

§ 91A-42. PERMITS FOR FOWL, EQUINE, CLOVEN-HOOFED ANIMALS, ETC.

(A) Permit Required: It shall be unlawful for any person to own, keep, have, or maintain any equine animals, cloven-hoofed animals or other livestock or any chickens, turkeys, ducks, guineas, geese, pheasants, pigeons or other domestic fowl in the Town without first receiving from the Division a permit to do so, or to continue to have any of the same stated above after a permit has been denied.

- (1) The permit application shall list all such animals and fowl to be maintained on the premises.
- (2) Before a permit is issued, an employee of the Division shall inspect the premises to determine if the keeping of the animals or fowl on the premises will endanger or is likely to endanger the health, safety, peace, quiet, comfort, enjoyment of or otherwise become a public nuisance to nearby residents or occupants or places of business.
- (3) When a permit is denied for any reason, the applicant shall be given a written explanation of the reason for denial.

(B) Permit Fee: Only one permit is required per household, and must be renewed annually. The fee schedule is found in section 91A-61.

(C) Permit Considerations: An owner or possessor of such animals or fowl shall comply with the following applicable provisions before a permit is issued. All shelters described within this section must meet all standards as defined within the applicable Matthews Zoning Code, as noted. Compliance with the below provisions will create a presumption that a permit shall be issued. That presumption may only be rebutted by specific findings supported by competent evidence that despite compliance with the below provisions, the presence of such animals or fowl are still likely to endanger the health, safety, peace, quiet, comfort, enjoyment of or otherwise become a public nuisance to nearby residents or occupants or places of business.

- (1) Maintaining fowl and other specifically identified animals including, but not limited to, chickens, turkeys, ducks, guineas, geese, pheasants or other domestic fowl or rabbits:
 - (a) Such animals must be confined in a coop, fowl house or rabbit hutch not less than eighteen (18) inches in height. The fowl must be kept within the coop or fowl house and the rabbits in the hutch at all times.
 - (b) The coop or fowl house must be used for fowl only and the hutch for rabbits only and both must be well ventilated.
 - (c) The coop, fowl house or hutch shall have a minimum of four (4) square feet of floor area for each fowl or rabbit.
 - (d) The run must be well drained so there is no accumulation of moisture.
 - (e) The coop, fowl house or hutch shall be kept clean, sanitary and free from accumulation of animal excrement and objectionable odors. It shall be cleaned daily, and all droppings and body excretion shall be placed in a fly proof container and double-bagged in plastic bags
 - (f) The coop, fowl house or hutch shall be a minimum of twenty-five (25) feet from any adjoining property line.
 - (g) No more than twenty (20) such fowl or rabbits shall be kept or maintained per acre. The number of fowl or rabbits should be proportionate to the acreage.
- (2) Maintaining equine (horses, etc.):
 - (a) Equine must be provided with adequate shelter to protect them from the elements.
 - (b) Shelters for equine, except where otherwise described in section (c) below, shall be kept a minimum of one hundred (100) feet from any property line. The shelters must be in compliance with all other provisions of the Matthews Zoning Code 153-187, *Private Stables*, and/or 153-192, *Commercial Stables*.
 - (c) Shelters for equine in *Equestrian-Oriented Subdivisions*, as defined in the Matthews Zoning Code 153 094, shall be kept at a minimum of one hundred (100) feet from any adjoining property line when that adjoining property does not fall within the special district for *Equestrian-Oriented Subdivisions*. All other shelters within the *Equestrian-Oriented Subdivision* shall be kept a minimum of 3' from any property line, pursuant to Matthews Town Code 153.077, *Accessory Structures*. Shelters within *Equestrian-Oriented Subdivisions* must be in compliance with all other provisions of Matthews Town Code 153-094.

(d) The shelter shall be kept clean, sanitary and free from accumulations of animal excrement and objectionable odors.

(3) Maintaining cloven-hoofed animals and other livestock:

(a) Such animals must be provided with adequate shelter to protect them from the elements.

(b) The shelter shall be kept clean, sanitary and free from accumulations of animal excrement and objectionable odors.

(c) The shelters for cows and other large livestock, which are covered by the zoning ordinance, shall be kept at a minimum of seventy-five (75) feet from any property line. The shelters for goats and other small livestock shall be kept at a minimum of twenty-five (25) feet from any property line.

(d) Each cow or other large livestock, excluding equines, shall have a minimum pasture area of two (2) acres. Each goat, sheep or other small livestock shall have a minimum pasture area of one-fourth (1/4) acre.

(4) The slaughter of any livestock or poultry not regulated by North Carolina state law or otherwise forbidden or regulated, shall be done only in a humane and sanitary manner and shall not be done open to the view of any public area or adjacent property owned by another.

(D) Exceptions: A permit shall not be required for animals of any kind if the animals are kept by a governmental authority or other appropriately certified and recognized academic institution, museum, raptor center, etc. This section shall not apply to, and no permit shall be required for, any agricultural operation within G.S. Section 106-700, "Nuisance Liability of Agricultural Operation." The permit shall be valid for one year from the date of issuance and shall be renewed annually. (*Ord. No. 1512; passed 10-9-06*)

(E) Revocation of Permit: The Division may revoke any permit when the permit has been mistakenly issued without compliance with this section; or when the applicant has submitted false information; or for a violation of any of the provisions of this chapter; or, when it is deemed that the health, safety or welfare of any person or property is menaced by the keeping of such animals; or when the animals become a nuisance. If a permit is revoked, the applicant shall be given a written explanation of the reasons for the revocation. Upon the determination of a violation of this section, and if the violation pertains to a correctable condition on the property, the owner shall have thirty (30) days in which to bring the property or condition into compliance with this chapter.