

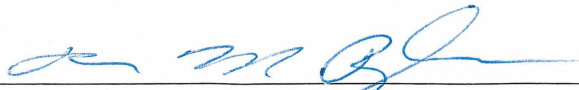
TOWNSHIP OF WHITPAIN

ORDINANCE NO. 4-264

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WHITPAIN AT PART II [GENERAL LEGISLATION], CHAPTER 160 [ZONING], BY AMENDING AND RESTATING ARTICLE II [DEFINITIONS] AND ARTICLE XXVIII [GENERAL PROVISIONS] TO REGULATE THE KEEPING OF CHICKENS

CERTIFICATION

I, ROMAN M. PRONCZAK, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER IN WHITPAIN TOWNSHIP, MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE NO. 4-264.



Roman M. Pronczak, P.E., Township Manager

February 21, 202~~3~~4

ENACTED: *Feb. 20, 2024*

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WHEREAS, the Board of Supervisors of Whitpain Township is duly empowered by the Second Class Township Code, 53 P.S. § 65101, *et seq.*, to enact certain regulations relating to the public health, safety welfare of the residents of Whitpain Township;

WHEREAS, the Board of Supervisors of Whitpain Township has adopted a comprehensive zoning ordinance, known as the Whitpain Township Zoning Ordinance of 1950, as amended, in accordance with the provisions of Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, which is intended to provide for the orderly development and redevelopment of Whitpain Township;

WHEREAS, the Second Class Township Code and Pennsylvania Municipalities Planning Code, *supra*, authorize the Board of Supervisors to make, amend and adopt amendments to the Whitpain Township Zoning Ordinance of 1950, as amended, that are consistent with the Constitution and laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the best interests of its residents; and

WHEREAS, the Board of Supervisors of Whitpain Township have determined that certain amendments to the Whitpain Township Zoning Ordinance of 1950, as amended, are required to provide for the orderly administration of the laws of and regulation of the keeping of chickens within Whitpain Township.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Whitpain Township Board of Supervisors that the Township's Code is amended as follows:

SECTION 1. **Amendment to Chapter 160 [Zoning], Article II [Definitions], Section 7 [Word Usage and Definitions], Subsection B [Definitions] to add definitions related to the keeping of chickens.**

The Code of the Township of Whitpain, Part II [General Legislation], Chapter 160 [Zoning], Article II [Definitions], Section 7 [Word Usage and Definitions], Subsection B [Definitions] is hereby restated and amended to add the following:

CHICKEN OWNER

Any person or other entity who: has a property right in a chicken or chickens; or keeps or harbors a chicken or chickens or has a chicken or chickens in their or its care; or permits chickens to run on or about premises owner or occupied by them or it.

HEN

A female chicken.

NUISANCE (CHICKEN)

A chicken or chickens that is/are damaging or destroying property; or creating a foul or obnoxious odor; or causing an unsightly condition; or disturbing the peace and quiet by repeated loud noise; or making any noise natural to its species in an excessive, continuous or untimely fashion so as to disturb the peace; or soiling, defiling or defecating on any property other than the property of the chicken’s owner, keeper or controller without removing such waste.

ROOSTER

A male chicken.

SECTION 2. Amendment to Chapter 160 [Zoning], Article XXVIII [General Provisions], Section 218 [Regulations for Farms and Related Agricultural Activities] to provide regulations for the keeping of chickens.

The Code of the Township of Whitpain, Part II [General Legislation], Chapter 160 [Zoning], Article XXVIII [General Provisions], Section 218 [Regulations for Farms and Related Agricultural Activities] is hereby amended to add Subsection I [Keeping of Chickens as Accessory to Single Family Dwelling Unit], as follows:

I. Keeping of Chickens as Accessory to Single Family Dwelling Unit.

It is recognized that keeping chickens can have positive benefits for residents in the form of food production and companionship when done well using best practices. The purpose of this ordinance is to establish certain requirements for noncommercial keeping of chickens within certain residentially-zoned areas. The keeping of chickens is permitted as an accessory use to a single family dwelling unit in the R-1, R-2, R-4 and R-5 Zoning Districts, subject to the following requirements:

(1) Type and number of chickens.

- (a) Only the keeping of hens/female chickens is permitted. The keeping of roosters/male chickens is strictly prohibited. Roosters that are present on a property as of the effective date of this ordinance shall be permitted to remain, subject to the requirement that they be kept in such a manner as to not be a nuisance to neighboring properties. No new roosters shall be permitted.
- (b) A minimum net lot area of 20,000 square feet is required to keep chickens.
- (c) No more than four (4) hens/female chickens shall be permitted on properties with a net lot area between 20,000 square feet and one-half (0.5) acre.
- (d) No more than eight (8) hens/female chickens shall be permitted on properties with a net lot area between one-half (0.5) acre and one (1) acre.
- (e) No more than twelve (12) hens/female chickens shall be permitted on properties with a net lot area between one (1) acre and two (2) acres.
- (f) No more than eighteen (18) hens/female chickens shall be permitted on any property.
- (g) Any chickens in excess of the permitted number of chickens permitted on any one (1) property, as provided herein, which are in existence prior to the effective date of this ordinance shall be permitted to remain in excess of such limitation until the demise or other permanent removal of any such chicken from the property. No chicken in excess of such limitation shall be permitted to be replaced.

(2) Permitting and inspection.

- (a) Any resident desiring to keep chickens shall apply for and obtain a chicken keeping permit from the Township, on a form available from the Code Enforcement Officer. The fee for a chicken keeping permit shall be set by resolution of the Board of Supervisors.

- (b) Chicken coops, chicken runs, and fences are not permitted to be installed before submitting a complete permit application to the Township and receiving approval from the Township Code Enforcement Officer.
 - (c) If a tenant should wish to keep chickens on rented property, then the tenant must secure written authorization from the property owner, in a form acceptable to the Township Code Enforcement Officer, as well as conform to all other requirements as enumerated in this section. Both tenant and landowner shall be jointly and severally responsible for compliance with the provisions of this section.
 - (d) The Code Enforcement Officer and/or their designee(s) shall have the right to inspect any chicken coop, chicken run, and fencing between 8:00 a.m. and 5:00 p.m. (Monday through Friday). The inspector shall issue any order deemed necessary to comply with any and all federal, state, county, and municipal codes. Twenty-four (24) hours' notice shall be given to the property owner where practicable.
- (3) Keeping of chickens.
- (a) All chickens shall be kept in a sanitary and humane manner and in such a way as to not be a nuisance to adjoining property owners, as defined herein. All chicken waste shall be cleaned and disposed in a sanitary manner. The Township shall use the standards set forth at <https://extension.psu.edu/small-scale-poultry-housing> as a general guideline for determining whether chickens are being kept in a sanitary and humane manner. The Township encourages chicken owners within the Township to utilize the practices referenced therein.
 - (b) All chickens shall be housed within a secure, fully enclosed, chicken coop which is contained within a fenced chicken run.
 - (c) There shall be at least 4 square feet of space for each chicken within the coop and an additional 10 square feet of space per chicken within the chicken run.

- (d) The chicken run fence shall be made of durable materials, such as wood and wire mesh, extending underground for at least 1 foot and have an aboveground height of at least 4 feet and shall be of semi-permanent construction. The chicken run shall also have a roof made of either wire mesh or aviary netting to protect against predators or a more permanent roof structure. The height of the chicken coop and chicken run shall not exceed 6 feet.
 - (e) It shall be unlawful to let any chicken roam freely outside of the areas of the chicken coop and chicken run. Any fencing shall be extended underground for at least 1 foot and have an aboveground height of at least 6 feet.
 - (f) Chicken coops, chicken runs, and fencing shall be located in the rear yard only and shall be no closer to any property line than permitted for an accessory structure within the applicable zoning district and no closer than 25 feet to any dwelling. All chicken coops, chicken runs and associated fencing may be required to be shielded from the view of adjacent properties with an additional appropriate fence or shrubbery with a minimum height of 4 feet, as determined by the Code Enforcement Officer in their sole discretion.
 - (g) All chicken-related materials and feed must be kept in a secure enclosed structure on the premises so as to prevent vermin and any nuisance to surrounding neighbors.
 - (h) All chicken waste must be cleaned up and stored in an insect-proof container. All chicken waste must be disposed of regularly in a sanitary way acceptable to the Township.
- (4) Slaughter.
- (a) Public slaughter is prohibited. Slaughter is permitted when conducted in the kitchen of the chicken keeper's private residence and all excess viscera is disposed in a sanitary manner.
 - (b) Commercial slaughter is prohibited.

- (5) The sale of chickens or chicken eggs for commercial purposes is prohibited. *De minimus* egg sales are permitted, as determined by the Code Enforcement Officer in their sole discretion, subject to the regulations of other agencies, where applicable.
- (6) It shall be unlawful and shall constitute a nuisance if any chicken, chicken coop/run, or fenced area produces odors, excessive noise, at and beyond the property lines or attracts vermin, or is kept in an unsanitary condition and/or is otherwise a concern to public health in the discretion of the Code Enforcement Officer.
- (7) The keeping of chickens shall not be permitted as an accessory use on a property where such use is prohibited by a covenant, restriction, rule or regulation of a homeowners' or other association which includes the property. Permit applications for properties located in communities subject to a homeowners' association or other association shall include written approval from the appropriate authority authorizing permission to keep chickens, for the number of chickens permitted, and for the location and size of the chicken coop and run.

SECTION 3. Repeal and Ratification.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 4. Severability.

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 5. Effective Date.

This Ordinance shall become effective 5 days after enactment.

ORDAINED AND ENACTED this 20th day of February 202~~3~~⁴, by the
Whitpain Township Board of Supervisors.

**WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS**



SCOTT M. BADAMI, *Chair*

[Seal]

Attested by:



JEFFREY CAMPOLONGO, *Secretary*