

TOWNSHIP OF LOWER PROVIDENCE

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER PROVIDENCE, CHAPTER 143 – “ZONING,” ARTICLE III – “GENERAL PROVISIONS,” SECTION 19 – “ACCESSORY USES AND ACCESSORY BUILDINGS/STRUCTURES”

CERTIFICATION

I, E.J. MENTRY, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER IN LOWER PROVIDENCE TOWNSHIP, MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE NO. _____.

E.J. Mentry, Township Manager
_____, 2023

ENACTED: _____

TOWNSHIP OF LOWER PROVIDENCE

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WHEREAS, the Board of Supervisors of LOWER PROVIDENCE Township is duly empowered by the Second Class Township Code, *et seq.*, to enact certain regulations relating to the public health, safety welfare of the residents of LOWER PROVIDENCE Township;

WHEREAS, the Board of Supervisors of LOWER PROVIDENCE Township has adopted an ordinance, known as the Zoning Ordinance of the Township of LOWER PROVIDENCE, as amended, in accordance with the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, which is intended to provide for the orderly development and redevelopment of LOWER PROVIDENCE Township;

WHEREAS, the Second Class Township Code and Pennsylvania Municipalities Planning Code, *supra*, authorize the Board of Supervisors to make, amend and adopt amendments to the Zoning Ordinance of the Township of LOWER PROVIDENCE, as amended, that are consistent with the Constitution and laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the best interests of its residents;

WHEREAS, the Board of Supervisors of LOWER PROVIDENCE Township have determined that the public health, safety and welfare of the residents of LOWER PROVIDENCE Township would be best served by amending Chapter 143 – “Zoning,” at Article III – “General Provisions,” Section 19 – “Accessory Uses and Accessory Buildings/Structures,” to add Subsection F – “Keeping of Chickens as Accessory to Single Family Dwelling Unit.”

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the LOWER PROVIDENCE Township Board of Supervisors that the Township’s Code is amended as follows:

SECTION 1. Chapter 143 – “Zoning,” is amended at Article III – “General Provisions,” Section 19 – “Accessory Uses and Accessory Buildings/Structures,” to add Subsection F – “Keeping of

Chickens as Accessory to Single Family Dwelling Unit,” which shall read as set forth in Exhibit “A” hereto.

SECTION 2. Repeal and Ratification.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township’s Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 3. Severability.

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 4. Effective Date.

This Ordinance shall become effective 5 days after enactment.

ORDAINED AND ENACTED this _____ day of _____ 2023,
by the Board of Supervisors of the Township of LOWER PROVIDENCE.

**TOWNSHIP OF LOWER
PROVIDENCE,
BOARD OF SUPERVISORS**

Cara Coless, Chair

Attested by:

E.J. Mentry
Township Manager & Secretary

Exhibit

“A”

Chapter 143 – “Zoning”
Article III – “General Provisions”
Section 19 – “Accessory Uses and Accessory Buildings/Structures”

F. Keeping of Chickens as Accessory to Single Family Dwelling Unit.

Intent: It is recognized that keeping chickens can have positive benefits for residents in the form of food production and companionship when done well using best practices. The purpose of this ordinance is to establish certain requirements for noncommercial keeping of chickens within residentially zoned areas, where permitted.

1. Definitions

CHICKEN

CHICKEN OWNER: Any person or other entity who:

- A. Has a property right in a chicken or chickens; or
- B. Keeps or harbors a chicken or chickens or has a chicken or chickens in his/her/their or its care; or
- C. Permits chickens to run on or about premises owned or occupied by him/her/their or it

ROOSTER: A male chicken.

NUISANCE: A chicken or chickens that is/are:

- A. Damaging or destroying property; or
- B. Creating a foul or obnoxious odor; or
- C. Causing an unsightly condition; or
- D. Disturbing the peace and quiet by repeated loud noise; or
- E. Making any noise natural to its species in an excessive, continuous or untimely fashion so as to disturb the peace; or
- F. Soiling, defiling, or defecating on any property other than the property of the chicken's owner, keeper, or controller without removing such waste.

2. The keeping of chickens is not permitted as an accessory use to an apartment or multifamily use, townhouse or within the MPH – Mobile Home Park District.

3. The keeping of chickens is permitted as an accessory use to a single family dwelling unit in all other residential districts, subject to the following requirements:
 - a. All roosters must be housed/kept indoors from 8:00 PM to 8:00 AM.
 - b. All chickens shall be kept in a sanitary and humane manner and in such a way as to not be a nuisance to adjoining property owners, as defined herein. All chicken waste shall be cleaned and disposed of in a sanitary manner. The Township shall use the standards set forth at <https://extension.psu.edu/small-scale-poultry-housing> as a general guideline for determining whether chickens are being kept in a sanitary and humane manner, and encourages chicken owners within the Township to utilize the practices referenced therein.
4. Permitting and inspection.
 - a. Chicken coops, chicken runs, and fences are considered accessory structures and, as such, are not permitted to be installed before submitting a complete permit application to the Township and receiving approval from the Township Zoning Officer.
 - b. If a tenant should wish to keep chickens on rented property, then the tenant must secure written authorization from the property owner, in a form acceptable to the Township Zoning Officer, as well as conform to all other requirements as enumerated in this section. Both tenant and landowner shall be jointly and severally responsible for compliance with the provisions of this section.
5. Chicken coop, chicken run, and fencing.
 - a. All chickens shall be kept in a manner to prevent their encroachment onto adjoining properties. Chickens may be kept free range, but the chicken owner is responsible for ensuring that chickens are contained and not permitted to roam on adjoining properties.
 - b. Chicken coops, chicken runs, and fencing shall be considered accessory structures and shall be located in the rear yard and shall be no closer than 15 feet to any property line and no closer than 25 feet to any residential structure. All chicken coops, chicken runs and associated fencing must be shielded from the view of adjacent properties with an appropriate fence or shrubbery with a minimum height of four feet. All other dimensional

standards related to accessory structures of the underlying zoning district where the chickens are kept shall apply.

- c. The chicken run fence shall be made of durable materials, such as wood and wire mesh, extending underground for at least one foot and have an aboveground height of at least four feet. The chicken run shall also have a roof made of wire mesh or aviary netting to protect against predators. The height of the chicken coop and chicken run shall not exceed six feet.
- 6. Slaughter.
 - a. Public slaughter is prohibited. Slaughter is allowed when conducted in the kitchen of the chicken keeper's private residence and all excess viscera is disposed in a sanitary way.
 - b. Commercial slaughter is prohibited.
- 7. The sale of chickens or chicken eggs for commercial purposes is prohibited. De minimus egg sales are permitted, subject to the regulations of other agencies.
- 8. All chicken-related materials and feed must be kept in a secure enclosed structure on the premises so as to prevent vermin and any nuisance to surrounding neighbors.
- 9. The keeping of chickens shall not be permitted as an accessory use on a property where such use is prohibited by a covenant, restriction, rule or regulation of a homeowners' or other association which includes the property.