

ORDINANCE NO. 590-19
BOROUGH OF ATGLEN
CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE ATGLEN BOROUGH ZONING ORDINANCE
TO PROVIDE FOR AND REGULATE THE RAISING AND KEEPING OF
DOMESTICATED CHICKENS FOR RECREATION IN ATGLEN BOROUGH

WHEREAS, the Borough of Atglen desires to allow for the raising and keeping of domesticated chickens for recreation on a non-commercial basis as a residential accessory use in residentially zoned areas of the Borough;

AND WHEREAS, the Borough desires to ensure that the raising and keeping of chickens and their associated structures are conducted in a way as to not adversely affect the safety and general welfare of the citizens of the Borough, and not create a public nuisance.

NOW THEREFORE BE IT ORDAINED AND ENACTED by Borough Council of the Borough of Atglen, Chester County, Pennsylvania as follows:

SECTION I. The Atglen Borough Zoning Ordinance, 2014 is hereby amended as follows:

1. Section 202 . Definitions is amended to add the following definitions:

Chicken. Chicken referenced in this Ordinance is a domesticated chicken.

Chicken Pen. A fenced or other type enclosure for the purpose of allowing chickens to leave the chicken coop while remaining in an enclosed, predator-safe environment. The chicken pen is attached to the chicken coop.

Chicken Coop. A structure for the sheltering of female chickens which is completely enclosed.

Domesticated Chicken. Female chicken, hen.

Rooster. Male chicken.

2. Section 1602.6 is deleted as written and restated as follows:

6. No accessory use shall constitute a nuisance by way of odor, noise, light, glare, smoke, unsanitary conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects or parasites, the running of animals at large, unsightly or dilapidated structures or other means, or shall endanger the health, safety or welfare of area residents, neighboring properties and other uses.

3 Section 1628 is amended to add the following:

C. The keeping of chickens, chicken coops and chicken pens is permitted as a residential accessory use in accordance with the following standards: The standards set forth in Section 1605 shall not apply to the keeping of chickens, chicken coops and chicken pens.

1. Chickens shall be allowed by permit only.
2. The Zoning Officer shall issue the permit as follows:
 - a. The required application has been completed and filed with the Borough;
 - b. The required fee has been paid in full;
 - c. The property has been inspected by the Zoning Officer in accordance with this Ordinance and receives a passing inspection.
3. The Zoning Officer may revoke the permit if the chickens are a nuisance or the standards for issuance of a permit are not maintained.
4. Lot Size, Setbacks, and Limits on Numbers of Chickens.
 - a. The chickens are permitted only for recreation.
 - b. Roosters shall not be permitted.
 - c. Setbacks: Notwithstanding any other residential accessory use setbacks provided for in this Ordinance, the chicken coop, chicken pen, and manure structure/bin shall only be permitted in the rear yard and shall be located no closer than 15 feet from the abutting side or rear yard property lines.
 - d. Number of chickens per lot
 - i. Up to five (5) chickens shall be permitted on a lot size of 20,000 square feet or smaller; and,
 - ii. One additional chicken shall be permitted for each additional $\frac{1}{4}$ acre.
5. Enclosures, Chicken Coops, and Chicken Pens.
 - a. No owner shall keep any chicken inside a dwelling unit, an attached garage, or a detached garage.

b. Chickens must be kept in a chicken coop or chicken pen at all times. Chickens shall be secured within the chicken coop during non-daylight hours. Chickens shall have access to the chicken coop during daylight hours.

c. Chicken pens are not required.

d. The chicken coop and chicken pen must be clean, dry, and kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor, or other adverse impact.

e. The chicken coop and chicken pen must provide adequate ventilation and must be impenetrable to rodents, wild birds, and predators, including dogs and cats.

f. No External Illumination. The exterior areas of the chicken coop shall not be illuminated.

g. Chicken Coop

i. The structure shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut at night. Opening windows and vents must be covered with predator-proof and bird-proof wire of a maximum of one-half (1/2) inch openings.

ii. The materials used in making the chicken coop shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal or similar materials is prohibited. The chicken coop must be well maintained at all times.

iii. The chicken coop shall be constructed a minimum of eighteen (18) inches off of the ground.

iv. The chicken coop shall be constructed to provide a minimum of three (3) square feet of space per chicken with a maximum of ten (10) square feet of space per chicken.

h. Chicken Pen

i. The chicken pen shall be constructed of wood or metal posts with wire mesh fencing material with a maximum spacing of one-half (1/2) inch by one-half (1/2) inch and secure roof material.

ii. The chicken pen shall provide a minimum of four (4) square feet of area per chicken with a maximum of ten (10) square feet of space per chicken.

6. Conduct of the Owner.

a. Waste Storage and Removal. Adequate provisions must be made for the storage and removal of chicken manure. All manure/waste shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored. All additional waste shall be double bagged and disposed of by placing into the homeowner's weekly trash collection with no more than twenty pounds per bag.

b. Feed and Water Required. Adequate feed and water shall be continuously provided, with protection against freezing. Feed and water shall be unavailable to rodents, wild birds and predators.

c. Mortality. Dead chickens must be disposed of promptly in a sanitary manner.

d. Odor and Noise. Odors shall not be perceptible at the lot line. Noise shall not be perceptible at lot lines to the extent that it results in a nuisance.

e. Slaughtering. The slaughtering of chickens is prohibited within the Borough of Atglen.

SECTION II. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION III. Severability.

If any section or provision of this Ordinance is held, by the final Order of any Court of competent jurisdiction, to be unconstitutional, illegal or invalid, all the remaining sections and provisions of this Ordinance shall remain in full force and effect.

SECTION IV. Effective Date.

This Ordinance shall be effective at the earliest permissible date as provided for under the Pennsylvania Borough Code.

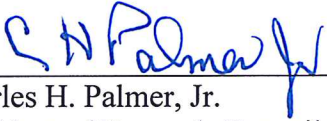
DULY ORDAINED AND ENACTED by the Borough Council of the Borough of Atglen, this 4th day of February 2019, in lawful session duly assembled.

BOROUGH OF ATGLEN

Attest:



Caren D. Andrews, Manager/Secretary

By: 
Charles H. Palmer, Jr.
President of Borough Council

APPROVED THIS 4 DAY OF FEBRUARY, 2019

By: 
George E. Stewart, Mayor