

**EAST GREENVILLE BOROUGH**  
**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE BOROUGH OF EAST GREENVILLE, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE EAST GREENVILLE BOROUGH CODE OF ORDINANCES; PERMITTING THE KEEPING OF 3 FEMALE CHICKENS IN THE BOROUGH, SUBJECT TO CERTAIN CONDITIONS AND REGULATIONS; REPEALING ALL PRIOR INCONSISTENT ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 1202 *Specific powers* of the Borough Code, 8 Pa.C.S. § 101, *et seq.*, authorizes the Borough Council of the Borough of East Greenville to make regulations as may be necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience, comfort and safety of the Borough and its residents;

**WHEREAS**, section 32-6 *Keeping of certain animals prohibited*, subsection C prohibits the keeping of farm animals, including fowl, in the Borough of East Greenville; and

**WHEREAS**, the Borough Council of the Borough of East Greenville believes it to be in the best interest of the Borough to permit the keeping of female chickens, subject to certain conditions and regulations, in the Borough; and

**WHEREAS**, to effectuate the keeping of female chickens in the Borough the Borough Council of the Borough of East Greenville intends to repeal the outright prohibition on all fowl in the Borough to permit female chickens, subject to the conditions and regulations established herein.

**NOW, THEREFORE**, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of East Greenville as follows:

**SECTION 1.**

The Borough Council of the Borough of East Greenville amends Chapter 32 *Animal Control*, section 32-6 *Keeping of certain animals prohibited* of the Borough Code of the Borough of East Greenville by repealing subsection C in its entirety and replacing it with the following:

- C.** Keeping farm animals prohibited. It shall be unlawful for any person to keep or maintain any cattle, swine, sheep, goats or fowl in the Borough except as permitted pursuant to section 32-6a *Keeping of chickens* of the Borough Code of Ordinances.

## SECTION 2.

The Borough Council of the Borough of East Greenville amends Chapter 32 *Animal Control* of the Borough Code of the Borough of East Greenville by creating a new section, section 32-6a *Keeping of chickens* with the following terms:

### § 32-6a. Keeping of chickens.

#### A. Definitions

1. **Word usage.** Words and phrases shall be presumed to be in their ordinary context unless such word or phrase is defined differently within this section.
2. **Terms defined.** As used in this section, the following terms shall have the meanings indicated:

**ADEQUATE SUN AND SHADE.** Ambient temperature over 65 degrees Fahrenheit, the birds will have access to a fully shaded area to escape the sun. Enough sun exposure to allow ground to dry and allow birds access to sun.

**ADEQUANT VENTILATION.** Air flow through the coop such that the ceiling of the coop does not hold condensed moisture and does not subject the resident birds to a draft.

**APPLICANT.** A person who has applied for a residential chicken permit.

**CHICKEN.** A female member of the subspecies *Gallus gallus domesticus*, commonly known as pullets or hens. The term shall not be construed to include turkey, duck, guinea fowl, goose, or any other fowl. The term shall not be construed to include roosters.

**CHICKEN COOP (OR COOP).** A structure for sheltering of female (pullets or hens) chickens. An existing shed or garage may be used for this purpose, provided that it meets the standards for chicken coops set forth in this section. A chicken coop shall be considered an accessory structure, which may require separate permit(s).

**CHICKEN PEN (OR PEN).** An enclosure, constructed as set forth below, connected to a chicken coop within which female chickens are permitted access to yard area.

**CO-PERMITTEE.** A lessee or tenant of a residential dwelling who has received a residential chicken permit in conjunction with the property owner for the keeping of chickens.

**PERMITTED TRACT OF LAND.** The portion of the tract of land identified by the application upon which a permit is granted for the keeping of chickens pursuant to this section.

**PERMITTEE.** A residential property owner who has received a residential chicken permit for the keeping of chickens.

**RESIDENTIAL CHICKEN PERMIT.** A permit issued under the provisions of this section for the keeping of chickens as accessory to the primary residential use on a property.

**ROOSTER.** A male member of the species Gallus gallus domesticus.

**SINGLE-FAMILY DETACHED DWELLING.** A building designed for and occupied exclusively as a residence for one family and not attached to any other building or dwelling units.

**TRACT OF LAND.** A tax parcel, or combined tax parcels, containing one single-family detached dwelling.

**B. Residential Chicken Permit required.**

1. No person shall raise, harbor or keep chickens within the Borough of East Greenville without a valid Residential Chicken Permit obtained from the East Greenville Borough Code Official under the provisions of this section. In order to obtain a permit, an applicant must submit a completed application on forms provided by the Code Official, as may be amended from time to time, demonstrating compliance with the requirements for a Residential Chicken Permit as established in this section, and paying all fees required by this section.
2. **Residential Chicken Permit application requirements.**

- a. A Residential Chicken Permit application shall be submitted on the form established by the Borough, and at a minimum shall contain the following information:
  - (i) The address of the tract of land and the square footage of the proposed permitted tract of land.
  - (ii) A verification that the applicant is familiar with the requirements set forth in this section for the keeping of chickens.
  - (iii) A verification that all utility fees and taxes owed by the applicant to the Borough have been paid in full.
  - (iv) That the tract of land contains one single-family detached dwelling, and no other residential structures.
  - (v) That the applicant has provided notice to the residents of all immediately adjacent residential properties (whether zoned residential or containing a residential dwelling unit) of the applicant's intent to obtain a permit.
  - (vi) A notarized signature of the landowner of the subject property.
  - (vii) The notarized signature of any lessee or tenant who will be responsible for the keeping of chickens (co-permittee).
  - (viii) A verification that no private restriction against the keeping of chickens, e.g. homeowners' association regulations, exists.
  - (ix) The application shall be accompanied by any other required permit applications, e.g. building permit applications for an accessory structure.
  - (x) The applicable fee.
  
- b. The Borough Council shall from time to time establish by resolution an application fee for the Residential Chicken Permit application for the keeping of chickens under this section.

**3. Issuance of Residential Chicken Permit.**

- a. If the Code Official or his designee determines that the Residential Chicken Permit application is administratively complete, the Code

Official shall issue a conditional approval of the Residential Chicken Permit application.

- b. After the applicant receives conditional approval, the applicant must notify the Code Official when the chicken coop and chicken pen have been constructed/installed on the subject property and are ready for inspection. The applicant shall not bring chickens onto the Property until the inspection has occurred and a final Residential Chicken Permit is issued.
- c. If, upon inspection, the Code Official or his designee determines that the chickens will be kept in compliance with the requirements of this section, the Code Official shall issue a final Residential Chicken Permit to the applicant.

4. **Duration of Residential Chicken Permit.** Residential Chicken Permits permits shall be valid for three (3) years after the date of issuance of the final Residential Chicken Permit. A permittee and/or co-permittee who wishes to continue keeping chickens shall apply for a new residential chicken permit at least 30 days prior to the expiration date of the previously issued Residential Chicken Permit. Applications for a new Residential Chicken Permit shall be reviewed in accordance with the procedures and requirements that are applicable at the time the person applies for the new Residential Chicken Permit. An inspection by the Borough will be required prior to the Residential Chicken Permit renewal, to ensure compliance with the provisions of this section and other applicable laws of the Borough, which inspection is a condition precedent to the issuance of a new Residential Chicken Permit.

5. **Denial, suspension, revocation, nonrenewal.**

- a. The Code Official may deny, suspend, revoke, or decline to renew any Residential Chicken Permit issued for any of the following reasons:
  - (i) False statements on any application or other information or report required by this section to be given by the applicant.
  - (ii) Failure to pay any application, penalty, inspection, or other fee required by this section.

- (iii) Failure to correct deficiencies noted in notices of violation in the time specified in the notice.
- (iv) Failure to comply with the provisions of an approved mitigation/remediation plan of the Code Official, or designee.
- (v) Failure or refusal to allow a police officer, Code Official, or designee, access to the chicken coop and chicken pen to allow the inspections required by this section.
- (vi) Failure to comply with any provisions of this section.

b. **Notification of suspension, revocation, or nonrenewal.** A decision to revoke, suspend, deny, or not renew a permit shall be in writing, delivered by ordinary mail or in person to the address indicated on the application. The notification shall specify reasons for the action as well as, if applicable, a mitigation/remediation plan.

c. **Effect of revocation or nonrenewal.** When an application for a permit is denied, or when a permit is revoked, the Applicant may not re-apply for a new Residential Chicken Permit for a period of one (1) year from the date of the denial or revocation. Upon the expiration of the appeal period hereunder, all chickens shall be removed from the premises. Any premise not complying shall be subject to violations and penalties as established in this section.

### C. Performance Standards.

1. **Number and Type of Chickens Allowed.** The maximum number of chickens allowed is 3 per tract of land. Only female chickens (hens and pullets) are allowed. Roosters are prohibited within the Borough of East Greenville.

2. **Principal use.** The principal use of the tract of land must remain as a single-family detached dwelling. If the use of the property changes to a nonresidential use, or a different type of residential use, the Residential Chicken Permit shall be automatically deemed revoked, and the chickens shall be removed on or before the expiration of the appeal period set forth in this section.

- 3. Non-Commercial Use Only.** A permittee/co-permittee shall not engage in chicken breeding, sales, or fertilizer production for commercial purposes, or any other commercial enterprise pursuant to a Residential Chicken Permit. This prohibition includes, but is not limited to, the sale of:
- a. Eggs, chicks, or chickens.
  - b. Chicken manure or compost containing chicken manure.
  - c. Produce which has been grown in an accessory garden fertilized with chicken manure or compost.
- 4. Enclosure standards.**
- a. **Chicken coop and chicken pen required.** Chickens shall be kept in a chicken coop which has access to a chicken pen. Chickens shall be kept in the chicken coop or chicken pen at all times. Chickens shall be secured within the chicken coop during all non-daylight hours, with the door to the chicken coop secured with a lock.
  - b. **Chicken coop design.**
    - (i) The chicken coop shall be stationary, enclosed with solid material on all sides and have a solid roof and door(s).
    - (ii) The chicken coop shall be raised above ground level so that the floor is located one (1) foot above ground level.
    - (iii) The chicken coop shall be at least 18 inches high and provide at least 4 square feet of floor area per chicken while minimizing adverse impacts to other residents in the neighborhood.
    - (iv) The chicken coop shall provide no less than one square foot of window per coop, with at least one square foot of window per 15 square feet of floor, and shall ensure adequate sun and shade. In addition, the coop shall provide vents as necessary to ensure adequate ventilation.
    - (v) The materials for each element (walls, roof, windows and doors) shall be uniform and blend with the surrounding area. The use of scrap, waste board, sheet metal, or similar materials is prohibited.

- (vi) Doors shall be constructed so that they can close and lock. Doors shall be closed and locked, with all chickens inside, during non-daylight hours.
- (vii) Windows shall be constructed so they can close.
- (viii) Windows and vents shall be covered with wire mesh with a maximum spacing of one inch by one inch.
- (ix) The coop shall be impermeable to rodents, wild birds, dogs, cats and other predators.
- (x) The coop shall provide adequate shelter from moisture and extremes of temperatures.
- (xi) Existing accessory structures may be used as chicken coops, provided they meet standards set forth herein.

c. **Chicken pen design.** The chicken pen shall be constructed of wood or metal posts with wire mesh fencing material (wire mesh with a maximum spacing of one inch by one inch). The pen shall contain at least 10 square feet of area per chicken. The fence shall rise at least four feet above the ground and be buried at least one foot below the ground. The pen shall be covered with wire mesh, aviary netting or solid roofing.

d. **Location of chicken coops and chicken pens.**

- (i) Chicken coops and chicken pens shall only be located in the rear yard. For purposes of this section, "rear yard" means the portion of the yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point of the single-family detached dwelling. The chickens shall at all times remain in the chicken coops and chicken runs.
- (ii) Chicken coops must be located at least twenty (20) feet from the property line and at least thirty (30) feet from any adjacent building in separate ownership from the permittee.

**5. Maintenance of chicken coop, chicken pen, and surrounding area.**

The chicken coop, chicken pen, and surrounding area shall be kept clean, dry, and 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 by using an approved sanitary method, including



composting or double bagging manure and placing the manure in the trash for collection. Under no circumstance shall chicken manure be placed into the sanitary sewer system. The permittee and co-permittee shall take any and all necessary action(s) to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Slaughter of chickens is **not** permitted. If a chicken dies it shall be disposed of in accordance with the Domestic Animal Law, 3 Pa.C.S.A. § 2301, *et. seq.*

- 6. Odor and Noise Impacts.** Odors from chickens, chicken manure, or other chicken related substances shall not be perceptible beyond the boundaries of the tract of land. Noise from chickens shall not be loud enough beyond the boundaries of the tract of land at the property boundaries to disturb persons of reasonable sensibility.
- 7. Predators, rodents, insects, and parasites.** The permittee shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects or parasites. Chickens found to be infested with insects or parasites that may result in unhealthy conditions to human habitation shall result in revocation of a permit.
- 8. Feed and water.** Chickens shall be provided with access to feed and water at all times. Stored feed and water shall be kept in enclosed containers, protected from rodents, wild birds, and predators.
- 9. Chickens at large prohibited.**
  - a. No owner shall allow chickens to roam of the permitted tract of land.
  - b. No dog or cat or domesticated animal which kills a chicken off the permitted tract of land will, for that reason alone, be considered a dangerous or aggressive animal or the Borough's responsibility to enforce any animal control provisions.
- 10. Unlawful acts.**
  - a. It shall be unlawful for any person to keep chickens in violation of any provision of this section. Permittees and co-permittees shall be jointly and severally liable for compliance with the provisions of this section.

- b. It shall be unlawful for any owner of rental property, renter, or leaseholder of property to allow chickens to be kept on any property, except where the owner of the chickens is also the resident and owner of the property upon which the chickens are kept.
- c. No person shall slaughter any chickens within Borough limits.
- d. No person shall keep a rooster.
- e. No person shall keep chickens on a vacant or uninhabited tract of land.

**11. Nuisances.** Any violation of the terms of this section that constitutes a health hazard or that interferes with the use or enjoyment of a neighboring property is a nuisance and may be abated under the general nuisance abatement provisions of the Pennsylvania Borough Code and all applicable Borough nuisance or zoning ordinances, with fines and penalties consistent with said ordinances.

**D. Random Inspections.** The permittee/co-permittee shall make his or her chicken coop and chicken pen available for inspection upon demand by any police officer, Code Official, or other designated Borough of East Greenville employee. Inspections may be performed at any time, randomly and without notice, and shall occur at least one (1) time annually. The permittee shall permit any police officer, Code Official, or other designated Borough of East Greenville employee access to his or her rear yard immediately upon presentation of satisfactory identification by the police officer, Code Official, or designated Borough of East Greenville employee. If a permittee refuses to make his or her chicken coop and chicken pen available for inspection, that permittee's Residential Chicken Permit shall be automatically revoked, and the chickens shall be removed as required under this section.

**E. Private Restrictions Unaffected.** Notwithstanding the issuance of a Residential Chicken Permit by the Borough, private restrictions on the use of land/property shall remain enforceable as provided by law, and the Borough's issuance of a Residential Chicken Permit does not remove or supersede private restrictions in effect. No person shall make application for a Residential Chicken Permit who knows, or has reason to know, that private restrictions prohibit the keeping of chickens. Private restrictions include but are not limited to: rental contracts, deed restrictions, condominium master deed restrictions, neighborhood associations' bylaws, and covenant deeds. A Residential Chicken Permit issued

to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

F. **Appeal.** If any applicant, permittee, co-permittee, or landowner adjacent to a permitted chicken coop or chicken pen is aggrieved by the determination of the Code Official or his/her designee, such aggrieved person may appeal the determination to the East Greenville Borough Council. The appeal shall be in writing and must be received at the Borough office no later than 10 days from the date of the determination of which such person(s) are aggrieved. A timely appeal shall stay any order to remove chickens until the determination of the appeal, unless the order specifies that it was issued due to the keeping of chickens causing an immediate public health or safety hazard. The written appeal must describe in detail the reason for appeal. The Borough Council may make a determination after considering the written appeal or may notify the aggrieved person of when the matter will be considered by Council at a public meeting. Any decision of Council shall be final and binding.

G. **Violations and penalties.**

1. Any violation of this section may result in an action being brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The fine for such violation shall not be less than \$100 nor more than \$1,000 for each violation. A separate offense shall arise for each day or portion of a day in which a violation is found to exist, or for each regulation of this section which is found to have been violated.
2. This section may be enforced through an action in equity brought in the Court of Common Pleas in which the tract of land is located.
3. Any person found guilty of violating this section may be assessed court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings brought in accordance with this section.

**SECTION 3. SAVINGS CLAUSE**

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, non-enforceable or unconstitutional, the Council hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, non-enforceable, or unconstitutional portion, part or provision of this Ordinance.

**SECTION 4. REPEALER**

Any and all other Ordinances or parts of Ordinances in violation or in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall become effective immediately.

**ORDAINED** and **ENACTED** an ordinance of the Borough of East Greenville this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**BOROUGH OF EAST GREENVILLE:**

\_\_\_\_\_  
ANGELA FEGLEY, COUNCIL PRESIDENT

ATTEST:

\_\_\_\_\_  
SHARON KACHMAR,  
BOROUGH SECRETARY

Approved this \_\_\_\_\_ day of \_\_\_\_\_,  
2018

\_\_\_\_\_  
KEITH GERHART, MAYOR