

**BOARD OF SUPERVISORS
LOWER SALFORD TOWNSHIP**

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2021- 02

Accessory Uses to a Dwelling – Keeping of Animals

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER SALFORD, CHAPTER 164 (ZONING), ARTICLE V (GENERAL PROVISIONS), SECTION 164-15 (ACCESSORY USES), SUBSECTION (B) (USES ACCESSORY TO A DWELLING), PARAGRAPH (5) (ANIMALS) TO PERMIT THE KEEPING OF HENS AS AN ACCESSORY USE TO A DWELLING, SUBJECT TO CERTAIN LIMITATIONS.

The Board of Supervisors of Lower Salford Township does hereby **ENACT** and **ORDAIN:**

SECTION I. - Amendment to Code

The Code of the Township of Lower Salford, Chapter 164 (Zoning), Article V (General Provisions), Section 164-15 (Accessory Uses), Subsection (B) (Uses Accessory to a Dwelling) is hereby amended to repeal existing Paragraph (5) in its entirety and replace it with the following new Paragraph (5):

(5) Animals.

(a) The keeping of dogs and cats and other small, confined animals in such quantities as shall not constitute a nuisance to adjacent property owners.

(b) The keeping of livestock, poultry or fowl, other than pigs, whether as pets or for agricultural purposes, provided that for such purposes the premises shall consist of at least three (3) acres, shall provide three (3) acres of land for every five animals and shall have all buildings used therefor situated not less than 100 feet from any road or property line on an adjoining lot.

(c) Notwithstanding Subsection 5(b) above, the keeping of female chickens (hens) is permitted as an accessory use to a dwelling, subject to the following requirements:

[1] Type and Number of Chickens.

- a. No roosters may be kept on a property.
- b. A minimum net lot area of 15,000 square feet is required to keep chickens.
- c. No more than three (3) chickens shall be permitted on properties with a net lot area of less than 45,000 square feet.
- d. On properties with a net lot area between 45,000 square feet and three (3) acres, five (5) chickens shall be permitted.
- e. Properties greater than 3 acres shall be subject to the requirements of Subsection 5(b) above.

[2] Permitting and Inspection.

- a. Chicken coops and chicken runs are not permitted to be installed before submitting a complete permit application to the Township and receiving approval from the Township Zoning Officer.
- b. If a tenant should wish to keep chickens on rented property, then the tenant must secure written authorization from the owner as well as conform to all other requirements as enumerated in this section, and both tenant and landowner shall be liable for compliance with the provisions of this section.
- c. The Zoning Officer shall have the right to inspect any chicken coop and run between 8 a.m. and 5 p.m (M-F). The inspector shall issue any order deemed necessary to comply with any and all federal, state, county, and municipal codes. Twenty-four hours' notice shall be given to the property owner where practicable.

[3] Chicken Coop.

- a. All chickens shall be housed within a secure, fully enclosed, chicken coop which is contained within a fenced chicken run.
- b. There shall be at least four (4) square feet of space for each chicken within the coop and an additional ten (10) square feet of space per chicken within the chicken run.
- c. The chicken run fence shall be made of durable materials, such as wood and wire mesh, extending underground for at least one (1) foot and have an above ground height of at least four (4) feet. The chicken run shall also have a roof made of wire mesh or aviary netting to protect against predators. The height of the chicken coop and chicken run shall not exceed the maximum height for accessory structures applicable to the property.
- d. Chicken coops and chicken runs shall be located in the rear yard and shall be no closer than fifteen (15) feet to any property line and no closer than twenty-five (25) feet to any residential structure.

[4] It shall be unlawful to let any chicken roam freely outside of the areas of the chicken coop and chicken run.

[5] Slaughter.

- a. Public slaughter is prohibited.
- b. Commercial slaughter is prohibited.
- c. Slaughter shall be conducted in a fully enclosed structure with all excess viscera disposed of in a sanitary way.

[6] The sale of chickens or chicken eggs for commercial purposes is prohibited.

[7] All chicken related materials and feed must be kept in a secure enclosed structure on the premises so as to prevent vermin and any nuisance to surrounding neighbors.

[8] All chicken waste must be disposed of regularly in a sanitary way acceptable to the Township.

[9] It shall be unlawful and shall constitute a nuisance if any chicken or chicken coop/run produces odors, excessive noise, attracts vermin, is kept in an unsanitary condition and/or is otherwise a concern to public health in the discretion of the Zoning Officer.

[10] The keeping of chickens shall not be permitted as an accessory use on a property where such use is prohibited by a covenant, restriction, rule or regulation of a homeowners' or other association which includes the property.

SECTION II. - Severability

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION III. - Failure to Enforce not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION IV. - Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION V. - Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of Lower Salford Township, Montgomery County, Pennsylvania, this _____ day of _____, 2021.

LOWER SALFORD TOWNSHIP

By: _____
Douglas A. Gifford, Chairman,
Board of Supervisors

Attest: _____
Joseph S. Czajkowski, Township Manager/Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of Lower Salford, at its public meeting on April 7, 2021 at 7:30 PM, to be conducted by public teleconference/virtual participation in accordance with the instructions below, will hold a public hearing on and could vote to adopt an ordinance entitled "Uses Accessory to a Dwelling - Animals" amending the Code of the Township of Lower Salford, Chapter 164 (Zoning), Article V (General Provisions), Section 164-15 (Accessory Uses), Subsection (B) (Uses Accessory to a Dwelling), Paragraph (5) (Animals) to permit the keeping of hens as an accessory use to a dwelling, subject to certain limitations.

As indicated above, this meeting and public hearing will be conducted in an online format via Zoom meeting. Persons wishing to attend will find a link on the Township's website (<http://www.lowersalfordtownship.org>) under "Meeting Agendas and Minutes" with instructions for linking to the meeting via computer, smartphone app or telephone. Public comment may also be submitted in advance of the meeting and public hearing via email to township@lowersalfordtownship.org no later than 6:00 PM on April 6, 2021 or via United States mail to the Township Building, 379 Main Street, Harleysville, PA 19438.

Copies of the full text of the proposed Ordinance are available for examination during normal business hours at the Offices of Montgomery News, 307 Derstine Avenue, Lansdale, Pennsylvania 19446, the Montgomery County Law Library, Court House, Norristown, Pennsylvania 19401, and the Lower Salford Township Building, 379 Main Street, Harleysville, Pennsylvania 19438 where a copy of the proposed Ordinance may be obtained for a charge not greater than the cost thereof. A copy of the proposed Ordinance is also available on the Township's website.

**JAMES J. GARRITY, ESQUIRE
ANDREW R. FREIMUTH, ESQUIRE
WISLER PEARLSTINE, LLP**

Solicitors for Lower Salford Township