

ORDINANCE NO. 2023-176

AN ORDINANCE OF THE TOWNSHIP OF HAMILTON, FRANKLIN COUNTY, PENNSYLVANIA,
REGULATING THE KEEPING OF CHICKENS AND FOWL IN RESIDENTIAL AREAS
WITHIN HAMILTON TOWNSHIP

Be it enacted and ordained by authority of the Board of Supervisors of Hamilton Township, Franklin County, Pennsylvania (sometimes, "the Board of Supervisors"), AS FOLLOWS:

SECTION 1. TITLE

This Ordinance shall be known as the "Hamilton Township Chicken and Fowl Ordinance."

SECTION 2. DEFINITIONS

CHICKEN: a type of domestic fowl kept for its eggs or meat, especially a young one. The term shall include a hen (a female chicken) and a rooster (a male chicken).

FOWL: a bird of the order *Galliformes* that is kept for its eggs and flesh; a rooster or hen. The term shall include any bird, domesticated or otherwise, used for its eggs or meat. The term shall also include guinea fowl.

SECTION 3. INTENT

The intent of this Ordinance is to permit the residents of Hamilton Township to keep chickens or fowl in residential areas. It has been shown that, in limited quantities, chickens or fowl do not pose a major health hazard, and under certain conditions can be kept without causing a nuisance to surrounding properties. See, also, Hamilton Township Ordinance No. 2013-157, relating to Nuisances, which is incorporated herein by reference.

SECTION 4. USE REGULATIONS

The keeping of chickens or fowl shall be allowed by right, provided the following conditions are met:

A. Lot Size

Minimum lot size either owned, leased, or rented of one quarter (1/4) acre shall be required.

B. Maximum Permitted Number of Chickens or Fowl

1. One-quarter (1/4) acre to less than two (2) acres, the maximum number of chickens or fowl permitted is five (5) chickens or fowl.
2. Two (2) acres to less than ten (10) acres, the maximum number of chickens or fowl permitted is twenty-five (25) chickens or fowl.
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 Hamilton Township on a tract of land less than ten (10) acres in size.

E. Coop Size

1. A Land Use 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-quarter (1/4) acre to less than two (2) acres, the maximum coop size shall not exceed twenty (20) square feet. Any such coops shall be stationary, secure, and roofed, and enclosed in a way that contains the chickens or fowl. A fully-enclosed outside run with roofing or fully-enclosed fencing is permitted, so long as the run is attached and fastened securely to the coop, to prevent predators and unwanted vermin from entering the coop and/or run, and so long as it is no more than twenty (20) additional square feet. On lots one-quarter (1/4) acre to less than two (2) acres, coops and runs shall not be permitted within ten (10) feet from any side or rear property line. Coops and runs shall not be permitted within the front yard setback area.
4. On lots two (2) acres to less than ten (10) acres, coops and runs shall not be permitted 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 or fowl as set forth above:

- A. **Unlawful to Allow Chickens or Fowl to Run at Large.** It shall be unlawful for the owner or owners of any chickens or fowl to allow their chickens or fowl 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 Hamilton Township.
- B. **Sanitary Requirements for Housing of Chickens or Fowl.** Any owner of a chicken, chickens, or fowl, including any roosters (for the purpose of this section defined as "chicken or chickens or fowl") within the limits of the Municipality shall be required to house the chickens or fowl at all times under sanitary conditions so that the keeping of chickens or fowl shall not become either a public or private nuisance. The following provisions apply.
 1. All chicken and fowl 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 and fowl 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 or fowl feces does accumulate on private property, the designated official or, if none, then the Secretary/Treasurer for Hamilton Township, at the direction of the Board of Supervisors, 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. After the expiration of 48 hours, the Township may initiate enforcement action through the local Magisterial District Court.

- C. **Composting.** It shall be unlawful for any person to spread or cause to be spread or deposited upon any ground or premises within Hamilton Township any chicken or fowl manure. However, chicken manure may be composed on the property where the chickens or fowl are housed and the composted material then applied to gardens or yards.
- D. **Slaughtering or Butchering.** Slaughtering or butchering of chickens or fowl for personal consumption or religious practices shall be permitted provided it is done wholly on the property where the chickens or fowl are kept, any waste is disposed of in a proper and sanitary way, and the activity does not otherwise rise to the level of a nuisance as is described and enforced through Ordinance No. 2013-157, relating to Nuisances, which is incorporated herein by reference.
- E. **Slaughtering or Butchering – Commercial.** No person shall slaughter or butcher any chicken on a tract of land less than ten (10) acres within Hamilton Township for commercial sale.
- F. **Proper Storage of Feed.** All feed, water, and other items associated with the keeping of chickens or fowl 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 or fowl in a clean and sanitary condition constitutes a violation of this Ordinance and may constitute a violation of Ordinance No. 2013-157, relating to Nuisances.

SECTION 6. NONCONFORMING USES AND STRUCTURES

The following regulations shall control nonconforming uses and structures (see Section 4 hereof):

- A. A use or structure lawful in existence at the effective date of this Ordinance which is thereby made nonconforming or a lawful prior nonconforming use or structure may be continued as provided for in this Ordinance.
- B. Registration of nonconforming uses or structures shall be completed in a written application to the designated official or, if none, the Secretary/Treasurer of Hamilton Township Hamilton Township, subject to approval by the Board of Supervisors, no later than 120 days after the effective date of this Ordinance; the application shall, at a minimum, identify the owner(s), the property address(es), and sufficiently describe the alleged nonconforming uses or structures. The owner or operator claiming the nonconforming structure or use has the burden of demonstrating that the structure or use lawfully existed prior to the effective date of this Ordinance. Failure to make application in writing to register a nonconforming structure or use within 120 days after the effective date of this Ordinance shall mean that the structure or use does not qualify as a nonconforming use.
- C. No nonconforming use or structure shall be enlarged, extended, expanded, reconstructed, substituted, or structurally altered except when such changes are in conformity with this Ordinance. Normal maintenance and repair of a nonconforming structure or use is permitted, provided that it does not extend or expand the degree of nonconformity.

- D. Cessation of a nonconforming use for a continuous period of twelve (12) months shall create a rebuttable presumption that such use has been abandoned. Such nonconforming uses shall not thereafter be revived.

SECTION 7. VIOLATIONS AND PENALTIES

Any owner(s) of chickens or fowl kept within the limits of Hamilton Township violating any of the provisions of this Ordinance shall, upon conviction thereof before the Magisterial District Judge, 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 Magisterial District Judge, and, in default of payment of such fine and costs, shall be committed to the Franklin County jail for not more than five (5) days.

SECTION 8. 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 9. EFFECTIVE DATE

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

ENACTED AND ORDAINED as an Ordinance of the Township of Hamilton, Franklin County, Pennsylvania, this 15th day of November, 2023.

HAMILTON TOWNSHIP BOARD OF SUPERVISORS



Jeffrey T. Rockwell, Chairman

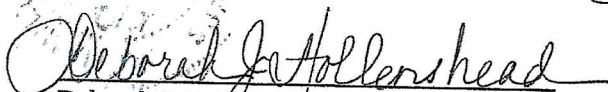


Richard K. Troup



Ronald R. Yeager

ATTEST:



Deborah J. Hollenshead, Secretary