

*The following model zoning ordinance may be used as a basis for municipal regulation of non-commercial and small-scale keeping of chickens. The municipal zoning ordinance is generally the best location for backyard chicken regulations because it is regulated as an accessory use to a residence. This model zoning ordinance is not applicable to commercial poultry activities subject to Pennsylvania Act 38 "The Agriculture, Communities and Rural Environment Act of 2005" (ACRE), which (among other provisions) gives farmers the right to ask the Pennsylvania State Attorney General's office to review local ordinances that they feel unlawfully restrict normal agricultural operations or ownership.*

*This model zoning ordinance is set up from a Township standpoint and applies a special exception process. The regulation of backyard chickens typically occurs in townships, although some boroughs do allow the use in limited circumstances in low density districts. The special exception process allows neighbors to offer comments during a public hearing. However, because of the additional costs for special exception applications, rural municipalities and others may choose to permit backyard chickens as a "by-right" use, subject to listed conditions.*

## **A MODEL TOWNSHIP ZONING ORDINANCE: RAISING AND KEEPING OF CHICKENS**

WHEREAS, the Township permits various accessory structures and land uses; and,

WHEREAS, the raising and keeping of chickens on a non-commercial basis at a residential property, and their associated henhouses, coops and runs are appropriate accessory uses if certain conditions are met; and,

WHEREAS, the Township desires to ensure that the raising and keeping of chickens and their associated structures are conducted in a way as to not adversely affect the safety and general welfare of the citizens of the Township, and not create any public nuisance.

NOW, THEREFORE IT IS HEREBY ORDAINED AND ENACTED, by the Township Board of Supervisors, as follows:

Section 1. Definitions. *(Note: These definitions should be placed in the definitions section of the zoning ordinance.)*

- A. Chicken run or pen: A fenced or other type of enclosure that is mostly open to the elements, for the purpose of allowing chickens to leave the henhouse or coop while remaining in a predator-safe environment. The chicken run or pen is typically attached to the henhouse or chicken coop.
- B. Domesticated chicken: A subspecies of the species *Gallus domesticus*.
- C. Henhouse or chicken coop: A structure providing shelter for chickens which is completely enclosed.

## Section 2. Purpose and General Regulations.

- A. Purpose. The purpose of this article is to provide minimum standards for the keeping of domesticated chickens. This article enables residents to keep chickens on a non-commercial basis as an accessory use to a residence, while limiting the adverse effects of the activity on surrounding properties. Such adverse effects can include noise, odors, unsanitary conditions, attraction of predators, chickens running at large, unsightly conditions, and similar adverse conditions.
- B. Special Exception Required. The keeping of domesticated chickens may be permitted as an accessory use to a single-family dwelling by special exception, and a zoning permit shall be required.
- C. Additional Reasonable Conditions May be Attached. In granting a special exception, the Township Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Township Zoning Ordinance. *(Note: reasonable conditions may include the provision of landscaping or fencing to screen views of the activity, and increased setbacks.)*
- D. Periodic Inspection. The Township may periodically inspect the facility, upon reasonable notice, to ensure that all conditions of the special exception are continuously met.
- E. Non-commercial Use Only. Domesticated chickens shall be kept for non-commercial purposes only; however, the incidental sale of eggs is not prohibited, provided that all other Township regulations relating to the accessory sales are met *(Note: The Township would regulate the incidental sales of eggs as it would regulate a typical roadside vegetable stand).*
- F. Enclosed Structure Required. Chickens shall be kept in an enclosed structure at all times. No chicken shall be permitted to roam freely.

Section 3. Lot Size and Limits on Numbers of Chickens. *(Note: This Section is intended to apply primarily to suburban municipalities. Rural and agricultural communities may vary the minimum lot size regulations and increase the number of chickens that are permitted by lot area. Furthermore, the municipality should decide which districts will permit backyard chickens. We recommend that this activity be limited to residential districts that permit single-family detached dwellings; backyard chickens are usually not appropriate in multi-family or mixed-use districts.)*

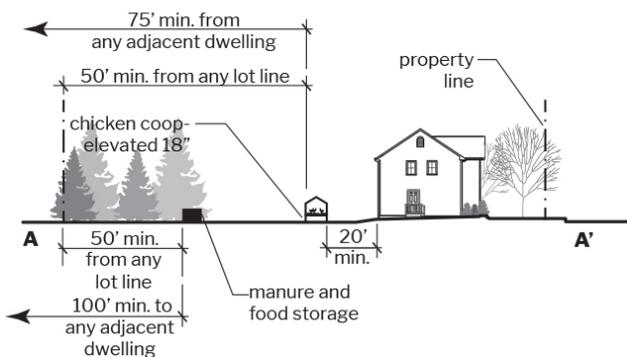
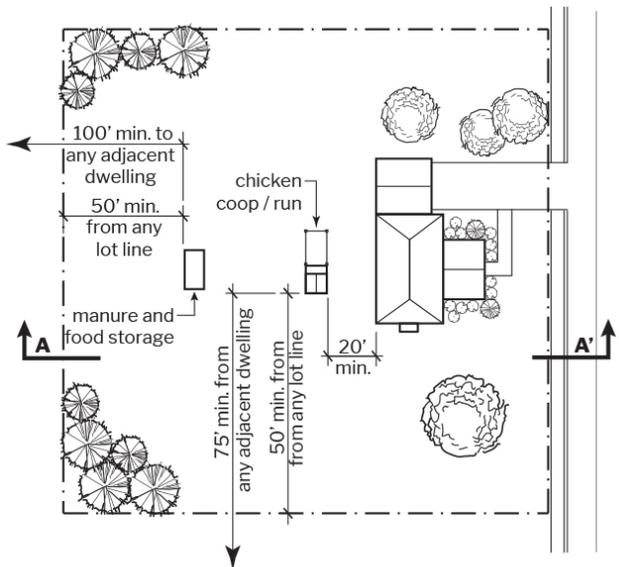
- A. Minimum lot size. One acre. *(Note: Some municipalities have chosen to allow chickens on lots smaller than one acre and limit the number of chickens accordingly. Each municipality should determine what they deem most appropriate for their community.)*
- B. Number of chickens per lot.
  - 1. Three chickens shall be permitted for the first one acre.
  - 2. One additional chicken shall be permitted for each additional 1/4 acre, up to a maximum of 20 chickens per lot.
  - 3. Notwithstanding Section 3.B.2., there shall be no limit on the number of chickens on lots over five acres. *(Note: Municipalities may impose a reasonable maximum limit on the number of chickens on larger lots, but it may not be necessary to do so for*

lots where the potential for neighborhood disturbance is limited; this is a matter of municipal discretion.)

4. No rooster shall be permitted on any lot less than five acres. (Note: Some municipalities impose a complete ban on roosters.)

C. Setbacks.

1. Chicken runs, pens, henhouses and chicken coops shall be set back from all adjacent residences that are not occupied by the applicant by not less than seventy-five (75) feet and by not less than fifty (50) feet from any lot line. (Note: Municipalities choosing to allow chickens on smaller lot sizes may choose to lower these setbacks. Also, the municipality should check the required setbacks for other accessory structures and amend their ordinance as necessary to indicate which setback takes precedence. This could be the more restrictive of the two, or they may want to make an exception specific to the use.)
2. Chicken henhouses and coops shall be set back not less than twenty (20) feet from the applicant's residence.
3. All structures relating to chickens shall be located to the rear of the residence.
4. No facility for storing manure or feed shall be located within one hundred (100) feet of any adjacent residence not occupied by the applicant and not less than fifty (50) feet from any lot line.



#### Section 4. Structures, Chicken Pens, Runs, and Coops.

- A. Enclosed and Predator Resistant Structure. Chicken runs, pens, henhouses and coops shall be enclosed and constructed of durable materials to prevent entry by predators or the escape of chickens. All walls and ceiling and roof areas shall also be protected against entry by predators.
- B. Construction Materials. Chicken pens, henhouses and chicken coops shall be constructed of weather-resistant that can readily be cleaned and maintained and kept in good appearance.
- C. Prevention of Entry by Burrowing. A horizontal at-grade area not less than one (1) foot in width along the interior or exterior perimeter of the chicken run or pen shall be composed of chain link or other material to prevent entry by burrowing predators. Alternatively, a barrier to burrowing not less than one (1) foot in depth may be placed along the perimeter of the chicken run or pen.
- D. Elevation of Structures. Henhouses and chicken coops shall be elevated at least 18 inches above grade, with an elevated floor that will prevent entry by predators. The applicant shall provide details of how manure will be properly cleaned from henhouse and chicken coop floors.
- E. No External Illumination. The exterior areas of henhouses and chicken coops shall not be illuminated.
- F. Minimum Area per Chicken in Henhouse or Coop. The henhouse or chicken coop shall provide not less than one square foot (144 square inches) of area per chicken, as well as separate roosting or egg-laying areas.
- G. Minimum Area per Chicken Run or Pen. A chicken run or pen shall be provided and be large enough to allow freedom of movement, but shall provide not less than four (4) square feet per chicken.
- H. Feed and Water Required. Adequate feed and water shall be continuously provided, with protection against freezing.

#### Section 5. Conduct of the Owner.

- A. Banding. *(Note: Some municipalities require the banding of chicken's legs with the owner's name, telephone number and other information. This is not recommended because bands large enough to include significant information are typically not commercially available, and chickens are not permitted to roam freely. Additionally, it is difficult and may be dangerous to attempt to catch a roaming chicken in order to inspect its leg band.)*
- B. Odor and Noise. Odors shall not be perceptible at the lot line. Noise shall not be perceptible at lot lines to the extent that it results in a public nuisance or is in violation of the municipal noise ordinance.
- C. Waste and manure storage and removal. A written waste storage and removal plan shall be submitted. All stored manure shall be placed within a fully enclosed container. No

more than three cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken run and pen and surrounding area must be kept free from trash and accumulated manure.

- D. Mortality. Dead animals shall be disposed of promptly and consistent with applicable waste disposal regulations of the municipality.
- E. Slaughtering. Slaughtering of chickens shall be conducted in a fully-enclosed structure.
- F. Description of how the Backyard Chicken Activity will be conducted. (*Note: This discretionary option may give the municipality a good assessment of how thoroughly an applicant has considered the proposed backyard chicken activity.*) The applicant shall describe how the chickens will be cared for, and shall elaborate on the following:
  - 1. how the facility will be maintained on a routine basis,
  - 2. routine collection of eggs,
  - 3. continuous provision of fresh food and water supplies,
  - 4. waste collected and removal,
  - 5. amounts of mulch or animal bedding,
  - 6. how complaints from neighbors will be addressed, and
  - 7. other matters that the Township Zoning Hearing Board wishes to consider.

#### Section 6. Severability.

In the event that any section, subsection or portion of this article shall be declared to by any competent court to be invalid for any reason, it is the intent of the Township that all other sections, subsections or portions of this article shall remain valid.

#### Section 7. Validity and Effective Date.

To the extent that this ordinance is inconsistent with any other portion of the Township's zoning ordinance, the provisions of this ordinance will take precedence. This ordinance shall become effective immediately upon enactment.