NEWBERRY TOWNSHIP

APPLICATION FOR PERMIT TO KEEP CHICKENS OR LAYING HENS

1915 Old Trail Road, Etters, PA 17319 | 717-938-6992

APPLICATION TYPE ☐ Initial Permit - $25 ☐ Renewal Permit - $20 **PERMIT NO.**

APPLICANT AND PROPERTY INFORMATION

Applicant Name

Application Date

Address Where Chickens Will Be Kept

Property must contain an occupied single- or two-family dwelling and be at least one-half acre.

Telephone Number

Email Address

Number of Hens Requested

Maximum of six (6); roosters prohibited.

Owner-Occupied Property? Yes | No

If Not Owner-Occupied - Landlord Name

Landlord Phone

APPLICATION REQUIREMENTS AND APPLICANT CONFIRMATIONS

Attach a drawing of the property showing the location of the coop, enclosure and fenced area.
Ordinance No. 396 follows this application and must be reviewed before signing.

1. The coop, enclosure and fenced area will be at least 15 feet from every property line and will not be located in a front yard.
2. The coop and enclosure will be kept clean, dry, odor-free, neat and sanitary at all times.
3. The coop will provide adequate ventilation and sun/shade and will be reasonably protected from rodents, wild birds and predators.
4. No more than six (6) hens will be kept on the property.
5. No roosters will be kept on the property.
6. The permit will expire one year after issuance and is non-transferable.
7. If the applicant is a tenant, the applicant has obtained the landlord's approval.

APPLICANT ACKNOWLEDGMENT

☐ I certify that the information provided is accurate, that I have read Ordinance No. 396, and that I agree to comply with all permit requirements, violations, penalties and enforcement procedures.

Applicant Signature **Date**

TOWNSHIP USE ONLY

Tax Map / Parcel Number

Date Received

Renewal ☐ Yes ☐ No

Renewal Date

Approval Date

Approved By

Denial / Revocation Reason

ORDINANCE NO. 396

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NEWBERRY TOWNSHIP REGULATING THE KEEPING OF CHICKENS OR LAYING HENS AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF

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

SECTION 1. Title.

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

SECTION 2. Intent.

It is declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township.

SECTION 3. Permit Required.

A. Permit. No person, corporation, limited-liability company, partnership or other entity shall raise, harbor or keep chickens or laying hens (collectively, "chickens") within the Township without having first obtained a valid permit to do so from the Township.

B. Application. In order to obtain a permit, an applicant shall submit an application on the forms provided by the Township office.

C. Fees. An applicant for a permit shall pay, in full, a fee for such permit, which fee shall be set by resolution of the Board of Supervisors from time to time.

D. Permit requirements. In order for a permit to be issued, the following requirements must be met:

(1) All requirements of this article shall be met.

(2) All fees related to issuance or renewal of a permit shall have been paid in full.

(3) The tract of land on which the chickens are to be kept shall contain a single- or two-family dwelling only and shall be occupied and used as such and shall be no smaller than 1/2 acre.

E. Issuance of permit. The Township shall issue a permit within 15 days of receipt of the application and all requirements having been met. A Township representative shall have the authority to inspect the subject property prior to issuance or renewal of a permit.

F. Denial, suspension, revocation or nonrenewal. The Township may deny, suspend, revoke or decline to renew any permit issued hereunder for any of the following reasons:

(1) Any false statements on any application or other information required to be given by the applicant or permit holder.

(2) Failure to pay any fee or penalty required by this article or resolution of the Board of Supervisors.

(3) Failure to correct deficiencies noted in violation notices within the time specified in such notice.

(4) Failure to comply with any provision of this article.

G. Notification. A decision to revoke, suspend, deny or not renew a permit shall be in writing, delivered by ordinary mail or in person to the address indicated on the application. Such notice shall state the reasons for the action.

H. Effect of revocation. When a permit is revoked, an applicant may not reapply for a new or reissued permit for a period of two years from the date of revocation.

I. Appeals. The revocation, suspension, denial or decision not to renew a permit may be appealed in writing to the Board of Supervisors within 30 days of such action. The appeal shall be heard at the next regularly scheduled meeting of the Board of Supervisors following receipt of the written appeal. The written appeal shall set forth the basis for such appeal. A written decision of the Board of Supervisors shall be issued within 30 days of hearing the appeal and such decision shall be deemed final and binding.

SECTION 4. Number and gender of chickens allowed.

A. A permittee shall be permitted a maximum of six chickens.

B. No roosters are permitted. Only hens are allowed.

SECTION 5. Where permitted.

Chickens shall be permitted under this ordinance within any zoning district at residentially used parcels only. Notwithstanding this Ordinance, the non-commercial keeping of livestock and the agricultural/commercial keeping of livestock shall continue to be governed by the Newberry Township Zoning Ordinance as that ordinance may apply.

SECTION 6. Noncommercial purposes.

Chickens kept under this Ordinance may be kept for personal use and consumption only and permittees shall not engage in any commercial sales, breeding or other endeavor with regard to the chickens permitted hereunder; provided, however, that permittees may sell surplus eggs produced by chickens.

SECTION 7. Chicken coops or enclosures.

A. Chickens must be kept in a coop, enclosure or fenced area at all times.

B. All chicken coops, enclosures or fenced area containing the chickens shall be at least 15 feet from any property line. No chicken coops, enclosures or fenced areas shall be permitted in the front yard of any lot.

C. Coops, enclosures and fenced areas shall be kept in a clean, dry, odor-free, neat and sanitary condition at all times.

D. Coops and enclosures shall provide adequate ventilation and adequate sun/shade and must be reasonably impermeable to rodents, wild birds and predators, including dogs, cats, raccoons, etc.

SECTION 8. Control and safety of chickens.

A. The control and safety of chickens at all times shall be the responsibility of the permittee.

B. Chickens shall be provided with access to feed and clean water at all times. Feed and water shall be unavailable to rodents, wild birds and predators. Uneaten food shall be removed in a timely manner.

C. Manure shall be stored in a fully enclosed structure or watertight container. No more than three cubic feet of manure may be stored on a permitted tract of land. However, manure may be used as fertilizer. Any manure not used as fertilizer or in excess of the amount permitted to be stored shall be removed. The coop, enclosure, fenced area and surrounding area shall be kept free of trash and accumulated feces.

D. Chickens shall not be permitted to roam off of the permitted tract of land.

E. Permittee shall take action necessary to reduce the attraction of rodents and predators and the potential infestation of insects and parasites. Permittee shall remove or have treated any chickens found to be infested with parasites or insects or sick.

F. Dead chickens shall be removed and disposed of in accordance with Township ordinances and state law, as applicable, immediately upon discovery.

G. The permittee shall not allow the permittee's chickens to roam off of the permitted tract of land. No dog, cat or other domesticated animal which kills a chicken off the permitted tract of land shall, for that reason alone, be considered a dangerous or aggressive animal.

SECTION 9. Violations and penalties.

A. The following acts shall be deemed to be violations of this article:

(1) The keeping of chickens without a permit or the keeping of chickens in violation of any provision of this Ordinance.

(2) Permitting any owner, renter, lessee or other occupant of a property to allow chickens to be kept on a property in violation of this Ordinance.

(3) Keeping chickens inside of any dwelling unit.

(4) The slaughtering of chickens.

B. Any person who shall violate the provisions of this Ordinance shall be subject to a summary criminal proceeding before the magisterial district justice as provided by the Pennsylvania Rules of Criminal Procedure, as may be amended from time to time. Upon a finding of a violation, a fine of not less than $450, nor more than $1,000, including court costs and reasonable attorney fees incurred by the Township in prosecution of the violation, shall be imposed, and such person may be subject to imprisonment of up to 15 days in the event such fines and costs are unpaid. Each day that such violation continues shall constitute a separate violation of this article.

SECTION 10. Severability.

In the event any provision, section, sentence, clause, or part of this Ordinance shall be held invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Township that such remainder shall be and shall remain in full force and effect.

SECTION 11. Repealer.

All other ordinances or parts of ordinances inconsistent herewith shall be and the same expressly are repealed.

SECTION 12. Effective Date.

This Ordinance shall become effective five days after the date of enactment as provided by law.

ENACTED AND ORDAINED this 13th day of December, 2016.

ATTEST:

Secretary

NEWBERRY TOWNSHIP
BOARD OF SUPERVISORS

Chairman

This reformatted version is provided for convenient reading with the permit application. The official enacted ordinance and any subsequent amendments remain controlling.