

CARROLL VALLEY BOROUGH
ADAMS COUNTY, PENNSYLVANIA

Ordinance No. 1 - 2017

AN ORDINANCE OF THE BOROUGH OF CARROLL VALLEY AMENDING CHAPTER 2 OF THE BOROUGH OF CARROLL VALLEY CODE OF ORDINANCES TO: CREATE A NEW PART 4, ENTITLED "CHICKENS" TO INCLUDE PROVISIONS PERMITTING THE LIMITED KEEPING OF DOMESTICATED CHICKENS AS AN ACCESSORY USE TO A SINGLE-FAMILY DETACHED DWELLING.

WHEREAS, the Borough Code, 8 Pa.C.S.A. § 101 et. seq., provides that the Borough is authorized to enact ordinances prohibiting or regulating the keeping or running at large of fowl. See 8 Pa.C.S.A. § 1202(10); and

WHEREAS, the Borough desires to adopt regulations regarding the keeping or running at large of chickens; and

WHEREAS, the Borough recognizes that to the extent that deed restrictions, covenants, or agreements that restrict certain uses on land are not superseded by the adoption of this Ordinance.

NOW THEREFORE, be it enacted and ordained by the Borough Council of the Borough of Carroll Valley as follows:

SECTION 1. The Code of the Borough of Carroll Valley is hereby amended by adding a new Part 4 to Chapter 2 of the Code, which shall contain the following:

Part 4

Residential Chicken Permit

§2-401. Purpose

The purpose of this section is to authorize and provide standards for the keeping of domesticated Chickens. It is intended to enable residents to responsibly keep a small number of female Chickens on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood.

§2-402. Definitions

- a) Chicken: Poultry or fowl of the species Gallus gallus/G. gallus domesticus. The species includes many different breeds of Chicken.
- b) Chicken Coop: A structure for the sheltering of Chickens. An existing shed or garage can be used for this purpose, if it meets the standards contained in §407 below. A Chicken Coop is an accessory structure and may require a separate permit(s).
- c) Chicken Pen: An enclosure that is connected to and/or surrounding a Chicken Coop for the purpose of allowing Chickens to leave the Coop while remaining in an enclosed predator-safe environment.

- d) Single-Family Detached Dwelling: A building having only one dwelling unit from ground to roof, independent outside access and open space on all sides designed for and occupied exclusively by one family.

§2-403. Number and Type of Chickens Allowed

- a. The maximum number of Chickens allowed is six (6) per Single-Family Detached Dwelling. Only female Chickens are allowed. There is no restriction on Chicken breeds.
- b. Other Fowl Prohibited - Except as otherwise provided in these rules and regulations, no person may own, keep, or harbor any other fowl, such as but not limited to:
 - 1. Roosters
 - 2. Ducks
 - 3. Geese
 - 4. Turkeys
 - 5. Guinea fowl
 - 6. Emus
 - 7. Rheas
 - 8. Ostriches

§2-404. Housing Types Allowed to Keep Chickens

Residents of Single-Family Detached Dwellings may keep Chickens as authorized under this section. The residential keeping of Chickens shall only be an accessory use to said residential use. Therefore, the keeping of Chickens will not be permitted on any lot which does not contain the permitted primary use of a Single-Family Detached Dwelling. A Limited Residential Chicken Permit shall not be issued for Chickens on any property not containing the permitted primary use of a Single-Family Detached Dwelling.

§2-405. Non-Commercial Basis

- a) Eggs, chicks, adult Chickens, and Chickens shall not be sold. Chicken manure and compost using Chicken manure shall not be sold or otherwise distributed.
- b) Produce on which Chicken manure from the permitted Chickens has been used as fertilizer, or on which compost made with such manure has been used, shall not be sold.

§2-406. Chickens Enclosed

A Chicken Coop and Chicken pen shall be provided. Chickens shall be secured in the Chicken Coop during non-daylight hours. During daylight hours Chickens may be located in the Chicken pen.

§2-407. Construction and Design

- a) The Chicken Coop shall comply with all requirements for accessory uses and structures. The Coop shall be enclosed with solid material on all sides and have a solid roof and door(s). The Coop shall be at least 16 inches high, and provide at least 3 square feet of floor area per Chicken. The Coop shall provide 1 square foot of window per 15 square feet of floor area, and vents as necessary to

ensure adequate ventilation. The materials for each element, e.g., walls, roof, windows and doors, shall be uniform and in harmony with the surrounding area. Doors shall be constructed so that they can shut and lock. Windows shall be constructed so they can shut. Windows and vents shall be covered with wire mesh with maximum spacing of 1 inch by 1 inch. The Coop shall be impermeable to rodents, wild birds, and predators, including dogs and cats.

- b) The Chicken pen shall be constructed of wood or metal posts and wire mesh fencing material with maximum spacing, of 1 inch by 1 inch. The pen shall provide at least 10 square feet of area per Chicken. The fence shall rise at least 4 feet above the ground and be buried at least 1 foot in the ground. The pen shall be covered with wire mesh, aviary netting, or solid roofing.

§2-408. Maintenance

The Chicken Coop, Chicken pen, and surrounding area shall be kept clean, dry, 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 in a sanitary manner. The permittee shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Slaughter and other processing of Chickens are prohibited on the lot. If a Chicken dies, it shall promptly be placed into a plastic bag, which shall be closed securely and disposed of properly.

§2-409. Living Conditions

The Chicken Coop shall provide adequate security, ventilation, and shelter from moisture and extremes of temperature. The Chicken pen shall provide adequate security and sun and shade. Chickens shall have access to feed and clean water at all times, and such feed and water shall be inaccessible to rodents, wild birds, and predators. Chickens shall be provided adequate bedding in the Chicken Coop and perches are encouraged.

§2-410. Permit Required

- a) Any person who keeps Chickens in the Borough of Carroll Valley shall obtain a Limited Residential Chicken Permit from the Borough prior to acquiring the Chickens.
- b) Permits expire and become invalid 5 years after the date of issuance. A person who wishes to continue keeping Chickens shall have obtained a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit. An annual inspection by the Borough is required also, to ensure continued compliance with the provisions of this part. The annual inspection is a condition of permit issuance, and all inspection fees must be paid by the applicant at the time the permit is issued. The inspection fees will be as set from time to time by resolution of the Borough Council.

§2-411. Application Requirements

A Limited Residential Chicken Permit application shall be submitted in accordance with the following:

- a) The application shall be signed by the owner of the subject property.
- b) Application shall be made to the Borough and the fee for the permit and required inspections shall be as determined from time to time by Council resolution.
- c) A separate permit may be required for all accessory structures associated with the keeping of Chickens, and a compliance inspection must be completed prior to the acquisition of Chickens.

§2-412. Responsibilities of the Permittee

A person who keeps or houses Chickens on his or her property shall comply with all the following requirements:

- a) Have been issued the permit required under subsection 410 of this section.
- b) Keep no more than 6 Chickens.
- c) The principal use of the person's property must be a Single-Family Detached Dwelling.
- d) No person shall keep any rooster.
- e) No person shall slaughter any Chickens.
- f) The Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times. Fenced enclosures are subject to all provisions of Carroll Valley Borough Code of Ordinances.
- g) A person shall not keep Chickens in any location on the property other than in the backyard. For purposes of this section, "backyard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family structure and extending to the side lot lines.
- h) No covered enclosure or fenced enclosure shall be located closer than 25 feet to any property line of an adjacent property;
- i) A covered enclosure or fenced enclosure shall not be located closer than 50 feet to any residential structure on an adjacent property.
- j) For purposes of this section, adjacent property means all parcels of property that the applicant's property comes into contact with at 1 or more points, except for parcels that are legally adjacent to but are in fact separated from the applicant's property by a public or private street.
- k) All enclosures for the keeping of Chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
- l) All feed and other items associated with the keeping of Chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
- m) The Chicken Coop, Chicken pen, and surrounding area shall be kept clean, dry, odor-free, and in a neat and sanitary condition at all times.
- n) All manure, uneaten feed, and other trash shall be removed in a timely manner and disposed of in a sanitary manner.
- o) The permittee shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.
- p) Slaughter and other processing of Chickens are prohibited on the lot. If a Chicken dies, it shall promptly be placed into a plastic bag, which shall be closed securely and disposed of properly.

- q) If the above requirements are not complied with, the Borough may revoke any permit granted under this section and/or initiate legal action as described in section 419 of this part.
- r) A person who has been issued a permit shall submit it for examination upon demand by any Police Officer or Code Enforcement Officer.

§2-413. Permit Revocation and Removal of Items

- a) Compliance with the requirements of this part shall create a presumption that the permitted use does not create a nuisance or threat to public health or safety. The permit shall, however, be revoked if the Borough determines that the permitted use does create a nuisance or detriment to public health or safety.
- b) Violation of ordinance standards shall result in permit revocation under this part, and possible enforcement under section 419 of this part, including civil and criminal penalties.
- c) Misrepresentation by a permittee shall result in permit revocation, voiding, or denial.
- d) If an ordinance violation has occurred, the Borough Manager is authorized to order immediate removal of items and structures associated with the permitted use that the Borough Manager or designee determines to create a nuisance or detriment to public health or safety.
- e) Any property owner who has a Limited Residential Chicken Permit revoked, removed, or voided will not be eligible for consideration for another Limited Residential Chicken Permit for a period of 10 years from the date of such action.

§2-414. Non-Commercial Use Only

Uses authorized under a Limited Residential Chicken Permit shall be noncommercial only. Commercial activities are prohibited. Chickens authorized by a Limited Residential Chicken Permit shall be kept as pets or for personal use only.

§2-415. Nuisance Prohibited

Uses authorized under a Limited Residential Chicken Permit shall not create a nuisance. Uses shall be conducted in a manner that does not disturb the use or enjoyment of adjacent properties. Odor generated shall not be perceptible at the property boundaries, and noise generated shall not disturb people of reasonable sensitivity at the property boundaries. Only motion-activated lighting shall be used to light any Limited Residential Chicken Permitted Use.

Any nuisance as determined by the Borough must be corrected within 1 calendar week from date notice received from the Borough.

§2-416. Public Health and Safety

Uses authorized under a Limited Residential Chicken Permit shall not create a detriment to public health or safety.

§2-417. Action by the Borough Manager or designee

Upon review of the application and subject to the Application Requirements, the Borough Manager or designee shall approve the Limited Residential Chicken Permit provided the application and use meets all requirements of this Ordinance, except that misrepresentation including forgery by an applicant shall result in permit revocation.

§2-418. Appeal

Any action taken by the Borough Manager or designee may be appealed by the applicant or adjacent land owner. Such appeal will be heard by the Carroll Valley Borough Council, whose determination will be final.

Any person wishing to appeal this decision must submit a written letter to the Borough Council stating the details of their appeal.

Such appeal must be filed with the Borough Office prior to the expiration of 1 calendar week from date notice received from the Borough.

§2-419. Penalties.

Any person, firm or corporation or other entity who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as same affects this Ordinance.

SECTION 3. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 4. SAVINGS.

In all other respects, the Code of the Borough of Carroll Valley shall remain as previously enacted.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective upon the earliest date provided by law.

ORDAINED AND ENACTED as an Ordinance of the Borough of Carroll Valley this ___ day of ___ 20__.

ATTEST:

CARROLL VALLEY BOROUGH COUNCIL

Secretary

Chairman