



**Proposed Ordinance Amendments
Relative To Domesticated Farm Animals in Growth Zone
Public Hearing – October 17, 2011
Adopted – October 17, 2011
Effective – November 16, 2011**

Be it ordained by the Town Council of the Town of Brunswick, Maine, that Chapter 4, Article IV, the Municipal Code of Ordinances, Town of Brunswick, Maine, is amended by adding the underlined language:

**ARTICLE IV.
DOMESTICATED FARM ANIMALS***

Sec. 4-91. Purpose.

The purpose of this article is to provide standards for the keeping of domesticated farm animals within the designated growth area. The article is intended to enable residents of single-family homes to keep a small number of domesticated farm animals on appropriately sized lots while limiting the potential adverse impacts on the surrounding neighborhood.

Sec. 4-92. Definitions.

Domesticated Farm Animals: Domesticated farm animals are defined as bovine, horses, donkeys, mules, sheep, goats, swine, llamas and alpacas.

Sec. 4-93. Keeping of domesticated farm animals on lots located in the growth area, unless as otherwise permitted within a specific zoning district.

- (a) A single-family residence having a minimum lot area of 2 acres is required for the keeping of domesticated farm animals.
- (b) No more than two (2) domesticated farm animals shall be kept on a lot with a single-family dwelling.
- (c) Domesticated farm animals shall only be kept for personal use.
- (d) Outside slaughtering and processing is prohibited.

Sec. 4-94. Barns, stables and other enclosures.

- (a) Minimum setback: Any structure used to house domesticated farm animals must be at least 35 feet from a property line and at least 45 feet from any residential dwelling unit located on a neighboring lot. Securely enclosed roaming or grazing areas must be at least 20 feet from any property line, at least 30 feet from any residential dwelling unit located on a neighboring lot. Existing enclosures in place as of the date of ordinance enactment shall be exempt.

- (b) Any new structure or an existing structure proposed for conversion to house domesticated farm animals shall be located in the rear yard of the lot. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks if more stringent than the minimum setback stated in Sec. 4-94 (a) above.
- (c) The structure shall be provided and designed to provide safe and healthy living conditions for the domesticated farm animals while minimizing adverse impacts to neighboring lot owners.
- (d) The structure shall be well maintained. The use of scrap, waste board, sheet metal or similar materials as construction material is prohibited.
- (e) Domesticated farm animals shall be securely enclosed in a roaming or grazing area sufficient to keep them contained.

Sec. 4-95. Odor, noise and lighting.

- (a) Excessive odors from domesticated farm animals, manure, or other related substances shall not be perceptible at the property boundaries as determined by the Codes Enforcement Officer.
- (b) Excessive noise, as determined by the Codes Enforcement Officer, from domesticated farm animals shall not be a disturbance to neighboring lot owners.
- (c) Only motion-activated cut-off luminaire lighting may be used to light the exterior of the structure.

Sec. 4-96. Waste storage and removal.

Provision must be made for the storage and removal of domesticated farm animal manure and other waste material. All stored manure and other waste material shall be covered by a fully enclosed structure with a roof line or lid over the entire structure. Manure and other waste material shall not be permitted to accumulate on the premises for a period exceeding thirty (30) days.

Sec. 4-97. Licensing requirements.

A person who keeps domesticated farm animals shall obtain an initial license for a fee of one hundred dollars (\$100.00). The license shall expire annually on the last day of April. Renewal licenses will be at a fee of fifty dollars (\$50.00). The license shall be issued by the town clerk after favorable inspection by the Brunswick Animal Control Officer or designee. The license fee is nonrefundable if the license is not approved. There will be a late fee assessed to licenses that have expired, in the amount of twenty five dollars (\$25.00). The fine will double after the license has been expired for more than thirty (30) days.

Sec. 4-98. Complaints.

When any person files a complaint with the Codes Enforcement Officer that this Article is being violated, the Codes Enforcement Officer shall examine the subject of the complaint and take appropriate action within a reasonable amount of time not to exceed five (5) working days. The Codes Enforcement Officer shall keep a record of these complaints and his action on them, and report to the complainant, upon request. If the Codes Enforcement Officer declines to take action on a complaint, neither that non-action nor any written record or report on the complaint constitutes an order, requirement, decision or determination which can be appealed to the Codes Appeal Board. Whether or not to take action on a complaint is committed to the sole and exclusive discretion of the Codes Enforcement Officer.

Sec. 4-99. Penalty.

In addition to any other enforcement action which the town may take, violation of any provision of this article shall be a civil violation and a fine not exceeding one hundred dollars (\$100.00) may be imposed. Each day that a violation continues will be treated as a separate offense.

Sec. 4-100. Removal of domesticated farm animals.

- (a) If one of the existing 2 domesticated farm animals has one or more offspring the following would apply. At which time the offspring reaches the age of 6 months, either the offspring or one of the existing domesticated farm animals must be permanently removed from the property so as not to exceed the maximum number of domesticated farm animals per Sec. 4-93. If a veterinarian determines that the offspring cannot be removed by the age of 6 months, the owner shall submit a written request for time extension to the Code Enforcement Office stating the specific medical reason(s) for the delay and the time period necessary to resolve the matter.
- (b) Any violation of the provisions of this article or of the license shall be grounds for an order from the Codes Enforcement Officer to remove the domesticated farm animals. The animal control officer may also order the removal of the domesticated farm animals upon a determination that the domesticated farm animals pose a health risk. If a domesticated farm animal dies, it must be disposed of promptly in a sanitary manner.

Adopted by the Brunswick Town Council at their Regular Meeting held on October 17, 2011.

It will become effective thirty days after adoption.

Attest: _____

Town Clerk