

**BOROUGH OF HELLERTOWN
ORDINANCE NO.: 853**

AN ORDINANCE OF THE BOROUGH OF HELLERTOWN, NORTHAMPTON COUNTY, PENNSYLVANIA AMENDING BOROUGH CODE ARTICLE 112 ANIMALS REGARDING SECTION 112-5 ENTITLED MAXIMUM NUMBER OF ANIMALS AND FOWL WHICH MAY BE PERMITTED AND SECTION 112-6 ENTITLED CONDITIONS UNDER WHICH ANIMAL AND FOWL MAY BE KEPT AND TO PROVIDE FOR THE REGULATING AND THE KEEPING OF ANIMALS AND FOWL ON AN OWNER OCCUPIED PROPERTY AND TO PROVIDE FOR AN ANNUAL PERMIT FOR SAID PURPOSES AND DEFINING FOWL AND DOMESTICATED ANIMAL.

BE IT ENACTED AND ORDAINED and it is hereby Enacted and Ordained by Borough Council of the Borough of Hellertown, County of Northampton and Commonwealth of Pennsylvania, as follows:

WHEREAS, the Borough Council of Hellertown, Northampton County Pennsylvania, deem it to be in the best interest and general welfare of the citizens and residents of the Borough to ensure the health, safety, and welfare of the residence of the Borough; and

WHEREAS pursuant to 8 Pa. C.S.A. 1202(10) the Borough has the authority to regulate the keeping of livestock and fowl within the Borough.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Borough Council of the Borough Hellertown as follows by deleting the crossed-out language and adding the underlined language as set forth below:

1. **SECTION 1.** Borough Code of Ordinances Section 112-3 entitled Definitions is hereby amended by adding the below definitions:

a. FOWL - Shall mean those animals in the zoological class aves, which can be generally defined as domestic birds commonly kept for the production of meat, eggs or feathers, which shall include, but not be limited to, chickens, ducks, geese, swans, turkeys, pigeons, pea fowl, guinea fowl. The definition of fowl specifically excludes ostriches and emus.

b. DOMESTICATED ANIMAL – all animals whether kept solely as household pets or whether kept under a permit issued by the authority of this article.

2. **SECTION 2.** Borough Code of Ordinances Section 112-4 entitled Permit required to keep domesticated animals and fowl under certain conditions is hereby amended as follows:

§112-4. Permit required to keep domesticated animals, and fowl under certain conditions.

It shall be unlawful for any person to keep a domesticated animal, ~~bird~~ or fowl at any place within the Borough of Hellertown for the purpose of breeding the same or for any purpose of manufacture, art, trade or business in connection

therewith or for any purpose other than as a household pet, except under an annual permit to be issued by the Code Enforcement Officer or his designee and in strict conformity with the conditions set forth in such permit and in this article. Any permit fees or other fees associated with this ordinance shall be designated by Resolution of Borough Council and as amended by Resolution.

3. **SECTION 3.** New Borough Code section 112-5 for animals entitled Maximum number of animals maybe stipulated.

§ 112-5. Maximum number of domesticated animals may be stipulated.

In issuing a yearly permit under this article, the Code Enforcement Officer or his designee may stipulate, as a condition of such permit, the maximum number of animals which may be kept upon any premises thereunder, and it shall be a violation of this article to keep more than such stipulated maximum number of animals upon such premises. In determining such maximum, the Code Enforcement Officer or his designee shall be guided by the type and nature of such animals and the location, size and character of the premises on which such animals are to be kept.

4. **SECTION 4.** New Borough Code Section 112-6 entitled Conditions under which animals may be kept is hereby amended as follows in its entirety.

§ 112-6. Conditions under which animals may be kept.

All animals kept within the Borough of Hellertown, whether kept solely as household pets or whether kept under a permit issued by authority of this article, shall be kept in good, clean condition and free from disease. For animals kept under yearly permit and for such household pets as normally are not at all times kept uncaged indoors, an adequate coop or pen shall be provided, which shall be substantially constructed, and so constructed as to prevent entry therein by rats, mice and other vermin, and so as to be easily cleaned and kept in a sanitary condition. No such coop or pen shall be kept in any cellar or within 75 feet of any house or dwelling or within 10 feet of an alley. All such coops and pens shall be dry, airy, well-lighted and not overcrowded. All refuse food and excrement shall be removed as often as necessary to prevent odors from developing therefrom and to prevent flies from being attracted thereto. The ground floor of each such coop or pen shall be elevated at least five inches above the ground in order to permit the control of rats, mice and other vermin underneath said coop or pen. All runways surrounding such coop or pen shall be aerated at least once a year by the spreading of lime or charcoal thereon.

5. **SECTION 5.** New Borough Code Section 112-7 entitled Maximum number of and fowl may be stipulated is hereby amended as follows as underlined and as set forth in its entirety:

§112-7. Maximum number of fowl may be stipulated.

In issuing a permit under this article, the Code Enforcement Officer or his designee may stipulate, as a condition of such permit, the maximum number of fowl which may

be kept on the premises thereunder, not to exceed a maximum number of six (6) fowl. After one (1) year at the request of the permit holder and provided that the conditions of Section 112-8 can be met the number of fowl kept on the premises may be increased to a maximum of twelve (12) fowl which may be kept upon any premises thereunder, and it shall be a violation of this article to keep more than each stipulated maximum number of fowl as set forth in the permit upon such premises. In determining such maximum, the Code Enforcement Officer or his designee shall be guided by the type of nature of such fowl and the location, size and character of the premises on which such fowl are to be kept. The keeping of Roosters on the premises is strictly prohibited.

6. **SECTION 6.** New Borough Code of Ordinances Section 113-8 entitled Conditions under which fowl may be kept is hereby amended as follows as set forth as underlined in its entirety:

§112-8. Conditions under which fowl may be kept.

All fowl kept within the Borough of Hellertown, whether kept solely as household pets or whether kept under a permit issued by authority of this article, shall be limited to owner occupied dwellings, shall be excluded from the front yard and be kept in a good, clean condition and free from disease. No fowl may be housed on the property for commercial use. For fowl kept under permit an adequate coop or pen shall be provided, which shall be substantially constructed, and so constructed as to prevent entry therein by rats, mice and other vermin, and so as to be easily cleaned and kept in a sanitary condition. The area where fowl are to be kept must be in an enclosed coop acceptable to the Code Enforcement Officer. No such coop or pen shall be kept in any cellar or within fifty (50) feet from any occupied structure excepting the property owner's personal residence or within 10 feet of an alley. All such coops and pens shall be dry, airy, well-lighted and not overcrowded. All refuse food and excrement shall be removed as often as necessary to prevent odors from developing therefrom and to prevent flies from being attracted thereto. The ground floor of each such coop or pen shall be elevated at least five inches above the ground in order to permit the control of rats, mice and other vermin underneath said coop or pen. All runways surrounding such coop or pen shall be aerated at least once a year by the spreading of lime or charcoal thereon.

7. **SECTION 7.** All other Section numbers shall be renumbered chronologically to conform with the changes of this ordinance.

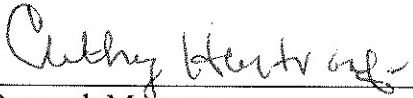
8. **SECTION 8.** The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Borough that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

9. **SECTION 9. REPEALER.** Any and all ordinances and/or parts hereon which Are inconsistent herewith are hereby and the same repealed.

ENACTED AND ORDAINED this _____ day of _____, 2023.

ATTEST:

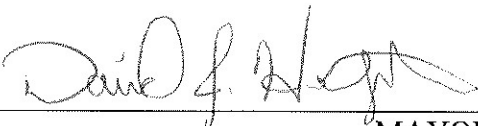
BOROUGH OF HELLERTOWN



Borough Manager



Thomas Rieger, President Borough Council



MAYOR