



TOWN OF FAIRFAX
STAFF REPORT
March 5, 2014

TO: Mayor and Town Council

FROM: Michele Gardner, Town Clerk *MG*

SUBJECT: Second Reading by Title Only and Adoption of Ordinance No. 777, Amending Section 6.16.050 of the Town Code of the Town of Fairfax Relating to Fowls to Include a Prima Facie Complaint Process and Giving Enforcement Responsibilities to the Building Official/Code Enforcement Officer

RECOMMENDATION

- 1) Waive the second reading of and read by title only Ordinance No. 777, Amending Section 6.16.050 of the Town Code of the Town of Fairfax Relating to Fowls to Include a Prima Facie Complaint Process and Giving Enforcement Responsibilities to the Building Official/Code Enforcement Officer.
- 2) Adopt Ordinance No. 777.

DISCUSSION

At its meeting on February 5, 2014, the Town Council held the first reading of the Ordinance No. 777.

At that time, Staff suggested a six-month trial period after the ordinance takes effect to assess its effectiveness. We would report back to Council with our findings at that time.

ATTACHMENT

Ordinance No. 777

ORDINANCE NO. 777

**AMENDING SECTION 6.16.050 OF THE TOWN CODE OF THE TOWN OF FAIRFAX
RELATING TO FOWLS TO INCLUDE A PRIMA FACIE COMPLAINT PROCESS AND
GIVING ENFORCEMENT RESPONSIBILITIES TO THE BUILDING OFFICIAL/CODE
ENFORCEMENT OFFICER**

The Town Council of the Town of Fairfax does ordain as follows:

SECTION 1: The title of Section 6.16.050 shall be amended to read: "FOWL, PERMITTED LOCATION AND OTHER REGULATIONS".

SECTION 2: The current text of Section 6.16.050 shall become subsection 6.16.050 (A).

SECTION 3: A subsection 6.16.050 (B) shall be added which reads:

The keeping or maintenance, or the permitting to be kept or maintained upon any premises owned, occupied, or controlled by any person of any fowl which by any frequent or long-continued noise shall cause annoyance or discomfort to persons of normal sensitivity in the vicinity is prohibited. The written affirmation by two persons that violation of this section disturbs the peace and quiet of said persons within the same two (2) week period shall be prima facie evidence of a violation of this section. Enforcement of this ordinance shall be the responsibility of the Building Official or Code Enforcement Officer and shall occur as set forth in Town Code Chapter 1.10, Administrative Citation and Hearing Process Enforcement. The use of Administrative Citation and fine as means for addressing violations of this section shall be in addition to criminal, civil or other legal or equitable remedies established by law that may be pursued to address violations of this code and may be used at the sole discretion of the Town.

SECTION 4: Copies of the foregoing ordinance shall, within fifteen days after its final passage and adoption, be posted in three public places in the Town of Fairfax, to wit:

1. Bulletin Board, Town Hall Offices;
2. Bulletin Board, Fairfax Post Office;
3. Bulletin Board, Fairfax Women's Club building;

which places are designated for that purpose. This ordinance shall be in full force and effect thirty days from and after its final passage and adoption.

The foregoing ordinance was duly and regularly introduced at a regular meeting of the Fairfax Town Council, held in said Town on the 5th day of February 2014, and thereafter adopted at a regular meeting of the Town Council, held in said Town on the 5th day of March 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

DAVID WEINSOFF, Mayor

Attest:

Michele Gardner, Town Clerk