

**UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2022-05

**AN ORDINANCE AMENDING THE UWCHLAN TOWNSHIP ORDINANCE OF 2013,
CHAPTER 265, DEFINITIONS AND SECTIONS 501, 502, 503 PERTAINING TO
CHICKENS AND CHAPTER 87 TO ALLOW FOR THE AMENDMENTS AND ADDITIONS
RELATED TO THE RAISING AND KEEPING OF CHICKENS**

AND NOW, this 13th day of June, 2022, it is hereby ENACTED and ORDAINED by the Board of Supervisors of Uwchlan Township, Chester County, Commonwealth of Pennsylvania, as follows:

WHEREAS, the Township permits various accessory structures and land uses; and,

WHEREAS, the raising and keeping of chickens on a non-commercial basis at a residential property, and their associated henhouses, coops and runs are appropriate accessory uses if certain conditions are met; and,

WHEREAS, the Township 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 Township, and not create any public nuisance.

NOW, THEREFORE IT IS HEREBY ORDAINED AND ENACTED, by the Township Board of Supervisors, as follows:

I. Chapter 265 of the Township Code of Ordinances is hereby AMENDED as follows:

A. STRIKE Sections 265-501.2.a, 265-502.2.f and 265-503.2.b in their entirety and REPLACE them with the following:

Agricultural uses, except intensive agricultural, and buildings, provided that any structures used for the housing of three livestock (not including chickens, poultry or fowl) shall not be located less than 200 feet from any lot line and shall be situated on a lot of not less than 4 acres; except for that each livestock above three, one additional acre be provided (e.g., four livestock, = five acres, five livestock = six acres, etc.).

II. Chapter 87 of the Township Code of Ordinances is hereby AMENDED as follows:

A. ADD a new Article III as follows:

Article III Chickens

§ 87-1 Definitions.

For purposes of this article, the following words shall have the following definitions:

A. DOMESTIC CHICKEN: A subspecies of the species *Gallus domesticus*.

B. CHICKEN RUN OR PEN: A fenced or other type of enclosure that is mostly open to the elements, for the purpose of allowing chickens to leave the henhouse or coop while remaining in a predator-safe environment. The chicken run or pen is typically attached to the henhouse or chicken coop.

C. HENHOUSE OR CHICKEN COOP: A structure providing shelter for chickens which is completely enclosed.

§ 87-2 Purpose and General Regulations.

A. Purpose. The purpose of this article is to provide minimum standards for the keeping of domesticated chickens. This article enables residents to keep chickens on a noncommercial basis as an accessory use to a residence, while limiting the adverse effects of the activity on surrounding properties. Such adverse effects can include noise, odors, unsanitary conditions, attraction of predators, chickens running at large, unsightly conditions, and similar adverse conditions.

B. Non-commercial Use Only. Domesticated chickens shall be kept for non-commercial purposes only; the incidental sale of eggs is prohibited on the property.

C. Enclosed Structure Required. Chickens shall be kept in an enclosed structure at all times. No chicken shall be permitted to roam freely.

§ 87-3 Lot Size and Limits on Numbers of Chickens.

A. Domesticated chickens shall be allowed on lots with single-family detached dwellings in residential zoning districts.

B. The maximum number of chickens permitted on a lot with a single-family dwelling shall be determined based on the lot size as set forth below:

1. 2 acre lots = 10 chickens
1 acre lots = 8 chickens
30,000 sq ft lots = 6 chickens
22,000 sq ft lots = 4 chickens
18,000 sq ft lots = 3 chickens
2. No roosters shall be permitted at any time on any property.

C. Setbacks.

1. Chicken runs, pens, henhouses and chicken coops shall be set back from all adjacent residences that are not occupied by the applicant by not less than fifty (50) feet and must meet all applicable zoning requirements for the applicable zoning district.
2. Chicken henhouses and coops shall be set back not less than ten (10) feet from the applicant's residence.
3. All structures relating to chickens shall be located to the rear of the residence.
4. No facility for storing manure or feed shall be located within fifty (50) feet of any adjacent residence not occupied by the applicant.

§ 87-4 Structures, Chicken Pens, Runs, and Coops.

A. Enclosed and Predator Resistant Structure. Chicken runs, pens, henhouses and coops shall be enclosed and constructed of durable materials to prevent entry by predators or the escape of chickens. All walls and ceiling and roof areas shall also be protected against entry by predators.

B. Construction Materials. Chicken pens, henhouses and chicken coops shall be constructed of weather-resistant materials that can readily be cleaned and maintained and kept in good appearance.

C. Elevation of Structures. Henhouses and chicken coops shall be elevated at least 18 inches above grade, with an elevated floor that will prevent entry by predators.

D. No External Illumination. The exterior areas of henhouses and chicken coops shall not be illuminated.

E. Minimum Area per Chicken Coop or Henhouse. A chicken coop or henhouse shall provide no less than one square foot per chicken.

F. Minimum Area per Chicken Run or Pen. A chicken run or pen shall be provided and be large enough to allow freedom of movement, but shall provide not less than four (4) square feet per chicken.

G. Maximum total area of chicken coop including chicken run shall be no more than 200 sq ft. A building permit required if total structure is 120 sq ft or more.

H. Feed and Water Required. Adequate feed and water shall be continuously provided, with protection against freezing. Feed shall be stored in rodent proof containers.

§ 87-5 Conduct of the Owner.

A. Banding. Not Permitted.

B. 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 public nuisance or is in violation of the Township noise ordinance.

C. Waste and manure storage and removal. A written waste storage and removal plan shall be submitted to the Township for approval. All stored manure shall be placed within a fully enclosed container. No more than three cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken run and pen and surrounding area must be kept free from trash and accumulated manure.

D. Mortality. Dead animals shall be disposed of promptly and consistent with applicable waste disposal requirements of the County and State.

E. Slaughtering. There shall be no slaughtering of chickens on the property.

F. Neglect. Upkeep and sanitary conditions must be maintained.

G. Description of how the Backyard Chicken Activity will be conducted.

The applicant shall obtain a zoning permit application and describe to the satisfaction of the Township how the chickens will be cared for, and shall elaborate on the following:

1. size and location of the coop on the property,
2. number of chickens intended to keep,
3. waste collection and removal, or
4. location of the manure storage on the property,
5. copy of course completion certificate and/or signed best practices guidelines checklist
6. homeowners association approval if applicable

§ 87-6 Enforcement. Violations and Penalties.

A. Any Township Ordinance Enforcement Officer may issue an order requiring the immediate abatement of any keeping of chickens, coops, waste odor and noise that are in violation of this chapter. If a person does not comply with the abatement order upon its issuance, the Ordinance Enforcement Officer is authorized to enforce the provisions of the chapter by any available legal remedy, including the issuance of a summary citation for any violation of this chapter.

B. Any person, firm or corporation found in violation of any of the provisions of this chapter by a Magisterial District Judge in a summary proceeding shall be ordered to pay a penalty as set forth herein, and a each day a violation occurs or continues shall be a separate offense. A person, firm or corporation shall be fined not more than \$1,000 for each separate offense. For any offense, a person shall also pay all court costs including reasonable attorneys' fees incurred by the Township in the enforcement of this chapter. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each violation of any of the provisions of this chapter shall constitute a separate violation and shall be subject to separate and distinct penalties.

C. Nothing in this chapter shall be construed to impair any cause of action or legal remedy of any person or the public for injury or damage arising from the generation from whatever source of noise which may give rise to such cause of action.

§ 87-7 Nuisance, injunction.

Any violation of this article is declared to be a public nuisance and may be abated by administrative or judicial proceedings, fines and penalties as provided in this article. In addition to any other relief provided by this article, the Township Solicitor or any resident or taxpayer of the Township may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this article. Such application for relief may include seeking a temporary restraining order, preliminary injunction and permanent injunction.

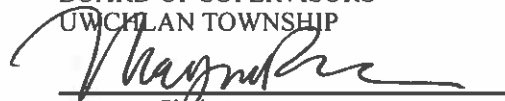
III. Severability. If any sentence, clause, section, term or provision of this amendatory ordinance is for any reason determined by a court possessed of subject-matter jurisdiction to be invalid or unenforceable the said determination shall not affect or impair any of the remaining sentences, clauses, sections, terms or provisions hereof. It is here declared to be the intent of the governing body of Uwchlan Township that this amendatory ordinance would have been enacted without the illegal or unenforceable sentence, clause, section, term or provisions.

IV. Repealer. All Ordinances and parts of ordinances inconsistent herewith are hereby repealed to the extent of the said inconsistency.

V. Effective Date. This Ordinance shall be effective five (5) days from enactment.

ENACTED and ORDAINED this 13th day of June, 2022, by the Board of Supervisors of Uwchlan Township.

BOARD OF SUPERVISORS
UWCHLAN TOWNSHIP


Chairperson


Vice Chairperson


Supervisor

Attest:


Township Secretary