

ORDINANCE NO. 295

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF EAST ROCKHILL AMENDING THE EAST ROCKHILL TOWNSHIP CODE OF ORDINANCES, CHAPTER 27, ZONING, BY ADDING A NEW I-11 HOMESTEAD CHICKEN ACCESSORY USE PERMITTED IN ALL ZONING DISTRICTS EXCEPT FOR THE S-SUBURBAN (S) AND R-1 RESIDENTIAL DISTRICTS SUBJECT TO USE REGULATIONS; BY ADDING A NEW I-12 HOMESTEAD ANIMALS ACCESSORY USE PERMITTED IN ALL ZONING DISTRICTS EXCEPT FOR THE S-SUBURBAN (S) AND R-1 RESIDENTIAL DISTRICTS SUBJECT TO USE REGULATIONS; BY AMENDING THE TABLE OF USE REGULATIONS TO INCORPORATE THE NEW I-11 AND I-12 USES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Township of East Rockhill ("*Township*") may enact zoning ordinances to ensure the proper implementation of the Pennsylvania Municipalities Planning Code; and

WHEREAS, the Board of Supervisors of East Rockhill Township ("*Board of Supervisors*"), by the enactment of this Ordinance, and in order to promote, protect and facilitate the health, safety, morals and welfare of the public, desires to amend the East Rockhill Township Code of Ordinances at Chapter 27, Zoning, as to regulate the keeping of Homestead Chickens and Homestead Animals.

WHEREAS, the Board of Supervisors finds the following Ordinance effectively limits the adverse impacts of keeping Homestead Chickens and Homestead Animals on the community;

WHEREAS, the following Ordinance has been reviewed and recommended for adoption by the Bucks County Planning Commission.

NOW, THEREFORE, be it *ENACTED* and *ORDAINED* by the East Rockhill Township Board of Supervisors, as follows:

SECTION 1.

Chapter 27, Zoning, Part 3, Use Regulations, Section 27-304 is amended with the creation of a new I.11 Homestead Chicken use with attendant regulations which shall read as follows:

I.11 Homestead Chickens. An accessory use wherein a limited number of chickens are kept and raised as an accessory use to a principal residential use. Such an accessory use shall be subject to the following restrictions and requirements for the noncommercial keeping of chickens on lots with principal residential uses:

- a. No person shall keep or maintain chickens, construct a chicken coop, henhouse, chicken run, or any other type of enclosure for chickens as an accessory use and/or structure to their principal residential use before completing a permit application and submitting it to the East Rockhill Township Zoning Officer and securing the applicable zoning permit for the same.
- b. A minimum lot area of 1 acre is required to keep chickens (*Gallus gallus domesticus*). Five chickens are permitted for 1 acre. A maximum of 10 is allowed on 2 or more acres of land. However, additional chickens above the maximum 10 chickens may be permitted in the AP, RR, and RP zones upon approval by the Board of Supervisors.
- c. No male chickens (roosters) over the age of 6 months are permitted. However, roosters above the age of 6 months may be permitted in the AP, RR, and RP zoning districts upon approval by the Board of Supervisors.
- d. All chickens must be contained within the owner's property boundary within a chicken coop, henhouse, enclosure, or chicken run that is enclosed on all sides. Chickens are forbidden to run at large.
- e. Any chicken coop, henhouse, or enclosure for chickens must provide a covered, predator-proof chicken house that is thoroughly ventilated, or of sufficient size to admit free movement of the chickens, and kept clean.
- f. Any chicken coop, henhouse, or enclosure must provide 5 square feet of space for each chicken as well as 10 square feet of space for each chicken within the chicken run.
- g. Any chicken coop, henhouse, chicken run or enclosure for chickens must be located a minimum of 15 feet from any side or rear lot line and located at least 25 feet away from any residential structure.
- h. No chicken coop, henhouse, chicken run, or other enclosure is permitted in the front yard of any parcel.
- i. A chicken coop, henhouse, chicken run, or other enclosure that is not occupied for a period of 2 years must be removed.
- j. All feed must be kept in a vermin-proof, airtight container.
- k. All chickens shall be provided with sufficient feed throughout the day and fresh water at all times.
- l. Slaughter is allowed when conducted in the private area of the chicken keeper's property and all excess viscera disposed of in a sanitary way. Public slaughter is prohibited.

- m. All chicken related materials, feed, and waste must be kept in a sanitary way within a secure enclosed structure on the lot so as to prevent any nuisance to surrounding neighbors.
- n. It shall be unlawful and constitute a nuisance if any chicken is kept in unsanitary conditions that produce odors, excessive noise, attract vermin, and are otherwise a concern to public health.
- o. All chicken wastes shall be stored and disposed in a manner consisted with Chapter 91 of the Pennsylvania Code.

SECTION 2. Chapter 27, Zoning, Part 3, Use Regulations, Section 27-304 is amended with the creation of a new I.12 Homestead Animal use with attendant regulations which shall read as follows:

I.12 Homestead Animals. An accessory use wherein a limited number of livestock and/or fowl are kept and raised as an accessory use to a principal residential use. Such an accessory use shall be subject to the following restrictions and requirements for the noncommercial keeping of livestock (large animals or small animals) and/or fowl on lots with principal residential uses:

- a. No person shall keep or maintain livestock (large animals or small animals), fowl, an animal enclosure, stable, pen, or any other type of structure for animals as an accessory use and/or structure to their principal residential use before completing a permit application and submitting it to the East Rockhill Township Zoning Officer and securing the applicable zoning permit for the same.
- b. Descriptions of permitted and non-permitted animal types:
 - (1). Large Animals: All types of horses, ponies, mules, and donkeys and/or other animals with a standard production weight of 600 lbs. or greater as identified in the Pennsylvania Act 38 Nutrient Management Technical Manual Supplement 5 Standard Animal Weights.
 - (2). Small Animals: All types of swine, sheep, goats, alpacas, and llamas and/or other animals with weights below 600 lbs. as identified in the Pennsylvania Act 38 Nutrient Management Technical Manual Supplement 5 Standard Animal Weights.
 - (3). Fowl: All forms of fowl, including turkeys, ducks, swan, pigeons, pheasants, partridges, grouse, and quails. Regulations regarding the keeping of *Gallus gallus domesticus* (common chicken) are found under accessory use I.11. The keeping of *Gallus gallus domesticus* (common chicken) is not permitted under this use.

- (4). *Struthio camelus* (ostrich), and *Dromaius novaehollandiae* (emu), and peafowl known as *Pavo cristatus*, *Pavo muticus*, and *Afropavo congensis* are not permitted under this accessory use.
- c. Site regulations:
- (1). A minimum lot area of 3 acres is required for a Homestead Animal accessory use.
 - (2). Two large animals or two small animals are permitted on the first three (3) acres of land. For each additional acre of land above three (3) acres, one (1) additional large animal or two (2) additional small animals are permitted. For purposes of this subsection, two (2) fowl shall be the equivalent of one (1) small animal.
 - (3). No more than six (6) small animals, a combination of five (5) large and small animals, or four (4) large animals are permitted on any lot as accessory to a principal residential use. However, additional livestock and fowl may be permitted in the AP, RR, and RP zoning districts upon approval by the Board of Supervisors.
 - (4). In the event a person keeps or maintains fowl pursuant to this section (I.12 Homestead Animals) and common chickens, *Gallus gallus domesticus* (pursuant to Section I.11 Homestead Chickens), as accessory uses to a principal residential use, the total combined number of fowl and common chickens taken together on any lot shall not exceed ten (10) regardless of size, weight or species.
- d. In the event any large animal, small animal or fowl gives birth, thereby exceeding the number of animals allowed by the minimum set forth herein, the owner of said animals and/or the occupier of the premises shall conform to the applicable restrictions on the number of animals within one year of the birth of the animal.
- e. Animal structures shall be located a minimum of 100 feet from all property lines, or the accessory building setback required by the zoning district in which the use is located, whichever is greater.
- f. Animal structures shall not be permitted in the front yard.
- g. All animals shall be kept within an enclosure unless under direct control of the owner or other authorized party. Animals are forbidden to roam at large.
- h. The height of the fencing shall be sufficient to keep the animal(s) within their enclosure and be constructed to prevent the animal(s) from escaping its confines. Barbed-wire fencing is not permitted for animal enclosures.

- i. The keeper of such animal(s) shall show that adequate provisions are being implemented to collect, store and dispose of the manure and other waste and/or litter associated with the keeping of the subject animal(s). The containers to be used in the process shall be kept covered and shall be cleaned on a regular basis to avoid the potential for detectable odors.
- j. All animal wastes shall be stored and disposed in a manner consistent with Chapter 91 of the Pennsylvania Code.
- k. It shall be unlawful and constitute a nuisance if any Homestead Animal is kept in unsanitary conditions that produce odors, excessive noise, attract vermin, and are otherwise a concern to public health.
- l. An animal housing facility shall be provided as a shelter for the animal(s). The structure shall incorporate no less than three walls and a sufficient roof area to provide a weatherproof shelter. Animal housing facilities shall be of sufficient size to enable the animal to comfortably stand, turn around and lay down.
- m. Animal housing facilities shall be ventilated to avoid respiratory disease and infections, control ambient temperature, and prevent accumulation of toxic gases.
- n. This accessory use is only for the noncommercial keeping of animals as an accessory to a principal residential use. The raising of animals for commercial use or profit is not permitted. The sale of animal products is prohibited.
- o. Slaughtering and butchering of livestock animals is strictly prohibited.
- p. Slaughter of fowl is allowed when conducted in the private area of the animal owner's property and all excess viscera disposed of in a sanitary way. Public slaughter is prohibited.
- q. The disposal of dead animals shall be in accordance with the Domestic Animal Law, 3 Pa. C.S. §2352. Dead animals shall be disposed of within 48 hours after death.
- r. Animal feed that is not stored in the principal building shall be stored in sealed, rodent-proof containers.

SECTION 3.

The Table of Use Regulations identified in Chapter 27, Zoning, Part 3, Use Regulations, Section 27-306, Table of Use Regulations, of the Code of Ordinances of East Rockhill Township and attached to the East Rockhill Township Zoning Ordinance as Attachment 1, is hereby amended by adding use I.11 Homestead Chicken under Section I, General Accessory Uses and Structures, in

such Table in its entirety. The entry for Homestead Chickens within the Table of Use Regulations shall read as follows:

	AP	RP	R R	S	R- 1	VR	VC	C-E	C-O	I-1	I-2	E
I.11 Homestead Chickens	P	P	P	N	N	P	P	P	P	P	P	P

SECTION 4.

The Table of Use Regulations identified in Chapter 27, Zoning, Part 3, Use Regulations, Section 27-306, Table of Use Regulations, of the Code of Ordinances of East Rockhill Township and attached to the East Rockhill Township Zoning Ordinance as Attachment 1, is hereby amended by adding use I.12 Homestead Animals under Section I, General Accessory Uses and Structures, in such Table in its entirety. The entry for Homestead Animals within the Table of Use Regulations shall read as follows:

	AP	RP	RR	S	R- 1	VR	VC	C-E	C-O	I-1	I-2	E
I.12 Homestead Animals	P	P	P	N	N	P	P	P	P	P	P	P

SECTION 5.

Severability. It is the intention of the Board of Supervisors that the sections, paragraphs, sentences, clauses, phrases and provisions of this Ordinance are severable. In the event that any one or more of the sections, paragraphs, sentences, clauses, phrases or provisions of this Ordinance shall for any reason be held to be unconstitutional, illegal, unenforceable or invalid in any respect by the judgment or decree of a court of competent jurisdiction, such unconstitutionality, illegality, unenforceability or invalidity shall not affect or impair any other section, paragraph, sentence, clause, phrase or provision of this Ordinance, and this Ordinance shall be construed and enforced as if such unconstitutional, illegal, unenforceable or invalid section, paragraph, sentence, clause, phrase or provision had not been included herein.

SECTION 6.


Repealer. All ordinances and/or resolutions or parts thereof heretofore enacted or adopted that are inconsistent herewith are hereby repealed or rescinded.

SECTION 7.

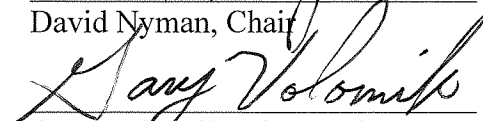
Effective Date. This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED by the Board of Supervisors this 27th day of October,
A.D., 2020.

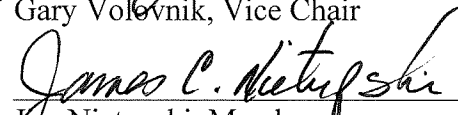
EAST ROCKHILL TOWNSHIP
BOARD OF SUPERVISORS



David Nyman, Chair

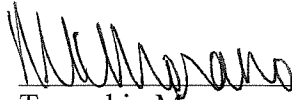


Gary Volevnik, Vice Chair



Jim Nietupski, Member

ATTEST:



Township Manager