



MOTION: DUFFY

**April 9, 2024
Regular Meeting
Ordinance No. 24-04**

SECOND: GRAHAM

RE: Amending City Code Chapter 14, Article IX, "Urban Agriculture," to Revise the Regulations Regarding Keeping of Backyard Chickens and Bees

ACTION: APPROVED: Ayes: 7; Nays: 0

FIRST READ: March 26, 2024

SECOND READ: April 9, 2024

Sec. I. Introduction.

The City of Fredericksburg's Urban Agriculture Ordinance was first passed in the summer of 2012. Since that time, the ordinance has never been updated. While backyard chickens and bees have a presence in our community, the number of actual licenses sought in the City and the resulting impacts of backyard chickens and beekeeping have been relatively modest.

The purpose of this ordinance is to make a comprehensive update to the City Code that will streamline the urban agriculture regulations in the City. In addition to making some technical amendments, the ordinance promotes administrative efficiency by removing the licensing requirement for residents who wish to keep chickens and bees. This amendment also shifts enforcement duties from the City Police Department to the Property Maintenance Official.

Sec. II. City Code amendment.

It is hereby ordained by the Fredericksburg City Council that City Code Chapter 14, Article IX, "Urban Agriculture," is amended to add the underlined language and delete the language shown in strikethrough as follows:

DIVISION 1 Chickens

§ 14-231 Keeping of chickens.

- A. Keeping of up to four chickens on an occupied ~~single-family~~ principally residential lot shall be allowed, provided that:
- (1) No person shall keep any rooster.
 - (2) The chickens shall be used only for non-commercial household egg production. Selling eggs and slaughtering chickens shall be prohibited.
 - (3) The chickens shall be provided with a clean, covered, well-ventilated enclosure that is secure from predators.

- (4) The chickens must be kept in the covered enclosure or within a fenced area at all times.
 - (5) No enclosure shall be located closer than 25 feet to an occupied residential dwelling, 20 feet to a side yard line and five feet to a rear lot line.
 - ~~(6) The person shall obtain a license under § 14-241.~~
- B. Any person who keeps chickens under this section shall comply with all City and Virginia laws, ordinances, and regulations regarding care, shelter, sanitation, health, noise, cruelty, neglect, reasonable control, and any other requirements pertaining to the adequate care and control of animals in the City.

~~§ 14-232 Licenses and fees.~~

- ~~A. Any person who keeps chickens [or bees] in the City of Fredericksburg shall obtain an annual license prior to January 1 of each year, or prior to acquiring the chickens. The license year commences on January 1 and ends on the following December 31.~~
- ~~B. Application shall be made to the City Treasurer and the fee for the license shall be \$10.~~
- ~~C. The treasurer or other authorized individual shall collect the fee and shall assess and collect a late fee of \$5 if the person fails to obtain a license prior to April 1 of each year, or fails to obtain a license prior to acquiring the chickens. All late fees received or collected shall be paid to the City Treasurer.~~
- ~~D. The applicant for the license shall provide written permission from the owner of the property if the applicant is not the owner. The owner's written permission is not required for license renewal.~~
- EC. The City Manager may address any condition related to chicken-keeping that constitutes a public nuisance as defined in City Code Chapter 59, including but not limited to chickens running at large, unsanitary conditions, or excessive noise, using the nuisance abatement procedures contained therein.
- FD. ~~A law enforcement officer~~The City's Property Maintenance Official may address any ~~such~~ violation of City Code Chapter 14, "Animals," Article VI, "Animal Care and Control," this Article associated with a permitted chicken the keeping of chickens through the issuance of a criminal summons or through a written notice of violation. The notice of violation shall conform to the requirements set forth in City Code § 59-5, "Notice to abate." However, the failure of the person responsible to abate the violation within the time provided shall result in the issuance of a criminal summons for the violation.
- ~~G. The City Manager or his designee may revoke the license if, after the issuance of a notice of violation, there remains one or more uncorrected violations of this or any ordinance [section] in this chapter, the noise ordinance, or the public nuisance Chapter 59, or any other applicable Virginia or local law or regulation regulating the keeping of chickens [or bees] after the time provided therein for correction, or in the case of multiple corrected violations within a twelve-month period.~~

DIVISION 2 Honeybees

§ 14-240 Keeping of honeybees.

- A. ~~Keeping of up to two hives of honeybees on an occupied, single-family~~principally residential lot shall be allowed, provided that:
- A. (1) No hive shall be located closer than 10 feet to any side property line or public sidewalk or closer than five feet to a rear property line.
- B. (2) A constant supply of fresh water shall be provided on the lot, within 20 feet of all hives.
- C. (3) A flyway barrier at least six feet in height shall shield any part of a property line that is within 25 feet of a hive, or facing a hive opening. The flyway barrier shall consist of a wall, solid fence, dense vegetation or a combination thereof.
- D. ~~The owner, operator, or tenant shall obtain a license under § 14-241.~~

~~§ 14-241 Licenses and fees.~~

- A. ~~Any person who keeps [chickens or] bees in the City of Fredericksburg shall obtain an annual license prior to January 1 of each year, or prior to acquiring the honeybees. The license year commences on January 1 and ends on the following December 31.~~
- B. ~~Application shall be made to the City Treasurer and the fee for the license shall be \$10.~~
- C. ~~The treasurer or other authorized individual shall collect the fee and shall assess and collect a late fee of \$5 if the person fails to obtain a license prior to April 1 of each year, or fails to obtain a license prior to acquiring the honeybees. All late fees received or collected shall be paid to the City Treasurer.~~
- D. ~~The applicant for the license shall provide written permission from the owner of the property if the applicant is not the owner. Notification is not required for license renewal.~~
- E. B. The City Manager may address any condition related to bee-keeping that constitutes a public nuisance as defined in City Code, Chapter 59, including but not limited to aggressive bees or overcrowded hives, using the nuisance abatement procedures contained therein.
- F. C. ~~Bees kept by a licensed beekeeper pursuant to this section shall be considered to be "animals" for purposes of City Code, Chapter 14, "Animals," Article VI, "Animal Care and Control," § 14-153, "Cruelty to animals," § 14-154, "Maintaining animals under offensive or unsanitary conditions," § 14-155, "Care of animals by owner; penalty," § 14-156, "Use of animals as prizes or inducements," and § 14-157, "Nuisance animals." A law enforcement officer~~ The City Property Maintenance Official may address any such violation of this Article associated with a permitted beehive beekeeping through the issuance of a criminal summons or through a written notice of violation. The notice of violation shall conform with the requirements set forth in City Code § 59-5, "Notice to abate." However, the failure of the person responsible to abate the violation within the time provided shall result in the issuance of a criminal summons for the violation.

~~G. The City Manager or his designee may revoke the license if, after the issuance of a notice of violation, there remains one or more uncorrected violations of this or any ordinance [section] in this chapter, the noise ordinance, or the public nuisance Chapter 59, or any other applicable Virginia or local law or regulation regulating the keeping of [chickens or] bees after the time provided therein for correction, or in the case of multiple corrected violations within a twelve month period.~~

Sec. III. Effective date.

This ordinance is effective immediately.

Votes:

Ayes: Devine, Frye, Duffy, Gerlach, Graham, Holmes, Mackintosh

Nays: None

Absent from Vote: None


Absent from Meeting: None

Approved as to form:


Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 24-04 duly adopted at a meeting of the City Council meeting held April 9, 2024 at which a quorum was present and voted.


Tonya B. Lacey, MMC
Clerk of Council