

ORDINANCE NO. 109

AN ORDINANCE OF THE TOWNSHIP OF BENNER, CENTRE COUNTY, PENNSYLVANIA, REGULATING THE KEEPING OF CHICKENS IN RESIDENTIAL AREAS IN BENNER TOWNSHIP

Be it enacted and ordained by authority of the Supervisors of Benner Township, Centre County, Pennsylvania, AS FOLLOWS:

SECTION 1. TITLE

This Ordinance shall be known as the "Benner Township Chicken Ordinance."

SECTION 2. DEFINITIONS

CODE ENFORCEMENT OFFICER – Ordinance Enforcement Officer of the Township of Benner, Centre County.

SECTION 3. INTENT

The intent of this Ordinance is to permit the residents of Benner Township to keep chickens in residential zones. It has been shown that, in limited quantities, chickens do not pose a major health hazard and under certain conditions can be kept without causing a nuisance to surrounding properties.

SECTION 4. USE REGULATIONS

The keeping of chickens shall be allowed by right in the agricultural (A), conservation (C) and residential (R1 and R2) zoning districts provided the following conditions are met:

- A. Lot Size. Minimum lot size either owned, leased, or rented of one half (1/2) acre shall be required.
- B. Maximum Permitted Number of Chickens
 - 1. One-half (1/2) acre to less than two (2) acres, the maximum number of chickens permitted is five (5) chickens.
 - 2. Two (2) acres to less than ten (10) acres, the maximum number of chickens permitted is twenty-five (25) chickens.
 - 3. Ten (10) acres and above, no maximum number is established and roosters are permitted.

- C. The lot has an existing single family residence.
- D. No person shall keep a rooster in Benner Township on a tract of land less than ten (10) acres in size.
- E. Coop size.
 - 1. A zoning permit shall be required for the construction of any coop.
 - 2. The minimum coop size shall be three (3) square feet per chicken or rooster.
 - 3. On lots one-half (1/2) acre to less than two (2) acres, the maximum coop size shall not exceed twenty (20) square feet. Such coops shall be stationary, secure, and roofed, and enclosed in a way that contains the chickens. No outside run is permitted.
 - 4. On lots two (2) acres to less than ten (10) acres, an outside run for chickens is permitted when attached to the coop. The outside run shall be enclosed in such a manner as to securely contain the chickens.
- F. Coop Setbacks
 - 1. On lots one-half (1/2 acre) to less than (2) acres, coops shall not be within fifteen (15) feet to any side or rear property line. Coops shall not be permitted within the front yard setback area.
 - 2. On lots two (2) acres to less than ten (10) acres, coops and runs shall not be within thirty (30) feet from any side or rear property line. Coops and runs shall not be permitted within the front yard setback area.

SECTION 5. ADDITIONAL REQUIREMENTS

The following provisions shall apply to all properties of less than ten (10) acres that are keeping chickens as set forth above:

- A. **Unlawful to Allow Chickens to Run at Large.** It shall be unlawful for the owner or owners of any chickens to allow their chickens to run at large upon adjoining properties, any of the common thoroughfares, sidewalks, passageways, play areas, parks, streets, alleys, or public or private highways or any place where people congregate or walk, or upon public or private property in Benner Township.
- B. **Sanitary Requirements for Housing of Chickens.** Any owner of chickens or roosters (for the purpose of this section defined as “chicken or chickens”) within

the limits of the Municipality shall be required to house the chickens at all times under sanitary conditions so that the keeping of chickens shall not become either a public or private nuisance. The following provisions apply.

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 (see Section C).
 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 Ordinance Enforcement Officer and/or other designated official 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 hand-delivered to the owner or shall be sent by certified mail. 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.
- C. **Composting.** It shall be unlawful for any person to spread or cause to be spread or deposited upon any ground or premises within Benner 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.
- D. **Slaughtering or Butchering.** Slaughtering or butchering of chickens for personal consumption or religious practices shall be permitted provided it is done wholly on the property where the chickens are kept and any waste is disposed of in a proper and sanitary way.
- E. **Slaughtering or Butchering – Commercial.** No person shall slaughter or butcher any chicken on a tract of land less than ten (10) acres within Benner Township for commercial sale.
- F. **Proper Storage of Feed.** All feed, water, and other items associated with the keeping of chickens shall be protected in a way that prevents infestation by rats, mice, other rodents or vectors. Failure to keep all feed, water, and other items associated with the keeping of chickens in a clean and sanitary condition constitutes a violation of this Ordinance.

SECTION 6. VIOLATIONS AND PENALTIES

Any owners of chickens kept within the limits of Benner Township violating any of the provisions of this Ordinance shall, upon conviction thereof before the District Magistrate, be sentenced to pay a fine of not less than \$50.00 nor more than \$600.00 and costs of prosecution at the discretion of said Magistrate and, in default of payment of such fine and costs, shall be committed to the County Jail for not more than 5 days.

SECTION 7. SEVERABILITY

Should any sentence, clause, section or part of this Ordinance be found to be unconstitutional, illegal or invalid for any reason, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining sections of this Ordinance.

SECTION 8. EFFECTIVE DATE

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

ENACTED AND ORDAINED as an Ordinance of the Township of Benner, this 6th day of June, 2011.

ATTEST:

Sharon Royer
Secretary

TOWNSHIP OF BENNER

[Signature]
Chair, Board of Supervisors

[Signature]

[Signature]

CERTIFICATION

I, Sharon Royer, Secretary of the Board of Supervisors of Benner Township, Centre County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of Ordinance No. 109 duly adopted at a meeting of the Benner Township Board of Supervisors held on the 6th day of June, 2011.

A handwritten signature in cursive script that reads "Sharon Royer". The signature is written in black ink and is positioned above a horizontal line.

Sharon Royer
Benner Township Secretary