

**COLLEGE TOWNSHIP
CENTRE COUNTY, PENNSYLVANIA
ORDINANCE O-21-02
KEEPING OF CHICKENS IN RESIDENTIAL AREAS**

**AN ORDINANCE OF THE TOWNSHIP OF COLLEGE PERMITTING THE KEEPING
OF BACKYARD CHICKENS IN RESIDENTIAL AREAS IN LIMITED QUANTITIES
AND UNDER CERTAIN CONDITIONS BY AMENDING CHAPTER 200, ZONING.**

BE IT RESOLVED AND ORDAINED, by the College Township Council, Centre County, Pennsylvania and the authority of the same, does hereby adopt, made this 18th day of February, 2021, the following:

ADDITIONS to Chapter 200 as follows:

SECTION 1 INTENT

The intent of this Ordinance is to permit the keeping of backyard chickens in residentially zoned areas by the residents of College Township while protecting the health, safety, morals, and general welfare of the residents and visitors of the Township.

SECTION 2 DEFINITIONS

Add the following to § 200-7:

CHICKEN COOP

Any fully enclosed and covered structure providing a predator-resistant shelter that is thoroughly ventilated, provides adequate sun and shade and all-season protection from the elements, designed to be easily accessed and cleaned where backyard chicken live.

CHICKEN HEN

A domesticated female chicken considered a chick, pullet or adult.

CHICKEN RUN

A covered, secure enclosure that allows chicken hens access to the outdoors.

FARM USE

The employment of the land and structures for one or more of the following uses: tilling or cultivation of the land; raising, harvesting and selling of crops, fruits and vegetables; horticulture use related to the raising, propagating and selling of trees, shrubs, flowers, and other plant material; forestry uses related to harvesting of lumber products; the keeping and raising of livestock, poultry; dairying and the sale of dairy products; or any other agriculture, horticultural, animal husbandry or any combination thereof. Farm Use does not include the on-site tilling or cultivation of up to fifty percent (50%) of an individual parcel for the raising and maintenance of trees, shrubs, plants, flowers, garden crops, fruits and vegetables intended for personal use or eventual off-site donation or sale. This shall also not include any plants for the purpose of landscape or aesthetics.

SECTION 3 USE REGULATIONS

Add the following to § 200-11A:

- (11) “The keeping of backyard chickens shall be permitted as an accessory use to an established residential use provided the following conditions are met:

The residential use is located within one of the following zoning districts:

- Single Family (R-1)
- Village Center (V)
- Rural Residential (RR)
- Agricultural (AG)”

- (a) Applicability. The restrictions contained herein regarding backyard chickens shall not apply to those lots ten acres or greater in size which are located in a district where agricultural uses are a permitted use.

- (b) Yard Setbacks.

[1] Any chicken coop or chicken run shall not be permitted within the side or front yards of a lot.

[2] No chicken coop or chicken run shall be permitted within 10 feet from the property lot line.

[3] The chicken coop or chicken run shall be no closer than 30 feet to an existing occupied building.

- [4] The chicken coop or chicken run shall be placed so that it is closer to the owner's occupied building than that of an adjoining property owner's occupied building.
 - [5] In all instances, whether there is an adjoining occupied building or not, the chicken coop and chicken run shall not be located within the building setback area established by the zoning district in which the chicken coop and chicken run is located.
- (c) Number of Chickens. No more than four (4) chicken hens shall be kept per lot.
- (d) Chicken hens shall be kept for personal use only. No person shall engage in chicken breeding or fertilizer production for commercial purposes. A rooster shall only be kept in College Township on tracts of land which are at least 10 acres in size and are zoned for agricultural uses.
- (e) Chicken coops and runs.
- [1] All chicken hens shall be housed in an enclosed coop, which allows them to be secured at night. Coops shall have walls, roof, and a floor with no wired sides.
 - [2] The minimum coop size shall be 3 square feet per chicken.
 - [3] A chicken run is permitted when attached to the coop.
 - [4] If a chicken run is provided, it shall be no bigger than 10 square feet per chicken and shall be enclosed in a way that contains the chickens.
 - [5] Coops and chicken run shall be maintained with a neat, weed and other debris-free appearance.
 - [6] Coops shall be on a slab or built at least a foot off the ground so that rodents and other animals cannot dig and live under the coop.
 - [7] If a coop and chicken run are no longer used for the three-year permit period, the coop and outside run must be removed from the property.
 - [8] Coops and chicken run shall be screened from the view at ground level from adjacent lots by using fencing, landscaping or a combination thereof.
- (f) Administration and Enforcement. All violations of the provisions noted above as well as requirement for obtaining a permit for the keeping of chicken hens shall be in accordance with Article X, Administration and Enforcement of this Chapter. The Township and/or health inspectors may, at any time during normal business hours, enter and inspect said property for compliance of the College Township Code to ensure the health, safety, morals, and general welfare of the Township and its residents.

(g) Unlawful to Allow Chickens to Run at Large. It shall be unlawful for the owner or owners of any chickens to allow the same to run at large upon any of the common rights-of-ways, thoroughfares, sidewalks, passageways, play areas, parks, streets, alleys, or public highways or any place where people congregate or walk, or upon any public or private property without an approved coop and run in College Township. Any chicken not contained within an approved coop or run shall be deemed “at large” with the following regulations:

[1] Owners of chickens deemed to be at-large shall be subject to fines established in Chapter 136 of the College Township Code.

[2] College Township shall at its discretion deem a chicken(s) at-large abandoned and take possession of said chicken(s) if it has no tags, bands or other marking providing information to determine its owner or owners. At large chickens found where the owner cannot be identified, will be placed at the discretion of the Township.

(h) Sanitary Requirements for Housing Chickens. Any owner or owners of chickens within the limits of the Municipality shall be required to house the same at all times under sanitary conditions so that the keeping of chickens shall not become either a public or private nuisance. The following provisions apply.

[1] All chicken feces collected in a pan should be removed daily.

[2] Litter floored coops (2-3 inches of pine shavings on the floor) should be cleaned every four to six weeks.

[3] All chicken feces accumulated on private property shall be removed by using the approved sanitary method of double bagging and placed in the trash for collection unless composted as provided for below.

[a] Chicken feces on private property shall not be allowed to accumulate to the degree that it becomes a public health nuisance or hazard. In cases where chicken feces accumulates on private property, the Ordinance Enforcement Officer and/or Local Health Department or their designee may conduct an investigation, after which the accumulation may be declared a public health hazard or nuisance and the owner shall be ordered to remove and dispose of the accumulated feces in an approved manner. The order to remove such accumulated feces shall be given personally to the owner or shall be sent by registered mail and the owner shall be given a period of 48 hours from the date and time of receipt of the order to clean the property and remove the accumulated feces.

[b] All stored manure shall be covered by a fully enclosed container or compost bin. No more than one twenty-gallon container of manure shall be stored on any one property housing chickens.

- [4] Composting. It shall be unlawful for any person to spread or cause to be spread or deposited upon any ground or premises within College Township any chicken manure. However, chicken manure may be composted on the property where the chickens are housed and the composted material then applied to gardens or yards.
- [5] Slaughtering or Butchering. Slaughtering or butchering of chickens shall be strictly prohibited.
- [6] Proper Storage of Feed. All feed, water, and other items associated with the keeping of chickens shall be protected in a way that prevents infestation by rats, mice, or other rodents or vectors. In order to prevent rodents, feed shall be stored in metal containers. Failure to keep all feed, water, and other items associated with the keeping of backyard chickens in a clean and sanitary condition constitutes a violation of this ordinance. Chicken hens shall have access to feed and water at all times.

(i) Noise.

- [1] It shall be unlawful for any owner or keeper to harbor any chicken which clucks, squawks or otherwise make audible sounds repetitively during any given one-hour period, or which makes such noise continuously for a period of 15 consecutive minutes or more, and which is audible on any adjacent property or public right-of-way. (Refer to §93-5 C. (3) of the College Township Code.)
- [2] Upon the first and second offenses the chicken owner or keeper shall be given written warning notices by personal service or certified mail, return receipt requested. It shall be a condition precedent to any enforcement proceeding to show that two written warnings were issued to the chicken owner or keeper within the previous twelve-month period.

(j) Applications for Permits, License and Submission Documents.

- [1] A zoning permit fee shall be required. A zoning permit and site plan shall be submitted and approved prior to the keeping of backyard chickens on any property mentioned herein.
- [2] The license shall be renewed on or before January 1 of the third year the permit is in place-if the homeowner chooses to continue housing backyard chickens. Any changes made shall be updated on the required site plan, reviewed by the zoning officer and approved prior to the issuance of a new license. The cost of the license is set forth in Chapter A203 of the College Township Code.
- [3] Permitting and Licensing requirements.

- (a) Complete an Application for Building Permit

- (i) Declared Work: At minimum, describe proposed keeping of Chickens and declare number of chickens.
 - (ii) Provide contact information of the person in-charge and license billing. (Name, Address, Phone, and Email)
 - (iii) Application/Permit Fees due on submission (Chapter A203 Fees and Penalties)
 - (iv) License fee shall be due prior to release of the permit. (§ 200-11A(11)(j)[2]) License shall be renewed every three years. Applicant may, at the Township's discretion, have the fee waived, if proof can be shown the applicant attended and completed an educational course on the keeping of chickens.
- (b) Site Plan
- (i) Must represent deeded property lines
 - (ii) Show location of proposed coop and run area
 - (iii) Show setbacks from property lines and adjoining property owners' occupied structures.
 - (iv) Show location(s) and define the type of required ground-level screening (§ 200-11A(11)(e)[8])
 - (v) At minimum, provide the size/height/area of the proposed coop and run
- (k) Upon presentation of proper credentials, duly authorized representatives of the Township may enter, at reasonable times, upon any property within the Township to inspect the condition of the permitted structures and facilities in regard to any aspect regulated by this chapter.
- (l) Enforcement; violations and penalties.

[1] The Ordinance Enforcement Officer or any other sworn officers of the Township of College and/or any police officer empowered to enforce the laws of the Commonwealth of Pennsylvania within the jurisdictional boundaries of the Township of College shall hereby be authorized to enforce the provisions of this chapter.

[2] Any person who shall violate any provision of this chapter shall, upon conviction thereof before a Magisterial District Judge, be subject to a civil fine as set forth in the schedule below plus all costs of prosecution, including court costs and reasonable attorney fees incurred by the municipality in accordance with Section

1601(c) of the Second Class Township Code, as amended November 9, 1995 (Public Law 350, No. 60), as amended. The range of fines shall be as follows:

[a] First violation: \$25.

[b] Second violation: \$50.

[c] Third and subsequent violations: \$100

[d] Subsequent violations beyond the third shall result in the revocation of the permit for a period of one year.

SECTION 4 SEVERABILITY

If any sentence or clause, section or part of this ordinance is found to be unconstitutional, illegal or invalid, such findings shall not affect or impair any of the remaining parts of this ordinance. It is hereby declared to be the intent that this ordinance would have been adopted had such part not been included.

SECTION 5 EFFECTIVE DATE

This ordinance shall take effect five (5) days after enactment.

ENACTED AND ORDAINED, this 18th day of February, 2021, by the College Township Council, Centre County, Pennsylvania.

ATTEST

COLLEGE TOWNSHIP COUNCIL

Adam T. Brumbaugh

L. Eric Bernier

Adam T. Brumbaugh, Manager/Secretary

L. Eric Bernier, Council Chair