SALLE & MARK HOLLAND, *AGRICULTURAL URBANISM, HANDBOOK FOR BUILDING SUSTAINABLE FOOD & AGRICULTURAL SYSTEMS IN 21ST CENTURY CITIES*, 9-12 (2010).
2. E.g., FOOD, INC. (Magnolia Pictures 2009); MICHAEL POLLAN, *THE OMNIVORE'S DILEMMA: A NATURAL HISTORY OF FOUR MEALS* (2006); ERIC SCHLOSSER, *FAST FOOD NATION: THE DARK SIDE OF THE ALL AMERICAN MEAL* (2002); MARION NESTLE, *FOOD POLITICS: HOW THE FOOD INDUSTRY INFLUENCES NUTRITION AND HEALTH* (2002).
3. E.g., LISA TAYLOR, *YOUR FARM IN THE CITY: AN URBAN DWELLER'S GUIDE TO GROWING FOOD AND RAISING LIVESTOCK* (2011); THOMAS J. FOX, *URBAN FARMING: SUSTAINABLE CITY LIVING IN YOUR BACKYARD, IN YOUR COMMUNITY, AND IN THE WORLD* (2011); KELLY COYNE & ERIK KNUTZEN, *THE URBAN HOMESTEAD: YOUR GUIDE TO SELF-SUFFICIENT LIVING IN THE HEART OF THE CITY* (2010); KURT B. REIGHLEY, *THE UNITED STATES OF AMERICA: BACKYARD CHICKENS, BURLESQUE BEAUTIES, AND HOMEMADE BITTERS* (2010).
4. Jane E. Schukoske, *Community Development Through Gardening: State and Local Policies Transforming Urban Open Space*, 3 N.Y.U. J. LEGIS. & PUB. POL'Y 315, 354 (1999-2000).
5. Hodgson, *supra* note 1, at 3-4.

This permit is set up to allow people to keep chickens within setbacks, or to allow for more intensive chicken-keeping for urban agricultural uses, perhaps on an urban farm or market garden. As urban agriculture gains support and becomes more prevalent in the city, this will allow for people who wish to keep more chickens, or keep a rooster, as part of a market garden a set path for doing so without seeking to amend the ordinance. The permit process is designed to allow for more flexibility within the ordinance, while still laying down firm standards that all chicken owners must follow.

## B. Model Ordinance

Below is a model ordinance designed for a city to either adopt or use as a starting point when deciding whether to allow hens in the city and how to regulate them:

(a) **Purpose.** The following regulations will govern the keeping of chickens and are designed to prevent nuisances and prevent conditions that are unsanitary or unsafe. No person shall keep chickens unless the following regulations are followed:

a. **Number.** No more than six (6) hens shall be allowed for each single-family dwelling.

b. **Setbacks.** Coops or cages housing chickens shall be kept at least twenty-five (25) feet from the door or window of any dwelling or occupied structure other than the owner's dwelling. Coops and cages shall not be located within five (5) feet of a side-yard lot line, nor within eighteen (18) inches of a rear-yard lot line. Coops and cages shall not be located in the front yard.

c. **Enclosure.** Hens shall be provided with a covered, predator-proof coop or cage that is well-ventilated and designed to be easily accessed for cleaning. The coop shall allow at least two square feet per hen. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds. Hens shall not be allowed out of these enclosures unless a responsible individual, over 18 years of age, is directly monitoring the hens and able to immediately return the hens to the cage or coop if necessary.

d. **Sanitation.** The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste.

e. **Slaughtering.** There shall be no outdoor slaughtering of chickens.

f. **Roosters.** It is unlawful for any person to keep roosters.

(b) **Permit.** A permit shall not be required if the above regulations are followed. If a person wishes to keep more than the maximum allowed number of hens, wishes to keep hens within the setback required, wishes to keep hens in a multi-family dwelling, wishes to keep hens on a parcel of land that is unconnected to a dwelling, or wishes to keep a rooster, a permit will be required. An application for a permit must contain the following items:

a. The name, phone number, and address of the applicant.

b. The size and location of the subject property.

c. A proposal containing the following information.

i. The number of hens the applicant seeks to keep on the property.

ii. A description of any coops or cages or outdoor enclosures providing precise dimensions and the precise location of these enclosures in relation to property lines and adjacent properties.

iii. The number of roosters the applicant seeks to keep on the property.

d. If the applicant proposes to keep chickens in the yard of a multi-family dwelling, the applicant must present a signed statement from any and all owners or tenants of the multi-family dwelling consenting to the applicant's proposal for keeping chickens on the premises.

e. If the applicant proposes to keep more chickens than allowed in the above ordinance or wishes to keep a rooster, the applicant must present a signed statement from all residents of property adjacent to or within 50 feet of the applicant's property consenting to the applicant's proposal for keeping chickens on the premises. If the applicant proposes to keep chickens within a required setback, the applicant must present a signed statement from all residents of the property affected by that setback.

(c) **Permit Renewal.** Permits will be granted on an annual basis. If the city receives no complaints regarding the permit holder's keeping of chickens, the permit will be presumptively renewed and the applicant may continue to keep chickens under the terms and condition of the initial permit. The city may revoke the permit at any time if the permittee does not follow the terms of the permit, if the city receives complaints regarding the permit holder's keeping of chickens, or the city finds that the permit holder has not maintained the chickens, coops, or outdoor enclosures in a clean and sanitary condition.

Amended 12/1

DRAFT FARM ANIMALS  
REV 11.22/21 Pg 2 of 2

**Table 1026(4)(c) Minimum Enclosure Standards for Farm Animal Management**

Animal	i	ii
	Min. Enclosed Area (in sq. ft.) Per Animal (for up to 4 animals)	Min. Enclosure Setback (ft.) to Inhabited Structure
Chickens, Poultry	10	100
Cattle	2,500 sq. ft.	50
Buffalo	22,000	150
Donkey, Horse, Mule	22,000	50
Emu, Ostrich	500	50
Lama	2,500	50
Pigs/Swine	500	150
Sheep, Goats	500	50

ADD  
RABBITS

3 SQ FT/ANIM

25

i. Setbacks are measured from closest point on fenced animal area to all residential buildings on all adjacent parcels. If an enclosure is to serve a diverse mix of animals, the largest enclosure area and minimum setbacks shall apply. All Animal Shelters shall maintain same minimum setbacks, and their "footprint" area is not to be included as part of the enclosure area.

ii. The Zoning Administer may approve Town Permit for a Farm Animal application that is compliant with the standards set in Section 1026. A Property Owner may apply for an alternative animal management plan, which may be evaluated as a Conditional Use by the Development Review Board.

4. **Family Pet:** A domesticated animal that is kept by a person for companionship or pleasure, and not for commercial use. For the purposes of Section 1026, the following Animal types and **maximum number** shall be considered **Pets**, and allowed on ownerships less than two (2) acres.

a. Bees: Industry standard for number of Hives

Dogs (~~wolf hybrids prohibited~~): Four (4)

Cats (if allowed out-of-doors and spayed/neutered): Four (4)

Fish: per industry standard for size of pond/tank

Small Mammals: Rabbits, Guinee pigs, Hamsters, Rats – maximum of Six (6) animals total;

Parrots & Cockatoos (if allowed out-of-doors) Two (2)

Poultry : Not to exceed ~~four~~ birds total on less than a two (2) acre parcel. Enclosure and structure setbacks to other residential buildings the same as in Table 1026(4)(c).

Roosters are prohibited on parcels less than two acres in area.

PIG/SWINE : 1 TOTAL

WITH A SF DWELLING

5. **Service/Support Animal:** An Animal registered on the Official US Service Animal & Support Animal (ESA) Registry, and used to assist a human's special needs. A maximum of two ESA registered Farm Animals are allowed on parcels under two (2) acres. Other breed of Animals are limited to standards for Family Pets.

6. Family Pets and Service Support Animals are also subject to any other applicable West Rutland animal Ordinances.

7. **Invasive, Venonous, Wild and/or Exotic Animals:** Except noted otherwise by law it is unlawful for any person to bring into or possess in VT any live wild, or live ovum or semen thereof, of any kind without application and approval of the VT Fish & Wildlife Commissioner. (10 App. VSA Section 18(4.1)).

**SECTION 1026 : Keeping of Animals**

- 1. Purpose & Minimum Standards:** : These are to apply to ownership of ALL Animals kept within the Township:
  - a. Animals are to be adequately & continuously sheltered, fed & watered.
  - b. Animals shall be kept enclosed within the Owner's property (or with a written signed agreement to use lands of others); unless under direct control of the Owner at all times.
  - c. Enclosures are to be designed to prevent flight (in case of poultry) and access by predators.
  - d. The total number of animals kept shall be appropriate for the enclosed area available.
  - e. The regular management and proper disposal of wastes and offal is required.
  - f. The storage of feed shall be designed to prevent attracting vermin.
  - g. Animal noise and odors shall not travel beyond the Owner's property boundaries.
- 2. Public Nuisance ; Nuisance Animals:** Any of the following conditions are grounds to determine an animal or any mix of animals a Public Nuisance or Nuisance Animal(s) which is prohibited:
  - a. Any Animal that repeatedly or habitually disturbs the rights of, threatens the safety of or injures a member of the general public or their animals, or interferes with the right of Others the ordinary use and enjoyment of their property. This includes but is not limited to:
    - 1) Noise created by animals that can be easily heard by others at or beyond the animal owner's property boundaries.
    - 2) Animal actions that are repeatedly allowed or are permitted to damage the property of Others; including but not limited to turning over trash containers, defecating on others' property, damaging land improvements, landscaping, gardens or farm land of Others.
    - 3) Bothering or injuring Others or the animals of Others by threatening snarling or barking, chasing, snapping or attacking.
    - 4) Failure to maintain Animals in a sanitary environment which results in a health danger to the Public, attracts predatory animals or vermin, or creates offensive odors that travel beyond the animal owner's property boundaries.
- 3. Farm Animals:** The following species are determined to be Farm Animals and/or Livestock under 10 VSA Section 6001 and subsequent VT Agriculture, Food, & Markets (VAF&M) statutes: Bees; Fish; Poultry (chickens, geese, turkeys, partridge, quail); Camelids (camels, alpaca, etc.); Pigs/Swine; Ratites (ostrich, emus, etc.); Equines; Cattle or Bison; Sheep; Goats; red Deer, Rabbits.
  - a. In accordance with Section 1103 of these Zoning regulations, and under 24 VSA Ch. 117, Section 4413, qualified Farm operations, as determined by VAF&M, are exempt from Municipal regulations but subject to VT policy and statutes.
  - b. Unless determined to be a Family Pet or a Support Animal, as defined in following language, Farm Animals are *prohibited* on Residential property having a total area of less than two (2) acres.
  - c. Unless exempt under paragraph a, the following minimum enclosure standards for Farm animals shall be: