

**From:** Aaron Rosenzweig aaron@chatnbike.com  
**Subject:** SOP ideas  
**Date:** March 13, 2015 at 6:07 PM  
**To:** Ryan Spiegel rspiegel@gaitHERsbuRgmd.gov  
**Bcc:** zeelandia@cocoanutstecH.com

---

Hi Council member Ryan,

Here are some ideas on a Standard-Operating-Procedure document.

Intended audience: "animal control" and "planning and code administration" staff

Chickens and other lawn birds - SOP

Summary:

Domesticated fowl are allowed in Gaithersburg city. This includes chickens and other similar birds that live on the lawn. Our rules are very different than the county and other cities such as Rockville. It can be a heated topic. There are many people both for and against keeping fowl. This document should serve as a guideline to strike a balance in our community.

Complaints:

It is common to receive complaints from citizens when they see a neighbor keeping fowl. These people can be very angry and vocal. They assume these animals are prohibited. As long as the fowl are kept clean and cared for, citizens are allowed to keep them. You have to tell citizens that chickens are considered pets in Gaithersburg, just like a dog or a cat. They are not farm animals.

Now if any of the following is true:

- 1) fowl are going into other people's property
- 2) fowl are making too much of a smell
- 3) fowl are making too much noise

Then this is not acceptable and we must address the issue.

Investigations:

Any citizen may phone in a complaint about fowl; however, the only people who are truly affected by the fowl would live within 200 feet of the home keeping fowl. This means only the immediate and adjacent neighbors could have their quality of life adversely affected by fowl. Before any action is taken with the home owners who keep fowl, you must ask their adjacent neighbors if they agree with the alleged complaint.

When investigating a complaint, your primary concern is the safety and well being of the fowl. Are they being cared for? That is paramount.

Your secondary concern is if the fowl are creating a problem. Use your best judgement here. Just because someone does not like the idea of their neighbor keeping fowl, it is not a very good reason. The fowl must somehow be really negatively affecting them to become a true issue.

Remember, under law, fowl are protected in Gaithersburg. They are considered pets and have the same rights as dogs and cats. Anything a dog can do, a chicken can do. They have the same rights to exercise and should not be kept in a coop 24 hours a day.

Roosters:

The city of Gaithersburg does not encourage keeping of roosters. In fact, we presently ban them. The reason is they can be noisy. Their crow can be as loud as a barking dog or a lawn mower. That said, consider the following precautions:

- 1) If you see a rooster but nobody has an issue with it, do not make it an issue. It can be hard to determine males from females. Even experts get confused. Even if it truly is a rooster, if it is not bothering next door neighbors, then it simply is not a problem.
- 2) If there are rooster complaints from crowing, you must deal with it. You must make the owner aware that their fowl is making too much noise and they will get a citation if they do not deal with it. Suggest that they silence their rooster or find him another home. If the owner asks how to silence a rooster, tell them to research it because the city does not give advice on how to do it. Follow the SOP for dog barking when dealing with "level of noise" and what is reasonable. For the purpose of the law, dog barking and rooster crowing are equivalent and neither are tolerated.
- 3) If it is believed that a citizen has a rooster but he is not making noise, and not hurting anyone, but a neighbor unreasonably wants to invoke the rooster ban law... then protect the owner of the rooster using our temporary permits so that it becomes legal. This is a little known law that has been on our books for a long time to cover cases like this:

Section 4-102 Temporary permits.

The city manager may issue a temporary permit for the keeping, care and protection of a prohibited animal where it is determined that such actions are necessary to the animal's welfare.

Shelter:

CHICKEN.

=====

Fowl should be kept in an enclosure that is strong and comfortable. In the colder months heat should be provided to keep their drinking water from freezing. Heat inside their coop can be useful too.

We have laws for extension cords, meant mainly to allow holiday lighting on our lawns for a few months out of the year. For people who keep fowl they should be allowed to use extension cords provided they use proper water shielding connectors so as not to create a fire hazard. It would be unjust to cite them for keeping their pets comfortable during the cold times of the year if they are otherwise acting responsibly.

**AARON ROSENZWEIG** / Chat 'n Bike

e: [aaron@chatnbike.com](mailto:aaron@chatnbike.com) t: (301) 956-2319

