

ORDINANCE NO. _____-2018

AN ORDINANCE OF THE TOWNSHIP OF EAST PENNSBORO, CUMBERLAND COUNTY, PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF CHAPTER 2 OF THE CODE OF ORDINANCES REGARDING THE ANIMAL CONTROL ORDINANCE AND PROVIDING FOR THE KEEPING OF CHICKENS IN THE TOWNSHIP, PROVIDING FOR DEFINITIONS; ESTABLISHING CERTAIN GENERAL AND SPECIFIC STANDARDS RELATING TO THE KEEPING, CARE, AND CONTROL OF CHICKENS AND PROVIDING FOR THE APPLICATION AND PERMITTING OF KEEPING OF CHICKENS AS ACCESSORY USE TO PROPERTY THAT IS RESIDENTIAL AND THE ENFORCEMENT OF SAID ANIMAL REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

IT IS HEREBY ENACTED AND ORDAINED by the Board of Commissioners of East Pennsboro, Cumberland County, Pennsylvania, the following amendments to the Code of Ordinances of the Township of East Pennsboro regarding the Animal Control and Animal Nuisances Ordinance as follows:

SECTION 1: It is declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township AND the following definitions are hereby inserted, in proper alphabetical sequence, into Section 2-102 [List of Definitions] of Part I [Animal Control Ordinance] of Chapter 2 [Animals] of the Code of Ordinances of the Township of East Pennsboro:

CHICKEN – All Poultry or fowl of the species *Gallus gallus domesticus*/*G.gallus domesticus*. The species includes many different breeds of chicken.

CHICKEN COOP (or COOP) – A structure for sheltering female chickens (pullets or hens). An existing shed or garage may be used for this purpose, provided that it meets the standards for chicken coops set forth in this article. A chicken coop shall be considered an accessory structure.

CHICKEN PEN (or PEN) – An enclosure that is connected to/or surrounding a chicken coop for the purpose of allowing chickens to leave the coop while remaining in an enclosed predator-safe environment.

SECTION 2: The following animals are hereby inserted, in proper alphabetical sequence in Section 2-103 [Permitted Animals] of Part 1 [Animal Control Ordinance] of Chapter 2 [Animals] of the Code of Ordinances of the Township of East Pennsboro is hereby amended to state as follows:

Chickens* (*Note additional limitations contained in Part 3 of this Chapter)

SECTION 3: Part 3 [Keeping of Chickens] of Chapter 2 [Animals] of the Code of Ordinances of the Township of East Pennsboro is hereby enacted to provide and state as follows:

§3-301. Number, Type and gender of chickens allowed.

- A. The maximum of number Chickens (*Gallus Domesticus*) permitted is four (4).
- B. Only female chickens (pullets or hens) are permitted.
- C. No restriction on the breed of chicken kept under this ordinance.

§3-302. Keeping chickens allowed only as accessory to residential dwellings.

- A. The keeping of chickens, in accordance with the standards of this ordinance, shall only be permitted at a property upon which a residential dwelling is the primary use. The keeping of chickens shall be considered a use accessory to the residential use.
- B. Chickens shall not be permitted to be kept within the dwelling.

- C. Chicken pens and coops shall be used exclusively for the keeping of chickens.
- D. Notwithstanding the applicable residential accessory setbacks, the chicken coop and chicken pen/run shall be located no closer than Thirty (30) feet to any occupied structure on an adjacent property, Fifteen (15) feet from any property line, and not within Twenty-five (25) feet of the front lot line.
- E. The following items generated by or kept in accordance with this ordinance shall not be offered for sale or sold:
 - (1) Eggs, chicks, or chickens
 - (2) Chicken manure and compost containing chicken manure.
 - (3) Produce which has been grown in an accessory garden fertilized with chicken manure or compost.

§3-303. Housing of chickens.

- A. Chickens shall be housed in a chicken coop which has access to a chicken pen/run. During night time hours, chickens shall be secured from predators
- B. Construction and design of chicken coop.
 - (1) The coop shall be constructed with solid material, including a roof and a door to protect from the weather, while providing proper ventilation.
 - (2) The coop shall be at least Twenty-four (24) inches high and provide at least 3 square feet of floor area per chicken.
 - (3) The pen shall contain at least Ten (10) square feet of area per chicken
- C. Maintenance of chicken coop, chicken pen, and surrounding area.
 - (1) The chicken coop, pen/run and surrounding area shall be maintained to eliminate odors and provide a healthy environment at all times.
 - (2) All manure, uneaten feed and other trash shall be removed in a timely manner and disposed of by using an approved sanitary method, including composting or double bagging manure and placing the manure in the trash for collection. Under no circumstances shall chicken manure be placed into the sanitary sewer system.

- (3) Slaughter of chickens is not permitted. If a chicken dies it shall be disposed of in accordance with the Domestic Animal Law, 3 Pa.C.S.A. §2301 *et.seq.*

D. Living conditions.

- (1) Chickens shall have access to clean water to be provided fresh on a daily basis (i.e. new water each day) with food and water inaccessible to rodents, wild birds and predators.
- (2) Chickens shall be provided adequate bedding in the coop and perches/roosting bars are encouraged.

§3-304. Application For Permit to Keep Residential Chickens.

- A. Any person who wishes to keep chickens in East Pennsboro Township as an accessory to a residential use shall be required to submit an application for approval by the Township Manager, or his designee, and submit a fee of Twenty-Five Dollars (\$25.00) or a fee as later amended, from time to time, by resolution.
- B. Residential chicken applications shall be valid for one (1) year after the date of acceptance by the Township. A resident who wishes to continue keeping chickens shall submit an annual application and renewal fee on or before the expiration date of the current permit.
- C. Notwithstanding the approval of a residential chicken permit by the Township, private restrictions on the use of land/property shall remain enforceable as provided by law, and the Township's issuance of a residential chicken permit does not remove, vacate, suspend, or supersede private restrictions in effect or of record. No person shall knowingly apply for a residential chicken permit when private restrictions prohibit the keeping of chickens at the location identified in the application.
- D. An Applicant denied a residential chicken permit or if a permit is revoked, may file an appeal and pay an appeal fee with the Township Manager, or designee, within Thirty (30) days of denial or revoking of permit and request a hearing before the Township Board of Commissioners. The written appeal shall set forth the basis for such appeal. A written decision of the Board of Commissioners shall be issued within sixty (60) days of hearing the appeal and such decision shall be deemed final and binding. The Appeal Fee shall be set by resolution and amended, from time to time, by Resolution.

§3-305. Application requirements.

- A. A residential chicken permit application shall be submitted on the form established by the Township Manager, or his designee, and at a minimum shall contain the following information:
1. The address of the property, along with a diagram of where the chicken coop and pen/run will be placed. (See attachment A)
 2. A verification that the applicant is familiar with the requirements set forth in this ordinance for the keeping of chickens.
- B. The Township shall from time to time establish by resolution a fee for the residential chicken application and permit for the keeping of chickens under this ordinance. The application shall be accompanied by the applicable fee.

§3-306. Denial, suspension, revocation or nonrenewal of issued permit.

The Township may deny, suspend, revoke or decline to renew any application or permit issued hereunder for any of the following reasons and upon revocation of a residential chicken permit, the permittee shall within ten (10) days of notice of revocation or denial, remove and dispose of all items associated with the keeping of chickens at the property:

- A. If the applicant obtained the residential chicken permit through misrepresentations, fraud, or forgery, the permit shall automatically become null and void.
- B. If it is determined that the applicant is in violation of this ordinance.
- C. Failure to pay any fee or penalty required by this ordinance or resolution of the Board of Commissioners.
- D. Failure to correct deficiencies noted in violation notices within the time specified in such notice.
- E. Failure to comply with any provision of this ordinance.

- F. Any applicant who has a residential chicken permit revoked, rescinded, vacated, or voided will not be eligible for consideration of another residential chicken permit for a period of two (2) years from the issuance of notice of revocation.

§3-307. Nuisance prohibited.

- A. The permitted keeping of chickens shall be conducted in a manner that does not disturb the use or enjoyment of adjacent properties. Odor generated by the chickens shall not be perceptible at the property boundaries and noise generated by the chickens shall not disturb people of reasonable sensitivity at the property boundaries. An applicant shall not, under any circumstance, keep chickens in a manner which constitutes a public nuisance or results in a violation of Part 2, Animal Nuisance, of this ordinance.
- B. Chickens must be confined at all times within the premises of the owner.

§3-308. Violations and penalties.

- A. Any violation of this ordinance may result in an action being brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The fine for such violation shall not be less than Twenty-Five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00) for each violation. A separate offense shall arise for each day or portion of a day in which a violation is found to exist, or for each section of this ordinance which is found to have been violated.
- B. This ordinance may be enforced through an action in equity brought in the Court of Common Pleas in which the subject property is located.
- C. Any person found guilty of violating this ordinance may be assessed court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings brought in accordance with this article.

SECTION 4. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed. In all other respects, Chapter 2 [Animals] of the Code of Ordinances of the Township of East Pennsboro shall remain as heretofore enacted, ordained and amended, which

said Chapter, as amended, is hereby re-enacted in its entirety herein.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of the amendments to this Chapter invalid.

SECTION 6. In all other respects, Chapter 2 [Animals] of the Code of Ordinances of the Township of East Pennsboro shall remain as heretofore enacted, ordained and amended, which said Chapter, as amended, is hereby re-enacted in its entirety herein.

SECTION 7. Effective Date. This Ordinance shall become effective upon enactment by the Board of Commissioners of East Pennsboro Township.

ENACTED AND ORDAINED this _____ day of _____, 2018.

ATTEST:

BOARD OF COMMISSIONERS OF
EAST PENNSBORO TOWNSHIP:

Secretary

President