

EAST FALLOWFIELD TOWNSHIP

ORDINANCE NO. 2023-02

AN ORDINANCE OF THE TOWNSHIP OF EAST FALLOWFIELD TOWNSHIP CHESTER COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP ZONING ORDINANCE, WITH RESPECT TO THE KEEPING OF CHICKENS AS AN ACCESSORY TO A RESIDENTIAL USE, AND SUPERSEDING ANY ORDINANCE OR PARTS OF ORDINANCES THAT ARE INCONSISTENT HEREWITH.

WHEREAS, the Township permits various accessory structures and land uses; and,

WHEREAS, the raising and keeping of chickens on a non-commercial basis at a residential property, and their associated henhouses, coops and runs are appropriate accessory uses if certain conditions are met; and,

WHEREAS, the Township desires to ensure that the raising and keeping of chickens and their associated structures are conducted in a way as to not adversely affect the safety and general welfare of the citizens of the Township, and not create any public nuisance.

AND NOW, this 28th day of March, 2023, the Board of Supervisors of East Fallowfield Township, Chester County, Pennsylvania, hereby amends the East Fallowfield Township Zoning Ordinance of 2002 as follows:

SECTION 1. Definitions. Article II, Section 27-201 of the Zoning Ordinance is hereby amended to revise and incorporate the following terms:

Agricultural Operation: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products, and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products, or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural

industry. The keeping of chickens as an accessory to a residential use under Section 27-1702 shall not qualify as an Agricultural Operation.

Chicken Run or Pen: A fenced or other type of enclosure that is mostly open to the elements, for the purpose of allowing chickens to leave the henhouse or coop while remaining in a predator-safe environment. The chicken run or pen is attached to the henhouse or chicken coop.

Domesticated Chicken: A subspecies of the species Gallus domesticus.

Henhouse or Chicken Coop: A structure providing shelter for chickens which is completely enclosed.

SECTION 2. Section 27-1702(2)(I) is hereby amended to add the following provisions:

- I. The keeping of large domestic animals as pets (all animals below with the exception of dogs, cats and chickens), provided the lot housing such animals shall have a minimum lot area of two (2) acres including the house and all other improvements upon the property. The minimum lot area for the keeping of domesticated chickens shall be 1/2 acre.

(1) For large domestic animals, all shelters shall be at least 100 feet from any property line. For domesticated chickens, chicken runs, pens, henhouses and chicken coops must be set back from all adjacent residential dwelling units not occupied by the applicant by not less than 75 feet and from any lot line by 50 feet.

(2) All pastures, chicken runs or pens and grazing areas must be fenced and located in side or rear yards.

(3) All pasture and grazing areas shall be subject to the following space requirements as defined by the Cooperative Extension Service of Penn State University for various species of animals:

(a) Sheep, Pigs and Goats. A minimum of 1/2 acre per three (3) mature pigs, sheep or goats or six (6) lambs.

(b) Chickens. Four (4) chickens shall be permitted on the first 1/2 acre. One additional chicken shall be permitted for each additional 1/4 acre, up to a maximum of 20 chickens per property.

(c) Cattle. A minimum of one (1) acre for the first animal and increased 1/2 of an acre for each additional animal.

- (d)** Horses or Llamas. A minimum of one acre for the first horse and increased 1/2 of an acre for each additional horse.
- (e)** Exotic Animals. Any animal not similar to the above, as defined in Part 2. Such animals shall be limited to the characteristics of the species, in consultation with the Cooperative Extension Service.
- (4)** No uncovered manure storage shall be permitted within 125 feet uphill of any lot line, stream, or well. No manure storage shall be permitted within 100 feet of any adjacent residence not occupied by the applicant and not less than 50 feet from any lot line. All manure must be stored in a noncombustible container. Applicant shall maintain a written waste storage, removal and management plan.
- (5)** No manure may be stored within a stormwater swale or drainage way.
- (6)** All permanent shelters shall be designed for ease of manure removal and handling.
- (7)** All pasture for large animals must consist of well-maintained grass. Muddy or dusty, denuded areas shall be stabilized to prevent erosion and unsightliness.
- (8)** Lots shall be graded so that animal wastes are confined, stored, or disposed of within the lot on which they originate, and are not directed to the Flood Hazard District.
- (9)** The keeping of animals as set forth in this Section is limited to non-commercial use, with the exception of incidental sale of eggs or milk (less than \$1,000 per year).
- (10)** With respect to the keeping of domesticated chickens, the following additional provisions shall apply:
- a) No roosters shall be permitted.
 - b) Odor from the chicken manure and related substances shall not be perceptible at the property line.
 - c) Chickens must be contained on the property.
 - d) Chickens are not permitted in mobile home parks or on properties containing multi-family dwelling units.
 - e) Chicken coops and henhouses used under this provision shall be enclosed and predator resistant. They shall be constructed of durable materials and maintained to prevent the entry of predators or the escape of chickens. A barrier to prevent burrowing shall be installed across the horizontal at-grade area of not less than 1 foot in depth along the interior or exterior perimeter of the run or pen.
 - f) The henhouse and coop shall provide not less than three (3) square feet per chicken. The chicken run or pen shall provide an area of not less than four (4) square feet per chicken.

- g) The slaughtering of any chickens shall be conducted in a fully-enclosed structure. All deceased animals shall be promptly disposed of.
- h) A landowner shall obtain a zoning permit from the Township Zoning Officer prior to commencing the keeping of chickens as a residential accessory use. The applicant shall include all materials necessary to establish compliance with the provisions of this section. To the extent that an applicant does not comply with this ordinance or the conditions of any permit, the permit is subject to suspension or revocation, in addition to any zoning enforcement under Section 27-2101.

(11) Nothing herein shall be construed or interpreted in a manner inconsistent with any state law, rule or regulation that is deemed to be preemptive of municipal regulation. To the extent of an inconsistency between this Section and current or future applicable, preemptive state law, rule or regulation, such state laws, rules or regulations shall control and an applicant shall establish compliance with the same.

This Ordinance shall take effect five (5) days after its adoption.

ORDAINED AND ENACTED this 28th day of March, 2023.

**BOARD OF SUPERVISORS
EAST FALLOWFIELD TOWNSHIP**

Wilson T. Lambert, Jr., Chair

Joe Heffern, Vice-Chair

Katja Dirado, Member

John Nielsen, Member

Al Wright, Member

Attest:

Township Manager/Secretary