

**HATFIELD BOROUGH
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 550**

**AN ORDINANCE OF THE BOROUGH OF HATFIELD, MONTGOMERY COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 2 (ANIMALS) AND CHAPTER 27
(ZONING) OF THE CODE OF ORDINANCES OF THE BOROUGH OF HATFIELD,
MONTGOMERY COUNTY, PENNSYLVANIA PROVIDING CONDITIONS FOR THE
KEEPING OF CHICKENS IN THE BOROUGH**

WHEREAS, the Borough of Hatfield, Montgomery County, Pennsylvania (hereinafter “Borough”) is a municipality organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Borough has enacted a Code of Ordinances pursuant to its statutory authority in the Pennsylvania Borough Code; and

WHEREAS, Chapter 2, “Animals,” section 2-101 specifically provides that it is unlawful to keep livestock and farm animals, including chickens within the Borough, and

WHEREAS, it is the intent of this ordinance to provide regulations for keeping chickens in the Borough while simultaneously advancing the substantial government interest of public safety, health and protection; and

WHEREAS, the Borough has recognized the need to amend the Code of Ordinances to add a section in Chapter 2, dealing with the keeping of chickens within the Borough to address a recent interest in keeping chickens in the Borough as reflected herein.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Borough Council of Hatfield Borough, Montgomery County, Pennsylvania, to amend section 2-101 to modify “chickens” from the list of unlawful livestock and farm animals in §2-101, “Livestock and Farm Animals prohibited” by adding the words, “except as stated below,” after the word, “chickens” and to add a new §2-101 (3) so that the ordinance reads as follows:

**Part 1
LIVESTOCK AND FARM ANIMALS PROHIBITED
§ 2-101**

Unlawful to Keep Livestock and Farm Animals Within Borough Limits;
Violations and Penalties.

1.

No person, firm or corporation shall keep any livestock, farm animals including, but not limited to, pigs, hogs, horses, cows, chickens, **except as permitted below in section 3**, ducks and sheep, within the Borough, nor shall

any person, firm, or corporation maintain any buildings or pens for the keeping or maintenance of any such animals at any place within the Borough.

2.

Penalty. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

3.

Chickens

- A. The purpose of this article is to provide standards for the keeping of domesticated chickens. It is intended to enable residents of the Borough to keep a small number of female chickens on a noncommercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The Borough recognizes that adverse neighborhood impacts may result from the keeping of domesticated chickens as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, or parasites, and chickens leaving the owner's property. This article is intended to create standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.
- B. Permit required. An annual permit is required for the keeping of any domesticated chickens in the Borough. Every applicant for a permit to keep domesticated chickens shall complete and file an application on a form prescribed by the Code Enforcement Officer. Deposit the prescribed permit fee with the Code Enforcement office at the time the application is filed. Provide a copy of a master chicken keeper certificate or other educational credential evidencing that the applicant has successfully completed a training course in raising and caring for chickens or other proof that the applicant is competent to care for the chickens.
- C. Fees. The fee for an annual permit to keep chickens shall initially be \$25, but such fee may be adjusted from time to time by resolution adopted by the Borough Council.
- D. Number and type of chickens allowed. The maximum number of chickens allowed is six per 10,000 square feet of lot area, with the

addition of 3 more chickens for every additional 5,000 square feet of lot area. Only female chickens are allowed. There is no restriction on chicken species. Male chickens, or roosters, are not permitted and shall be removed within ten days upon request by the Borough Code Enforcement Officer.

- E. General requirements. Chickens must be kept in an enclosure or chicken run secure fenced area at all times. Each secure chicken run area shall provide no less than ten square feet per chicken. During daylight hours, chickens may be allowed outside of their chicken pens or securely fenced yard only when supervised.
- F. Chickens shall be secured within the henhouse during non-daylight hours. Residents keeping chickens shall also provide a henhouse. Henhouses shall comply with the following standards and regulations:
 - (1) A henhouse footprint shall not exceed 32 square feet per 10,000 square feet of lot area (unless an existing shed or garage which complies with all setbacks required by the Borough's Zoning Ordinance is used for this purpose) and shall be located in the rear of the property no closer than ten (10) feet to the property line and otherwise subject to the bulk and area requirements of the Borough Zoning Ordinance relating to accessory structures. Henhouses shall not exceed six feet in height. To the extent that there is any conflict between the requirements set forth in this chapter and the bulk and area requirements of the Borough's Zoning Ordinance relating to accessory structures, the more restrictive provisions shall govern.
 - (2) Henhouses must provide a minimum floor area of five square feet per chicken in the henhouse. Henhouses shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator- and bird-proof wire of less than one-inch openings.
 - (3) Henhouses must be kept clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odors or other adverse impact.
 - (4) Chicken feed must be stored in a metal container with a metal lid that cannot be penetrated or removed by vermin.
 - (5) There shall be no public slaughter of any chicken.
- G. The sale of eggs or chickens must comply with state and federal laws and regulations and with the existing Borough Code of

Ordinances. The sale of eggs must also comply with the Borough's zoning ordinance regulations for home occupations in §27-904 located in a residential zone.

Part 2
RAISING CHICKENS PERMITTED AS RESIDENTIAL ACCESSORY
USES IN CERTAIN DISTRICTS
§27-903 1 A
Uses Accessory to Dwelling

Adding a new section §27-903 1 A (5) which provides:

(5) Keeping of domesticated chickens in accordance with §2-101.3 of the Code in the R1, R2 and R3 zoning districts.

NOW THEREFORE, be it ORDAINED and ENACTED by the Borough Council of the Borough of Hatfield this 17 day of MAY, 2023, with Council members Kroesser, Stevens, Girard voting "aye," and Council members

Ferguson voting "nay."

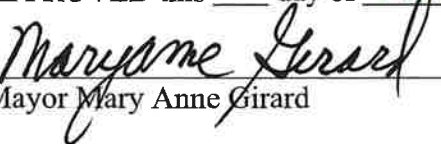
ATTEST:

BOROUGH OF HATFIELD


JAIME SNYDER, SECRETARY


JASON FERGUSON, PRESIDENT
BOROUGH COUNCIL

APPROVED this 17 day of MAY, 2023.


Mayor Mary Anne Girard

CERTIFICATION

I, Kathryn Vlahos, Assistant to the Manager for the Borough of Hatfield, do hereby certify that the foregoing Ordinance No. 550 was adopted by majority vote of Hatfield Borough Council at Regular session of Council held on May 17, 2023, said session being duly advertised at which a quorum was present. Further, the said Ordinance was approved by the Mayor of the Borough of Hatfield and recorded in the Ordinance Book on the same date.

Dated: May 17, 2023



Kathryn Vlahos, Assistant to the Manager
Borough of Hatfield