

## 10-07-2020 Town Council Meeting Responses to Council Questions

### **ITEM #10: Orange County Food Council Update**

**Council Question:**

When did the community forums to share baseline assessment take place?

***Food Council Staff Response:***

*The council hosted 2 community forums in February and March of 2017. Close to 200 people attended these forums. These events took place at the Cedar Grove Community Center and Binkley Baptist Church.*

**Council Question:**

Can a copy of the racial equity scorecard be shared?

***Food Council Staff Response:***

*See attached the racial equity scorecard from 2018 and a list of updates that we intend to make after a review was conducted by interns in spring 2019.*

**Council Question:**

This was referenced on p. 110 of the agenda packet, but who was the racial equity coach hired?

***Food Council Staff Response:***

*The Food Council has worked with Tina Vasquez from [Emergent Equity](#)<sup>4</sup> since 2017.*

**Council Question:**

Can the policy brief and resources for urban agriculture ordinances, referenced on p. 110 of the agenda packet, be shared with the CH Town Council?

***Food Council Staff Response:***

*See attached an urban/community agriculture policy brief and a separate document focused on backyard chickens. The Forsyth County Food Council has had success the past few years with their urban ag. policies. They helped form a partnership between Winston-Salem's Planning Department and the local Cooperative Extension Office. The work in Forsyth has been more community driven and focused on justice. We hope to work with Community Food Strategies and Forsyth Food Works to update the policy brief and include information about centering community leadership and considering the racial equity impacts of urban agricultural policies.*

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<sup>4</sup> <https://www.biwa-emergentequity.com/>

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### Responses to Council Questions

*Many communities are looking at the ways their current urban ag policies (or lack thereof) disproportionately impact and at times target immigrant communities and communities of color. We want to see these issues and experiences discussed in an updated version of the urban ag policy brief.*

**Council Question:**

Who currently serves on the Food Council?

**Food Council Staff Response:**

*See attached a current roster of Food Council members. Please note that we are in the process of seating 3 new members on the council and our longtime Ag Preservation Board liaison has resigned as of August. We are waiting for the APB seat to be filled.*

**Council Question:**

So far what has the think tank - Orange County Black Farmers - discussed or covered?

**Food Council Staff Response:**

*The OCBF think tank had its first meeting in late August. They have been waiting for the Food Council to confirm our budget and move forward with our contract to 'consult' with them. We are working on contracts to ensure that the intellectual property of these black farmers will not be exploited during this process. The Food Council's Executive Committee has just completed their budget process and the OCBF will meet again in mid October. Various issues have been discussed including access to capital and land and the history of black farms in Orange County.*

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## **Racial Equity in the Orange County Food System**

**SPHG 720: Leading for Racial Equity**

November 3, 2018

Carmen Cauthen, Ally Clonch, Jeff Gilbert, Sarah Johnson

## INTRODUCTION

Racism permeates American society, and the food system also bears the consequences of racial inequity. A food system is the web of networks that connects food from production, transportation, market, waste, and everything in between. The purpose of this project is to quantify race in the local food system and to identify the “markedness,” or the lack thereof, of white power in this system. The UNC Center for Health Promotion and Disease Prevention and the Orange County Food Council tasked this team with researching key indicators assessing racial equity in the Orange County food system that are presented in this report. The results of this research will be used as a baseline measurement of race in the local food system and provide direction for future development in the food council’s work.

## CONTEXT

While structural racism in the food system has deep roots in North Carolina, many people and organizations within the state have been nationally recognized for their fight for food equity. In 1860, North Carolina had the second largest population of free blacks among slave-holding states and the third largest number of rural black landowners with 844 black landowners holding real estate collectively valued at \$452,200 (Atlantic, 1886; Schweninger, 1989). Nationally, the number of black farm operators hit an all-time high at 925,710 in 1920, after which time decades of discriminatory policies and racist practices threatened black farmers with extinction (Tyler & Moore, 2013; Harvey, 2016).

During Reconstruction, the Federal government encouraged black farmers to be self-sufficient rather than to borrow loans. During the New Deal, the Farm Security Administration (FSA) was established to explicitly support rural working people by combating landlessness among tenant farmers and increasing access to modern amenities. In 1937, just a few years after the creation of the FSA, 75% of all black producers were tenant farmers (Tyler & Moore, 2013). The FSA’s goal of providing services fairly among races based on 1930 Census was largely undermined by the agency’s official stance of supporting racially and ethnically separated farming communities and being “sensitive to local opinion”. In many instances, white families were placed in homes and on property vacated by black families also being “resettled” despite opposition from these stable black communities (Adams & Gorton, 2009). Despite the creation of a few, successful black farming communities in which families gained land and subsequent political empowerment, and numerous government-funded reports that identified discriminatory practices within agricultural programs, the FSA underserved black farmers for decades as it doled out billions of dollars annually across the country (Adams & Gorton, 2009; Tyler & Moore, 2013). Likewise, at the local level, black farmers in North Carolina seeking training under the GI Bill were given older equipment, less adequate facilities, and nearly one quarter of the training centers than white veterans (Petty, 2009).

Between 1910 and 2003, black farmers lost a total of 85% of their farmland while white farmers realized gains in total farm acreage (Jackson, 2003; Tyler & Moore, 2013). In the decade between 1982-1992, North Carolina led the nation in total number of black farmers lost (Jackson, 2003). In addition to lack of access to non-predatory farm loans and the mass migration of blacks to the North, research shows land loss among black farmers was exacerbated by the exponential fractionalization of property among heirs when black property owners died without having a will in place for their land (Harvey, 2016; Southern Coalition for Social Justice, 2008). In Interviews with local experts indicate that in Orange County, increased property taxes associated with development booms around Chapel Hill and Hillsborough has exacerbated loss of black-owned farm land (Southern Coalition for Social Justice, 2008).

In the 1980s and 1990s, black farmers and their supporters in North Carolina began organizing to combat this epic land loss. In 1982, the North Carolina Association of Black Lawyers started the Land Loss Prevention Project (LLPP) to stand against loss of land among black farmers (and later to all farmers with limited resources) (Land Loss Prevention Project, n.d.). In 1997, black farmers in Tillery, North Carolina from one of the FSA's planned agricultural communities for black families created the Black Farmers and Agriculturalists Association (BFAA). 1999 was a watershed moment for black farmers when the US District Court of DC ruled against the United States Department of Agriculture (USDA) in the Pigford v. Glickman case, a class action lawsuit brought forth by three black farmers (including Timothy Pigford from North Carolina) representing 641 black farmers who claimed discriminatory lending practices by the USDA violated the Equal Credit Opportunity Act (Tyler & Moore, 2013). However, the Pigford v. Glickman case did not constitute fair reparations. Compensation was woefully insufficient, many farmers waited more than a decade to be repaid, 40% of the claims on smaller farms were denied, and the USDA has been reluctant to change its policies (Jackson, 2003; Tyler & Moore, 2013). Furthermore, local administration of federal programs have allowed racist practices to continue. As of 2009, not a single black farmer had served on any of the Veterans Agricultural Advisory Committees in North Carolina (Petty, 2009).

Aside from farm ownership, racial inequality in the food system has historically been institutionalized several other avenues including culturally insensitive food assistance programs, low wages for food workers, and subsidies that make unhealthy foods the most affordable. For example, until the early 2000s, the eligible products for purchase through the Women Infants and Children program (WIC) not only forced low-income families to eat an unbalanced diet with few fresh vegetables, but also mandated a dairy-centric diet despite well-documented evidence of lactose-intolerance among the majority of African Americans, Native Americans, Hispanic Americans, and Asian Americans (Ammons, 2014).

Access to food, too, is similarly stratified along racial lines, such that African American and Latino individuals disproportionately live in neighborhoods characterized by low geographic and financial access to food. The United States Department of Agriculture (USDA) defines food

insecurity as “a household-level economic and social condition of limited or uncertain access to adequate food” (United States Department of Agriculture, 2017). Elsheikh & Barhoum (2013), note that inequitable access to food is the result of structural discrimination and racialization in policies from multiple, interacting sectors, such as education, transportation, housing, employment, and health care systems. Contemporary legislative attempts to address the impacts of such structural inequities, such as the 2010 Affordable Care Act, fail to note the role that food deserts play in exacerbating key health outcomes.

## PURPOSE

Food policy councils (FPCs) are an increasingly adopted mechanism by which food system stakeholders at local, municipal and state levels can collaborate to examine and conduct important food policy related work (Scherb et al., 2016). While the role of FPCs varies widely, they share some common goals and objectives. The primary functions of FPCs are “to serve as forums for discussing food issues; to foster coordination between sectors in the food system to evaluate and influence policy; and to launch or support programs and services that address local needs” (Harper et al., 2009). have found some commonalities. In a survey of 56 FPCs, Scherb et al. (2016) identified the FPCs as participating in the following activities:

- Identify problems (95% of those surveyed)
- Educate public (78%)
- Develop policy proposals (62%)
- Lobby for specific proposals (48%)
- Participate in regulatory process (34%)
- Endorse other institutions' or organizations' policies (32%)
- Implement policies (22%)

Hamilton (2002) defines a food policy as “any decision made by a government agency, business, or organization which affects how food is produced, processed, distributed, purchased and protected.” FPCs broadly engage in policies at the local, institutional, and county level, with common policies oriented towards increasing access to local and/or healthy foods; promoting small- to medium-scale agriculture; encouraging state and municipal food planning efforts; influencing institutional food purchasing policies; supporting community gardens; and more (Scherb et al., 2016).

The Orange County Food Council (OCFC) was established in the spring of 2016, following a year in a “task force” phase, with the mission “to grow and support a community-driven food system in the Orange County region of North Carolina” (Orange County Food Council). The council includes representatives representing multiple sectors of the Orange County food system, including small food producers and farmers, non-profit leaders, elected officials, local chefs, small businesses, public health educators and nutritionists, faith leaders, community gardeners, and community members (Orange County Food Council). OCFC performs many of the activities identified by Scherb et al., including identifying issues, recommending policies, and

coordinating action. The council's efforts are undertaken in efforts to foster a "sustainable, community-driven and just food system that preserves farmland and natural resources, fosters community wellness, ensures food sovereignty and builds a resilient regional food economy" (Orange County Food Council). OCFC has three working groups that were established after a baseline community assessment: food access, local food economy, and waste rescue.

Slocum (2006) takes a critical perspective in examining the role that community food organizations, including FPCs, have played in perpetuating the racist, classist, and gendered nature of the food system. Drawing upon her personal experience organizing a community food coalition as well as interviews and meetings with various coalitions throughout New York and Massachusetts, Slocum provides a series of observations that are helpful for understanding the disconnect between well-meaning intentions and the substantive implications of these practices. Slocum notes that "those who experience food insecurity – American Indians, Latinas and African Americans, disproportionate to their numbers in the population, single women heads of households and people working for unlivable wages—tend to be 'on the table rather than at it'—the objects of the work but not the leaders of it." Often, Slocum notes, community food organizations may promote values or virtues of a community-based food system in a way that ignores or obscures systems of oppression and advantages. Yet, to promote a "just" food system, as the OCFC aims to do, it is important to directly call attention to such systems. As Alcoff (2003) states, "Dismantling racism requires exposing power within all groups and recognizing differences among groups of color."

An equity scorecard provides a helpful framework by which to make accomplish such work. Harris and Benismon (2007) have applied equity scorecards in the context of academic achievement in higher education, arguing that they fulfill two distinct purposes. First, they help to develop evidence-based awareness of race-based inequities among practitioners. Second, they instill a sense of responsibility for addressing these gaps. The authors warn, however, that when race-based disparities become apparent, there is a natural tendency for leaders to externalize the problem, attributing it to individual (student) characteristics and circumstances, and lessen institutional responsibility.

Ashley Heger, OCFC Coordinator, expressed during a phone conversation that equity was established a foundational principle, but the council is now at a stage where they can recommit and operationalize this goal. Ms. Heger mentioned that an equity scorecard "can help put some numbers to what equity looks like," suggesting that the council will not be able to carry out this goal until "we know what we're dealing with." This project is being conducted simultaneously as a UNC Public Policy Capstone project that is tasked with conducting an assessment of policies that either benefit or hinder a sustainable and equitable food system. Ultimately, OCFC hopes to create a checklist to inventory the county's own policies, which may become a transferable model to the other 35 food councils across North Carolina.



## METHODS

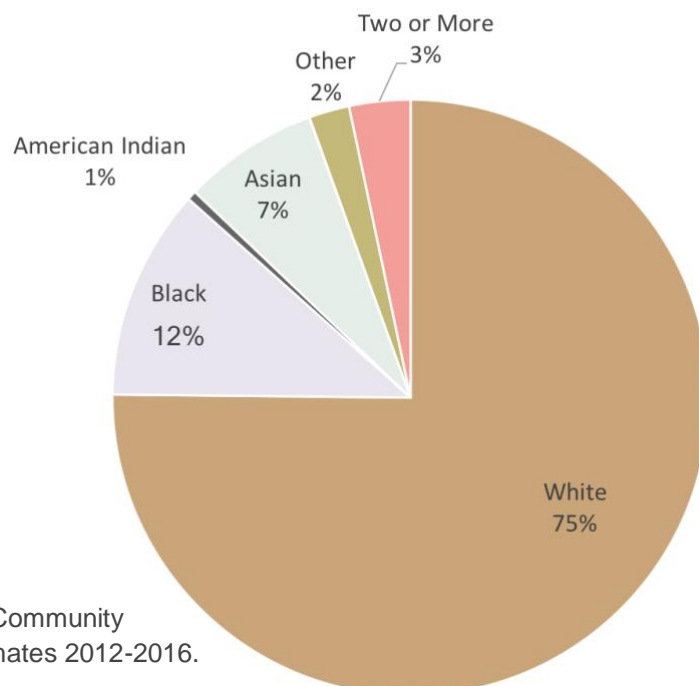
The Orange County Food Council (OCFC) tasked this team with researching key numbers and statistics regarding racial equity in the local food system. Specifically, OCFC sought statistics on county food access and information from key food-related organizations and programs in the community. Such indicators included the racial ownership and makeup of organizations or businesses, the population served by the organization, or the recipients of grants, awards, and fellowships.

In order to complete this project, our team used a variety of research methods. The first method used to research the data was a search of the organization of interest's website for documents containing the statistics needed. For example, if the information was likely housed with the Orange County Public Health Department, a search would be done on their website for reports or other documents that may contain the information. In some cases, this method was not sufficient as the information we were seeking was not transparently displayed for the public. In this case, we contacted specific individuals via email whose names we received from members of OCFC as being the point-person for that particular indicator. We waited one week for a reply before either 1) emailing again, 2) emailing a different individual at the same agency, or 3) telephoning. If the information was unavailable or we received no response, we followed up with members of the OCFC for further instruction on how to handle the situation. In very few cases, there was no measurement that existed for certain indicators, and these are included in the spreadsheet. To compile the "scorecard" or spreadsheet included in this document, we simply listed the indicators provided by OCFPC and the outcomes by race (POC/white) for each. OCFC tasked this team with reporting the indicators, but did not want us to give the community a score.

## FINDINGS

The most recent American Community Survey shows Orange County's racial composition is 75% white and 25% non-white. The figure to the right shows this disaggregated by race.

Orange County, NC Population by Race - ACS 2016 5-year estimate



Source: American Community Survey 5-year estimates 2012-2016.

Information in the table below identifies local food deserts by 2010 Census Tracts based on data from the North Carolina Department of Commerce, the U.S. Census Bureau, and interactive maps in North Carolina Health News. Calculations of people with low access to food were limited to those tracts with 50% or more inhabitants in those areas.

Percent of Total Population, 2010 US Census												
Orange County Census Tract #	Population	Low Access to Food w/in 1 mi.	White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race	Two or More Races	Hispanic or Latino (of any race)	White Alone, not Hispanic or Latino	Tracts w/50% or more low access to food
37135010701	1973	1589.4468758880	67.4	23.6	0.2	3.5	0	3.9	1.5	5.8	65.7	80%
37135010703	6064	0.0000000000	55.5	16.4	0.6	8.2	0	16.1	3.2	28.6	44.7	
37135010704	5134	2057.3530411237	75.7	9.4	0.8	7.1	0	4.1	2.8	8.9	71.9	
37135010705	4573	2.2271702290	72.2	13.2	0.4	4.4	0.1	7.2	2.5	11.1	68.4	
37135010706	3203	1619.0469614628	86.1	1.9	0.1	8.1	0	0.9	2.9	3.7	83.4	50%
37135010801	5025	4932.6770371654	71	23.6	0.7	0.1	0	2.7	1.8	5.7	68.9	98%
37135010802	4654	4654.0000252431	87	8.7	0.6	0.5	0	1.7	1.5	3.4	85.8	100%
37135010901	5383	5164.6787649124	80.7	8.7	0.5	0.7	0	6.8	2.6	10.7	77.9	96%
37135010902	4724	2764.5072663275	75.2	10.1	0.8	1.6	0	9.4	2.9	15.1	70.2	
37135011000	7182	2325.2970946899	77.8	16.2	0.6	1.3	0	1.6	2.5	4.8	75.3	
37135011101	8028	7508.3197810639	64.7	28.7	0.5	0.5	0.1	3.5	2	7.8	61.2	94%
37135011102	5844	3701.0107171526	79.9	11.9	0.6	1.4	0	3.1	3	9.6	74.8	
37135011202	6885	6761.3817839620	79.1	8.7	0.3	6.1	0	3.1	2.7	7.3	75.7	98%
37135011203	5301	5296.6202677039	84.1	10.5	0.4	0.5	0.1	2.4	2	6	81.2	99%
37135011204	3189	2704.8602394807	81.7	4.5	0.3	3.3	0	8.4	1.9	11.9	78.8	85%
37135011205	7554	3068.2652889788	55.1	9.3	0.3	26.9	0	5.1	3.2	11.1	50.1	
37135011300	2926	408.0348594189	68.5	23.8	0.2	2.9	0	2.6	1.9	6.2	65.2	
37135011400	3834	2279.9245016873	85.2	5.5	0.3	6.2	0.1	1	1.9	4.2	82	60%
37135011500	1812	314.6081595514	86.8	4	0.8	4.5	0.1	0.8	3	5	82.8	
37135011601	2350	2108.3097514287	81.7	9.1	0.2	6	0	0.9	2.1	3.4	79.3	90%
37135011602	5786	5619.3410486579	69	14.5	0.4	12.6	0	1.3	2.2	4	66.2	97%
37135011700	4190	1022.5549520254	82.7	7	0.3	5.9	0	1.6	2.5	3.8	80.7	
37135011800	3186	2212.9944222942	75.5	11.1	0.6	7.6	0.1	1.6	3.5	5.6	72.2	69%
37135011901	5315	2923.9350463086	69	8.6	0.2	14.4	0	4.9	2.9	8.7	65.6	55%
37135011902	3945	687.6903481921	75.1	7.8	0.2	13.2	0	1	2.8	5	71.6	
37135012100	7551	492.8731015360	73.6	10.4	0.3	10	0	3	2.6	6.4	70.6	
37135012201	2566	1126.8012177744	86.3	5.1	0.4	4.1	0.1	1.6	2.4	4.3	83.6	
37135012202	5624	535.2941159318	74.5	4.6	0.1	13.8	0	3.8	3.2	7.9	70.7	

Source: U.S. Census Bureau, 2010 Census; 2010 Census Summary File 1, Tables P5 and P8 <https://www.northcarolinahealthnews.org/interactive-food-deserts-and-farmers-markets/>

The Orange County Food System Racial Equity Scorecard is presented on the following page. Analysis of findings demonstrates person of color (POC) are over-represented for two of the three indicators measuring food insecurity and under-represented for seven of the eight indicators measuring positive presence within the food system. While more of the Census Tracts that constitute food deserts are majority White, most of these are rural or suburban compared to the majority non-White food desert Tracts which are mainly suburban or urban. This may be influenced by loss of farmland among the County's Black population and preference for suburban or rural living among Whites. The other outlying indicator is the percentage of POC members at the Piedmont Food & Agricultural Processing Center (35%) which is likely direct result of the PFAPC's policies.

## Racial Equity in the Orange County Food System

INDICATOR	OUTCOME - POC	OUTCOME - WHITE
Number of Food Desert Census Tracts and % POC	6 majority POC Tracts	8 majority White Tracts
SNAP Use (% of population, average)	19.6%	5.7%
Meals on Wheels Clients (% of total clientele)	45%	55%
Farmland Ownership (% of Acres of Farmland Owned)	3.80% (2, 117/56,666 acres)	96.26% (54,549/56,666 acres)
Farm Ownership (% of Farms Owned)	5.6% (36/645)	94.4% (609/645)
Livestock Sales* (% of Total Market Sales)	1.57% (\$237,000/\$15,141,000)	98.43% (\$14,904,000/\$15,141,000)
Average Farm Size Average size of farm	60 acres	88 acres
CSAs at Farmers' Markets	2	data unavailable**
Farmers' Market Vendors	11 (9% of total)	111
Food-Business Owners*** (Restaurants, food trucks, grocery stores)	61	n/a
Ag Economic Development Grant Recipients (Grants awarded, 2016)	3 (10% of total)	27
Food Service Providers Receiving Human Services Funding (Grants awarded in 2018)	1 (12.5% of total)	7
Enterprise Farmers at Breeze Farm (Number in 2018)	0 (0% of total)	3
Piedmont Food Processing Center Members	5 (35.7% of total)	9
OCFC Members	40.0% (6/15)	60.0% (9/15)
OCFC - Food Access	41.7% (5/12)	58.3% (7/12)
OCFC - Local Food Economy	11.1% (1/9)	88.9% (8/9)
OCFC - Waste Rescue	0.0% (0/7)	100.0% (7/7)

\* OCFC requested that we identify the ownership of animal farms as stratified by race. However, this information is not available at the county level. We have presented the market value of livestock sales as a proxy for this information. **8**

\*\* Both the Eno River Farmers' Market and the Carriboro Farmers' Market do not collect information on total number of CSAs offered.

\*\*\* There is little confidence in findings for the number of POC restaurant owners in Orange County due to lack of institutional databases and use of highly subjective methods relying on news articles and/or photographs of restaurant owners. Despite these limitations, estimates were included in final report based on guidance from OCFC staff.

## Additional Findings:

- Data for certain indicators were unavailable, non-existent, or not feasible to collect at this time.
- Racial Make-Up of Individual Orange County Farmers' Markets:
  - *Eno River Farmers Market*: 5/37 (13.5%) of Vendors are POC; 86.5% White; 0 CSAs by POC. Manager does not know how many non-POC vendors offer CSAs.
  - *Carrboro Farmers Market*: 3/44 (6.85%) of vendors are POC; 93.15% White; 1 CSA by POC. Manager does not know how many non-POC vendors offer CSAs.
  - *Chapel Hill Farmers Market*: 3/30 (10%) of vendors are POC; 27/30 (90%) are white; 1 CSA by POC. Data unavailable for number of non-POC vendors with CSAs.
- Many of the farmers markets have full-time or regular vendors as well as guest vendors and specialty vendors, which may distort the understanding of presence of POC vendors at these markets year-around.
- PFAPC: of the five POC members, two are Asian and three are Black.

## RECOMMENDATIONS

- Consider explicit mention of racial equity on OCFC website and mission
- Undertake a survey to measure food insecurity by race in the county
- Advocate for more transparency of data reporting on race from county organizations
- Advocate for increased diversity in funding awards from the county and towns
- Spearhead the effort to verify and document food businesses owned by persons of color within Orange County. This task might involve a partnership with local business associations to create a persons of color food business chapter or to combine data collection with business incentives or benefits. At minimum, create a marketing campaign encouraging food business owners to self-identify if they persons of color.
- Analyze the application process for the farmers markets in Orange County to identify potential barriers to entry for vendors, especially farmers, of color.
- Encourage farmers market managers to collect data on CSA offerings by vendors.
- Consider expanding indicators in the food equity scorecard to include such topics as:
  - Percentage of community gardens located within neighborhoods (Census block groups) with majority non-white population
  - Percentage of farmers-market vendors that accept SNAP EBT

## REFLECTION

The analysis of food systems in Orange County, and indeed, in the United States, is yet another indicator that the food power system has been created to continue to keep people of color from gaining wealth and highlights in this arena, the increasing costs of obtaining healthy food to eat.

Racial analyses of wealth in America often highlight the programs and policies that have hindered homeownership among non-white populations. However, such analyses largely ignore the structural racism within the USDA and United States Department of Veterans Affairs that prevented black farmers from owning or keeping farmland. Without this knowledge, the good intentions of researchers and students working with community organizations in the pursuit of racial equity may be undermined by insufficient understanding of the sociopolitical landscape of the rural south.

When research occurs without institutional racism as part of the overview, it can be difficult for researchers to appreciate the historical and contemporary difficulties of the food chain for people of color, from farming to purchasing. As a result, such work fails to address the root causes of lack of wealth building and lack of proper foods in diets that promote healthy living. Additionally, without knowledge of the dietary needs of the various ethnic groups academic partners seek to partner with and serve, outreach or engagement involving food may be harmful to those populations both in terms of physical discomfort and through cultural isolation. It is important to note that the racial equity scorecard developed for this project is a diagnostic tool, but in and of itself does not do the work of anti-racist practice. This work highlights the need for academic partners to use their resources and positionality to not simply point towards inequities in systems, but seek to actively address their root causes. In many ways, the scorecard is itself a power analysis, but as our training has identified, recognition of power dynamics must be met with a conscious willingness to see how on the other side of racialized advantage by white people is the oppression of persons of color. As our Need section explains, food policy councils can play a significant role in identifying needs and advocating for solutions, but must do so with a lens that brings POCs “to the table” to address inequity, and does not simply do work on and about POCs.

In this case, research in a vacuum denies society in general to understand how and why people of color were not able to hold on to land that was purchased and/or farmed for purchase over the centuries, nor why there is such abject poverty in many rural communities today. History shows that land purchase, passed down generationally, was often lost due to increasing taxes that couldn't be paid by the growing number of family members as original heirs died, leaving behind multiple heirs who couldn't afford the bills.

Researchers must think critically about systems analysis to show and to mark the history of the system completely in order for their findings to be complete and to allow for adequate inclusion of all sides of the problems that they are trying to solve.

## Sources:

*Cover Image:* Wolcott, M. P., photographer. (1939) Negro sharecropper and two wagehands shucking corn for the landlord, a white woman. On road to Cedar Grove, west of highway No. 14, Orange County, North Carolina. Cedar Grove Cedar Grove. North Carolina Orange County United States, 1939. Sept.?. [Photograph] Retrieved from the Library of Congress, <https://www.loc.gov/item/2017754520/>

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# POLICY BRIEF

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## **Backyard Chickens in the City: Effective Policy Solutions for North Carolina Municipalities**

### **INTRODUCTION & BACKGROUND**

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Cities throughout the United States increasingly support the raising of backyard chickens. North Carolina cities such as Raleigh, Charlotte, Winston-Salem, Durham, and others have already implemented successful policy changes. Some North Carolina municipalities have ordinances within their records that do not allow backyard chickens; these are often rooted in historical policies that developed during a period of urbanization in the early 1900s. Policy makers were concerned with public health, safety of chickens, and potential nuisances.<sup>i</sup> Today, these concerns can easily be mitigated through policy solutions, education, and thoughtful enforcement, which are outlined in this brief.

Chickens provide a plethora of benefits, such as eggs as an affordable and nutritious source of food; fertilizer for gardens; sustainability via local food production; education for young people; family pets; and a way to kill agricultural pests such as spiders and worms.

Policy solutions that alleviate public nuisance concerns by keeping the chickens safe, in good health, and regularly cleaned allow individuals and families in municipalities to successfully raise chickens<sup>ii</sup>. This brief addresses these issues in order for individuals and municipalities to benefit from the allowance of backyard chickens.

### **POLICY SOLUTIONS**

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Backyard poultry ordinances in municipalities differ relative to city size, existing ordinances, amount of rural and urban land, and the municipality's ability to enforce the ordinance. For example, Durham, NC, has specific ordinances for keeping chickens, while other cities, like Charlotte, NC, embed backyard chicken ordinances into preexisting general animal legislature. Effective municipal ordinances on backyard chickens often address the following elements, described below with specific language attached in appendices.<sup>iii</sup> Note that some of the sections are duplicative due to the interconnected nature of the concerns and the way to mitigate these concerns.

#### **Poultry Definitions and Key Terms**

Cities with backyard chicken ordinances tend to include specific language for, and definitions of, chicken-related terms as a means to universalize and specify the requirements necessary. Many of these cities include the descriptions as part of the general definitions within their animal ordinances, like Winston-Salem, NC. However, some ordinances include a separate section for poultry-orientated definitions directly preceding a backyard chicken ordinance, like Durham, NC (see Appendix 1).

#### **Nuisance Guidelines**

Perhaps the biggest concern for municipalities when considering backyard chickens is the possibility of public nuisance, so it can be useful to address this issue in a poultry ordinance. Having an all-encompassing nuisance clause at the beginning of the ordinance can immediately address and emphasize other parts of the ordinance.<sup>iv</sup> Some ordinances have overarching nuisance clauses, like Charlotte, NC, while others specifically address chickens as a nuisance, like Nashville, TN (see Appendix 2).

### **Shelter Guidelines**

An important part of maintaining backyard chickens is providing a proper shelter. An enclosed lockable shelter mitigates the concern that chickens will escape, alleviating nuisance and safety issues. To improve safety measures, municipalities often provide specific physical regulations for chicken shelters. One commonality across ordinances is that shelters must be easily accessible to clean and repair. Other ordinances include specifics on cleaning the shelters, storing food, disposing dead chickens, and dealing with chicken waste/manure to ensure the shelters remain sanitary (see Appendix 3). To further relieve noise and odor concerns for surrounding properties, ordinances sometimes include specific distances between a shelter, property lines, and the owner's residence. Note that guidelines for the distance and placement of the shelter should consider issues of equity for people with smaller properties (see Appendix 3).<sup>v</sup>

### **Animal Safety and Humane Treatment Guidelines**

Regulations within shelter guidelines can protect chickens' safety, however disease and sickness may still occur.<sup>vi</sup> For this reason, clauses may contain regulations that require owners to regularly check their chickens' health status. Furthermore, some ordinances address chicken fighting and other aspects of inhumane chicken treatment to ensure that owners do not abuse their birds. An example of these guidelines is currently in effect in Nashville, TN (see Appendix 4). Ordinances that ensure humane treatment are useful to alleviate potential concerns of owners cruelly handling their chickens.

### **Number of Hens and Roosters**

An important issue to address is the number of chickens permitted per residence. Some ordinances have a specific number or range of hens (female chickens) allowed per residence, like Winston-Salem, NC (see Appendix 5). A reasonable number of hens to permit is between four and six per residence in order to minimize noise, allow for enough egg production to feed a family, and prevent chickens from becoming lonely, since chickens are social animals.<sup>vii</sup> Furthermore, some ordinances require permits to allow more hens based on property size. This can be useful for cities that have a large division between the lot sizes of urban and rural areas and enables people who have larger properties to keep more chickens. An example of this can be seen in Charlotte, NC, where a maximum of 25 hens are allowed depending on acreage. In Everett, WA, up to six hens are allowed without a permit, however additional hens require a permit (see Appendix 5).

Additionally, backyard chicken ordinances often specifically address roosters. Roosters insight more noise and aggression concerns and do not lay eggs; therefore many municipalities, like Durham, do not allow them. Other municipalities allow roosters under regulations to improve chicken happiness and fertilize eggs to produce more chickens.<sup>viii</sup> Albuquerque, NM, is a city that allows one rooster per residence (see Appendix 6).

### **Slaughtering of Chickens**

Cities face possible backlash when their ordinance allows chickens to be slaughtered. Some municipalities do not allow the slaughtering of chickens on an owner's property, like Nashville, TN, because it can create a nuisance, sanitation problems, and be considered animal cruelty if done incorrectly (see Appendix 7). Other municipalities allow the slaughtering of chickens for educational purposes, meat, and opening up space for new chickens when the chickens are no longer producing eggs. If cities want to permit chicken slaughtering, they can choose to enforce more relaxed or stringent regulations. For example, Rogers, AK has strict regulations in regard to chicken slaughtering, and only allows the owner to slaughter them inside the home, out of public sight. On the other hand, Albuquerque, NM has a more open slaughtering regulation (see Appendix 7).<sup>ix</sup>

## Permits, Fees, and Enforcement

One way municipalities help regulate and enforce backyard chicken ordinances is by issuing permits to keep track of chicken owners and their compliance records. However, a permitting program can be expensive for taxpayers and chicken owners alike. If the process to apply for and receive a permit is too complicated, residents may prefer to illegally own chickens. Certain cities, like Atlanta, GA, do not utilize a permitting process (see Appendix 10). Others do employ a permitting system; there are different types of processes for applying and receiving a permit that different municipalities employ. A strictly scheduled process, like Nashville, TN uses, requires the owner to renew their permit every year, while one-time permits, like Durham, NC has, can be revoked if owners refuse to comply with the ordinance in effect. The enforcement of the permit system in Durham, NC is largely based on a complaint system for cost efficiency. This complaint-driven method is one solution for dealing with in-compliant backyard chicken keeping. When an ordinance is not followed, neighbors can complain and report chicken owners to the city, and it becomes the responsibility of the municipality's to regulate and enforce the ordinance.

The ordinance violations may result in monetary fines, probation periods, chicken impoundment, and/or possible revocation of the chicken owner's permit subject to the severity of each case. An example of revocation is outlined in Everett, WA's municipal code (See Appendices 8 and 9).

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# APPENDICES

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## Appendix 1-Poultry Definitions and Key Terms

### Winston-Salem, NC

At large: An animal is deemed to be at large when it is off its owner's property and not under the restraint of a competent person.

Public nuisance: An animal or group of animals may be considered to be a public nuisance if, by way of example and not of limitation, it:

(1) Damages, soils, or defiles community or neighborhood private property or public property; (2) Interferes with the ordinary use and enjoyment of a person's property; (3) Turns over garbage containers or damages flower or vegetable gardens; (4) Causes unsanitary or offensive conditions; or (5) Impedes the safety of pedestrians, bicyclists, or motorists."-Winston-Salem

Secure enclosure: A facility, suitable building, or fenced area that will prevent an animal from coming in contact with another animal or person, to which all entrances and exits can be securely locked, has a top and a concrete floor, and which facility has been approved by an animal control officer.

### Nashville, TN

Domesticated hens: Means female chickens that may, where permitted, be kept and maintained for the non-commercial production of eggs, education, companionship, or recreation. Other types of fowl and poultry shall not be considered domesticated hens.

### Asheville, NC

Fowl means any bird traditionally associated with sport, farming or production including, but not limited to poultry and game birds.

Humane care and treatment means maintaining an animal in an appropriate, sanitary environment. Humane care and treatment also considers the age, size, health problems, hardness and other characteristics of the individual animal in daily care to prevent avoidable harm and suffering.

Owner means any person who or legal entity that has a possessory property right in an animal or harbors an animal or has it in his/her care, custody or control, or knowingly permits said animal to remain on any premises occupied by him or her. Presumption of ownership may be rebutted by proof that such person has no property right in the animal, is neither harboring nor caring for the animal and, in the case of a dog, is not the licensed owner. Excepting article II of this chapter, owner does

not include veterinarians or commercial kennel operators temporarily maintaining on their premises for a period of less than 30 days animals owned by other persons.

### **Roanoke, VA**

Poultry: shall mean any domesticated birds raised for food, either meat or eggs, feathers or show, including, but not limited to chickens, ducks, geese, swans, turkeys, guinea fowl and pigeons.”

### **Durham, NC**

Definitions "Chicken", "Chicken Coop", and "Chicken Pen" are defined in Sec. 16.3, Defined Terms.

Chicken: Poultry or fowl of the species *Gallus gallus/G. gallus domesticus*. The species includes many different breeds of chicken.

Chicken Coop: A structure for the sheltering of chickens. An existing shed or garage can be used for this purpose under paragraph 5.4.12B, Domestic Chickens, if it meets the standards contained in paragraph 5.4.12B.7, Construction and Design. A chicken coop is an accessory structure under Sec. 5.4, Accessory Uses and Structures.

Chicken Pen: An enclosure that is connected to and/or surrounding a chicken coop for the purpose of allowing chickens to leave the coop while remaining in an enclosed predator safe environment.

## **Appendix 2-Nuisance Clause Examples**

### **Winston-Salem, NC**

Sec. 6-9. - Animal creating nuisance prohibited.

It shall be unlawful for any owner or custodian to permit his or her animal, or an animal in his or her care, to create a public nuisance. In such cases, and only in such cases, the owner or custodian must keep the animal that has been determined by the animal control department director to be creating a public nuisance on his or her own property at all times unless the animal is under physical restraint. If the animal control department director declares an animal to be a public nuisance under this section, then the director has the authority to instruct the animal's owner or custodian in writing to confine the animal in a secure enclosure when the animal is on the owner's or custodian's property and to restrain the animal by means of a leash, chain, or other like device when the animal is off the owner's or custodian's property. It shall be unlawful for the animal's owner or custodian to fail to comply with the animal control department director's instructions.

### **Charlotte, NC**

Sec. 3-69. - Nuisance.

(a) It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner as to constitute a public nuisance or a nuisance to neighbors. By way of example and not of limitation, the following acts or actions of an owner, harbinger or possessor of an animal are hereby declared to be a public nuisance and are, therefore, unlawful: (1) Having an animal that disturbs the rights of, threatens the safety of or injures a member of the general public or interferes with the ordinary use and enjoyment of his property; (2) Permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers or vegetables; (3) Maintaining animals in an environment of unsanitary conditions or lack of cleanliness which results in offensive odor or is dangerous to the public health, welfare or safety, or failing to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease; (4) Maintaining property that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the animals on the property; (5) Allowing or permitting an animal to bark, whine, howl, crow, cackle, or cause noise in an excessive, continuous or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises; (6) Maintaining an animal that is diseased and dangerous to the public health; (7) Maintaining an animal that habitually or repeatedly

chases, snaps at, attacks or barks at pedestrians, joggers, dogs walked on a leash by owners, bicycles or vehicles; (8) Failing to confine a female dog or cat while in season in a building or secure enclosure in such a manner that she cannot come into contact with another dog or cat or creates a nuisance by attracting other animals. However, this subsection shall not be construed to prohibit the intentional breeding of animals within an enclosed, concealed area on the premises of the owner of an animal which is being bred; or (9) Failing to remove feces deposited by a dog on any public street, sidewalk, gutter, park or other publicly owned property or private property unless the owner of the property has given permission allowing such use of the property. This subsection shall not apply to visually impaired persons who have charge, control or use of guide dogs or persons using dogs in conjunction with activities of the Charlotte-Mecklenburg Police Department. (b) It shall be the duty of anyone reporting an alleged nuisance under this section to reveal his identity to the bureau or the investigating law enforcement agency. Anonymous reports of alleged nuisances under this section shall not be investigated solely on the basis of the anonymous report. (c) In addition to any other enforcement remedies available under this chapter, if the bureau manager shall declare an animal a nuisance under this section, the bureau manager has the authority to order the owner to confine the animal in accordance with section 3-135. It shall be unlawful for the owner to fail to comply with such an order or with the instructions in the order.

(Code 1985, § 3-24)

### **Asheville, NC**

Sec. 3-9. - Public nuisance.

(a) The keeping of any animal in such manner or in such numbers as to constitute a public nuisance is hereby prohibited. For the purposes of this section, a public nuisance shall include, but not be limited to, the following: (1) The keeping of any animal which by continued or repeated howling, yelping, barking or otherwise, causes loud noises which would disturb the quiet, comfort or repose of a reasonably prudent person on adjoining property; (2) The keeping of any animal which habitually is at large; (3) The keeping of a cage or pen constructed and used for the purpose of restraining animals within ten feet of the outer limits of the lot upon which the cage or pen is situated; provided, however, this setback requirement shall not be applicable where the placing of the cage or pen within the ten-foot area does not result in locating the cage or pen within 50 feet of the nearest household occupied by persons other than the owner or keeper of the cage or pen. This subsection shall not apply to the fencing of all or a major portion of a lot; (4) Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers, or damaging gardens, flowers, or vegetables, or defecating upon the property of another; (5) Maintaining animals in an unsanitary environment which results in unsightly or offensive animal waste, litter, or odor which would disturb a reasonable person on adjoining property; (6) The keeping, possession, harboring or feeding of animals; wild, feral or domesticated, which threaten the public health, safety and welfare of the community; provided, that nothing herein shall be construed to prohibit keeping or maintaining a bird feeder, or from feeding birds, unless said activity constitutes an attractant and its cessation is ordered by the animal control officer pursuant to this chapter. (7) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, joggers, animals walked on a leash, bicycles or other vehicles; (8) Failing to confine a female dog while in heat in a secure enclosure in such a manner that she will not be in contact with another dog, or attract other animals. (9) Except as otherwise provided in section 3-10, the keeping of seven or more animals per household or lot, regardless of lot size and regardless of whether any of the provisions of this section are violated. This subsection shall not apply to offspring under the age of 16 weeks and to animals kept by a kennel or pet shop licensed in accordance with state and local law and to animals kept by a kennel, pet shop or other facility licensed or registered by the department of agriculture or the veterinary medical board. (10) The tethering of any animal to public property or in a public right-of-way. (11) After having received a warning or order from an animal control officer to remove an attractant, knowingly or willfully keeping or storing attractants in a manner contrary to the warning or order.



## **Roanoke, VA**

Sec. 6-94. - Violation of article as nuisance.

In addition to any penalty imposed for a violation of any provision of this article, such violation is hereby declared a public nuisance and any person suffering injury or damage therefrom may seek the correction, removal or abatement of such nuisance through appropriate suit in equity.

## **Albuquerque, NM- Regarding Noise**

### **§ 9-2-4-7 ANIMAL NOISE**

No person shall allow an Animal to persistently or continuously bark, howl or make noise common to its species to the extent that it causes a nuisance or as otherwise prohibited by this Chapter. This provision shall not apply to public Zoos and approved and properly zoned Animal Shelters as defined by this article.

## **Appendix 3-Proper Shelter Clause Examples**

### **Winston-Salem, NC**

Sec. 6-6.- Regulations for the Keeping of Chickens or other Fowl and Pigeons

(a) Sheltering and limits on the number and type of chickens or other fowl:

(i.) Enclosed run. Chickens or other fowl shall be kept in an enclosed run. Said enclosure shall be a minimum of four (4) feet in height and must be enclosed on all sides and the top with wire mesh fencing. The enclosed run shall provide at least ten (10) square feet of run area per chicken or other fowl. Any access gates or other access openings into the enclosed run shall be self-closing, self-latching and lockable.

(ii.) Coop. The coop shall be constructed of solid material and shall be located within the enclosed run or constructed and located so as only to provide ingress/egress for the chickens or other fowl into the enclosed run. The coop shall provide a minimum of three (3) square feet of floor area per chicken and shall be a minimum of two (2) feet in height per floor or level where chickens or other fowl are housed.

(iii.) Number and type. The maximum number of chickens or other fowl that can be kept on any residentially zoned property within the corporate limits of the city shall be five (5). All chickens shall be hens; no roosters are permitted.

(iv.) Enclosed run and coop materials. The enclosed run and coop shall be maintained in a clean and sanitary condition. All solid materials and fencing used in conjunction with the construction of the coop and enclosed run shall be suitable for exposure to moisture without deterioration and shall be conducive to regular cleaning and sanitation. Without limiting the materials that can be used, examples meeting this requirement are pressure treated wood, painted wood, wood frame with metal or vinyl siding, asphalt shingle roofing and metal roofing for the coop and galvanized or vinyl mesh fencing and fencing supports for the enclosed run.

(c) Setbacks for the keeping of chickens or other fowl and pigeons. The enclosed run for the keeping of chickens or other fowl and/or the enclosed run or coop for the keeping of pigeons shall be located in the rear yard and shall be no closer to the street than the rear yard of the dwelling or principal structure and at no time may be closer than twenty five (25) feet from any adjacent property line. If the enclosed run for the keeping of chickens or other fowl and/or the enclosed run or coop for the keeping of pigeons is at least 100 feet from all adjacent property lines (excluding the front property line) approval from adjoining neighbors is not required. When proposing to place the enclosed run and/or coop for the keeping of chickens or other fowl and pigeons greater than 25 feet but less than 100 feet from any adjacent property line(s), the property owner must have the notarized signature from the impacted adjacent property owner(s) on a statement indicating that the adjacent property owner(s) approve(s) of the location of the enclosed run and/or coop prior to applying for and receiving a permit for placement.

### **Charlotte, NC**

Sec. 3-102. - City permits.

(b) Denial. When a permit is denied for any reason, the applicant shall be given a written explanation of the reason for denial. (c) Compliance required prior to issuance. An owner or possessor of such animals or fowl shall comply with the following applicable subsections before a permit is issued. Compliance with the following applicable subsections will create a rebuttable 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 following, the presence of such animals or fowl is 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) Fowl and other specifically identified animals. The keeping of chickens, turkeys, ducks, guineas, geese, pheasants or other domestic fowl or rabbits shall be in compliance with the following: a. Such animals must be confined in a coop, fowl house or rabbit hutch not less than 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 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 flyproof container and double-bagged in plastic bags. f. The coop, fowl house or hutch shall be a minimum of 25 feet from any property line. g. No more than 20 such fowl or rabbits shall be kept or maintained per acre. The number of fowl or rabbits should be proportionate to the acreage.

#### **Winston-Salem, NC-Regarding Sanitation**

Sec. 6-6. – Regulations for the Keeping of Chickens or other Fowl and Pigeons  
Sanitation for chickens or other fowl and pigeons.

Any person who keeps, feeds or maintains chickens or other fowl and pigeons in the corporate limits of the city shall provide a bin or pit which shall be watertight and so arranged that it is fly-proof, or a watertight barrel with a close-fitting lid. Manure accumulating shall be placed in the bin, pit or barrel each day, and the manure shall be removed at intervals not longer than five days beginning from March 15 until September 15 of each year, and at intervals of one week from September 16 to March 14 of each year. Likewise, uneaten feed shall be placed in the bin, pit or barrel each day, and removed at the intervals specified above for manure.

#### **Nashville, TN-Regarding Sanitation**

8.12.020-Keeping of chickens.

F. Sanitation, Nuisance, and Humane Treatment

1. Waste storage and removal. Provision must be made for the storage and removal of chicken manure. All manure for composting or fertilizing shall be contained in a well-aerated garden compost pile. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse and surrounding area must be kept free from trash and accumulated droppings.
2. No perceptible odor from the hens or the hen enclosure shall be present at any property line.
3. All feed shall be stored in a rodent and predator-proof container having a metal lid.

#### **Asheville, NC- Regarding Sanitation**

Sec. 3-11. - Sanitation.

No keeper of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by the members of a homeowners or condominium association, or upon private property without permission of the occupant of said property, unless such keeper immediately removes and disposes of all feces deposited by such animal by the following methods:



(1) Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and (2) Removal of such bag or container and disposition thereafter in a manner as otherwise permitted by law.

### **Everett, WA-Regarding Sanitation**

6.04.070 Prohibited conduct.

A. Offenses Relating to Safety and Sanitation. It is unlawful for any person to:

1. Allow the accumulation of animal feces in any open area, run, cage or yard wherein animals are kept and to fail to remove or dispose of feces at least once every twenty-four hours;
2. Fail to remove the fecal matter deposited by his/her animal on public or private property of another before the owner and/or animal leaves the immediate area where the fecal matter was deposited;
3. Fail to have in his/her possession the equipment necessary to remove his/her animal's fecal matter when accompanied by said animal on public property or public easement;
4. Have possession or control of any animal sick or afflicted with any infectious or contagious disease and fail to provide treatment for such disease, or suffer or permit such diseased or infected animal to run at large, or come in contact with other animals, or drink at any public or common watering trough or stream accessible to other animals.
5. Owners of duly licensed "working dogs" are exempted from subsections (A)(2) and (3) of this section.

### **Albuquerque, NM- Disposal**

9-2-4-6 IMPROPER DISPOSAL OF ANIMALS.

Deceased Animals shall be properly disposed of in accordance with this article. Following the death of an Animal, the Owner shall be responsible for removing the corpse immediately and disposing of the body by either private burial, private cremation, or taking the Animal to AACC. It is unlawful to dispose of the body of any Animal by dumping the corpse on public or private property, roads or rights-of-way.

### **Durham, NC- Disposal**

Sec. 4-265. - Disposal of dead animals.

(a) Domesticated animal. Any person who owns or possesses any domesticated animal that has died shall comply with the requirements of G.S. 106-403 regarding the burial or removal of such animal carcass. When the owner of a dead domesticated animal is unknown, the Durham County Director of General Services may provide for the removal and disposal of any dead domesticated animal located within the limits of the county, but without the limits of the city, pursuant to G.S. 106-403. All costs incurred by the county in the removal of the dead domesticated animal shall be recoverable from the owner of such animal upon admission of ownership. Nothing in this section shall effect the department of transportation's responsibility to pick up dead animals that lie on the right-of-way.

## **Appendix 4-Animal Safety and Humane Treatment Clause Examples**

### **Nashville, TN**

8.12.020-Keeping of chickens.

F. Sanitation, Nuisance, and Humane Treatment

6. No domesticated hens shall be used or trained for the purpose of fighting for amusement, sport, or financial gain.

### **Albuquerque, NM**

§ 9-2-4-8 ANIMAL FIGHTS.

(A) No Person shall promote, stage, hold, manage, conduct, carry on, train for or attend a game, exhibition, contest or fight in which one or more Animals is injuring, killing, maiming or destroying itself

or other Animals. Without limitation on the foregoing, Cockfighting is specifically included under this section.

(B) No Person shall provoke or entice an Animal from the property of its Owner for the purpose of engaging the Animal in an Animal fight.

(C) No Person shall commit the offense of Cockfighting. When any Person is charged with Cockfighting, the Mayor shall take the Fighting Birds at the location into Protective Custody. A Person commits the offense of Cockfighting if the person knowingly:

(1) owns, possesses, keeps, rears, breeds, trains, buys, sells, transports, or advertises or otherwise offers to sell a Fighting Bird;

(2) promotes or participates in, or performs services in furtherance of, the conducting of a Cockfight. Services in furtherance of a Cockfight include, but are not limited to, transporting spectators to a Cockfight, handling Fighting Birds, organizing, advertising or refereeing a Cockfight and providing, or acting as a stakeholder for, money wagered on a Cockfight;

(3) keeps, uses or manages, or accepts payment of admission to, a place for the conducting of a Cockfight;

(4) suffers or permits a place in the possession or control of the Person to be occupied, kept or used for the conducting of a Cockfight;

(5) manufactures, buys, sells, barter, exchanges, possesses, advertises or otherwise offers to sell a Gaff, Slasher or other sharp implement designed for attachment to a Fighting Bird or any other bird; or

(6) attends a Cockfight or pays admission at any location to view or bet on a Cockfight.

### **Asheville, NC**

Sec. 3-12. - Animal care.

(a) It shall be unlawful for any owner to fail to provide his/her animals with sufficient food, water, shelter and protection from the weather, veterinary care and with humane care and treatment. (b) It shall be unlawful for any person to willfully or intentionally beat, injure, endanger, wound, torture, torment, disfigure, poison, overdrive, overload or otherwise abuse any animal. (c) It shall be unlawful for any person to cause, instigate, permit, organize or attend any dogfight, cockfight or other combat involving animals. (d) No person may transport any type of animal in a motor vehicle or in a wagon or trailer pulled by a motor vehicle, or in a truck or the back of a truck, in such a way as to cause pain, suffering, possible pain or death to the animal. Provided, however, there shall be no prohibition against the humane transportation of horses, cattle, sheep, poultry, or other livestock in trailers or other vehicles designed, constructed, and adequate for the size and number of animals being transported. (e) It shall be unlawful for any person to place or confine an animal or allow an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to endanger the health or well-being of such animal due to temperature, lack of food or drink, or such other conditions as may reasonably be expected to cause suffering, disability, or death. After making a reasonable effort to find the driver of a vehicle in which an animal is confined, the animal control officer, in the presence of a law enforcement officer, may use the least intrusive means to enter the vehicle if necessary to remove the animal, where reasonable cause exists to believe the animal may die if not immediately removed. (j) It shall be unlawful for any person to abandon any animal.

### **Durham, NC- How owners can protect their livestock from other animals**

ARTICLE III. - ANIMAL ABUSE

Sec. 4-61. - Exemptions.

This article shall not apply to agencies conducting biomedical research or training, the production of livestock or poultry for sale as a consumer product and the lawful destruction of any animal for the purpose of protecting livestock, poultry or humans.

## **Appendix 5- Number of Hens Clause Example**

## **Winston-Salem, NC**

Sec. 6-6. – Regulations for the Keeping of Chickens or other Fowl and Pigeons

(a) Sheltering and limits on the number and type of chickens or other fowl:

(iii.) Number and type. The maximum number of chickens or other fowl that can be kept on any residentially zoned property within the corporate limits of the city shall be five (5). All chickens shall be hens; no roosters are permitted.

## **Charlotte, NC**

Sec. 3-102. - City permits

g. No more than 20 such fowl or rabbits shall be kept or maintained per acre. The number of fowl or rabbits should be proportionate to the acreage.

## **Everett, WA**

6.04.040 Facilities—Applicability of provisions.

A. Facilities housing at any time more than two adult dogs or cats, or a combination thereof, in excess of two dogs and two cats, or when the keeping of such animals produces more than one litter each year from all such animals housed, or an animal kennel or cattery, hobby kennel, or commercial kennel or cattery, or the keeping of any livestock or exotic, wild or dangerous animal, or the offering of any service for gain in connection with such facility, shall obtain a license in accordance with procedures, standards and limitations provided in this chapter; and no such facility may lawfully operate except upon application and payment of prescribed fees for such license. Issuance of such license shall not constitute approval of the land use, nor evidence compliance with zoning regulations which may apply to the proposed facility operation.

B. Exceptions to subsection A of this section shall be as follows:

1. Licensed veterinary hospitals and clinics are not required to obtain a facilities license. Any personal pets kept at the facility must be registered per Section 6.04.030(A) of this chapter.
2. Visiting animal exhibitions in the city limits for fifteen days or less must conform to facility standards, but are exempt from normal license fees.
3. Licensed commercial facilities established prior to the effective date of the ordinance amending this chapter shall not be required to purchase annual individual pet licenses for their breeding stock but shall be required to display personal ID tags.

C. Facilities housing less than six small livestock or litters from such livestock under twelve weeks of age are not required to obtain a facility license specifically related to those animals. (Ord. 2394-99 § 3, 1999: Ord. 1810-91 § 4, 1991)

## **Appendix 6- Rooster Clause Example**

### **Durham, NC**

B. Domestic Chickens

3. Number and Type of Chickens Allowed

The maximum number of chickens allowed is ten (10) per lot, regardless of how many dwelling units are on the lot. Only female chickens are allowed. There is no restriction on chicken breeds.

### **Albuquerque, NM**

Sec 9-2-4-3 ANIMAL LIMITS AND RESTRICTIONS.

(3) Poultry. The Poultry limit is 15. No Person shall have more than one rooster in a Household.

## **Appendix 7- Slaughtering Clause Examples**

## **Nashville, TN**

8.12.020-Keeping of chickens.

F. Sanitation, Nuisance, and Humane Treatment

4. No slaughtering of domesticated hens may occur on the property.

## **Charlotte, NC**

Sec. 3-102. - City permits.

(4) Slaughter. Any slaughter of any livestock or poultry not regulated by 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.

## **Winston-Salem, NC**

Sec. 6-6.- Regulations for the Keeping of Chickens or other Fowl and Pigeons

Sanitation for chickens or other fowl and pigeons

The slaughter of chickens or other fowl for personal use is allowed only on the property where the chickens or fowl are kept. The slaughter shall not be visible from public areas, the public right-of-way or any adjacent property. The slaughter must be performed in a sanitary manner with the proper disposal of all waste materials.

## **Rogers, AK**

Sec. 6-230. - Running at large.

(b) It shall be lawful for any person to keep, permit, or allow any fowl within the corporate limits of the city in all zones other than A-1, under the following terms and conditions:

(3) There shall be no outside slaughtering of birds.

## **Albuquerque, NM**

§ 9-2-4-2 SPECIFIC ACTIVITIES THAT CONSTITUTE CRUELTY TO AN ANIMAL.

Any Person who acts intentionally, willfully or maliciously is guilty of cruelty when engaged or attempting to engage in the following behavior:

(A) Killing or attempting to kill an Animal. Exceptions include:

(2) Killing a bird if such bird is Poultry owned by that Person and will be used for food;

## **Appendix 8-Permits, Fees, and Enforcement**

### **Durham, NC-Permit and Enforcement**

5.4.12 Limited Agriculture (City Only)

A. General

1. Permits Required

A permit under Sec. 3.22, Limited Agriculture Permit (City Only), is required in order to conduct the uses designated by this section. Such uses are distinct from agricultural uses or agricultural use categories permitted under this Ordinance. The limited agriculture permit is to the permittee and cannot be assigned.

2. Permit Revocation and Removal of Items

a. Compliance with the requirements of this Ordinance shall create a presumption that the permitted use does not create a nuisance or threat to public health or safety. The permit shall, however, be revoked if the Planning Director determines that the permitted use creates a nuisance or detriment to public health or safety.

b. Violation of ordinance standards shall result in permit revocation under paragraph 3.22.4, Revocation, and possible enforcement under Article 15, Enforcement, including civil and criminal

penalties. Misrepresentation by a permittee shall result in permit revocation or voiding under paragraph 15.3.7, Permit Revocation or Voiding.

c. Regardless of whether an ordinance violation has occurred, the Planning Director is authorized to order immediate removal of items and structures associated with the permitted use that the Director determines create a nuisance or detriment to public health or safety.

### 3. Non-Commercial Use Only

Uses authorized under a Limited Agriculture Permit shall be non-commercial only. Commercial activities are prohibited. Domestic animals authorized by a Limited Agriculture Permit shall be kept as pets or for personal use only.

### 4. Nuisance Prohibited

Uses authorized under a Limited Agriculture Permit shall not create a nuisance. Uses shall be conducted in a manner that does not disturb the use or enjoyment of adjacent properties. Odor generated shall not be perceptible at the property boundaries, and noise generated shall not disturb people of reasonable sensitivity at the property boundaries. Only motion-activated lighting shall be used to light any limited agricultural area.

### 5. Public Health and Safety

Uses authorized under a Limited Agriculture Permit shall not create a detriment to public health or safety.

## **Charlotte, NC-Permit and Enforcement**

Sec. 3-102. - City permits.

(a) 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 city without first receiving from the bureau a permit to do so or to continue to have any of such animals or fowl after a permit has been denied.

This section shall not apply to, and no permit shall be required for, any agricultural operation within G.S. 106-700, which pertains to nuisance liability of agricultural operation, or to any rabbit that is kept exclusively inside its owner's residence. The permit shall be valid for one year from the date of issuance and shall be renewed annually. The annual fee for such permit shall be \$40.00 per household. The application shall list all such animals and fowl on the premises. Before a permit is issued an employee of the bureau 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.

(b) Denial. When a permit is denied for any reason, the applicant shall be given a written explanation of the reason for denial. (c) Compliance required prior to issuance. An owner or possessor of such animals or fowl shall comply with the following applicable subsections before a permit is issued.

Compliance with the following applicable subsections will create a rebuttable presumption that a permit shall be issued.

(Code 1985, § 3-37; Ord. No. 2840, § 4, 12-13-2004)

Sec. 3-132. - Seizure, forfeiture, and disposition of animals.

Authority to seize and forfeit animals. In addition to any other authority or procedure authorized by this chapter or by any other law to seize an animal, the bureau shall have the authority to summarily seize and forfeit to the bureau any animal when the bureau determines that there is probable cause to believe that the animal: (1) Under the totality of the circumstances, is dangerous or prejudicial to the public safety or public health and the bureau has issued a probable cause notice on the animal (dangerous animals). (2) Is the subject of a violation of the following sections of this chapter:

3-61 Abandoned animals

3-62 Abuse of animals

3-63 Animal bite

- 3-66 Biting or attacking animals
- 3-69 Nuisance
- 3-71 Restraint of animals
- 3-101 License and rabies tags and fees
- 3-103 Permit for four or more dogs or cats kept outside
- 3-139 Uncared-for animals

(3) Is the subject of a violation of this chapter that is punishable by escalating civil penalties under section 3-33 and the escalated penalty appropriate to the specific violation includes seizure of the animal (civil). (b) Procedure. The procedures by which such seizures and forfeitures shall be accomplished shall be in accordance with subsequent sections as follows: (1) Dangerous animal seizures made pursuant to subsection (a)(1) of this section shall be conducted in accordance with the procedures set out in section 3-133. (2) Seizures made pursuant to subsections (a)(2) and (a)(3) of this section shall be conducted in accordance with the procedures set out in section 3-134. (Code 1985, § 3-49)

### **Winston-Salem, NC-Permit and Enforcement**

Sec. 6-6. – Regulations for the Keeping of Chickens or other Fowl and Pigeons

(d) Permit required for the keeping of chickens or other fowl and pigeons. A zoning permit issued by the Inspections Division is necessary prior to constructing and/or erecting the enclosed run and/or coop. Submittal requirements shall include, but may not be limited to, a scaled site plan showing all property lines and existing structures, the proposed enclosure and/or coop, the distance from the property lines to the proposed enclosure and/or coop, as well as a sketch or elevation(s) of the planned enclosure and/or coop design and a materials list indicating what the enclosure and/or coop will be constructed of. When the proposed enclosure and/or coop for the keeping of chickens or other fowl and pigeons is located closer to the adjacent property owner(s) than 100 feet, the notarized statement outlined in Section 6-6(d) must be provided. Additional information may be necessary to ensure compliance with these and other requirements. Sheesh! That's so much work...

(e) Permit renewal and revocation. The zoning permit shall automatically renew annually. Should two (2) confirmed/sustained Notices of Violations (NOVs) concerning violations of the provisions of this Section (Section 6-6) be issued within a two (2) year period, the permit shall automatically be revoked. Upon permit revocation, the property owner shall be prohibited from keeping or applying for a permit to keep chickens or other fowl and pigeons for a period of two (2) years. Following the two (2) year period, the property owner may re-apply for a permit

### **Nashville, TN-Permit and Enforcement**

8.12.020-Keeping of chickens.

C. An annual permit issued by the department of health shall be required for the keeping of domesticated hens on residential property where allowed by Title 17 of the Metropolitan Code, provided that no permit shall be required for property that is zoned for agricultural uses.

G. Application for permit. Every applicant for a permit to keep domesticated hens shall:

1. Complete and file an application on a form prescribed by the department of health.
  2. Deposit the prescribed permit fee with the department of health at the time the application is filed.
- Any material misstatement or omission shall be grounds for denial, suspension or revocation of the permit.

H. Approval of permit. The department of health shall issue a permit if the applicant submits an affidavit attesting that he/she is in compliance with the criteria and standards in this section.

I. Denial, suspension or revocation of permit. The department of health shall deny a permit if the applicant fails to submit an affidavit demonstrating compliance with all provisions of this section. A permit to keep domesticated hens may be suspended or revoked by the department of health where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this section or with the provisions of any other applicable ordinance or law, provided that



a permit to keep domesticated hens shall be revoked in the event a court of competent jurisdiction finds three (3) or more separate violations of the provisions of this Section and/or of Section 17.16.250.B of the Metropolitan Code within a twenty-four (24) month period. Any denial, revocation, or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal. In the event a permit to keep domesticated hens at a particular address is revoked pursuant to the provisions of this subsection, no new permit shall be issued by the department of health for the same address unless the property changes ownership or a new tenant is residing at the address.

### **Everett, WA-Enforcement**

6.04.070 Prohibited conduct.

D. Violation of subsection (C)(7) of this section shall constitute a gross misdemeanor, and may be punished by a fine and/or imprisonment up to the maximum fine amount and term of imprisonment set forth in Section 10.04.080(A). Violation of any of the remaining provisions of subsection C of this section shall constitute a misdemeanor, and may be punished by a fine not to exceed one thousand dollars, or imprisonment not to exceed ninety days, or both such fine and imprisonment. (Ord. 3236-11 § 9, 2011; Ord. 2873-05 § 1, 2005; Ord. 2394-99 § 6, 1999; Ord. 2091-95 § 1, 1995; Ord. 1810-91 § 7, 1991)

6.04.140 Violation—Penalty.

A. Unless otherwise provided, violation of any of the provisions of this chapter constitutes an infraction, and may be punished by a fine not to exceed two hundred fifty dollars.

B. Unless otherwise provided, every person who violates this chapter a second time within a two-year period shall be guilty of a misdemeanor, punishable by a fine not less than one hundred dollars nor more than five hundred dollars. One hundred dollars of the fine shall not be suspended or deferred, but the court may authorize community service in lieu of all or part of this fine.

C. Unless otherwise provided, every person who violates this chapter a third time within a two-year period shall be guilty of a misdemeanor, punishable by a fine not less than two hundred fifty dollars nor more than one thousand dollars. Two hundred fifty dollars of the fine shall not be suspended or deferred, but the court may authorize community service in lieu of all or part of this fine.

D. Penalty and enforcement provisions provided in this chapter shall not be deemed exclusive, and the city may pursue any remedy or relief it deems appropriate.

E. Notwithstanding the other provisions provided in this chapter, anything done contrary to the provisions of this chapter of the failure to comply with the provision of this chapter is declared to be a public nuisance.

F. The city is authorized to apply to any court of competent jurisdiction for and such court, upon hearing and for cause shown, may grant a preliminary, temporary or permanent injunction restraining any person, firm, and/or corporation from violating any of the provisions of this chapter and compelling compliance with the provisions thereof and the violator shall pay all city costs of seeking such injunction in the event the city is successful in obtaining the injunction. (Ord. 2394-99 § 10, 1999; Ord. 1810-91 § 14, 1991)

## **Appendix 9- Chickens at Large**

### **Durham, NC**

Sec. 6-4. Fowl at large; impounding.

Any person, upon whose premises any poultry may run at large, in contravention of this Code or any other ordinance of the city, may distrain such poultry and turn them over to the police authorities of the city, who shall impound them for the costs of the proceedings against the owner of the poultry and any fine and other cost incurred by reason of such running at large. If the fine and costs assessed against

the owner are not promptly paid, the trial court may order such poultry sold, and the proceeds of the sale be applied to the payment of the fines, penalties and costs assessed against the owners.

## Appendix 10- Non-permit Based Ordinance

### Atlanta, GA

Sec. 18-7. Enclosures for keeping small animals.

Small animals, such as dogs, rabbits, guinea pigs, chickens, turkeys and the like, may be kept within the city limits, subject to the following:

- (1) *Condition, size.* All these animals must be provided with adequate housing. The houses, hutches, pens or other enclosures wherein animals are kept shall have a solid floor made of cement or other suitable washable material, except when pens are 75 feet or more from the nearest neighbor's residence or place of business. Floor space in all these houses, hutches, pens or enclosures, wherever located, must have the following minima:
  - a. Dogs and miniature pot bellied pigs, 100 square feet per animal over four months of age.
  - b. Rabbits or guinea pigs, four square feet per animal over four months of age.
  - c. Turkeys, four square feet per bird over four months of age.
  - d. Chickens and similar fowl, two square feet per bird over four months of age.
  - e. Bantams, one square foot per bird over four months of age.
- (2) *Location.* Pens or yards where such animals and birds are kept shall be placed at the following minimum distances from any residence or business establishment:
  - a. Distance from any residence, except that of owner, or any business establishment, 50 feet.
  - b. Distance from owner's residence, five feet.
- (3) *Maximum number.* The maximum number of such animals which may be kept on a single premises shall not exceed the following:
  - a. Dogs, ten.
  - b. Rabbits or guinea pigs, 75.
  - c. Turkeys, chickens, bantams or similar fowl, 25.
  - d. Miniature pot-bellied pigs, 1.

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<sup>i</sup> Veronica Hirsch, "Detailed Discussions of Legal Protections of the Domestic Chicken in the United States and Europe," *East Lansing, Michigan: Michigan State University College of Law*, 2003, <https://www.animallaw.info/article/detailed-discussion-legal-protections-domestic-chicken-united-states-and-europe>; National Chicken Council, "U.S. Chicken Industry History," last modified 2012, <http://www.nationalchickencouncil.org/about-the-industry/history/>.

<sup>ii</sup> K.T. LaBadie, "Residential Urban Chicken Keeping: An Examination of 25 Cities (CRP 580, Rep.)," (Albuquerque, New Mexico: University of New Mexico, 2008), 4; "The Many Benefits of Backyard Chickens," Green America, last modified 2017, <https://www.greenamerica.org/green-living/many-benefits-backyard-chickens>; Tanya Bailey and Jean Larson, "Backyard Poultry: Implications for Public Health and Safety (Rep.)," (Minneapolis, Minnesota: University of Minnesota: Food Policy Research Center, 2013), 1.

<sup>iii</sup> Cass Clay Food Systems Initiative, "Urban Agriculture and Backyard Chickens (Rep.)," (Minneapolis, Minnesota, 2016), 1; K.T. LaBadie, "Residential Urban Chicken Keeping," 6.

<sup>iv</sup> K.T. LaBadie, "Residential Urban Chicken Keeping," 9-10.

<sup>v</sup> K.T. LaBadie, "Residential Urban Chicken Keeping," 9-10; Cass Clay Food Systems Initiative, "Urban Agriculture," 2-3.

<sup>vi</sup> Tanya Bailey and Jean Larson, "Backyard Poultry," 1.

<sup>vii</sup> K.T. LaBadie, "Residential Urban Chicken Keeping," 13-14.

<sup>viii</sup> *Ibid*, 8.

<sup>ix</sup> *Ibid*, 10.

## Racial Equity Scorecard

Updates and edits needed

### Page 6:

hyperlink to the source of the data on the racial make-up of Orange County:

[American Community Survey](#)

### Page 7:

low access, which the USDA defines as being far from a supermarket.

<https://www.ers.usda.gov/data-products/food-access-research-atlas/documentation/>

Data summary:

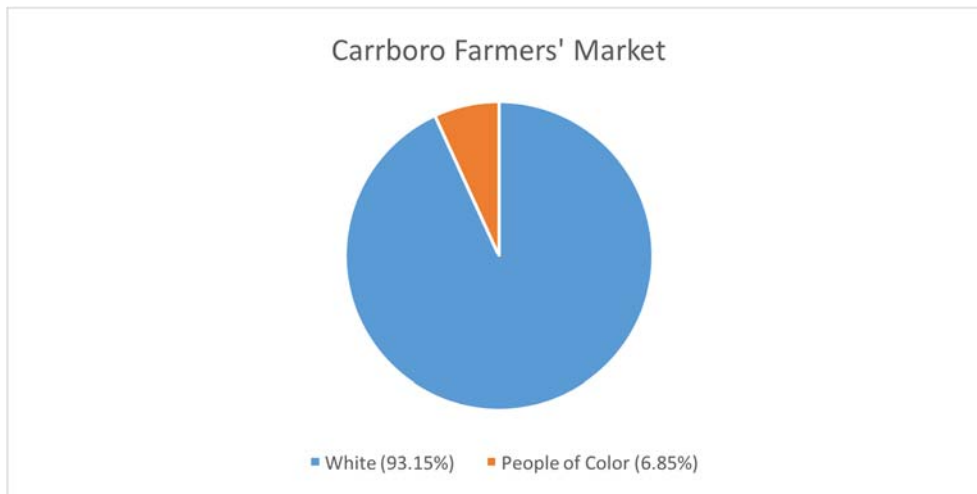
- Of the food deserts in North Carolina, half experience 50% or more low access to food. A fourth of these food deserts had populations where 90% or more of the inhabitants have low access to food.
- \*not in the table but interested in what % of each race experiences food insecurity - it looks like the majority of people in food deserts are white but that still maybe not be proportional

### Page 9:

Putting vendor percentages into visual format:

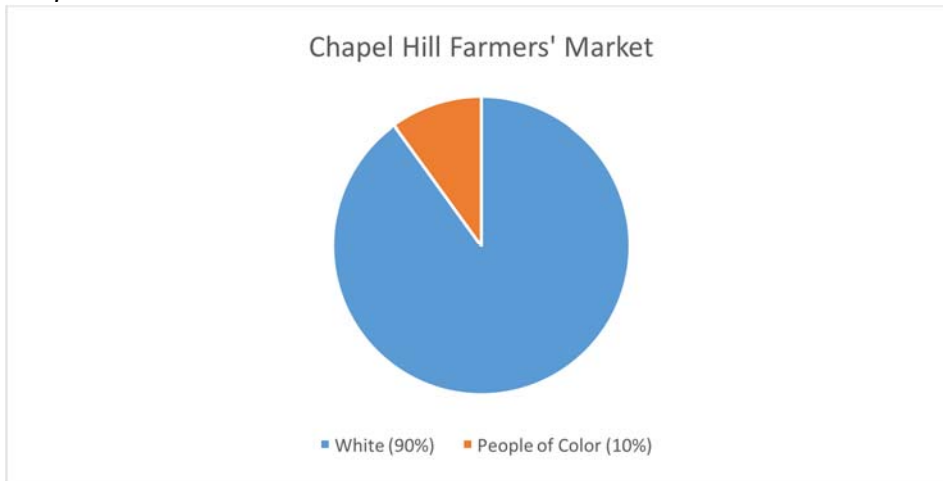
**Racial Make-Up of Individual Orange County Farmers' Markets**

*Carrboro Farmers' Market*



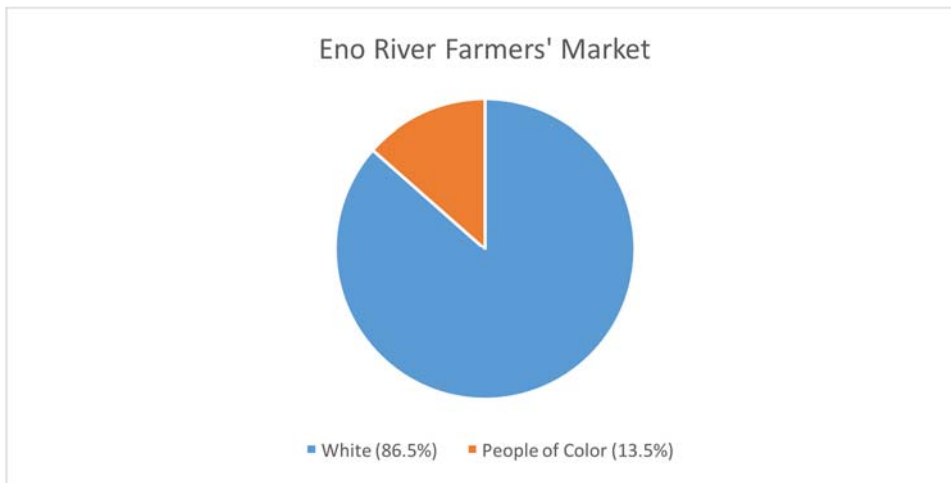
\*44 total vendors; 41= White; 3= POC

*Chapel Hill Farmers' Market*



\*30 total vendors; 27= White; 3= POC

*Eno River Farmers' Market*



\*37 total vendors; 32= White; 5= POC

**Page 8:**

**3a.** No total # of POC-Dominated tracts on table. For White tracts variable would be 57%

**3b.**



### **3c. Fact check # of CSAs**

- Is there a link in the pdf where I can find information for number of CSAs at farmers markets?