

**NORTH FRANKLIN TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA
ORDINANCE: _____**

**AN ORDINANCE BY THE BOARD OF SUPERVISORS OF
NORTH FRANKLIN TOWNSHIP AMENDING THE
TOWNSHIP ZONING ORDINANCE TO ESTABLISH THE
REGULATION OF NON-COMMERCIAL CHICKENS AND
DUCKS WITHIN THE R-1, R-2, R-3, C-1, C-3, PED & PRD
ZONING DISTRICTS AND TO PROVIDE FOR PENALTIES
FOR THE VIOLATION THEREOF.**

WHEREAS, the Municipalities Planning Code, 53 P.S. §10101 *et seq.* (the “MPC”), authorizes the Township (the “Township”) to create ordinances for the regulation, administration and enforcement of Township zoning ordinances, codes, etc.; and,

WHEREAS, pursuant to its authority under the MPC, the Board of Supervisors of the Township (the “Township Supervisors”) have adopted a Township Code, including the creation of various Zoning Districts with authorized uses in each district; and,

WHEREAS, after reviewing matters the Township believes it is in the best interest and general welfare of their residents to provide standards for the keeping of chickens and ducks on a non-commercial basis to help limit the potential impacts on the surrounding residents and neighborhood; and,

WHEREAS, the Township Supervisors believe there is a need to amend the Township Zoning Ordinance to authorize Non-commercial Chickens and Ducks as permitted uses in the R-1, 2 & 3, C-1, C-3, PED & PRD Zoning Districts; and,

WHEREAS, the content of this amendment was reviewed and revised by a Professor of Poultry Science in the Animal Science Department of the Penn State University College of Agricultural Sciences.

NOW THEREFORE, the Board of Supervisors hereby ordains and enacts as follows, incorporating the above recitals by reference:

SECTION 1. SHORT TITLE.

This Ordinance shall be known as the North Franklin Township “Non-commercial Chickens and Ducks Ordinance of 2020”.

**SECTION 2. AMENDMENT TO ARTICLE II; SPECIFICALLY, SECTION 202
SPECIFIC MEANINGS.**

§202 Specific Meanings of the Township Code is amended by inserting the following:

NON-COMMERCIAL DUCK(S). Any of the various wild or domesticated waterbirds of the family Anatidae, characteristically having a broad flat bill, short legs, and webbed feet.

NON-COMMERCIAL CHICKEN(S). Female poultry or fowl of the *gallus domesticus* species for personal/non-commercial use, this shall not include roosters.

ROOSTER. Male poultry or fowl.

SECTION 3. PERMITTED USES.

The North Franklin Township Zoning Ordinance is hereby amended to allow Non-commercial Chickens and Ducks as a permitted accessory uses, subject to §1707 in the following zoning districts:

- R-1 RESIDENTIAL AGRICULTURAL DISTRICT
- R-2 LOW DENSITY RESIDENTIAL DISTRICT
- R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT
- PRD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT
- C-1 NEIGHBORHOOD COMMERCIAL DISTRICT
- C-3 HIGHWAY COMMERCIAL DISTRICT
- PED PLANNED ECONOMIC DEVELOPMENT DISTRICT

SECTION 4. AMENDMENT TO ARTICLE XVII – SPECIFIC PERMITTED USES.

Article XVII of the Township Zoning Ordinance is amended by adding the following language:

§1707 Non-commercial Chickens and Ducks, subject to:

- (a) Application with site plan submitted to the Township and payment of all fees.
 - i) If application made by non-record owner of property, must have property owner signature and approval on Township form.
- (b) On residential lots of 1.0 acre or less (as registered with the Washington County Tax Office), 6 chickens shall be allowed. Ducks will not be permitted on lots less than 1.0 acre.
- (c) On lots greater than 1.0 acres up to 2.0 acres, 12 chickens or 6 ducks shall be permitted
- (d) On lots greater than 2.0 acres, there shall be no limit to the number of chickens or ducks.
- (e) No Roosters are permitted.
- (f) All chickens/ducks will be provided with a constant supply of water and feed and be provided appropriate care in accordance with best management practices.
- (g) Chickens/ducks must always remain in a completely enclosed, predator resistant outside run area providing at least 6 sq. feet per bird.

- (h) A weather-proof indoor coop providing at least 2 sq. feet per bird must also be provided.
- (i) All feces and litter (usually pine shavings) must be kept in a weather-tight closable container.
- (j) All feed shall be kept in metal a weather-tight, rodent resistant container.
- (k) Setbacks: All pens / runs for chicken and ducks must be at least 50' from a neighboring structure. If the pen / run cannot be located at least 50' from a neighboring structure, any effected neighbors must sign off on the distance to the pen. No portion of a run or coop may be less than 25' from any adjoining property line.
- (l) Must remain in compliance with all other applicable zoning district regulations and Township codes, including nuisance regulations.
- (m) Must obtain all applicable building and zoning permits.
- (n) Any coop or pen used for chickens and ducks must be removed if not used for 18 continued months.
- (o) A violation of this ordinance will be actionable accordance with the procedures set forth in the Township's Quality of Life Ordinance.
- (p) Exemptions. Normal Agricultural Operations as defined by the Pennsylvania Right To Farm Act (See: 3 P.S. § 952, as amended from time to time) shall be exempt from any regulations contained herein unless said actions endanger the general health, safety and welfare of the public.

SECTION 5. ADDITIONAL PENALTIES.

In addition to the penalties set forth in the Township's Quality of Life Ordinance the following penalties and remedies shall apply:

- A. Citations. Any Operator/Owner shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600.00, plus all court costs, including reasonable attorney's fees incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day a violation exists shall constitute a separate offense. Further the appropriate officers or agents of the Township are hereby authorized to issue a cease-and-desist notice and/or to seek equitable relief, including injunction to enforce compliance herewith. No bond will be required if injunctive relief is sought by the Township. A person who violates this ordinance shall also be responsible for the Township's attorney fees, engineering fees, expert fees and court costs associated with enforcement.
- B. Excessive Violator. In the event an Operator/Owner shall be found in violation of this ordinance on three (3) or more occasions within a twenty-four (24) month period, the Operator/Owner shall be deemed to be an Excessive Violator. Township shall reserve the right to revoke any permits issued under this Ordinance for any Excessive Violator for a period of twelve (12) months following the revocation.

- C. Abatement. In the event an Operator/Owner shall be found in violation of this ordinance and fails to abate the violation in a timely manner, the Township shall have the authority to enter onto the property to take the necessary actions to abate the nuisance and to charge the Operator/Owner for the costs associated with doing so.
- D. Nonexclusive Remedies. The penalty and collection provisions of this Section shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Township as may be deemed appropriate for carrying out the purposes of this Ordinance.

SECTION 6. REPEALER. Any Township Ordinances or provisions of the Township Code which are inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 7. SEVERABILITY. If any sentence, clause, section or other 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 would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective five (5) days after adoption.

ENACTED AND ORDAINED this _____ day of _____, 2020.

ATTEST:

**BOARD OF SUPERVISORS
NORTH FRANKLIN TOWNSHIP**

Secretary

Chairperson, Board of Supervisors

(SEAL)

Supervisor

Supervisor

Approved by the Township Solicitor:

By: _____
Gary L. Sweat, Esq.