

INTRODUCED BY: Commissioner Jeffrey W. Hall
 DATE INTRODUCED: November 18, 2025
 PUBLIC HEARING DATE: December 16, 2025
 PUBLIC HEARING TIME: 7:00 p.m.
 ADOPTION DATE: _____
 EFFECTIVE DATE: Upon Adoption

Ordinance LC25-28
Keeping of Animals

An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, as amended by revising Article IV General Provisions, §205-30 Enclosure of livestock, §205-34 Keeping of poultry, pigeons, ducks, and similar animals, §205-36 Keeping of domestic pets, and Article VII Area and Bulk Requirements, §205-84 Agricultural structures to integrate, expand, and clarify the requirements and limitations on the keeping of animals, and clarify the area and bulk requirements for structures housing animals.

THE LEVY COURT OF KENT COUNTY, DELAWARE, HEREBY ORDAINS:

Section 1. That the Kent County Code, Vol. II, Chapter 205, Zoning, Article IV General Provisions, §205-34 Keeping of poultry, pigeons, ducks, and similar animals is hereby amended by adding the following underlined language and deleting the following bracketed language shown with strike-through marks:

§ 205-34 Keeping of [~~poultry, pigeons, ducks, and similar~~] animals.

The keeping of [~~poultry, pigeons, ducks, and similar~~] animals, and enclosures for the keeping of such animals, shall be governed by the following regulations:

A. [~~Keeping of such animals shall not be permitted on lots smaller than 15,000 square feet in lot area.~~] The number and types of animals permitted are limited by parcel size in accordance with the following:

<u>Parcel Size</u>	<u>Domestic Pets (over the age of six months)</u>	<u>Poultry, Pigeons, Ducks, Turkeys, and Similar Animals</u>	<u>Livestock</u>	<u>Beehives</u>
<u>Less than 15,000 square feet</u>	<u>4</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>15,000 to 0.99 of an acre</u>	<u>4</u>	<u>5 (no roosters)</u>	<u>0</u>	<u>0</u>
<u>1 acre to 1.99 acre</u>	<u>4</u>	<u>5 (no roosters)</u>	<u>3</u>	<u>2</u>

2 acres to 2.99 acres	4	10 (no roosters)	6	2
3 acres to 3.99 acres	4	15 (no roosters)	9	2
4 acres to 4.99 acres	4	20 (no roosters)	12	2
5 acres to 5.99 acres	6	25 (no roosters)	15	4
6 acres to 6.99 acres	6	30 (no roosters)	18	4
7 acres to 7.99 acres	6	35 (no roosters)	21	4
8 acres to 8.99 acres	6	40 (no roosters)	24	6
9 acres to 9.99 acres	6	45 (no roosters)	27	6
10 acres and above	unlimited	Unlimited (roosters permitted)	unlimited	unlimited

B. [Exemptions. The following uses shall be exempt from the limits established in Item A above:](#)

1. [Confined animal feeding operations.](#)

2. [Small animals such as tropical fish, gerbils, rabbits, hamsters, and small birds kept as pets, unless raised for commercial purposes, kept outdoors, or kept in an accessory structure.](#)

~~B. No more than five such animals shall be permitted on a residential lot.~~

C. [Poultry flocks and bee colonies](#) shall be registered with the Delaware Department of Agriculture.

D. ~~Such animal~~ [Poultry](#) shall be penned in a coop that shall be at least four square feet per animal.

E. ~~All coops and/or enclosures shall be located in the rear yard and at least 25 feet from all side and rear property lines.~~ [Coops, animal enclosures, and beehives shall comply with Article VII, Area and Bulk Regulations.](#)

F. **Odor performance standard.** [Animals, animal housing, manure handling, and composting shall be maintained so as not to create a persistent nuisance odor at adjoining dwellings. A “persistent nuisance odor” is one that: \(1\) is detectable by a Code Enforcement Officer on two or more inspections within a 30-day period, and \(2\) is attributable to inadequate housekeeping, waste handling, or ventilation. Temporary odors](#)

immediately following lawful cleanout or storm events do not constitute a violation if subsection H practices are followed. ~~Any odor associated with the animals shall not be discernable from property lines.~~

G. To protect the health and safety of County residents, farm animals such as horses, cattle, hogs, goats and sheep shall be confined within a completely fenced area. Fences used for the enclosure of livestock shall be constructed of wire, wood, masonry or any appropriate material.

~~[G. Keeping of roosters shall be prohibited except on a farm property.]~~

H. Sanitation & Nuisance Control. The following standards apply to all animals regulated by this section:

1. Manure & bedding management.
 - a. Containment. Store manure/bedding in a covered container or bin; no open piles on bare ground.
 - b. Base. If on-site storage exceeds 1 cubic yard, the storage area shall have a compacted, non-erodible base (e.g., concrete, asphalt millings, compacted stone with liner) to prevent leaching and vectors.
 - c. Cleanout frequency. Remove soiled bedding/manure from animal housing at least weekly (or more often to prevent nuisance), and remove from property or incorporate into a managed compost within 30 days.
 - d. Composting. If composting, maintain a carbon cover (e.g., wood shavings/straw/leaves) over fresh manure and turn or add carbon as needed to control odor and flies. Compost locations must comply with setbacks in Article VII.
2. Feed storage & spillage.
 - a. Store all feed and supplements in rodent-resistant, weather-tight containers.
 - b. Clean up spilled feed the same day; no accumulation outside containers or trough areas.
3. Fly control.
 - a. Keep manure dry and covered; remove or re-cover within 48 hours after a rain event that wets the pile.
 - b. Use physical controls (tight-fitting lids, screens, fans in coops/stables) and, where needed, biological or chemical controls (e.g., fly predators, baits/larvicides) per label directions.
 - c. Maintain grass or vegetation \leq 8 inches within 25 feet of animal structures and manure storage to reduce breeding habitat.
4. Rodent control.
 - a. Maintain a 3-foot vegetation-free perimeter (gravel or mown strip) around animal structures and feed storage.
 - b. Seal openings larger than $\frac{1}{4}$ inch in coops, sheds, and feed rooms; elevate pallets and keep floors clean and dry.
 - c. Use traps or bait stations per label; remove harborage (debris

- piles, stacked lumber directly on soil).
- d. Remove household garbage weekly and keep in lidded, rodent-resistant containers.
- 5. Water & drainage.
 - a. Maintain functional gutters, downspouts, or grading to direct clean stormwater away from pens, runs, and manure storage.
 - b. No standing water in animal areas or manure storage; remedy within 48 hours of discovery.
 - c. No discharge of wash water or leachate to ditches, streams, or neighboring property.
- 6. Carcass management.
 - a. On-site slaughter is prohibited under this section.
 - b. Disposal of deceased animals shall comply with state law and DNREC guidance (e.g., rendering, licensed landfill, permitted composting). No surface disposal.
- 7. Housekeeping & inspections.
 - a. Keep animal areas free of accumulations of waste, feed, and trash.
 - b. Upon substantiated complaint or observation of vectors/odors, the County may require an Animal Waste and Vector Management Plan describing housekeeping, manure storage, drainage, and pest control practices appropriate to the site and species.

Section 2. That the Kent County Code, Vol. II, Chapter 205, Zoning, Article IV General Provisions, §205-36 Keeping of domestic pets is hereby amended by deleting the following bracketed language shown with strike-through marks:

~~§ 205-36 Keeping of domestic pets:~~

~~No household shall keep more than four domestic pets over the age of six months.]~~

Section 3. That the Kent County Code, Vol. II, Chapter 205, Zoning, Article VII Area and Bulk Requirements, §205-84 Agricultural structures is hereby amended by adding the following underlined language and deleting the following bracketed language shown with strike-through marks:

§ 205-84. ~~Agricultural structures~~ Structures for Animals.

Use	AC, AR, RS1, RS5, RM, RMH	
	Side/Rear Setback ¹ (feet)	Setback from Dwelling Not on Premises (feet)
An accessory structure, enclosure, coop or run used to house [or shelter a	25	[N/A] <u>50</u>

domestic (pet) animal or domestic fowl <u>or</u> <u>beehives.</u>		
<u>An accessory structure or enclosure used to house or shelter a domestic (pet) animal</u>	25	
An accessory structure, enclosure, [coop] or run used to house or shelter or sell livestock other than a domestic (pet) animal	50 ²	150 ²
Chicken houses (<u>confined animal feeding operations</u>)	100 (front, side, and rear) ²	300 (front, side, and rear) ²
Manure storage	100 (front, side, and rear) ²	200 (front, side, and rear) ²
Notes: <ol style="list-style-type: none"> 1. Not permitted within the front setback 2. Must be in association with a bona fide farm. 		

Section 4. Severability.

The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Section 5. Effective Date.

This Ordinance shall be effective upon the date of adoption.

ADOPTED BY THE LEVY COURT OF KENT COUNTY,
DELAWARE

President, Kent County Levy Court

This ____ day of _____, 20__

ATTEST: _____
Clerk of the Peace

Synopsis: The ordinance integrates, expands, and clarifies the requirements and limitations on the keeping of animals, and clarifies the area and bulk requirements for structures housing animals.