

## **Chapter 190**

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**[HISTORY: Adopted by the Borough Council of the Borough of Edgewood 3-16-2015 by Ord. No. 1050. Amendments noted where applicable.]**

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#### **ARTICLE I**

**Title, Legislative Findings, and Authority**

**§ 190-1. Short title.**

This Chapter shall be called the “Urban Chicken Ordinance.”

**§ 190-2. Findings.**

The Borough Council finds:

- A. There is a growing interest among Borough residents in local food systems, greater self sufficiency by households, and non commercial food production as an adjunct to residential dwellings.

- B. Small-scale chicken keeping can help reduce organic solid waste, and complement home vegetable gardening by providing insect control and composting and fertilizer.
- C. That evolving technologies and husbandry techniques can facilitate the limited regulated keeping of chickens within urban areas.
- D. A large number of urban communities, including Cedar Rapids, Iowa, Seattle, Washington, Ann Arbor Michigan, and State College, Pennsylvania have made provisions for urban chickens.
- E. Providing for limited non commercial urban chicken keeping meets the community development objective of keeping young families interested in buying property and remaining within Borough limits.
- F. Unregulated chicken keeping in an urban setting could result in proliferation of nuisances. Carefully regulated chicken keeping is an alternative to prohibition.

### **§ 190-3. Statutory authority.**

The Borough is authorized to prohibit or regulate the keeping of fowls and other livestock under the Corporate Powers granted by Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes, Article XII, § 1202(10).

## **ARTICLE II**

### **Definitions**

### **§ 190-4. Definitions.**

**ADEQUATE 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.

**ADEQUATE SUN AND SHADE**—Such that at all times of ambient temperatures over 65 degrees Fahrenheit, the birds will have access to a fully shaded area to escape the sun. Coop and run will have enough sun exposure to allow ground to dry and allow birds access to sun to warm themselves when they choose.

**CHICKEN**—A member of the subspecies *Gallus gallus domesticus*, a domesticated fowl. This definition shall not be construed to include any species of turkey, duck, guinea fowl, goose or other fowl.

**CHICKEN TRACTOR**—A portable enclosure for chickens, intended to be frequently moved as a means to build soil or control garden weeds, which may or may not be attached to a henhouse.

**HENHOUSE**—A building with four opaque walls and a roof, intended for the shelter and protection of chickens.

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

**PERMITTEE**—An applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this Chapter.

**PERMITTING OFFICER**—The Borough Zoning Officer or his agent.

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

SINGLE FAMILY DWELLING—Any building that contains only one dwelling unit used or intended to be occupied for living purposes by one family consistent with the Borough of Edgewood Zoning Ordinance [Chapter 200].

TRACT OF LAND—A property or a zoned lot that has one single family dwelling located on that property or zoned lot.

URBAN CHICKEN—A chicken kept on a permitted tract of land pursuant to a permit issued under this Chapter.

### **ARTICLE III Permitting Requirements**

#### **§ 190-5. Permit required.**

No person shall raise, harbor or keep chickens within the Borough of Edgewood without a valid permit obtained from the Permitting Officer under the provisions of this Chapter.

#### **§ 190-6. Application.**

In order to obtain a permit, an applicant must submit a completed application on forms provided by the permitting officer and paying all fees required by this Chapter.

#### **§ 190-7. Requirements.**

The requirements to the receipt of a permit include:

- A. All performance standards requirements of this Chapter are met.
- B. All fees, as may be provided for from time to time by Borough Council resolution, for the permit are paid in full.
- C. All utility fees and taxes owed by the applicant to the Borough have been paid in full.
- D. The tract of land to be permitted shall contain only one single-family dwelling, and accessory buildings or uses, as defined under the Borough Zoning Ordinance [Chapter 200].
- E. The applicant has provided notice to the residents of all immediately adjacent dwellings of the applicant's intent to obtain a permit.
- F. The applicant has successfully completed an approved class in chicken keeping in an urban setting. The permitting officer shall maintain a current list of such approved classes.

#### **§ 190-8. Issuance of permit.**

If the permitting officer concludes as a result of the information contained in the application that the requirements for a permit have been met, then the officer shall issue the permit within 30 days of receipt of a complete application and fees.

**§ 190-9. Denial, suspension, revocation, non-renewal.**

The permitting officer may deny, suspend, revoke, or decline to renew any permit issued for any of the following grounds:

- A. False statements on any application or other information or report required by this Section to be given by the applicant.
- B. Failure to pay any application, penalty, re inspection or reinstatement fee required by this Section.
- C. Failure to correct deficiencies noted in notices of violation in the time specified in the notice.
- D. Failure to comply with the provisions of an approved mitigation/remediation plan by the permitting officer, or designee.
- E. Failure to comply with any provision of this Chapter.
- F. Notification of suspension or revocation. 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.
- G. Effect of revocation. When an application for a permit is denied, or when a permit is revoked, the applicant may not re-apply for a new permit for a period of 1 year from the date of the denial or revocation. Upon the expiration of the appeal period under Subsection H, all chickens shall be removed from the premises. Any premise not complying shall be subject to violations and penalties under Chapter 142 of the Code of the Borough of Edgewood.
- H. Appeals. No permit may be denied, suspended, revoked, or not renewed without written notice. In any instance where the permitting officer has denied, revoked, suspended, or not renewed a license, the applicant or holder of the permit may appeal the decision to the Borough Manager within 10 business days of receipt by the notice of the decision. The applicant or holder of the permit will be given an opportunity for a hearing within 30 days. The decision of the Borough Manager hearing the appeal, or any decision by the permitting officer which is not appealed in accordance to this Chapter shall be deemed final action.

**§ 190-10. Duration of permit.**

The initial permit shall be valid for 1 year from the date of issue.

**§ 190-11. Renewal of permit.**

If no performance standards under Article IV have been violated by any permit holder, the permit shall be renewed each year upon the written request of the permit holder consistent with § 190-8. If any performance standard has been violated, the permit officer shall visit the property and confer with the applicant to ensure that any corrective or mitigation measures under § 190-9D have been implemented.

## **ARTICLE IV**

### **Performance Standards**

**§ 190-12. Number and type of chickens allowed.**

- A. The maximum number of chickens allowed is three per tract of land regardless.
- B. Only female chickens (hens) are allowed. Roosters are prohibited within borough limits.

**§ 190-13. Non-commercial use only.**

A permit shall not allow the permittee to engage in chicken breeding, sales or fertilizer production for commercial purposes.

**§ 190-14. Enclosures.**

- A. Chickens must be kept in a secure enclosure or fenced area at all times. Chickens shall be secured within a henhouse during non-daylight hours. A henhouse may be attached to a chicken tractor, provided it meets all design and construction standards.
- B. Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
- C. Henhouses, chicken tractors must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.
- D. Henhouses and chicken tractors design and construction.
  - (1) Henhouses shall be designed to provide safe and healthy living conditions for the chickens with a minimum of 4 square feet per bird while minimizing adverse impacts to other residents in the neighborhood.
  - (2) A henhouse or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire of less than 1 inch openings.
  - (3) The materials used in making a henhouse or chicken tractor shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials is prohibited. Henhouses and chicken tractors shall be well maintained.
  - (4) Henhouses, chicken tractors and chicken pens shall only be located to the rear of a dwelling.
  - (5) Henhouses, chicken tractors and chicken pens must be located at least 10 feet from the property line and at least 25 feet from any adjacent building in separate ownership from the permittee.
  - (6) Any enclosed henhouse shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, poultry netting or solid roofing. The wire must have openings of ½ inch or less.

**§ 190-15. Odor and noise impacts.**

Odors from chickens, chicken manure or other chicken related substances shall not be perceptible beyond the boundaries of the permitted tract of land. Noise from chickens shall not be loud

enough beyond the boundaries of the permitted tract of land at the property boundaries to disturb persons of reasonable sensitivity.

**§ 190-16. 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.

**§ 190-17. Feed and water.**

Chickens shall be provided with access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds and predators.

**§ 190-18. Waste storage and removal.**

All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure, or garbage cans with tight fitting lids. No more than 3 cubic feet of manure shall be stored on the permitted tract of land. All other manure not used for composting or fertilizing shall be removed from the site or incorporated into a garden area. The henhouse, chicken tractor, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

**§ 190-19. Chickens at large prohibited.**

- A. No owner shall allow chickens to roam off the permitted tract of land.
- B. No dog or cat or other 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.

**§ 190-20. Unlawful acts.**

- A. It shall be unlawful for any person to keep chickens in violation of any provision of this Chapter.
- 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 except as said activity may be provided for under industrial uses and districts within the Zoning Ordinance [Chapter 200].
- D. No person shall keep a rooster.
- E. No person shall keep chickens on a vacant or uninhabited tract of land.
- F. No chickens shall be kept within Borough limits except as provided under this Chapter, unless for purposes of education or exhibition at a public school, college or, fair, or chickens

kept temporarily for sale as an accessory to an agricultural retail business.

**§ 190-21. Nuisances.**

- A. Any violation of the terms of this Chapter that constitutes a health hazard or that interferes with the use or enjoyment of 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.
- B. This Chapter shall be in full force and effect from and after its passage and publication as provided by law.
- C. Repealer. All ordinances or parts of ordinances in conflict with any provision of this Chapter are hereby repealed.

