

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3097

AN ORDINANCE OF UPPER DARBY TOWNSHIP AMENDING CHAPTER 222, "ANIMALS" THE UPPER DARBY TOWNSHIP CODE TO ADD A NEW ARTICLE V ENTITLED "DOMESTICATED CHICKENS," ALLOWING RESIDENTS OF UPPER DARBY TOWNSHIP TO KEEP NO MORE THAN FOUR (4) FEMALE CHICKENS, REQUIRING RESIDENTS TO OBTAIN A PERMIT IN ORDER TO KEEP SAID CHICKENS, IMPOSING CERTAIN REGULATIONS AND REQUIREMENTS FOR KEEPING CHICKENS AND IMPOSING PENALTIES FOR VIOLATIONS OF SUCH REGULATIONS

WHEREAS, the Township Council adopted Ordinance No. 2843 on October 2, 1996, codified at Chapter 222-28, et seq. of the Upper Darby Code, which regulates the maintenance, keeping, raising and housing of certain domestic and wild or semi-wild animals in order to protect the health, safety and general welfare of the inhabitants of Upper Darby Township;

WHEREAS, Chickens were listed as "Domestic Animals" which were defined as "[a]ny bird or fowl or lagomorph mammal or any equine animal or bovine animal, sheep, goat, pig or poultry or any wild or semi-wild animal held in captivity;"

WHEREAS, Township Council ("Council") desires to provide specific provisions pertaining to keeping chickens in the Township;

WHEREAS, Council desires to permit residents of the Township to keep no more than four (4) female chickens for purposes of supporting a local, sustainable food system by providing an affordable, nutritious source of protein through fresh eggs;

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED
by the
Upper Darby Township Council as follows:

Section 1. Domesticated Chickens. Chapter 222 of the Upper Darby Township Code is hereby amended by adding the following new Article V thereof, entitled "Domesticated Chickens."

Section 2. Definitions. As used in this article, the following terms shall have the meanings indicated:

CHICKEN RUN - shall mean a wire enclosure connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

HENHOUSE - shall mean a structure for the sheltering of female chickens. An existing shed or garage can be used for this purpose if it meets the standards contained in this Article V including the required distance from property lines.

Section 3. Purpose. The purpose of this article is to provide standards for the keeping of domesticated chickens. It is intended to enable residents of the Township to keep a small number of female chickens on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The Township recognizes that adverse neighborhood impacts may result from the keeping of domesticated chickens as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, or parasites, and non-confined animals leaving the owner's property. This Article is intended to create standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

Section 4. Permit Required. An annual permit is required for the keeping of any domesticated chickens in the Township.

Section 5. Fees. The initial fee for a permit to keep chickens shall initially be \$60.00 and the annual renewal fee shall be \$25.00 but such fee may be adjusted from time to time by resolution adopted by the Township Council.

Section 6. Number and Type of Chickens Allowed.

A. The maximum number of chickens allowed is four (4) per lot.

B. Only female chickens are allowed. There is no restriction on chicken species. Male chickens, or roosters, may be removed by a Township Animal Control Officer.

Section 7. Requirements for the Keeping of Domestic Chickens

A. During daylight hours, chickens may be allowed outside of their chicken pens in a securely fenced yard if supervised. Chickens shall be secured

within the henhouse during non- daylight hours.

- B. It shall be unlawful for the owner of chickens to allow the same to run at large upon any public land, including, but not limited to, sidewalks, streets, roads, alleys, parks, or upon another person's private property.
- C. Chickens must be maintained in a fully enclosed shelter with a covered fenced enclosure which may only be located in the rear yard. The shelter must provide a minimum of two square feet per hen and meet all applicable setback requirements required by the Township's Zoning Ordinance. The fenced enclosure must have a minimum of four square feet per hen.
- D. Residents keeping chickens shall provide a henhouse. Henhouses shall comply with the following standards and regulations:
 - 1. All chicken feces accumulated on private property shall be removed by using the approved sanitary method of double bagging and placed in the trash for collection unless composted as provided for in this subsection.
 - 2. Chicken feces on private property shall not be allowed to accumulate to the degree that it becomes a public health nuisance or hazard. In cases where chicken feces does accumulate on private property, the Code Enforcement Officer or his designee may conduct an investigation, after which the accumulation may be declared a public health hazard or nuisance and the owner shall be ordered to remove and dispose of the accumulated feces in an approved manner. The order to remove such accumulated feces shall be given personally to the owner or shall be sent by registered mail and the owner shall be given a period of 48 hours from the date and time of receipt of the order to clean the property and remove the accumulated feces.

Section 8. 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 on the property where the chickens are housed and the composted material then applied to gardens or yards.

Section 9. Permits.

- A. General Requirements. Every applicant for a permit to keep domesticated chickens shall:

1. Complete and file an application on a form prescribed by the Code Enforcement Officer;
 2. Deposit the prescribed permit fee with the Code Enforcement office at the time the application is filed;
 3. Provide a copy of a Master Chicken Keeper Certificate evidencing that the applicant has successfully completed a master chicken keepers training course;
 4. Schedule an inspection by the Code Enforcement Officer or his designee of the henhouse and chicken run for purposes of ensuring compliance with the requirements of this Article; and
 5. Any material misstatement or omission shall be grounds for denial, suspension or revocation of the permit.
- B. Approval. The Code Enforcement Officer shall issue a permit if the applicant has demonstrated compliance with the criteria and standards in this article.
- C. Denial, suspension or revocation of permit. The Code Enforcement Officer shall conduct an annual inspection of the property of the person who has applied for a permit to confirm that the conditions set forth in this Article have been complied with. The Code Enforcement Officer shall deny a permit if the applicant has not demonstrated compliance with all provisions of this article. In addition, a permit to keep domesticated chickens may be suspended or revoked by the Code Enforcement Officer where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this article or with the provisions of any other applicable ordinance or law. Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.
- D. Appeal. A person appealing the issuance, denial, suspension or revocation of a permit by the Code Enforcement Officer may appeal to Director of Licenses and Inspection within thirty (30) days of the decision.

Section 10. Penalties and Enforcement.

A. Penalties

1. The penalty for violation of this Article shall be a fine not to exceed \$500. Each day that a violation continues shall be treated as a separate offense.
 2. In addition to the penalty available to the Township hereunder or at law or in equity, any violation of the provisions of this article shall be grounds for an order from the Code Enforcement Officer to remove the chickens and the chicken related structures.
 3. A Code Enforcement Officer may also order the removal of the chickens upon a determination that the chickens pose a health risk.
- B. Enforcement. This ordinance may be enforced by a Code Enforcement Officer. The Code Enforcement Officer is hereby empowered to issue citations or otherwise enforce this ordinance.

Section 11. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any inconsistency.

Section 12. Severability. If any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance nor the application of such clause, sentence, paragraph or part to other persons or circumstances, directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

Section 13. Effective Date. This ordinance shall be effective immediately.

ENACTED and ORDAINED this 23rd day of June, 2021.

BY: _____
LAURA A. WENTZ
President of Council

ATTEST: _____
MICHELLE BILLUPS

Secretary of Council

Approved this 23rd day of June, 2021.

BY: _____
BARBARANN KEFFER
Mayor

ATTEST: _____
VINCENT A. RONGIONE, ESQ.
Chief Administrative Officer