West Mead Township
Crawford County, Pennsylvania

Ordinance No. 2013 - 2

AN ORDINANCE REGULATING THE KEEPING OF DOMESTICATED CHICKENS AND TURKEYS, PROVIDING FOR ADMINISTRATION, ENFORCEMENT AND CERTAIN EXEMPTIONS AND PRESCRIBING PENALTIES FOR VIOLATIONS.

Be It Ordained and Enacted by the Board of Supervisors of West Mead Township, Crawford County, Pennsylvania and it is hereby enacted and ordained by and with the authority thereof as follows:

Section 1. *Title.* The title of this Ordinance shall be the "West Mead Township Domesticated Chicken and Turkey Ordinance".

Section 2. *Purpose.* These regulations are enacted pursuant to the authority of Section 1529 of the Second Class Township Code to control and restrict the keeping of domesticated chickens and turkeys in order to protect the public health and safety and convenience, to protect and preserve the character of the neighborhood and to eliminate the keeping of domesticated chickens and turkeys which may create nuisances to the adjoining property owners or the general public.

Section 3. *Definitions.* For purposes of the Ordinance, the following words and phrases shall have the meanings ascribed to them:

Domesticated Chickens – Any common domesticated fowl commonly known as chickens, typically kept for its eggs or meat; female is known as a hen, male is known as a cock or rooster, baby is known as a chick. Examples include: Rhode Island Red, Silkie, Bantam, Cornish, etc.

Domesticated Turkeys – Any common domesticated fowl commonly known as turkeys, typically kept for its meat; female is known as a hen, male is known as a tom or gobbler, baby is known as a poult. Examples include: Broad-breasted Whites and Bronzes, White Hollands, Bourbon Reds, Narragansetts, etc.

Chicken or Turkey Products or Goods – Any goods, merchandise or other personal property, which may be displayed or offered for sale. Examples include: Roadside stands selling eggs, chicks, poults, etc.

Permanent Chicken or Turkey Pens or Housing Structures – Any non-moveable structure that is used to house domesticated chickens or turkeys. Examples include: Barn, Pen, Coop, Shed, etc.

Moveable Chicken or Turkey Pens or Housing Structures – Any portable or non-permanent structure that is used to house domesticated chickens or turkeys. Examples include: Tractor, Wagon, Coop, Hutch, etc.

Persons – Individuals, partnerships, family or neighborhood groups, clubs, associations, corporations and any other legal entity.

Residential Property – A single parcel of land used principally for residential use on which is located a single family or two family dwelling unit.

Owners – Means a person owning, leasing, occupying, in possession of or having charge of any premises within the Township.

Section 4. *Unlawful Conduct.* It shall be unlawful for any person to keep or allow any domesticated chickens or turkeys to be kept on a Residential Property, as defined, within the limits of West Mead Township, except as specifically permitted by this Ordinance.

Section 5. *Standards for Keeping Domesticated Chickens or Turkeys.* Domesticated Chickens or Turkeys may be kept on a Residential Property only under the following conditions:

A. Chickens or Turkeys are permitted as long as all other following regulations are met.

B. One (1) rooster or one (1) tom or gobbler is permitted for each ten (10) hens as long as they are kept in an area at least fifty (50) feet from any residential structure other than that of the owner of the chickens or turkeys.

C. Permanent Chicken or Turkey Pens or Housing Standards:

Structures shall not be located in the front yard.

Structures shall be located at least forty (40) feet from the street side yard property lines.

Structures shall be located be at least ten (10) feet from the adjoining side property lines and six (6) feet from the adjoining back property lines and no closer than fifty (50) feet from any adjacent residential dwelling or to any other accessory buildings used for residential purposes, other than that of the owner of the chickens or turkeys.

Structures shall contain a minimum of one and one half (1.5) square feet per chicken and an open run area containing a minimum of eight (8) square feet per chicken.

Structures shall contain a minimum of four and one half (4.5) square feet per turkey and an open run area containing a minimum of twenty four (24) square feet per turkey.

Structures shall be constructed of uniform materials 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. All structures shall be well maintained as per all applicable building codes and property maintenance regulations.

D. Moveable Chicken or Turkey Pens or Housing Standards:

Structures shall be at least ten (10) feet from the adjoining side property lines and six (6) feet from the adjoining back property lines and no closer than fifty (50) feet from any adjacent residential dwelling or to any other accessory buildings used for residential purposes, other than that of the owner of the chickens or turkeys.

Structures shall not exceed one hundred and fifty (150) square feet of ground floor area nor exceed twelve (12) feet in height.

Structures shall contain a minimum of one and one half (1.5) square feet per chicken and an open run area containing a minimum of eight (8) square feet per chicken.

Structures shall contain a minimum of four and one half (4.5) square feet per turkey and an open run area containing a minimum of twenty four (24) square feet per turkey.

Structures shall be constructed of uniform materials 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. All structures shall be well maintained as per all applicable building codes and property maintenance regulations.

E. Nutrient Management:

All permanent or moveable chicken or turkey pens or housing structures and open run areas shall be located at least one hundred (100) feet from any drainage areas that could allow fecal matter to enter a storm drainage system or stream.

All permanent or moveable chicken or turkey pens or housing structures must be kept dry, well-ventilated and in sanitary condition at all times.

Disposal of chicken or turkey litter, waste or dead birds in any public or private wastewater collection system is strictly prohibited.

All manure not used for composting or fertilizing shall be removed promptly and disposed of in a proper manner either by removal from the property to another property where the manure will be used for fertilizer or compost, or by a waste disposal contract service.

The accumulation of chicken or turkey waste to the extent that such becomes a nuisance to surrounding properties is prohibited.

Offensive odors from chickens, turkeys, manure, or other chicken or turkey related substances shall not be detectable at the property boundaries with the adjacent property owners.

Any additional applicable regulations such as those in place by Pennsylvania DEP, Crawford County Conservation District, PA Department of Agriculture, PA Department of Health, etc. must be complied with at all times.

F. Pest Control:

Chickens or turkeys found to be infested with insects or parasites that may result in unhealthy conditions shall be removed promptly and disposed of in a proper manner.

All permanent or moveable chicken or turkey pens or housing structures and open run areas shall be constructed and maintained to contain chickens and turkeys within the pens or structures and to prevent rodents, wild birds, predators and other unintended animals or creatures from being able to gain access inside the pens or structures.

All feed or other material intended for consumption by the chickens or turkeys shall be securely stored and kept in sealed containers to prevent rodents, wild birds, predators and other unintended animals or creatures from being able to access the unconsumed food supply.

G. Additional Provisions:

The owner of any chickens or turkeys must reside on the property on which the chickens or turkeys are kept.

No chicken or turkey products or goods may be offered for sale on the property.

No signage related to the keeping of chickens or turkeys may be permitted on the property.

The outdoor slaughtering of chickens or turkeys shall be performed out of view of the general public.

Section 6. *Application of Regulations.*

A. It is intended that the keeping of chickens and turkeys in the manner permitted by this ordinance shall be an accessory use permitted in all Zoning Districts.

B. The provisions of this ordinance shall not apply to Residential Property located in zoning districts where keeping chickens and turkeys are permitted by right.

Section 7. *Nonconforming Uses.* The housing and structure setback and location provisions of this Ordinance, as it relates to permanent or moveable structures, shall not be applicable to those persons or property owners who are in possession and control of existing domesticated chickens or turkeys prior to the enactment of this Ordinance.

Section 7. *Administration and Enforcement.* This Ordinance shall be enforced by the West Mead Township Zoning Officer or other Township representative designated by the Township Board of Supervisors.

Section 8. *Notice of Violation.* Whenever a condition constituting a violation of this Ordinance is found to exist, the West Mead Township Zoning Officer or other designated Township representative shall cause written notice to be served upon the Owner(s) of the subject premises. Service of this notice may be made by personal delivery to the Owner(s) or by mailing the notice to their last known address by certified mail, or if the certified mail is refused, by regular mail to the last known address and posting the notice on the property in a conspicuous manner. The notice shall identify the subject property and Owner(s) describe the conditions of the property which constitute the violation and the section(s) of the Ordinance violated, set forth a reasonable time to correct or remedy the violation and the penalty for violation.

Section 9. *Remedies for Violation.* If, after written notice of violation is given in accord with the provisions of this Ordinance, the owner of the premises or persons keeping of domesticated chickens or turkeys shall fail to correct the violations, or to comply with the requirements of this Ordinance, those persons shall be subject to the following actions by the Township:

A. the Township may order the removal of the keeping of domesticated chickens or turkeys in violation of the provisions of this Ordinance;

B. the Township may institute proceedings before the District Magistrate or other court of law to recover penalties and costs as provided for in this Ordinance;

C. the Township may institute an action in equity or at law, to abate the violation and obtain such other relief as is appropriate.

The remedies provided herein for the enforcement of this Ordinance, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Township.

Section 10. *Penalties.* Any person who violates or permits the violation of any provision of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding, be sentenced to pay a fine of not more than five hundred (500) dollars for each violation, together with all court costs including reasonable attorney's fees incurred by the Township in the enforcement proceedings. Each day that a violation of this Ordinance continues shall constitute a separate violation except for periods of time allowed by the Township for correction or elimination of the violation. No judgement shall be imposed until the date of the determination of a violation by the court.

Section 11. *Repealer.* All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

Section 12. *Severability.* If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 13. *Effective Date.* This Ordinance shall become effective five (5) days after enactment.

Ordained and Enacted as an Ordinance of West Mead Township this 11TH day of June, 2013.

West Mead Township
Board of Supervisors

William J. Rosenberger
Chairman

Michael L. Jacobs
Vice Chairman

John A. Shaffer
Supervisor

ATTEST:

Secretary