

**FELTON BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2020-02

**AN ORDINANCE OF FELTON BOROUGH ALLOWING RESIDENTS OF THE
BOROUGH TO KEEP NO MORE THAN FOUR (4) FEMALE CHICKENS PER
QUARTER (1/4) ACRE OF LAND, IMPOSING CERTAIN REQUIREMENTS
FOR KEEPING SAID CHICKENS AND IMPOSING PENALTIES FOR
VIOLATIONS OF SUCH REGULATIONS**

WHEREAS, the Pennsylvania Borough Code (8 Pa. C.S.A. § 1202 *et seq.*) permits a borough to regulate animals and to make regulations to provide for the public health, safety and welfare; and

WHEREAS, Felton Borough Council desires to permit residents of Felton Borough to keep no more than four (4) female chickens for noncommercial use.

SECTION 1. Short Title. This Ordinance shall be known and referred to as the "Felton Borough Chicken Ordinance."

SECTION 2. Number and Gender of Chickens Allowed.

- A. A property owners shall be permitted four chickens per 1/4 acre of land area on a parcel, with a maximum of six chickens per lot up to one acre, regardless of the number of dwelling units on the lot.
- B. No roosters are permitted. Only hens are allowed.

SECTION 3. Where Permitted.

Chickens shall be permitted within any zoning district at residentially zoned parcels, subject to Section 2 above. The keeping of chickens on any residential parcel containing one acre or more and any nonresidential parcel shall be governed by the Borough Zoning Ordinance.

SECTION 4. Noncommercial Purposes.

Chickens kept under this Ordinance may be kept for personal use and consumption only and property owners shall not engage in any commercial sales, breeding or other

endeavor with regard to the chickens permitted hereunder; provided, however, that property owners may sell surplus eggs produced by chickens.

SECTION 5. Chicken Coops or Enclosures.

- A. Chickens must be kept in a coop, enclosure or fenced area at all times.
- B. All chicken coops, enclosures or fenced area containing the chickens shall be at least 15 feet from any property line or otherwise screened fully from the neighboring property. The sufficiency of such screening shall be determined by the Borough. No chicken coops, enclosures or fenced areas shall be permitted in the front yard of any lot.
- C. Coops, enclosures and fenced areas shall be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
- D. Coops and enclosures shall provide adequate ventilation and adequate sun/shade and must be reasonably impermeable to rodents, wild birds and predators, including dogs, cats, raccoons, etc.

SECTION 6. Control and Safety of Chickens.

- A. The control and safety of chickens at all times shall be the responsibility of the permittee.
- B. Chickens shall be provided with access to feed and clean water at all times. Feed and water shall be unavailable to rodents, wild birds and predators. Uneaten food shall be removed in a timely manner.
- C. Manure shall be stored in a fully enclosed structure or watertight container. No more than three cubic feet of manure may be stored on a permitted tract of land. However, manure may be used as fertilizer. Any manure not used as fertilizer or in excess of the amount permitted to be stored shall be removed. The coop, enclosure, fenced area and surrounding area shall be kept free of trash and accumulated feces.
- D. Chickens shall not be permitted to roam off of the property owner's tract of land.
- E. The property owner shall take action necessary to reduce the attraction of rodents and predators and the potential infestation of insects and parasites. The property owner shall remove or have treated any chickens found to be infested with parasites or insects or sick.
- F. Dead chickens shall be removed and disposed of in accordance with Borough ordinances immediately upon discovery.

- G. The property owner shall not allow the property owner's chickens to roam off of the property owner's tract of land. No dog, cat or other domesticated animal which kills a chicken off the property owner's tract of land shall, for that reason alone, be considered a dangerous or aggressive animal.

SECTION 7. Violations and Penalties.

- A. The following acts shall be deemed to be violations of this Ordinance:
- (1) The keeping of chickens in violation of any provision of this Ordinance.
 - (2) Permitting any owner, renter, lessee or other occupant of a property to allow chickens to be kept on a property in violation of this Ordinance.
 - (3) Keeping chickens inside of any dwelling unit.
 - (4) The slaughtering of chickens.
- B. Any person who shall violate the provisions of this Ordinance shall be subject to a summary criminal proceeding before the magisterial district justice as provided by the Pennsylvania Rules of Criminal Procedure, as may be amended from time to time. Upon a finding of a violation, a fine of not less than \$450, nor more than \$1,000, including court costs and reasonable attorney fees incurred by the Borough in prosecution of the violation, shall be imposed, and such person may be subject to imprisonment of up to 15 days in the event such fines and costs are unpaid. Each day that such violation continues shall constitute a separate violation of this Ordinance.

SECTION 8. Severability. The provisions of this Ordinance are severable. In the event that any provision, section, sentence, clause, or part of this ordinance shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any remaining provisions, section, sentence, clause, or part of this Ordinance. It is hereby declared to be the intent of this Borough that such remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 9. All prior ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 10. Effective Date. This Ordinance shall become effective five (5) days after the date of its enactment as provided by law.

ENACTED AND ORDAINED this 3 day of August, 2020.

ATTEST:

FELTON BOROUGH COUNCIL


Secretary


President

APPROVED this 10 day of AUGUST 2020.


Mayor