Introduced and Read 11/8, 2012
Adopted 11/8, 2012
Posted 11/9 to 11/26, 2012

CITY OF MOUNT RAINIER
RESOLUTION 12-2012

A Resolution of the City of Mount Rainier supporting the legalization of the keeping of hens for personal enjoyment in residential zones

WHEREAS, the City recognizes that the Prince George's County ("County") Zoning Code currently prohibits residents from keeping hens on residentially-zoned lots; and,

WHEREAS, hens provide numerous benefits to their owners and communities, including personal enjoyment, nutritious eggs, insect control, soil enrichment, food waste disposal, and agricultural education; and,

WHEREAS, many jurisdictions across the country already allow backyard hens, including Baltimore, Annapolis, Gaithersburg, and Howard County; Petersburg, Danville, Norfolk, Charlottesville, Herndon, Warrenton, Roanoke, and Lynchburg (Virginia); Memphis; Atlanta; Augusta (Georgia); Baton Rouge; Cleveland; Newark (New Jersey); Rochester (New York); Oakland (California); New Haven (Connecticut); Seattle; Portland (Oregon); St. Louis; Chicago; and New York City, among many other cities; and,

WHEREAS, studies have shown that such cities have seen few, if any, new new animal control, public health, or property value problems related to backyard hens since adopting them into their communities; and

WHEREAS, in September 2012, the Maryland-National Capital Park and Planning Commission ("MNCPPC") released a report entitled "Urban Agriculture: A Tool for Creating Economic Development and Healthy Communities in Prince George's County, MD," in which MNCPPC called for the amendment of the County Zoning Code to permit backyard hens to be kept on residential lots smaller than half an acre; and,

WHEREAS, any nuisance concerns would be mitigated if the County were to prohibit roosters, are not quiet like hens and not necessary for hens' egg-laying or welfare, and if the County were to authorize the keeping of hens in residentially-zoned lots in conjunction with reasonable sanitation, shelter, and setback requirements, as recommended in the above-referenced MNCPPC report, provided that such guidelines and setbacks do not have the effect of proscribing residents' ability to keep hens on small-sized residential lots; and,

WHEREAS, legalization of backyard hens would allow for greater control of sanitary conditions and potential nuisances than may be the case for hens currently kept illegally, including, in particular, the registration of such hens with the Maryland Department of Agriculture for public health purposes without fear of retaliation; and

WHEREAS, legalization of backyard hens would allow Animal Control resources to be focused on instances of truly inhumane, unsanitary, or nuisance conditions, rather than on instances involving animals that may pose no real problem, as is the case for dogs, cats, and other pets currently allowed in residential zones;

NOW, THEREFORE BE IT RESOLVED THAT the City hereby urges the Prince George's County District Council to amend the County Code to permit the keeping of backyard hens on residentially-zoned lots, as recommended in the above-referenced MNCPPC report.

READ AND PASSED THIS 8th **day of November, 2012.**

ATTEST/WITNESS:

Jeannelle B. Wallace, City Manager

Malinda Miles, Mayor

Jimmy Tarlau, Councilmember

William Updike, Councilmember

Brent Bolin, Councilmember

Ivy R. Thompson, Councilmember