

ORDINANCE NO. 836

AN ORDINANCE OF PENN TOWNSHIP, YORK COUNTY,
PENNSYLVANIA REGULATING THE KEEPING OF CHICKENS
FOR PERSONAL USE.

BE IT ENACTED AND ORDAINED by the Penn Township Board of Commissioners, York County, Pennsylvania as follows:

Section 1. Purpose of Ordinance

The purpose of this ordinance is to protect and promote the public health, safety, and welfare if its citizens by establishing regulations relating to chickens in the Township of Penn. This Ordinance provides for permitting and penalties for noncompliance.

Section 2. Permit Required

- A. Permit. No person, corporation, limited liability company, partnership or other entity shall raise, harbor, or keep chickens within the Township without having first obtained a valid permit to do so from the Township. No fowl or poultry other than chickens may be kept, harbored or permitted to reside on real property situate in the Township of Penn.
- B. Application. In order to obtain a permit to raise, harbor or keep chickens, an applicant shall submit an application on the forms provided by the Township.
- C. Fees. An application for a permit shall pay, in full at the time of submission, a fee for such permit which fee shall be set by resolution of the Board of Commissioners from time to time.
- D. Permit Requirements. In order for a permit to be issued, the following requirements must be met:
 - 1. All requirements of this article shall be met
 - 2. All fees related to issuance of a permit shall have been paid in full.
 - 3. The tract of land on which the chickens are to be kept shall contain a single - or two - family dwelling only and shall be occupied and used as such.
- E. Issuance of permit. The Township shall issue a permit within thirty (30) days of receipt of the application and upon all requirements having been met. A Township representative shall inspect the subject property prior to issuance or renewal of a permit and the applicant shall make the property available for such inspection.
- F. Denial, suspension or revocation. The Township may deny, suspend, revoke any permit issued hereunder for any of the following reasons:

1. Any false statements on any application or other information required to be given by the applicant or permit holder.
2. Failure to pay any fee or penalty required by this article or resolution of the Board of Commissioners.
3. Failure to correct deficiencies noted in violation notices within the time specified in such notice.
4. Failure to comply with provision of this article.

G. Notification. A decision to revoke, suspend or deny a permit shall be in writing, delivered by certified mail or in person to the address indicated on the application. If such certified mail is not picked up by the applicant, it may be sent by ordinary mail to the address provided by the applicant. Such notice shall state the reasons for the action.

H. Effect of revocation. When a permit is revoked, an applicant may not reapply for a new or reissued permit for a period of two years from the date of revocation.

I. Appeals. The revocation, suspension or denial of a permit may be appealed, in writing, to the Penn Township Board of Commissioners within thirty (30) days of such action. The appeal shall be heard at the next regularly scheduled meeting of the Board of Commissioners following receipt of the written appeal. The written appeal shall set forth the basis for such appeal. A written decision of the Penn Township Board of Commissioners shall be issued within thirty (30) days of hearing the appeal and such decision shall be deemed final and binding.

Section 3. Number and gender of chickens allowed.

A. A permittee shall be permitted a maximum of four chickens per lot, regardless of the size of the lot.

B. No roosters are permitted. Only hens are allowed.

Section 4. Where permitted

Chickens shall be permitted within any zoning district provided the conditions set forth herein have been met.

Section 5. Non-Commercial purposes

Chickens kept under this article may be kept for personal use and consumption only and permittee shall not engage in any commercial sales, breeding or other commercial endeavor with regard to the chicken or eggs generated thereby. The eggs must be for the owner's personal use and cannot be sold.

Section 6. Chicken Coops or Enclosures

A. Chickens must be kept in a coop, enclosure or fenced area at all times.

- B. No chicken coops, enclosures or fenced areas shall be permitted in the front or side yard of any lot.
- C. A building permit shall be obtained for all chicken coops and fencing for containing the chickens. For the purpose of this article a chicken coop will be considered an accessory building (not connected to main structure) under the zoning ordinance and must meet all regulations relating to accessory buildings in applicable Township ordinances.
- D. Coops, enclosures and fenced areas shall be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
- E. Coops, and enclosures shall provide adequate ventilation and adequate sun/shade and must be reasonably impermeable to rodents, wild birds, and predators, including dogs, cats, racoons, and the like.

Section 7. Control and Safety of Chickens

- A. The control and safety of chickens shall be the responsibility of the permittee at all times.
- B. Chickens shall be provided with access to feed and clean water at all times. Feed and water shall be rendered inaccessible to rodents, wild birds and predators. Uneaten food shall be removed in a timely manner.
- C. Manure shall be stored in a fully enclosed structure or watertight container. Storage of manure on property shall be limited to a container equivalent to not more than a thirty (30) gallon garbage can at any one time. The coop, enclosure, fenced area and surrounding area shall be kept free of trash and accumulated feces. If the storage of manure is found to be a nuisance, the Township reserves the right to further limit the manner or location of such storage.
- D. Chickens shall not be permitted to roam off of the permitted tract of land. If the owner of the chickens fails to keep the chickens on his/her land, it will be grounds for the Township to revoke the permit in addition to any other remedies set forth herein.
- E. A permittee shall take action necessary to reduce the attraction of rodents and predators and the potential infestation of insects and parasites. A permittee shall remove or have treated any sick chickens or those found to be infested with parasites or insects.
- F. Dead chickens shall be removed and disposed of immediately upon discovery.
- G. No dog, cat, or other domesticated animal which kills a chicken off the permitted track of land shall, for that reason alone, be considered a dangerous or aggressive animal.

Section 8. Violations

- A. The following acts shall be deemed to be violations of this article:
 - 1. The keeping of chickens without a permit or keeping of chickens in violation of any provision of this article.
 - 2. Permitting any owner, renter, lessee or other occupant of a property to keep chickens on a property in violation of this article.
 - 3. Keeping chickens inside the dwelling unit.
 - 4. The slaughtering of chickens.
- B. Any person and/or owner violating any provisions of this Ordinance shall be issued a notice of violation and if the violation is not corrected, a citation will be filed with the local magisterial district justice as outlined in accordance with Section 9, penalties of this ordinance.

Section 9. Penalties

- A. Any person who violates the provisions of this ordinance shall be subject to a summary criminal proceeding before the magisterial district justice as provided by the Pennsylvania Rules of Criminal Procedure, as may be amended from time to time. Upon finding a violation, a fine shall be imposed of not less than \$100 nor more than \$500, together with court costs and reasonable attorney fees incurred by the Township of Penn in prosecution of the violation. Any person who fails to pay the fines, court costs and attorney fees within thirty (30) days of the imposition thereof may be subject to imprisonment for a period of time not to exceed fifteen (15) days.
- B. For any subsequent offense, a person shall be charged with a misdemeanor of the third degree and upon conviction, shall be fined not less than \$500 nor more than \$1,000 plus costs of prosecution and reasonable attorney fees.
- C. Each day in which a violation occurs or continues shall be deemed a separate violation thereof.

Section 10. Inconsistent Ordinances

All ordinances or parts of ordinance inconsistent with this ordinance are hereby repealed.

Section 11. Severability

If any provision of this ordinance is held invalid, said invalidity shall not affect any other provision or application of this ordinance.

Section 12. Amendment to Township Code

The Articles adopted shall be deemed to be incorporated into the Penn Township Code so that reference shall be understood and intended to include such changes.

ENACTED AND ORDAINED this 21st day of September 2020.

Board of Commissioners of Penn Township

By: Justin J. Heiland
Justin J. Heiland, President

Attest:

Donna M. Sweeney
Donna M. Sweeney, Township Secretary

