

ORDINANCE NO. 336

DUBLIN BOROUGH, BUCKS COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF DUBLIN AMENDING CHAPTER 27 OF THE BOROUGH OF DUBLIN CODE OF ORDINANCES TO: PERMIT THE LIMITED KEEPING OF DOMESTICATED CHICKENS AS AN ACCESSORY USE TO A SINGLE-FAMILY DETACHED DWELLING

The Borough Council of Dublin hereby ordains as follows:

SECTION I. § 27-505 (F12) "Permitted Keeping of Chickens" is added to read as follows:

(F12) Permitted Keeping of Chickens. The raising or keeping livestock and / or poultry for non-commercial use only, subject to the following provisions contained in Section II and Section III of this Ordinance:

SECTION II. (new). § 27-616 (a). The keeping of animals and fowl other than ordinary household pets is prohibited other than being authorized as a special exception. No person shall keep in an individual dwelling or on an individual lot of land more than four (4) household pets. The term "household pet" is defined as "any cat, dog or other domestic animal normally and ordinarily kept in or permitted to be at large on the dwelling of its owners."

SECTION III (new). § 27-616 (b). Exception to § 27-616 (a): Limited Residential Chicken Permit. No person may keep chickens on any property used for residential purposes in the Borough, except in compliance with this subsection and all applicable Borough and state laws, ordinances and regulations.

(1) Purpose:

The purpose of this section is to authorize and provide standards for the keeping of domesticated chickens. It is intended to enable residents to responsibly keep a small number of female chickens on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood.

(2) Definition:

- a) Chicken: poultry or fowl of the species *Gallus Gallus / F. Gallus Domesticus*. The species includes many different breeds of chickens.
- b) Chicken Coop: A structure for the sheltering of chickens. An existing shed or garage can be used for this purpose, if it meets the standards contained in subsection (7) below. A chicken coop is an accessory structure and may require a separate permit(s).
- c) Chicken Pen or Run: An enclosure that is connected to and / or surrounding a chicken coop for the purpose of allowing chickens to leave the coop while remaining in an enclosed predator-safe environment.
- d) Single-Family Detached Dwelling: A building having only one dwelling unit from ground to roof, independent outside access and open space on all sides designed for and occupied exclusively by one family.

**(3) Number and Type of Chickens Allowed:**

- a) The maximum number of chickens allowed is six (6) per Single-Family Detached Dwelling. Only female chickens are allowed. There is no restriction on chicken breeds.
- b) Other Fowl Prohibited – Except as otherwise provided in these rules and regulations, no person may own, keep, or harbor any other fowl, such as, but not limited to:
  - 1. Roosters;
  - 2. Ducks;
  - 3. Geese;
  - 4. Turkeys;
  - 5. Guinea fowl;
  - 6. Emus;
  - 7. Rheas; and / or
  - 8. Ostriches.

**(4) Housing Types Allowed to Keep Chickens:**

Residents of Single-Family Detached Dwelling, regardless of what Zoning District said Dwelling sits, may keep chickens as authorized under this section. The residential keeping of chickens is deemed by this chapter to be an accessory use only. Therefore, the keeping of chickens will not be permitted on any lot which does not contain the permitted primary use of a Single-Family Detached Dwelling. A Limited Residential Chicken Permit shall not be issued for chickens on any property not containing the permitted primary use of a Single-Family Detached Dwelling.

**(5) Non-Commercial Basis:**

- a) Eggs, chicks, adult chickens, chickens, and / or other chicken bi-products shall not be sold. Chicken manure and compost using chicken manure shall not be sold or otherwise distributed.
- b) Produce on which chicken manure from the permitted chickens has been used as fertilizer, or on which compost made with such manure has been used, shall not be sold.

**(6) Chickens Enclosed:**

A chicken coop and chicken pen shall be provided. Chickens shall be secured in the chicken coop during non-daylight hours. During daylight hours chickens may be located in the chicken pen.

**(7) Construction and Design:**

- a) The Chicken Coop shall comply with all requirements for accessory uses and structures. The coop shall be enclosed with solid material on all sides and have a solid roof and door(s). The coop shall be at least eighteen (18) inches high and provide at least three (3) square feet of floor area per chicken. The coop shall provide one (1) square foot of window per fifteen (15) square feet of floor area, and vents as necessary to ensure adequate ventilation. The materials for each element (i.e., walls, roof,

windows and doors), shall be uniform and in harmony with the surrounding area. Doors shall be constructed so that they can shut and lock. Windows shall be constructed so they can shut. Windows and vents shall be covered with wire mesh with maximum spacing of one (1) inch by one (1) inch. The coop shall be impermeable to rodents, wild birds, and predators, including dogs and cats.

- b) The chicken pen shall be constructed of wood or metal posts and wire mesh fencing material with maximum spacing of one (1) inch by one (1) inch. The pen shall provide at least ten (10) square feet of area per chicken. The fence shall rise at least four (4) feet above the ground and be buried at least one (1) foot in the ground. The pen shall be covered with wire mesh, aviary netting, or solid roofing.

**(8) Maintenance:**

The chicken coop, chicken pen, and surrounding area shall be kept clean, dry, odor-free, and in a neat and sanitary condition at all times. All manure, uneaten feed, and other trash shall be removed in a timely manner and disposed of in a sanitary manner. The permittee shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Slaughter and other processing of chickens are prohibited on the lot. If a chicken dies, it shall be disposed of promptly and consistent with applicable waste disposal regulations of the Borough and state law, as applicable, immediately upon discovery.

**(9) Living Conditions:**

The chicken coop shall provide adequate security, ventilation, and shelter from moisture and extremes of temperature. The chicken pen shall provide adequate security and sun and shade. Chickens shall have access to feed and clean water at all times, and such feed and water shall be inaccessible to rodents, wild birds, predators, insects and parasites. Chickens shall be provided adequate bedding in the chicken coop and perches are encouraged.

**(10) Permit Required:**

- a) Any person who keeps chickens in the Borough of Dublin shall obtain a Limited Residential Chicken Permit from the Borough prior to acquiring the chickens.
- b) Permits expire and become invalid five (5) years after the date of issuance. A person who wishes to continue keeping chickens shall have obtained a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit. An annual inspection by the Borough is required, to ensure continued compliance with the provisions of this part. The annual inspection is a condition of permit issuance, and all inspection fees must be paid by the applicant at the time the permit is issued. The inspection fees will be as set from time to time by resolution of the Borough Council.
- c) Notwithstanding the issuance of a permit by the Borough, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. The interpretation and enforcement of private restrictions are the sole responsibility of the private parties involved.

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**(11) Application Requirements:**

A Limited Residential Chicken Permit application shall be submitted in accordance with the following:

- a) The application shall be signed by the owner of the subject property. Non-property owner applicants who wish to own or maintain chickens on the property that the applicant is renting must include written permission from the property owner or landlord that explicitly indicates that the applicant has permission to maintain chickens on the property. The written permission must include an acknowledgement from the property owner or landlord that they are responsible to ensure that the chickens and all structures are removed when the tenant vacates the property.
- b) Application shall be made to the Borough and the fee for the permit and required inspections shall be as determined from time to time by Borough Council resolution.
- c) A separate permit may be required for all necessary structures in association with the keeping of chickens, and a compliance inspection must be completed prior to the acquisition of chickens.

**(12) Responsibilities of the Permittee:**

- a) A person who keeps or houses chickens on his or her property (i.e., a permittee) shall comply with all of the following requirements:
  1. Have been issued the permit required under subsection (10) of this section;
  2. Keep no more than six (6) chickens;
  3. The principal use of the person's property must be a Single-Family Detached Dwelling;
  4. No person shall keep any rooster;
  5. No person shall slaughter any chickens;
  6. The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times. Covered and fenced enclosures are subject to all provisions of the Dublin Borough Code of Ordinances;
  7. A person shall not keep chickens in any location on the property other than in the backyard. For purposes of this section, "backyard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family structure and extending to the side lot lines;

8. No covered enclosure or fenced enclosure shall be located closer than ten (10) feet to any property line of an adjacent property. For purposes of this section, adjacent property means all parcels of property that the permittee's property comes into contact with at one (1) or more points, except for parcels that are legally adjacent to, but are in fact, separated from the permittee's property by a public or private street;
  9. A covered or fenced enclosure shall not be located closer than ten (10) feet to any residential structure on any adjacent property. For purposes of this section, adjacent property means all parcels of property that the permittee's property comes into contact with at one (1) or more points, except for parcels that are legally adjacent to, but are in fact, separated from the permittee's property by a public or private street;
  10. All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, other rodents, or predators from being harbored underneath, within, or within the walls of the enclosure; and
  11. All feed, water sources, and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, other rodents, insects and / or parasites shall be protected so as to prevent same from gaining access to or coming into contact with them.
- b) If the above requirements are not complied with, the Borough may revoke any permit granted under this section and / or initiate legal action as described in subsection 19 of this part.
  - c) A person who has been issued a permit shall submit it for examination upon demand by any Police Officer, Code Enforcement Officer, or Borough Representative.

**(13) Permit Revocation and Removal of Items:**

- a) Compliance with the requirements of this part shall create a presumption that the permitted use does not create a nuisance or threat to public health or safety. The permit shall, however, be revoked if the Borough determines that the permitted use does create a nuisance or detriment to public health or safety.
  1. It shall be unlawful to keep chickens in such a manner as to cause unhealthy conditions, interfere with the normal use and enjoyment of human or animal life, or interfere with the normal use and enjoyment of the properties surrounding the property-owning chickens.
  2. No person(s) shall directly or indirectly permit nuisances to exist on property which chickens are kept. Upon receipt of a notice from the Borough that such a condition exists upon said property, it shall be the owner / owners duty to abate the nuisance created thereby to the satisfaction of Borough Council within thirty (30) days from the date of notice.
  3. If an ordinance violation has occurred, and if after notice pursuant to section (13)(a)(2) the nuisance is not abated, the Borough Manager is authorized to order immediate removal of items and structures associated with the permitted

use that the Borough Manager or representative determines to create a nuisance or detriment to public health or safety.

- b) Violation of ordinance standards shall result in permit revocation under this part, and possible enforcement under subsection 19 of this part, including civil and criminal penalties.
- c) Misrepresentation by a permittee shall result in permit revocation, voiding or denial.
- d) Any property owner who has a Limited Residential Chicken permit revoked, removed, or voided will not be eligible for consideration for another Limited Residential Chicken Permit for a period of ten (10) years from the date of such action.

**(14) Non-Commercial Use Only:**

Uses authorized under a Limited Residential Chicken Permit shall be non-commercial only. Commercial activities are prohibited. Chickens authorized by a Limited Residential Chicken Permit shall be kept as pets or for personal use only.

**(15) Nuisance Prohibited:**

Uses authorized under a Limited Residential Chicken Permit shall not create a nuisance. Uses shall be conducted in a manner that does not disturb the use or enjoyment of adjacent properties. Odor generated shall not be perceptible at the property boundaries, and noise generated shall not disturb people of reasonable sensitivity at the property boundaries. If a nuisance does occur, permit revocation and removal may occur pursuant to section 13(a)(1)-(3).

**(16) Public Health and Safety:**

Uses authorized under a Limited Residential Chicken Permit shall not create a detriment to public health or safety.

**(17) Action by the Borough Manager or Representative:**

Upon review of the application and subject to the Application Requirements, the Borough Manager or representative shall approve the Limited Residential Chicken Permit provided the application and use meets all requirements of this Ordinance, except that misrepresentation including forgery by an applicant shall result in permit revocation.

**(18) Appeal:**

Any action taken by the Borough Manager or representative may be appealed by the applicant or adjacent landowner. Such an appeal will be heard by the Dublin Borough Council, whose determination will be final.

**(19) Penalties:**

- a) Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100.00 nor more than \$1,000.00 plus costs and, in default of payment, of said fine and costs, to a term of

imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues, or each Section of this Part, which shall be found to have been violated shall constitute a separate offense.

- b) Any violation of this Ordinance that would also violate any State Law shall be prosecuted under that State Law and not under this Ordinance.

**SECTION IV. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as same affects this Ordinance.

**SECTION V. Severability.** In the event any provision, section, sentence, clause, or part of this Ordinance shall be held invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Borough that such remaining shall be and shall remain in full force and effect.

**SECTION VI. Effective Date.**

This Ordinance shall become effective upon the earliest date provided by law.

ENACTED AND ORDAINED by the Borough of Dublin Council this 11<sup>th</sup> day of September, 2023.

ATTEST:

DUBLIN BOROUGH COUNCIL

Colleen Pursell  
Colleen Pursell, Secretary

BY: Jeffrey Sharer  
Jeffrey Sharer, President

Approved this 11<sup>th</sup> day of September 2023.

Christopher Hayes  
Christopher Hayes, Mayor