

**TUNKHANNOCK TOWNSHIP
MONROE COUNTY, PENNSYLVANIA
ORDINANCE NO. 2020-_____**

AN ORDINANCE OF THE TOWNSHIP OF TUNKHANNOCK, MONROE COUNTY, PENNSYLVANIA, PROHIBITING FARM ANIMALS ON PROPERTIES OF LESS THAN TWO ACRES AND PROVIDING REGULATIONS FOR THE KEEPING OF CHICKENS WITHIN THE TOWNSHIP.

WHEREAS, the Pennsylvania First Class Township Code 53 P.S. § 56544 authorizes the Township of Tunkhannock ("Township") to make such regulations as may be deemed necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the township and the inhabitants thereof; and

WHEREAS, the Board of Supervisors of the Township of Tunkhannock finds it necessary for the promotion of the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the township and the inhabitants thereof to provide regulations for the keeping of farm animals within the Township.

NOW THEREFORE, it is hereby Ordained and Enacted by the Board of Supervisors of the Township of Tunkhannock, as follows:

REGULATION OF FARM ANIMALS AND CHICKENS

1. The following terms, as used in this ordinance, shall have the meaning prescribed below:

- a. Farm Animals shall mean all livestock or poultry generally found on farms and/or considered to be agricultural commodities, including but not limited to horses, donkeys, cattle, pigs, sheep, goats, alpacas, chickens, turkeys, and other fowl.
- b. Chickens shall mean only female chickens.
- c. Chicken Coop shall mean a structure to house chickens that is properly ventilated and designed to be protected from the weather, vermin, and predators.
- d. Rooster shall mean a male chicken.

2. No farm animals shall be kept on less than two (2) acres of land, except the keeping of chickens shall be allowed upon approval by the Township subject to the standards set forth by this ordinance.

3. All farm animals kept within the Township shall be confined to the private property of the respective owner by use of fencing and/or barriers sufficient to prevent the running at large or trespass of farm animals on public or private property. Failure to

confine farm animals or prevent their escape from enclosures shall constitute a violation of this ordinance.

4. All farm animals and the premises they are kept on shall be maintained under orderly and sanitary conditions so that the keeping of farm animals shall not become either a public or private nuisance due to conditions including, but not limited to, damage to the property of others, posing an attractive nuisance, an accumulation of feces, the threat of disease, or a discernible increase in the presence of vermin, odors, or noise.

Approval of the application shall be subject to the following standards:

- a. Chickens shall only be kept on a residential parcel on which there is an occupied dwelling. No chickens shall be kept in townhouse communities, apartment complexes, or mobile home parks.
- b. No person shall keep or maintain a rooster.
- c. Chickens may be kept in the following numbers:
 - i. No chickens may be kept on any parcel smaller than two acres.
- d. If a parcel has more than one (1) dwelling unit, all adult residents and the owners of the parcel must consent in writing to allow chickens on the property.
- e. The chickens must be provided with a chicken coop that is properly designed to be easily accessed, cleaned, and maintained. The chicken coop must be at least three (3) square feet per chicken.
- f. All animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
- g. The chicken coop must be located at least twenty (20) feet from any property line. Multiple contiguous parcels under the same ownership shall be treated as one.
- h. During daylight hours, chickens must have access to the chicken coop as well as an outdoor area that is adequately fenced to protect the chickens from predators and to prevent the chickens from roaming onto neighboring properties. Chickens must be closed in a chicken coop from dusk to dawn.

RESERVATION OF RIGHTS. The Township hereby reserves the right to make such determinations as may be necessary for the enforcement of this ordinance including, but not limited to, interpretation of acceptable standards, finding of violations, issuance of warnings, and the granting of exceptions where sufficient evidence is presented to ensure that the intent of this ordinance to promote the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof is not diminished.

PENALTY FOR VIOLATION. The Township has the right to revoke any prior approval upon written notice of violation of this ordinance. Any owner of any farm animals kept within the limits of the Township found to be violating any of the provisions of this ordinance shall, upon conviction thereof before the District Magistrate, be sentenced to pay a fine of not less than \$50.00 nor more than \$600.00 plus the costs of prosecution, and in default of payment of such fine and costs, shall be subject to imprisonment. Each day that a violation continues shall constitute a separate and distinct offense.

SEVERABILITY. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

REPEALER. Any ordinance containing provisions that are inconsistent with the terms and provisions of this ordinance is hereby repealed and superseded to the extent that it conflicts herewith.

EFFECTIVE DATE. This ordinance shall take effect immediately upon enactment as provided by law. All existing owners of farm animals within the Township shall come into compliance with the terms of this ordinance within thirty (30) days of enactment, or within five (5) days of receipt of a written notice of noncompliance, as may be issued at the discretion of the Township. **ORDAINED AND ENACTED** into law this __ day of _____, 2021.

ATTEST :

**BOARD OF SUPERVISORS OF
TUNKHANNOCK TOWNSHIP**

Martina Kernan, Secretary

Fran DePiano, Chairperson

George Ewald, Vice-Chairperson

Steve Malaico, Supervisor