



# Sharpsburg Town Crier

## *The Wetterer Edition*



Volume 29

August 2021

Number 7

### Adam Oates: Summer Intern in Our Town

Earlier this month the Town of Sharpsburg put on a noon luncheon for a remarkable young man, fourteen-year-old Adam Oates. The luncheon was in recognition for the efforts he put into making Our Town a better place. In addition to Adam, some of his delightful family were there; his grandparents Ms. Lynn and Mr. John DiCarlo, mother Ms. Laura Oates, and younger brother Ryan. Mayor Russ Weaver, Vice-Mayor Jacob Martz, Councilman Ed Beeler, Ms. Carrie Estell (Town Clerk), and the Editor attended.

The Mayor and Council contacted Western Maryland Consortium, through which the town is a participating place of business, for a suitable candidate. Sharpsburg's requirements for an intern aligned with Adam's skills and interests and the match was finalized.



Over the Summer Adam accomplished an astonishing number of finished projects, added value to the town's day-to-day activities, and contributed his good cheer to everyone involved.



Adam worked extensively with Councilman Beeler to improve the Sharpsburgh Museum of History. Together they visited all the cemeteries in Sharpsburg surveying the areas and locating, recording, and marking veterans' graves. (The initial results of this activity appear in the June 2021 edition of the Sharpsburg Town Crier "Veterans Buried in Mount Calvary Lutheran Cemetery".)

In the museum Adam assisted in the assembly of displays. The Sharpsburg Bluebirds baseball team display is his entire creation. He helped reorganize the layout of the museum and gift shop. He learned about all the items in the museum collection and even gave tours to visitors from out of town.

Under the supervision of Councilman Robbie Waters, Adam painted the pavilion at the town park, painted the

red curbs around town, and weeded/mulched the park landscape.

Adam worked extensively with Town Clerk Carrie Estell preparing and mailing out town correspondence, including tax statements. He made several trips per day to the bank and



*Left to right, Mayor Russ Weaver, Adam Oates, Vice-Mayor Jacob Martz, and Councilman Ed Beeler*

post office and contributed to the general office activities. He even advised the town on the use of Microsoft Excel, a useful skill in offices everywhere.

This young man recently completed the Boonsboro Middle School Magnet Program for Global Citizenship, where he enjoyed History, English/Language Arts, and Spanish. He will be starting ninth grade at Boonsboro High School this Fall with honors classes, as well as beginning Homeland Security classes, and continuing his Spanish studies. In his spare time he enjoys caving, traveling, and anything adventurous. He also enjoys computers, technology, and, like most teenage boys, video games. He's the oldest of three boys and is a member of Burnside First Church of God, where he attends with his family.

Bring this narrative full circle, Adam is great-grandson to Mr. Ernie and Ms. Jan Wetterer. Our readers will note that they are reading the "Wetterer Edition" of the Crier. Jan was the founder of the original Sharpsburg Town Crier and this entire year's Crier is dedicated to her efforts and memory.

Many thanks to Ms. Carrie Estell for her efforts in putting on the luncheon and for the entire town government for taking the time to make this internship a success.

A final – and special - thanks to Adam who chose Sharpsburg this Summer. His enthusiasm is infectious. This is a young man with a bright future.

*- The Editor*

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### **News from Tolson's Chapel**

The Friends of Tolson's Chapel are excited to announce the addition of Mr. Reggie Turner to our Board of Directors. Mr. Turner is a resident of Hagerstown where he operates his financial services firm. He has also been instrumental in bringing state-wide interest and grant funds to the Jonathon Street Historic District. Mr. Turner is a current member of the Maryland Commission on African American History and Culture, appointed by Governor Hogan in 2017. For more information about the Friends of Tolson's Chapel and our mission to preserve and interpret Tolson's Chapel and School in Sharpsburg, please visit our website at <https://tolsonschapel.org>.

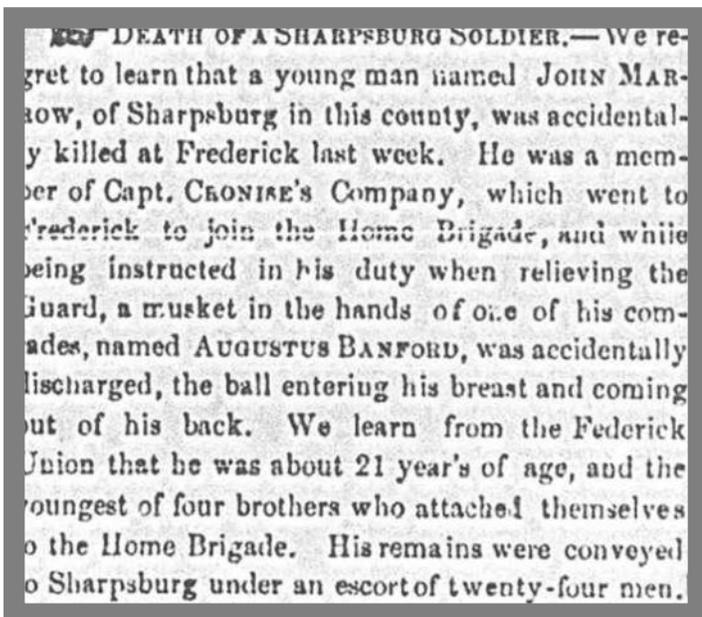
*- Ms. Edie Wallace, Historian*



*Tolson's in the Fall.*

## Civil War Sharpsburg

The Fall of 1861 saw the first casualty from the ranks of the Sharpsburg men. The 1st Potomac Home Brigade Infantry was still in training at Camp Frederick up at the current site of the Maryland School for the Deaf. While practicing guard mounts a musket belonging to Augustus Bender went off. The ball passed through the chest of 18 year old John Marrow and Marrow was killed instantly. Both men were natives of Sharpsburg – Bender was a boatman on the Canal, and Marrow

A black and white photograph of a newspaper article snippet. The text is partially obscured by a dark border on the left and right sides. The visible text reads: "DEATH OF A SHARPSBURG SOLDIER.— We regret to learn that a young man named JOHN MARROW, of Sharpsburg in this county, was accidentally killed at Frederick last week. He was a member of Capt. CRONISE'S Company, which went to Frederick to join the Home Brigade, and while being instructed in his duty when relieving the Guard, a musket in the hands of one of his comrades, named AUGUSTUS BANFORD, was accidentally discharged, the ball entering his breast and coming out of his back. We learn from the Frederick Union that he was about 21 year's of age, and the youngest of four brothers who attached themselves to the Home Brigade. His remains were conveyed to Sharpsburg under an escort of twenty-four men."

*Newspaper article from The Herald of Freedom & Torch Light, September 25th, 1861*

was the youngest of four brothers who went off to serve in the Home Brigade. The young man's body was escorted back to Sharpsburg under the watch of a 24 man honor guard. Today the young private rests in the Reformed Church cemetery in town. Two of John Marrow's brothers, James & Andrew were also in Company H, and Thomas J Marrow served in Company A.

On Sept 20, 1861 Pvt. Walter Scott Myers, of

Clear Spring, Co. B, 1st Rgt. PHB. wrote to his mother from Camp in Frederick.

*"I have almost forgot to tell you of a sad accident that happened in our camp on Tuesday last. One of the privates of Captain Cook's company from Sharpsburg accidentally shot one of his companions. The shot went thru his body. The poor fellow only lived a few minutes after he was shot. Nothing more at present write soon"*



*Photo of John Marrow's grave in the Reform Cemetery*

*- Mr. Chris Vincent, President Sharpsburg Historical Society*



## Sharpsburg Volunteer Fire Company Announcements

The Sharpsburg Volunteer Fire Company will be hosting the "Birds over Antietam" sporting clay shoot on October 2, 2021 in Keedysville. Come join us for what we hope is an annual event for fun and skill. Please

see the website: [www.sharpsburgvfc.org](http://www.sharpsburgvfc.org), for details and entry forms. If you have a business that would like to provide sponsorship of



this event, please email us at [sharpsburgvfc@gmail.com](mailto:sharpsburgvfc@gmail.com) to see how you can help.

The Sharpsburg Vol. Fire Co. will also be running online auctions starting in August. These raffles will enable the community to win some great prizes and support our organization from the comfort of your own home and without cash. Please check our raffles at the website [www.sharpsburgvfc.org](http://www.sharpsburgvfc.org).

### An Often Overlooked Local Landmark



The D.R. Miller cornfield, the Poffenberger woods, or the Piper orchard; when we hear the names of these places we know where they are on the Antietam battlefield and the action that occurred there. But very few have heard of the Avey farm, know where it is or even understand what happened there. Like the

Copse of Trees at Gettysburg, the Avey farm is the "High-Water Mark" for the Union at Antietam.

(This story is continued in "Farmsteads of Antietam" with the Jacob Avey farm that sits at the southern edge of Sharpsburg. The Farmsteads of Antietam - Jacob Avey Farm - Jacob Rohrbach Inn (Sharpsburg, Maryland) ([jacob-rohrbach-inn.com](http://jacob-rohrbach-inn.com)))

- Article reprinted with the kind permission of Mr. Chris Vincent, Jacob Rohrbach Inn

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### Community Calendar

#### August 2021

August 25 at 7PM: **Steven R. Stotelmeyer - "The Insolence of Epaulets"**

Jacob Rohrbach Inn

<https://www.facebook.com/JacobRohrbachInn>

**August 26, 6PM: Notice of Public Hearing: Board of Zoning Appeals**  
**Sharpsburg Town Hall**  
**See attached announcement, page 6**

August 28 **Champagne and Chambray - Meritus Fundraiser**

Green Hill Farms

<https://www.ghfarm.org/>

#### September 2021

September 4, 9:30AM to 11:30AM: **CAWAT Breakfast & Meeting; Come All Who Are Thirsty Veterans Group**

3904 Mills Road, Sharpsburg, MD

[cawatveterans@gmail.com](mailto:cawatveterans@gmail.com)

[www.comeallwhoarethirsty.org](http://www.comeallwhoarethirsty.org)

(No formal meeting in October)

September 4 from 12Noon to 4PM: **Tolson's Chapel and School Open House**

111 E. High Street

[tolsons.chapel@gmail.com](mailto:tolsons.chapel@gmail.com);

[www.tolsonschapel.org](http://www.tolsonschapel.org)

(Current CDC mask guidance is followed inside the Chapel.)

**September 13, 6PM: Mayor and Council Meeting, Sharpsburg Town Hall**

September 15, 6PM: **Learn How to Build a National Habitat in Your Yard**

Sharpsburg Library

301-432-8825

September 21 through 23, 1:30PM to 6:30PM:  
**Take Away Craft (Ornamental Gourd Tea Light)**

Pick up supplies at the Sharpsburg Library while they last.  
[301-432-8825](tel:301-432-8825)

September 24, at dusk weather permitting: **Free Outdoor Movie, Title TBA**

Sharpsburg Little league Field  
Sponsored by the Sharpsburg Town and Library  
301-432-8825



## Mayor & Councilpersons

Russ Weaver – Mayor  
Jacob Martz – Vice Mayor  
Mia Parsons – Council  
John Hammond – Council  
Ed Beeler-Council  
Robbie Waters – Council  
Joe Kudla – Council  
106 East Main Street  
PO Box 368  
Sharpsburg, Maryland 21782  
Ms. Carrie Estell, Clerk  
Phone: 301-432-4428  
Fax: 301-432-8990

[townofsharpsburg@comcast.net](mailto:townofsharpsburg@comcast.net)

Zoning Administrator-Tim Lung  
[Sharpsburg.md.zoning@gmail.com](mailto:Sharpsburg.md.zoning@gmail.com)

msa ver.1.0 8/18/21

## October 2021

October 2: **"Birds over Antietam"** (a sporting clay shoot)

The Sharpsburg Volunteer Fire Company  
[www.sharpsburgvfc.org](http://www.sharpsburgvfc.org) or [sharpsburgvfc@gmail.com](mailto:sharpsburgvfc@gmail.com)

October 2 from 12Noon to 4PM: **Tolson's Chapel and School Tours**

111 E. High Street  
[tolsons.chapel@gmail.com](mailto:tolsons.chapel@gmail.com)

## November 2021

November 6: **FarmFest - Farm Festival and Poultry Swap**

Green Hill Farms  
<https://www.ghfarm.org/>

## Recurring Events 2021

1st Wednesday of the month 10AM **Adults: Come share your most recent or favorite read!**

Sharpsburg Library  
301-432-8825

Thursdays at 3:30PM: **Storytime**

Sharpsburg Library  
301-432-8825

Fridays 3PM to 8PM and Saturdays/Sundays: 12Noon to 6PM **Antietam Creek Vineyards**

4835 Branch Ave, Sharpsburg, MD 21782  
(240) 490-2851

Second Thursdays every month, **Lion's Club** 7PM

St. Paul's Episcopal Church, 209 W. Main St,  
Sharpsburg, MD 21782



*Springhouse, Avey Farm*



**Town of Sharpsburg**  
106 East Main Street  
Sharpsburg, MD 21782  
Phone: 301-432-4428  
<http://sharpsburgmd.com/>

**NOTICE OF PUBLIC HEARING  
BOARD OF ZONING APPEALS**

**August 26, 2021**

**Town Hall, 106 East Main Street, Sharpsburg, MD at 6:00 p.m.**

**DOCKET NO. BZA-21-001:** An appeal was made by Gideon Properties LLC for a special exception and associated variances to establish a short-term residential rental (STR) in an existing single family dwelling and variances from the requirement that, “the owner shall reside in the dwelling,” and the requirement for one off-street parking space per guest room, owned by the applicant and located at 110 S. Mechanic Street, zoned TR-Town Residential.

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Pursuant to the Maryland Open Meetings Law, notice is hereby given that the deliberations of the Board of Zoning Appeals are open to the public. Furthermore, the Board, at its discretion, may render a decision as to some or all of the cases at the hearing described above or at a subsequent hearing, the date and time of which will be announced prior to the conclusion of the public hearing. Individuals requiring special accommodations are requested to contact Carrie Estell, Town Clerk at 301 432 4428 no later than August 20, 2021. Any person desiring a stenographic transcript shall be responsible for supplying a competent stenographer.

Applicants shall have ten (10) minutes in which to present their request and may, upon request to and permission of the Board, receive an additional twenty (20) minutes for their presentation. Following the Applicant’s case in chief, other individuals may receive three (3) minutes to testify, except in the circumstance where an individual is representing a group, in which case said individual shall be given eight (8) minutes to testify.

For extraordinary cause, the Board may extend any time period set forth herein, or otherwise modify or suspend these Rules, to uphold the spirit of the Ordinance and to do substantial justice.

Posted 08/12/2021

Timothy Lung  
Zoning Administrator

## Mayor & Council of Sharpsburg-Meeting Agenda

August 2, 2021

### Meeting Minutes-DRAFTED

- I. Call meeting to order at 6:04 and pledge was led by John Hammond
- II. Meeting minutes from July 2021 to approve, Ed motioned for approval, Jake seconded the motion, all were in favor.
- III. In attendance: Russ Weaver, John Hammond, Tim Lung, Mia Parsons, Jacob Martz, Carrie Estell, Adam Oates, Ernie Wetterer, Chris Vincent, Jen Bruni, Officer Tracey Peyton and Perry Jamieson.

#### **PUBLIC HEARING CHICKEN ORDINANCE:(two minutes per person)**

This portion of the meeting started with Tim highlighting the major components of the chicken ordinance that has been posted for public review, (Post Office, Facebook and Town's website), that ordinance is also attached. The reason for this ordinance was that there was no ordinance that allows chickens, no chickens are allowed as they are currently written. The town was getting many questions from potential buyers and new residents that asked about having chickens. The ordinance was then drafted with some similarities from other Washington County municipalities; this draft was revised several times by the planning commission. Russ read Randy Short's email message pertaining to chickens; he was not able to attend. His message is:

We've kept poultry for almost a decade. First in Anne Arundel County. When we considered buying in Sharpsburg we read the town ordinance and all we could find is a sentence saying you weren't allowed to keep livestock for profit in town. We then called the (old) town clerk who checked for us and told us backyard poultry was allowed. Simply driving around town seemed to confirm this as we saw many flocks. If there haven't been complaints about chickens in peoples yards, why make such a restrictive ordinance? We don't need more rules for the sake of rules. Change the current ordinance to allow poultry for personal use. Something like, "Backyard poultry are permitted on properties inside town limits for non-commercial purposes." This allows residents to keep the right number of birds to feed their particular family. Some people prefer quail or other fowl eggs. This should be a backyard poultry ordinance (if indeed we need one) and not a chicken ordinance. Each family consumes a different number of eggs. The government should not have the authority to tell a citizen how many eggs their family should consume. Therefore, residents should be allowed to have the number of birds right for them. No one keeps more birds then they need as then they have to waste or give eggs away. It drives up the production cost of the eggs they do use and is a waste of money. A chicken hen lays 200-250 eggs a year, depending on breed. So six hens do not produce six eggs a day for the household. It's closer to four a day. That assumes all hens are currently laying. Young chickens, old chickens and hens that go broody do not reliably lay eggs. The reality of six hens is an average 3-4 eggs a day. Chickens also lay less eggs in winter. So that number easily becomes three or less a day. Chickens die, limiting the number of birds means that when a bird dies, the egg production of the flock is reduced 17% ( based on 6 hens) for almost a year, requiring the family to buy eggs to maintain their consumption level. When you get new chicks, you don't know if you have a rooster for some months. If limited to six birds, a new chicken owner may end up with only three hens. No one wants three roosters, so they will be taken care of without an ordinance. Multiple roosters add nothing but expense to a small flock. Why would the ordinance restrict the size of the chicken run to 96 ft? More run can lead to healthier chickens. If people can't fence in their yard so they can let the poultry roam their whole yard, a larger run is a good idea. That 96 sf limits an individual bird to a 4' by 4' space. With hawks in abundance, letting your chickens loose in your fenced yard comes with risk, a rooster can watch for hawks, or you keep them in your run all the time. Larger runs can protect the chickens from hawks. Skimping on space requirements for a flock of chickens can cause stress, cannibalism and pecking issues. Who will enforce the bird limit? Will someone be employed to come on to people's private property to count birds? How is this not an infringement on landowner's rights? What if someone refuses to let this poultry police officer come on their property? Is this something we really want to get involved with? So if the town is not prepared to enforce a bird limit, then a limit is meaningless. So let the resident decide how many birds they need. Thanks-Randy Short

Russ also reiterated that the town will not police or enforce the ordinance and would only do so if there were complaints. Drafted ordinance was entered into the hearing record. Mr. Perry Jamison asked about a neighbor and if her chickens would be affected by the ordinance; the neighbor does not live in the town's limits. Mr. Jamison also noted that he nor his other neighbor have any objections to chickens.

The point Mr. Short made in his email about other birds was discussed as some folks raise and enjoy duck, quail and other poultry. The ordinance will be named the poultry ordinance and offer residents with larger lots the ability to have twice the number of birds. John motioned for the resolution of adoption and Ed seconded the motion. Adopting the poultry ordinance, there were three yes votes, (John Hammond, Mia Parsons and Ed Beeler), and one no vote, (Jacob Martz), the vice mayor stated that he understands the purpose of the ordinance and why it is needed, but thinks that the ordinance was too restrictive as written.

### Mayor's Report

- **Budget/QuickBooks, Financial Meeting**-QuickBooks is on track and being reconciled each month, income is coming in from taxes. Finances will be combined in two months, (July & August), during the Mayor and Council meeting in August.
- **Little League**-Russ spoke with Matt and all bills, (water/sewer and Potomac Edison), will be paid by the Little League. Other municipalities only offer the land and do not pay for upkeep and utilities. The latest water/sewer bill was close to 2K.
- **Communication**-going very well, would like for the Town Crier and Facebook to highlight the Project Open Space and land/lot purchases for the betterment of the town. Town's citizens need to know what we're working on and how we're trying to better the community. Russ would like council members to get in touch with Susan Buchman, at the county, she is well versed in the available grants. Russ to introduce via an email with members.

### Zoning with Tim

- Continue to work on items related to the Chicken Ordinance
- Items related to the historic walls, the town spring and stormwater drainage issues in the vicinity of the EMS station. There was a field meeting with the town's attorney and Fred Fredickson. The concern is water backing into a citizen's property and how to resolve the issue. Mr. Frederickson stated that the culvert box is not very deep and needs to be cleaned out. To remedy the situation, a broader fix would be to replace the pipe. He will be providing a scope and estimate of said job.
- Issues related to the filing of a special exception request to establish a medical tattoo office in the old church building on E. Main Street, since withdrawn.
- Processing of the special exception request for a Short-Term Rental use at 110 S. Mechanic St. The Air B&B special exception will be heard during the Board of Zoning Appeals on August 26, 2021 at 6 pm at Town Hall.
- Investigated and Issued 2 correction notices for tall grass weeds. There is a 10-day compliance period, certified mail was sent out to the property owners this afternoon.
- Followed up on several inquiries regarding the possible need for permits.
- The County issued the permit to replace the dangerous exterior steps at a rental property at 103 E. Main.

### Council comments

- **John Hammond-Building and Infrastructure**-Light holders are completed and the lights for the parking lot will be installed within the month. John asked about the next steps to take

- **Robbie Waters-parks, railroad station, town operations, town safety**-not in attendance. Russ mentioned that the pavilion was painted and Robbie and his crew did a great job on repairing the basketball court from the spray-painted graffiti, fixing the tree issue at Chapline and Mechanic. Officer Peyton had dropped off his schedule for August, Carrie will email to council members.
- **Jacob Martz-Vice Mayor, communications, Memorial Day Parade, grants**-Jake praised Suzanne Grobbel's efforts and work with the grant writing for Project Open Space. David Guiney will be providing a visitor experience workshop, the intentions planning meeting will be soon. Lutheran Church Cemetery will be a nonprofit and with donations should be self-sufficient not utilizing it. The Memorial Day Parade committee will begin meeting for the 2022 parade starting in September, their first meeting will be on Tuesday the seventh.
- **Ed Beeler-Historical Planning, town archives, communications, grants**-there will be a 1500.00 donation given to the Friends of the Lutheran Church Cemetery. The paperwork was submitted for the 501-C and Dave Peters said it would take between four and six weeks. There is a three-four year time frame for the analysis of the cemetery and for it to be put into historical shape. Ed and Adam, (the museum's intern), walked the cemetery and placed grave markers of nine Civil War soldiers. Museum had 229 visitors in July.
- **Mia Parsons-Planning-(Streetscape), grants**-tree survey was presented to all councilmembers and the ones who were able to read over were very impressed with the results, suggestions and actual report. The survey acts as a great starting point to start with the maintenance schedule/cycle to keep the trees healthy. The Planning Commission will also research and report on other streetscape items, including polls, flowers and lighting to name a few.
- **Joe Kudla-streets, roads, culverts**-not in attendance

#### Chris Vincent-Battlefield Adv. Committee

- The committee met on Wednesday, July 21, 2021.

Due to COVID-19 this meeting was conducted via Zoom. Superintendent Trail discussed the site work for the rehabilitation project of the Visitor's Center. The sewer and power lines have been connected to the temporary building. The parking lot is now one-way and the slots have been angled with a new sidewalk installed on the left side of the lot and walkways. Seven trailers have been connected to allow space for visitor services, the bookstore, a small theater, restrooms, offices and storage space.

Once the move is completed, the old building will be turned over to the contractor to begin the work inside the building. 30% of the project is now completed and the completion date is still set at July 2022. The interpretive staff has resumed daily/weekly programs and the living history program has started back. The Observation Tower opened in June and the Burnside Bridge project is complete and the sidewalk and overview area are open. The next project at the bridge will involve the old road bed and cleaning up some vegetation along the creek.

Other Projects: HPTC is conducting a preservation project on the Piper house roof replacement and some of the exterior. The wooden trellises on the rostrum in the National Cemetery are being replaced and the entrance gate was painted. A Scope of Work is being reviewed for a project at the Rohrbach Youth Campground.

Trail Rehab Project continues in the Cornfield and West Woods using park staff. The trail connects the Cornfield Trail into the East Woods, through the Miller pasture and into the West Woods. The next step of the project will be to include trail head signs and guides.

Events: As of now, the Memorial Illumination is planning to be held this year.

The next meeting is scheduled for Oct. 7<sup>th</sup>, 2021.

**Mike Arant-Town Crier**-not here but the Crier will soon start with a paper distribution, estimates are being sought.

## **Old Business/ACTIONS**

Light in the municipal parking lot-updated during John's report

High Street signs-Russ to talk to Joe and Mick Carr

## **Projects**

**Lot purchases**-ordinance to purchase without a surveyor as the property is surrounded by town owned land; the only additional service in need would be for a title search. John put the motion to vote on Jake seconded the motion and all were in favor of purchasing the lot for 55K.

**Main Street Walls**-Senator Corderman's office is trying to set up an appointment with interested parties.

### **POS project @ Main/Church Street purchase-**

**Big Spring Repair**-Joe, Jake and John to meet with the home owner and determine the boundary line. They will place survey stakes to assist with the project. John suggested near the spring house to allow for maneuverability.

**Security**-Russ to reach out to the owner of Dynamark as they came to give an estimate to update security, but the elevator was out of commission for two-three days due to their negligence.

**Street Scape-Mia** and Planning Commission to discuss further. Russ and the council are all very excited to start beautifying the town's main street.

**New Business**-no new business was addressed, Ed motioned to adjourn and Mia seconded, meeting was adjourned at 7:21 pm.

## **Proposed Zoning Text Amendments**

### **Town of Sharpsburg, MD**

#### **521 Domestic Chickens**

##### A. Purpose

The purpose of this Section is to regulate the keeping and/or raising of domestic chickens on property within the incorporated boundaries of the Town of Sharpsburg. These regulations are designed to prevent nuisance and prevent conditions that are unsanitary and/or unsafe.

##### B. Design Provisions and requirements

1. Permitted. Animal husbandry activities related to the keeping and/or raising of domestic chickens shall be permitted in accordance with Article 4, Section 406 and Article 4, Section 407 Principle Permitted uses and Structures.
2. Number. No more than six (6) hens shall be permitted per lot of record.
3. Roosters. Male chickens are not permitted to be kept and/or raised within the incorporated limits of the Town of Sharpsburg.
4. Setbacks. Coops, cages, or other enclosed structures housing chickens shall be setback a minimum of twenty-five (25) feet from any dwelling or occupied structure not including the owners dwelling. In addition, any enclosed structures housing chickens shall be setback a minimum of ten (10) feet from side and rear property boundaries. The greater of the two setbacks shall prevail. Enclosed structures housing chickens are prohibited from being located in a front yard.

##### C. Enclosures

1. Chickens shall have access to an outdoor structure and roaming area that is adequately fenced so as to contain the chickens on the property. Free range chickens are prohibited.
2. The structure and roaming area shall provide a minimum space of two (2) square feet per hen but shall not exceed ninety-six (96) square feet.

3. The outdoor enclosure shall also be designed in a manner that will prevent predator access to the chickens (i.e. covering the top of the enclosure, burying the fencing to prevent burrowing, etc.)
4. The use of scrap boards, sheet metal or similar materials is prohibited. The enclosed structure shall be properly maintained.

D. Sanitation

1. The enclosed structure housing the chickens as well as the outdoor enclosure shall be kept in a sanitary condition and free from offensive odors.
2. Chickens must have access to clean water at all times.
3. All areas used by the chickens shall be cleaned on a regular basis so as to prevent the accumulation of waste and excess feed.
4. The property owner shall take all necessary action to reduce the attraction of potential infestation of scavengers, insects, and parasites that may result in unhealthy conditions to human habitation.
5. Waste provisions. Provisions shall be made for the storage and removal of animal waste. All stored manure shall be kept in a covered, fully enclosed container or compost bin that limits odor and dispersal of the waste. No more than one, twenty (20) gallon container of manure shall be stored on any one property housing chickens. All other manure shall be removed. In addition, the housing structure and roaming area must be kept free from trash and accumulated droppings.
6. Outdoor slaughtering of chickens is prohibited.

E. Permits

1. Zoning permits. Any person engaged in the housing of domestic chickens within the incorporated boundary of the Town of Sharpsburg is required to file a zoning permit application with the Zoning Administrator.
2. Application Content. An application shall be filed by the property owner (or by the applicant with a signed affidavit from the property owner) in compliance with the provisions of this Ordinance. The application shall at a minimum include:

- a. The name, address, and phone number of the Applicant.
- b. If the Property Owner(s) is/are different than the applicant, the name address and phone number of the Property Owner along with a signed affidavit that the Property Owner(s) is/are aware of, and agree to, the conditions of the application.
- c. A proposal showing:
  - i. The size and general dimensions of the lot where the chickens will be housed.
  - ii. The number of hens the applicant seeks to keep on the property.
  - iii. The precise location and dimensions of the enclosed structure housing the hens and the outdoor enclosure.
  - iv. Dimensions showing the distances of the enclosed structure from any dwellings or occupied structures and from property lines so that a determination that setbacks have been met can be made.
- v. Method of storage and disposal of waste.

**406 "TR" Town Residential District**

- A. Principle Permitted Uses and Structures:
5. Domestic Chickens (subject to the requirements of Section 521)

**407 "TC" Town Commercial District**

- A. Principle Permitted Uses and Structures:
21. Domestic Chickens (subject to the requirements of Section 521)