

## **ORDINANCE NO. 598**

### **AN ORDINANCE OF CRESCENT TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA AUTHORIZING AND REGULATING THE KEEPING OF CHICKENS FOR PERSONAL USE.**

**WHEREAS**, the Commissioners of Crescent Township desire to amend the Crescent Township Zoning Ordinance to permit and regulate the keeping of chickens within the Township; and

**WHEREAS**, THE Township of Crescent's Commissioners are committed to creating policies that encourage environmental stewardship and sustainability.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Crescent Township Board of Commissioners, Allegheny 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 of its citizens by establishing regulations relating to chickens in the Township of Crescent. This Ordinance provides for permitting and penalties for noncompliance.

#### **Section 2. Permit Requirements and Appeal**

- 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 situated in the Township of Crescent.
- 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) **Non-Property Owner.** Non-property owners that wish to keep chickens on property that the non-property owner is renting must include written permission from the property owner or landlord that explicitly indicates that the non-property owner has permission to own chickens on the subject property.
- d) **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.
- e) **Issuance of permit.** 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. The Township shall issue a permit within five (5) days of receipt of the

application and upon a finding that all of the following have been 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.
- 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 Crescent Township Zoning Hearing Board 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 Crescent 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.** In order to determine the number of chickens allowed, the following shall be followed:

a) Laying hens

- |  |                     |
|--|---------------------|
| 1. 10,000 Sq. Ft. Lot Minimum          | Six (6) Maximum     |
| 2. One Half (1/2) Acre to One (1) Acre | Twelve (12) Maximum |
| 3. One (1) Acre to Three (3) Acres     | Twenty (20) Maximum |
| 4. Over Three (3) Acres                | Unlimited           |

b) Meat chickens

1. 10,000 Sq. Ft. Lot Minimum	Eight (8) Maximum
2. One Half (1/2) Acre to One (1) Acre	Sixteen (16) Maximum
3. One (1) Acre to Three (3) Acres	Twenty Four (24) Maximum
4. Over Three (3) Acres	Unlimited

c) In the case of two-family dwellings, or conversion dwellings without individually owned back yards, the maximum number of chickens allowed is six (6) per property.

d) Roosters (adult male chickens are specifically prohibited).

**Section 4. Where permitted.** Chickens shall be permitted use within the Agricultural District and shall be an Accessory Use within all other zoning districts provided the conditions set forth herein have been met.

**Section 5. Non-Commercial purposes.**

a) 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 chickens.

b) Sale of chicken eggs must be for the owner's personal use, including personal use in relation to 4H clubs, agricultural clubs, children's project, and Beaver Stockman's Club. Any sale must comply with local, state, and federal laws and regulations.

**Section 6. Chicken Coops and Chicken Runs.**

a) Chicken coops and chicken runs shall be designed to provide safe and healthy living conditions for the chickens and shall provide shade in warm weather, suitable protection from inclement weather and adequate ventilation.

b) Chickens must be kept in a coop, chicken run or fenced area at all times.

c) No chicken coops, runs or fenced areas shall be permitted in the front or side yard of any lot and shall not face on any street.

d) During daylight hours, chickens may have access to outdoors via a chicken run or securely fenced yard if supervised so they cannot stray beyond the premises on which they are secured.

e) Chicken must be secured within the coop during non-daylight hours.

- f) Chicken coops and runs shall be located at least twenty-five (25) feet from the owner's property line.
- g) A 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.
- h) Coops and fenced areas shall be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
- i) Coops 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.
- j) Coops shall provide at least three (3) square feet of area per chicken.
- k) Chicken runs shall be adequately fenced to contain the chickens on the property and to prevent predators from gaining access to the run.

#### **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, run, fenced area and surrounding area shall be kept free of trash and accumulated feces.
- d) No person shall keep or harbor chickens in a manner that creates an offensive odor, excessive noise or unsanitary conditions which disturb neighboring residences or threatens public health. Chickens running at large shall be considered a public nuisance.
- e) 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.
- f) 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.

- g) 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.
- h) Dead chickens shall be removed and disposed of immediately upon discovery.
- i) 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.
- j) If raising chickens is abandoned, all facilities used in conjunction with the chicken raising must be removed within six (6) months.

### **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, butchering, and/or harvesting of chickens in public view is prohibited.
- 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 10, Penalties of this ordinance.

**Section 9. Grandfather clause.** Any existing business that would qualify under this ordinance shall have one (1) year from the time of enactment to come into compliance with this ordinance.

### **Section 10. Penalties.**

- a) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions shall be subject to the enforcement remedies set forth in § 10617.2 of the Municipalities Planning Code including but not limited to the following: upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation,

unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

53 Pa. Stat. Ann. § 10617.2 (West)

**Section 10. Severability.** If any provision of this ordinance is held invalid, said invalidity shall not affect any other provision or application of this ordinance.

**Section 11. Amendment to Township Code.** The Articles adopted shall be deemed to be incorporated into the Crescent Township Code so that reference shall be understood and intended to include such changes.

**Section 12. Repealer.** All Ordinances or parts of Ordinances, in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such conflict.

**Section 14. Effective Date.** This ordinance shall take effect immediately upon its approval in accordance with the Township Code.

**ORDAINED AND ENACTED** at a regular meeting of the Board of Commissioners of the Township of Crescent, County of Allegheny, Commonwealth of Pennsylvania, a full quorum being present, the 13<sup>th</sup> day of December, 2023.

ATTEST:

  
Janice Adamski, Township Manager

TOWNSHIP OF CRESCENT:

  
Todd K. Miller, President,  
Board of Commissioners