

TOWNSHIP OF WILKINS
ORDINANCE NO.: _____

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA AMENDING THE WILKINS TOWNSHIP CODIFIED BOOK OF ORDINANCES, CHAPTER 173, ZONING, ARTICLE II, DEFINITIONS AND WORD USAGE, SECTION 173-7 TO ADD DEFINITIONS FOR CHICKEN COOPS, CHICKEN RUNS AND THE NON-COMMERCIAL KEEPING OF CHICKENS; ARTICLE III, DISTRICT REGULATIONS, SECTION 173-11 TO ADD THE NON-COMMERCIAL KEEPING OF CHICKENS AS A CONDITIONAL USE IN ZONING DISTRICTS R-1, R-2, R-3 AND R-4; AND ARTICLE VI, CONDITIONAL USES, SECTION 173-49, CRITERIA FOR APPROVAL TO ADD PARAGRAPH P, PROVIDING THE CRITERIA FOR APPROVAL OF THE KEEPING OF CHICKENS.

WHEREAS, the Pennsylvania Municipalities Planning Code (MPC) 53 P.S. §10101, et seq., as amended, authorizes the Township to regulate zoning and land use in the Township; and

WHEREAS, the Township Board of Commissioners wishes to amend the zoning ordinance to provide for the keeping of chickens as a conditional use; and

WHEREAS, the Township has, in accordance with the requirements of the MPC submitted the proposed amendments to the Planning Commission, which gave its recommendations regarding the proposed amendments at a duly noticed public meeting; and

WHEREAS, on (DATE) the Township Board of Commissioners held a duly noticed, advertised and posted public hearing to take public comment on the proposed zoning ordinance text amendments; and

WHEREAS, the Township Board of Commissioners finds that the enactment of the proposed zoning amendments will be beneficial to the health, safety and welfare of the Township and are consistent with the Comprehensive Plan and the MPC.

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Board of Commissioners of the Township of Wilkins, Allegheny County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

Section 1. Chapter 173, §173-7 of the Wilkins Township Zoning Ordinance is amended by inserting the following definitions:

§173-7. Definitions

CHICKEN COOP – A Structure for housing chickens that is made of wood or other similar materials that provides shelter from the elements.

CHICKEN RUN – An enclosed area in which chickens are allowed to walk and run about.

NON-COMMERCIAL KEEPING OF CHICKENS – An accessory use to a dwelling unit involving the raising, caring for, housing and principally the hobby/personal use of chickens and eggs derived from chickens by the occupant, owner or lessee of the lot on which such use is located.

Section 2. Chapter 173, Article III, Section 11 (A), (B), and (C) are hereby amended as follows to include subsection eight (8) which will permit the non-commercial keeping of chickens as a conditional use in the R-1, R-2, and R-3 Residential Districts:

(8). The non-commercial keeping of chickens subject to the conditions set forth in § 173-49(P).

Section 3. Chapter 173, Article III, Section 11(D) is hereby amended as follows to include subsection twelve (12) which will permit the non-commercial keeping of chickens as a conditional use in the R-4 Residential District:

(12). The non-commercial keeping of chickens subject to the conditions set forth in §173-49(P).

Section 4. Chapter 173, Article VI, Section 49 is hereby amended to include subsection P which will set forth criteria for approval of the non-commercial keeping of chickens:

P. Non-Commercial Keeping of Chickens in the R-1, R-2, R-3 and R-4 Zoning Districts subject to the following conditions:

- (1) Chickens permitted; roosters prohibited.
 - (a) No lot shall contain at any time more than four (4) female chickens, regardless of the number of dwelling units placed thereon.
 - (b) No person shall keep or harbor any rooster within the Township of Wilkins.
 - (c) Non-property owners that wish to keep chickens on property that the non-property owner is renting must include written permission from the property owner or landlord that explicitly indicates that the non-property owner has permission to own chickens on the subject property.
- (2) Required setbacks; height of coop; coop elevation
 - (a) Front yard – chicken coops and chicken runs are prohibited in any front yard.
 - (b) Side yard – all chicken coops and chicken runs shall be set back from the side lot line by a minimum of 15'. Chicken coops and chicken runs are prohibited in any side yard.
 - (c) Rear yard – chicken coops and chicken runs shall be set back from the rear lot line as follows:
 - (i) R-1 Residential Zoning District – 25 feet
 - (ii) R-2 Residential Zoning District – 20 feet
 - (iii) R-3 Residential Zoning District – 20 feet
 - (iv) R-4 Residential Zoning District – 20 feet
 - (d) Coops and chicken runs shall be located at least twenty five (25) feet from any occupied dwelling other than that of the owner.
 - (e) No chicken coop shall be higher than ten feet above grade.
 - (f) All chicken coops shall be elevated from the ground by a minimum of one foot.
- (3) Chicken Coops and runs.
 - (a) All chickens must be kept in a coop, chicken run or fenced area at all times. During daylight hours, chickens may have access to outdoors via a chicken run. The chickens will be secured within the coop during non-daylight hours.
 - (b) No person shall erect, alter, relocate or expand a coop without first obtaining a zoning permit from the Code Enforcement Officer regardless of the cost of construction. The issuance of a zoning permit shall not obviate the necessity for compliance with all other Municipal Ordinances, County, State and Federal requirements.
 - (c) Prefabricated coops are preferred; however a handcrafted coop will be accepted. All coops must meet the following requirements:
 - (i) The minimum coop shall be solid, vermin and predator proof and shall provide at least three (3) square feet of area per chicken.
 - (ii) Coops 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. Openings, windows, and vents must be covered with vermin, predator and bird-proof wire of one-half (1/2) inch hardware cloth.
 - (iii) Materials used for making a coop shall be uniform for each element of the enclosure such that the walls are made of the same material, the roof has the same shingles or other covering and any windows or opening are constructed using the same materials. The use of scrap, waste board, or similar material is prohibited.
 - (iv) The coop shall be painted or stained; the color shall be uniform around the coop and shall be in harmony with the surrounding area.
 - (d) Coops and chicken runs shall be designed to provide safe and healthy living conditions for the chickens and shall provide shade in the warm weather, suitable protection from inclement weather and adequate ventilation.

- (e) Coops and chicken runs shall be kept in good repair and must be capable of being maintained in a clean and sanitary condition, free of vermin and obnoxious odors.
 - (f) The chicken run shall be adequately fenced to contain the chickens on the property and to prevent predators from gaining access to the chicken run. The chicken run must have a wire roof to prevent the chickens from flying out of the run, or all chickens must have their wings clipped.
 - (g) Coops and chicken runs must reasonably prevent the chickens from running at large. Chickens will be considered running at large within the meaning of this Section when off the owner's premises.
 - (h) Coops and chicken runs shall be open at all reasonable times for inspection by the Township.
- (4) Feed and water. Chickens shall be provided with access to feed and clean water at all times. All feed, water, and other such items associated with the keeping of chickens shall be properly stored in a clean and sanitary manner so as to prevent the infestation of rats, mice, or other rodents, vectors or snakes.
- (5) Nuisance. No person shall keep or harbor chickens in the Township in a manner that creates an offensive odor, excessive noise, or unsanitary conditions which disturb neighboring residences or threatens public health. Chickens running at large shall be considered a public nuisance.
- (6) Veterinary Care. All chickens shall be afforded veterinary care if they are known or suspected to be sick or injured. All non-commercial keeping of chickens must comply with the minimum standards of animal care as required by Pennsylvania Law, Pa. Code Title 18, regarding animal cruelty.
- (7) Slaughtering. No person shall slaughter or butcher any chicken within the Township.
- (8) Waste Storing and Removal. Every keeper of any chicken shall cause the litter and droppings therefrom to be collected daily in a container or receptacle that when closed shall be rat-proof and fly-tight, and after every such collection shall cause such container or receptacle to be kept closed. At least once a week, every such keeper shall cause all litter and droppings so collected to be disposed of in such manner as not to permit the presence of fly larvae. Coops and outside runs shall be cleaned of hen droppings, uneaten feed, feathers and other waste.
- (9) Composting. It shall be unlawful for any person to spread or cause to be spread or deposited upon any ground or premises within the Township any chicken manure. However, chicken manure may be composted in an approved, enclosed container on the property where chickens are housed and the composted material then applied to gardens and yards.

Section 5. That any Ordinance, or part of any Ordinance, conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

Section 6. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, invalidity, or illegality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township of Wilkins that this Ordinance would have been adopted

had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.

Section 7. This Ordinance shall take effect immediately.

ORDAINED AND ENACTED into law this ____ day of _____, 2017.

ATTEST:

TOWNSHIP OF WILKINS:

Rebecca Bradley, Manager

Sylvia Martinelli, President

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