

Jud Ashman for Gaithersburg City Council 2011

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One to Crow About: More on a Gazette Question

In one of several media questionnaires, the Gazette posed a question that I think warrants more than the allotted 100-word response. The question was:

Has there been a recent approval or decision of the City Council that you disagreed with or had a differing opinion about? How would you have addressed the issue differently, if making a decision alone?

My initial response was that my Council colleagues and I have been so remarkably effective that, when I look back on my first term, I'm not finding myself regretting the few instances when I disagreed with an outcome; I'm taking pride in our substantial successes in areas like [public safety](#), [budgeting](#), the [environment](#), and [economic development](#).

That's all very true, but it's not a specific answer. Since I have all the space I want on this blog, I hereby offer a more specific answer to the question.

Not that I'm the type to go about *crowing* about things, but the issue at the time had to do with roosters. (No, I am not making that up!) On the face of it, it probably seems silly, but I think it will give you a sense of some of my core values and how I go about making decisions. Here's the whole story:

The Great Debate on Backyard Chickens – Background

At one of our meetings, not all that long ago, our Animal Control Director, Lisa Holland, came to the podium to introduce an amendment to our animal control ordinance. The amendment, she explained, would make it illegal for a resident to raise chickens in his/her back yard.

“Seriously??” I asked, in disbelief, “Is this really a problem in Gaithersburg? How many people are raising chickens in this City?” Lisa replied that she was aware of two chicken coops in the City, and, to her knowledge, both were kept up to the standards outlined in City Code.

In fact, while many would balk at the idea of keeping chickens as pets, City Code did allow residents to raise backyard chickens, so long as they maintained certain conditions, mostly having to do with cleanliness and the physical location of the coop in relation to property lines.

So it was indeed legal and that's precisely why a family living nearby one of the aforementioned coops asked staff to consider changing the ordinance. Their position was that their neighbor's chicken coop was bringing down their property value.

The Feathers Fly!

What followed was some of the most impassioned testimony we saw in the last four years. The pro-chicken side had people from the City and outside testify about the value of keeping chickens as pets and about how effectively their living space could be kept up to code. They brought up with ordinances from elsewhere; turns out, Gaithersburg is not the only community in which the question has come up. They sent us news reports describing how raising backyard chickens could be a low-impact good thing for the environment. And they brought us baskets of eggs! (We obviously didn't accept them)

The opposition testified repeatedly that they were concerned about property values, particularly in the current economic climate. (They were largely unable to find hard evidence of this, but I certainly understood the concern. Property values throughout the City had taken a hit.) Some of the opponents were concerned with noise, although hens are quiet and neither of the known coops had any roosters. Some of them were concerned about the possibility of infectious disease being carried by chickens. (Again, they were unable to provide sufficient evidence of this)

Who could've predicted that chickens would spur this kind of emotion?!

The Decision

To me this was a 'freedom' issue – and (silly as it may sound because we're talking about chickens after all!), I take 'freedom' very seriously. My rule of thumb: if we're going to take away someone's Freedom, there better be a darn good reason why it is in the general public interest to do so.

At the beginning of the process, residents had the right to raise chickens, assuming they were in compliance with code requirements. The arguments for taking away this right, while understandable on an emotional level, were not compelling enough to meet my "darn good reason" standard.

Thus was my explanation the night it came time to vote on the amendment. I was going to vote against the chicken ban. And so were my colleagues.

The Rooster Clause

'So, wait a second,' I can hear you thinking, 'I thought the question was about you disagreeing with your colleagues. Where's the disagreement?'

Well, it turns out that some of my colleagues wanted to take more of a middle ground. While we all agreed on continuing to allow backyard chickens, they began to talk about banning roosters. Why? To put it simply, roosters can be loud little troublemakers!

While I might concede that point, I asked Lisa Holland if there was a documented problem with roosters in

the City. She reiterated that neither of the two known chicken coops in Gaithersburg included any roosters, but she did note that there were occasional reports of roosters in the City. (Again: really?? Renegade roosters in Gaithersburg!!)

During the process, we'd heard testimony about homeowners who had successfully kept roosters and found ways to do it without antagonizing the neighbors. And we have a noise ordinance that already protects the neighbors if such an issue were to arise.

So, the idea of banning roosters also failed my "darn good reason" standard. And I ended up being the lone voice against the rooster amendment and I think the Council got that one wrong.

The Lesson

Whether it's about something that might seem trivial, like roosters, or something more significant or obviously dear to us, I believe in personal freedom – and, to take advantage of an easy pun – I won't be a chicken in standing up for it!

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