

**BOROUGH OF JERMYN  
LACKAWANNA COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 03 OF 2019**

**AN ORDINANCE PROVIDING FOR THE LIMITED HOUSING AND RAISING OF DOMESTIC CHICKENS IN THE BOROUGH OF JERMYN, LACKAWANNA COUNTY, PENNSYLVANIA**

WHEREAS, the Borough of Jermyrn seeks to provide for the housing and raising of Domestic Chickens within the Borough;

WHEREAS, the Borough of Jermyrn would like to enable residents to keep a small number of female (Chicken Hens) on a noncommercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept and shall be permitted on single-family lots;

WHEREAS, the Borough wishes to provide restrictions and requirements for the housing and raising of Chicken Hens within the Borough limits; the following Ordinance provides:

**Section 1 – Definitions:**

Chicken Coop: any fully enclosed and covered hen house providing a predator resistant shelter that is thoroughly ventilated, provides adequate sun and shade and all-season protection from the elements, designed to be easily accessed and cleaned where poultry and/or chicken lives.

Chicken Hen: a domesticated female chicken considered a chick, pullet or adult.

Chicken Run: a covered, secure enclosure that allows chicken hens' access to the outdoors.

Owner: the person who owns the land where the keeping is being performed. The owner bears responsibility for any legal action in this ordinance.

Permit officer: the official designated to process permit applications and inspect locations to ensure compliance with this ordinance.

**Section 2 – Requirements for Ownership of Chicken Hens:**

2.A.: Chickens shall be secured within a henhouse during non-daylight hours. The structure 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 (1 ") inch openings. The use of scrap, waste board, sheet metal, or similar materials is prohibited. The henhouse must be well-maintained.

2.B. Chicken hens must be kept in a chicken coop or fenced area (chicken pen) at all times during daylight hours, and include access to a chicken run. Such enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times. The chicken pen must provide adequate sun and

shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats. It shall be constructed with sturdy wire fencing securely wrapped on all sides and the bottom. The coop or pen must be covered with wire, aviary netting, or solid roofing.

2.C. Chicken hens shall be kept for personal use only. No person shall engage in chicken breeding or fertilizer production for commercial purposes.

2.D. The maximum number of chicken hens allowed is four (4) per lot.

2.E. Only female chickens are allowed as Domestic Chickens, however, there is no restriction on chicken species.

2.F. It shall be unlawful for the owner or owners of any Chicken Hens to allow the same to run at large upon any of the common thoroughfares, sidewalks, passageways, play areas, parks, streets, alleys or public highways, or any place where people congregate or walk, or upon any public or private property. Any chicken hen not contained in a coop or run shall be deemed "at large."

2.G. The henhouse, chicken coops, fenced area (chicken pen) or chicken run and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner. All stored manure shall be covered by a fully enclosed container or compost bin. No more than one (1), twenty (20) gallon container of manure shall be stored on any one property housing chickens. It is unlawful to spread or cause to be spread or deposited upon any ground of premises within the Borough any chicken manure and/or used bedding, with the exception where chicken manure and/or used bedding may be composted on the property where the Domestic Chickens are housed.

2.H. Chicken hens must be provided with access to feed and clean water at all times; such feed and water shall be unavailable to rodents, wild birds and predators. All feed, water and other items associated with Domestic Chickens shall be protected from infestation by rodents, wild birds and predators. Failure to keep water, feed and other items associated with Domestic Chickens in a clean and sanitary condition will constitute a violation of this ordinance.

2.I. The minimum chicken coop size shall be three (3) square feet per chicken hen. The maximum structure area shall be 144 square feet.

2.J. No portion of any henhouses, chicken coops, fenced areas (chicken pens) or chicken runs shall be in the front or side yard of any property, as the terms "front yard" and "side yard" have been defined in the Borough of Jermyn Zoning ordinances and codes. Henhouses, chicken coops, fenced areas (chicken pens) or chicken runs shall be allowed in rear yards as defined in the Borough of Jermyn Zoning ordinances and codes. However, they shall not be placed or built within ten (10) feet of the side or rear property lines.

2.K. If a property owner abandons or vacates a permitted Domestic Chicken coop, henhouse, fenced area (chicken pen) or chicken run, or fails to keep at least one chicken for more than a twenty (20) day period, the property owner shall have ten (10) days to remove the structure from the property.

2.L. Slaughtering or butchering of chickens for personal consumption shall be permitted, provided that it is done wholly on the property where the chicken hens are kept. Slaughtering or butchering shall be conducted only in an indoor location and any waste created from slaughtering or butchering shall be disposed of in a proper and sanitary manner. Commercial slaughtering or butchering is prohibited.

2.M. Chicken Hens are permitted to be housed and raised in single-family dwellings only, and may NOT be so permitted in multi-unit dwellings. Chicken Hens are NOT permitted in rental properties of any type.

2.N. Every owner of Chicken Hens shall be required to obtain a permit and keep compliant with permit and ordinance requirements.

### **Section 3 – Chicken Hen Permits:**

3.A. Permits for keeping chickens within the Borough shall be issued by the Borough Manager in accordance with this section. The keeping of any chickens without a permit is a violation of this Section.

3.B. Application for Permit:

(1) An applicant must complete and submit an application provided by the Borough manager and pay all fees required by this Section 9(b).

(2) A complete application shall include:

- (i) proof that the applicant is the owner of the land or has express written permission from the owner where the activity will take place;
- (ii) (ii) a statement that the location is in compliance with the requirements of this Ordinance;
- (iii) (iii) all fees are paid in full;
- (iv) (iv) a statement that the land contains at least one residential dwelling;
- (v) (v) proof that applicant has provided notice to the residents of all immediately adjacent dwellings, and that written approval has been received;
- (vi) the application for possession of residential Chicken Hens shall be created by the Borough Manager or his designee and amended from time to time as required to comply with this Ordinance

3.C. Issuance of Permit:

(1) A permit application will not be approved unless the applicant affirmatively demonstrates that the following conditions are met:

- (i) the information contained in the application is correct;
- (ii) the requirements for a permit have been met; and,
- (iii) the proposed location is consistent with the requirements of this Ordinance upon inspection by the Borough Code Enforcement Officer.

(2) If all conditions are met, the Borough Manager shall issue the permit within seven (7) days of receipt of all proofs of compliance with this Ordinance.

3.D. Suspension, Revocation, and Non-Renewal of Permit:

(1) The permit officer may suspend, revoke, or decline to renew any permit issued for any of the following reasons:

- (i) false statements made on the application or other misinformation provided to the permit officer by the applicant;
- (ii) failure to pay any penalty, re-inspection or reinstatement fee required by this Ordinance;
- (iv) failure to correct deficiencies noted during inspections in the time specified by the Code Enforcement Officer;
- (v) failure to comply with the provisions of an approved mitigation/remediation plan by the Code Enforcement Officer; or,
- (vi) failure to comply with any provision of this ordinance.

(2) Notification:

- (i) revocation, suspension, denial or nonrenewal of a permit shall be in writing, and delivered
  - (A) by ordinary mail;
  - (B) in person to the address indicated on the application; or
  - (C) presented by hand delivery to the person.
- (ii) the notification shall specify reasons for the action.

(3) Effect of revocation:

- (i) When a permit is revoked, the applicant may not re-apply for a new permit for a period of six (6) months from the date of revocation.
- (ii) Upon revocation or expiration of a permit, all animals shall be removed from the premises within ten (10) days therefrom.

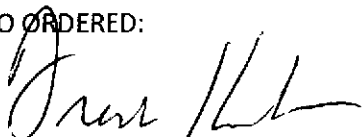
#### Section 4 – Penalties:

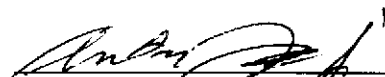
4.A. Any premises not in compliance shall be subject to the violations and penalties specified in this Section.

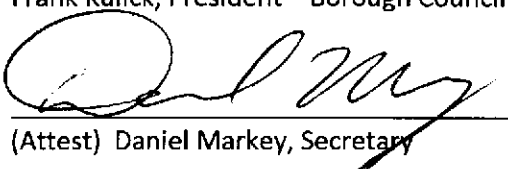
4.B. Any cost incurred to remove, place or dispose of Chicken Hens by the Borough shall be paid by the owner of the property where the permit was issued.

4.C. Any violation of this Ordinance, or any of its Subsections shall be punishable

SO ORDERED:

  
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Frank Kulick, President – Borough Council

  
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Anthony Fuga, Jr., - Mayor

  
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(Attest) Daniel Markey, Secretary

5/16/19