

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE BOROUGH OF MANOR, WESTMORELAND COUNTY, PENNSYLVANIA, IN ACCORDANCE WITH THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE (“MPC”), AMENDING CHAPTER 27 OF THE MANOR BOROUGH CODE OF ORDINANCES, KNOWN AS THE “MANOR BOROUGH ZONING ORDINANCE” TO ADOPT DEFINITIONS AND REGULATIONS CONCERNING CHICKEN-KEEPING AS AN ACCESSORY USE OF RESIDENTIAL PROPERTY IN MANOR BOROUGH.**

WHEREAS, the Borough desires to update its zoning regulations to create definitions and regulations concerning Chicken-Keeping as an accessory use of residential properties.

**NOW, BE IT ORDAINED AND ENACTED**, and it is hereby Ordained and Enacted by the Borough Council of the Borough of Manor, Westmoreland County, Pennsylvania, as follows:

- (1) Article II, Section 203 entitled “Definitions” of the Manor Borough Zoning Ordinance shall incorporate the following definitions:

CHICKEN: A domesticated bird classified as Gallus domesticus.

CHICKEN-KEEPING: The keeping and raising of chickens as an Accessory Use of a residential property in Manor Borough for the private use and enjoyment of the occupying resident.

CHICKEN PERMIT: An authorization issued by Manor Borough allowing the Applicant to lawfully keep and raise chickens on a residential property in Manor Borough.

CHICKEN COOP: An enclosed structure for the keeping of chickens consisting of four (4) walls, a roof and a floor, accessed by a ramp from the ground to the interior roosting and nesting areas, including a secure, lockable human access door.

CHICKEN RUN: A fenced-in and secure area attached to a chicken coop, consisting of a sturdy weatherproof frame with three (3) walls and a roof made of wire mesh, large enough to permit chicken wing flapping and foraging, including a secure, lockable human access door.

- (2) The Definition of “Domestic Pets” set forth Article II, Section 203 of the Manor Borough Zoning Ordinance shall be amended as follows:

**DOMESTIC PETS** – Animals or birds customarily found in a dwelling and kept for company or pleasure including, but not limited to, dogs and cats, provided there is not a sufficient number to constitute a kennel as defined herein; hamsters, gerbils, parakeets, canaries and similar small animals or birds, female chickens, excluding any exotic animals including, but not limited to, lions, tigers, bears, ocelots, large or poisonous snakes, alligators, monkeys or

other animals normally found in a zoo; nor any horses, pigs, roosters or other fowl or livestock customarily found on a farm, with the exception of female chickens.

- (3) The Definition of “Domestic Pets” set forth Article VII, Section 701 (20)(c) entitled “Farms and Agricultural Uses” and subsection (20) (c) subtitled “Animal and Machinery Requirements, of the Manor Borough Zoning Ordinance shall be amended as follows:

(20) Farms and Agricultural Uses.

(c) Animal and Machinery Requirements.

[1] Horses, ponies, cattle, goats, sheep and grazing animals shall not be kept, corralled or stabled in areas less than two (2) acres in size. In addition, there shall not be more than one (1) such animal per acre.

[2] Fowl, with the exception of female chickens, and pigs shall not be permitted on lots having an area less than two (2) acres.

- (4) Article IV, Section 402 entitled “Standards and Requirements for Certain Common Accessory Uses and Structures”, subsection K entitled “Kennels and Runs” of the Manor Borough Zoning Ordinance shall be amended to permit female chicken runs and to incorporate the following rules and regulations concerning Chicken-Keeping in residential zoning districts:

K. Kennels and Runs. Where property in a residential district is used principally for agricultural purposes, a structure, run or pen intended for use as a shelter for other than common domestic pets shall be permitted as an accessory use, subject to the provisions of this chapter. No kennel, run, pen or other structure intended for use as a shelter for common domestic pets shall be permitted as an accessory use or structure within any residential district, with the exception of chicken runs/coops, provided the following:

1. Chicken Permit Required. No person may own, keep or harbor any chickens, or erect, alter or relocate a chicken coop or chicken run within the R-1 or R-2 Zoning Districts of Manor Borough without first obtaining a Chicken Permit. An Application for a Chicken Permit shall be made in writing and on such forms as established by the Borough and shall be accompanied by the prescribed permit fee in an amount to be established by Manor Borough and shall be accompanied by the prescribed permit fee in an amount to be established by Resolution of Manor Borough Council. The issuance of a Chicken Permit shall not obviate the necessity for compliance with all other Borough Ordinances.

a. The initial Chicken Permit shall be valid for one (1) year from the date of issuance. Renewal of the Chicken Permit shall be required annually. The holder of the Chicken Permit must request renewal, in writing, and pay any applicable renewal permit fees annually by the anniversary date of the original Chicken Permit issued by the Borough.

b. No Chicken Permit, or permit renewal, may be denied, suspended or revoked without written notice from the Zoning Officer. The Applicant or holder of the permit may appeal the decision in writing to the Manor Borough Zoning Hearing Board within

thirty (30) business days of their receipt of the notice of denial. The decision of the Zoning Hearing Board which is not appealed within thirty (30) business days shall be deemed final action.

c. Renters or non-owner-occupants that wish to keep chickens on property that they are renting must include written permission from the property owner or landlord that explicitly states that the renter has permission to own chickens on the subject property. Such written permission shall be supplied to the Borough as part of the Chicken Permit Application. The property owner or landlord shall be considered a Co-Applicant to the Chicken Permit and shall be jointly and severally responsible for any violations of this Section caused by the renter or occupant.

2. General Health and Safety Regulations for the Keeping of Chickens.

- a. Chickens may be kept for personal use and enjoyment only, as an Accessory Use by permit, subject to the issuance of a Chicken Permit by Manor Borough, only in the rear yards of residential dwellings located in R-1 and R-2 Zoning Districts in Manor Borough.
- b. The maximum number of chickens permissible on any residential lot is 12. Further, the coop and run shall be a minimum of 100 sq ft in area and not to exceed 200 sq. ft., as long as additional square footage beyond the first 100 sq ft does not exceed 50% of the undeveloped pervious surface of the rear yard. The applicant shall denote the square footage of the coop and run on the sketch.
- c. Roosters, other species of fowl and other farm animals are strictly prohibited on residential properties.
- d. No person shall keep or harbor chickens in Manor Borough in a manner that creates an offensive odor, excessive noise or unsanitary conditions, or disturbs neighboring residences or threatens public health and shall comply with Department of Environmental Protection, Bureau of Watershed Restoration and Nonpoint Source Management to develop the appropriate manure management plan, which shall also be supplied to the Borough.
- e. Chickens shall not be permitted to run at large.
- f. No person shall slaughter or butcher any chicken or sell any portion or product of chickens within Manor Borough, including eggs.
- g. It shall be unlawful for any person to spread or cause to be spread or deposited upon any ground or premises within Manor Borough, any chicken manure; however, chicken manure may be composted on the property where the chickens are housed, and the fully composted materials may then be applied to the property's gardens or yard.

- h. Chickens shall be provided with access to clean feed and clean water at all times. All feed, water and other such items associated with the keeping of chickens shall be properly stored in solid, sanitary, covered metal containers so as to prevent the infestation of rats, mice or other rodents or vectors.
- i. All chickens shall be afforded veterinary care and shall be vaccinated in accordance with veterinary recommendations. Ill or injured chickens must be removed from the chicken coop promptly and examined by a licensed veterinarian if they exhibit symptoms of illness or injury or may be culled and disposed of properly.
- j. Physical abuse or neglect of chickens is prohibited and shall be considered a violation of the Section.

3. Chicken Coops and Chicken Runs.

- a. Chicken coops and chicken runs shall be considered an accessory structure to be constructed and maintained upon the issuance of a Chicken Permit.
- b. Chicken coops and chicken runs shall be permitted to be constructed in the rear yard only of residential dwellings located in R-1 and R-2 Zoning Districts in Manor Borough. The chicken coop and chicken run must be located at least seven and one-half (7 ½) feet away from all property lines.
- c. All chickens must be kept in a chicken coop at night; during daylight hours, chickens must have access to the outdoors via a chicken run. Chickens may also forage in a securely fenced enclosure located in the rear yard, only if supervised, so that they cannot stray or be attacked by predators. The chickens shall be protected and secured within the chicken coop during non-daylight hours.
- d. Upon issuance of an initial Chicken Permit and upon construction of the chicken coop and chicken run, the chicken coop and chicken run shall be subject to inspection by the Borough. The chicken coop and chicken run shall also be inspected annually by the Borough upon issuance of a Chicken Permit renewal.
- e. If the holder of the Chicken Permit decides to no longer keep the chickens for personal use and enjoyment, the chicken coop and chicken run shall be deconstructed and removed from the property within twelve (12) months of the removal of the chickens.
- f. Regulations for Chicken Coops.
  - i. Chicken coops shall be designed to provide safe and healthy living conditions for the chickens, including the provision of shade from the sun, suitable protection from inclement weather and extremes in temperature, and adequate ventilation at all times. The coop shall be kept in good repair and designed to allow easy access to clean and maintain in a sanitary condition. The coop shall be located on a pervious surface in the rear yard.
  - ii. Chicken coops shall be enclosed on all sides and shall have a metal or shingled roof and lockable access doors for security. Openings, windows and vents must be covered with vermin, predator and bird-proof wire mesh.

iii. Materials used for making a coop shall be uniform for each element of the enclosure, such that the walls are made of the same material and the roof has the matching shingles or uniform metal covering.

iv. Chicken coops shall be constructed to provide three (3) square feet of indoor space per chicken and must allow sufficient roosting space for each chicken. At least one (1) 12" x 12" nesting box shall be provided in the chicken coop for every two (2) birds.

g. Regulations for Chicken Runs.

i. The chicken run shall be designed to provide safe and healthy living conditions for the chickens. It shall be kept in good repair and must be capable of being maintained in a clean and sanitary condition.

ii. The chicken run shall be attached to the chicken coop and shall be built to accommodate a minimum of four (4) square feet per chicken, and to allow sufficient space for chicken to flap their wings and move about freely. The run shall be located on a pervious surface in the rear yard. Chickens may also forage in a securely fenced enclosure located in the rear yard, only if supervised, so that they cannot stray or be attacked by predators.

iii. The chicken run shall consist of a durable support structure with three (3) walls and a roof covered with vermin, predator and bird-proof wire mesh. A lockable front door to the chicken run must be installed to allow for human access to the chicken run and for security.

iv. The chicken run shall provide sufficient sun and air exposure to allow natural lighting for the chickens and to allow the ground to dry below the coop and run where the chickens are contained.

v. The chicken run shall be designed to prevent injury to the chickens.

vi. The chicken run must include a stable ramp up into the chicken coop. The ramp should be covered with a slip-reducing surface to prevent injury to the chickens.

4. Violations. Any person found by the Manor Borough Zoning Officer to be keeping chickens in such a manner that is a nuisance to neighboring properties; is inhumane treatment of the chickens; has a chicken coop or chicken run that does not comply with this Section; or has committed any other violation of any standard in this Section, shall be subject to the following, in addition to the remedies and penalties set forth in Section 617.2 of the Pennsylvania Municipalities Planning Code:

a. First Step: The person shall be issued a letter of warning from the Borough Zoning Officer, requiring the person to remedy the violation within ten (10) days and warning that enforcement action will commence within ten (10) days of the date of the letter if the violation is not remedied.

b. Second Step: If the person fails to remedy the violation with ten (10) days of the letter or warning, the Borough may initiate an enforcement action and/or shall have the right to revoke the Chicken Permit.

c. If the Borough is notified that chickens are being kept in a manner which rises to the level of animal cruelty, the Borough shall make a report of the suspected animal cruelty to a Humane Society Police Officer of Westmoreland County, as designated by the Pennsylvania Department of Agriculture.

- (5) If any word, phrase, section, sentence, clause or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such as unconstitutionality, invalidity or illegality, shall not affect or impair any of the remaining words, phrases, sections, sentences, clauses or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid word, phrase, section, sentence, clause or part thereof not been included therein.
- (6) General Repealer. Any ordinance or parts of ordinances in conflict with this Ordinance are hereby specifically repealed.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

**ORDAINED AND ENACTED** by the Council of the Borough of Manor this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

BOROUGH OF MANOR

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
By: President

Approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
By: Mayor

CERTIFICATION

I, JOSEPH N. LAPIA, duly qualified Secretary-Treasurer of the Borough Council of the Borough of Manor, Westmoreland County, Pennsylvania, do hereby certify that the foregoing Ordinance No. \_\_\_\_\_ is a true and correct copy of the original Ordinance No. \_\_\_\_\_, duly passed and adopted by a majority vote of the Borough Council of the Borough of Manor at a duly advertised and convened regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and that the minutes of said meeting showing how each member voted have been duly recorded in the official minutes of said Borough Council and remains in effect as of this date.

IN WITNESS WHEREOF, I affix my hand and attach the seal of the Borough of Manor, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Certified to by:

\_\_\_\_\_  
Joseph N. Lapia,  
Secretary-Treasurer



**PROPERTY SKETCH**

Please draw any buildings or structures, property lines, fences, etc. Show where the Chicken Coop and Run will be located, including dimensions from property lines. A survey may be used in place of this sketch.





