

UNION CITY BOROUGH  
ERIE COUNTY, PENNSYLVANIA

ORDINANCE NO. 1145

**AN ORDINANCE OF UNION CITY BOROUGH REGULATING THE OWNERSHIP OF CHICKENS WITHIN THE BOROUGH, PROHIBITING ROOSTERS AND REGULATING THE NUMBER OF HENS PERMITTED; ESTABLISHING DEFINITIONS; REQUIRING PERMITS AND ESTABLISHING REGULATIONS FOR PERMITTING; REGULATING COOPS AND FEED AND WATER; PROHIBITING NUISANCES, SLAUGHTERING AND THE SALE OF CHICKENS OR EGGS; REQUIRING VETERINARY CARE; REGULATING WASTE STORING AND REMOVAL AND COMPOSTING; APPOINTING A CODE OFFICIAL; ESTABLISHING PENALTIES FOR VIOLATIONS; AND PROVIDING FOR A CONFLICTS AND A REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Borough Council of the Borough of Union City (the "Borough") desires to regulate the conditions under which residents of the Borough may own chickens within the Borough; and

**WHEREAS**, the Borough Code provides the Borough Council with the power to enact ordinances regulating the keeping of fowls and other animals within the Borough, 8 Pa.C.S.A. § 1202(10); and

**WHEREAS**, the Borough Council believes that these regulations are in the best interest of the citizens and residents of the Borough.

**NOW THEREFORE**, this 14th day of June, 2022, be it enacted and ordained by the Borough Council of the Union City Borough, Erie County, Pennsylvania, as follows:

**Section 1.     Recitals.**

The recitals set forth above are incorporated as if more fully set forth herein.

**Section 2. Hens Permitted; Roosters Prohibited.**

1. Chickens shall be permitted within all Zoning Districts of the Borough subject to the below limitations:

(a) Chickens shall be permitted to be housed on any one individual parcel with a minimum size of one-half acre.

(b) The number of female chickens (hens) shall not exceed five (5), above the age of one month, per lot.

(c) In the case of two-family dwellings, conversion dwellings, or multi-family dwellings without individually owned backyards that meet the size limitation of Section 2(1)(a), above, the maximum number of hens allowed shall not exceed five (5) per lot.

**Section 3. Definitions.**

1. Chicken Run – a fenced area in which chickens are allowed to walk and runabout on an owners parcel.

2. Coop - a small building for housing poultry.

**Section 4. Permits.**

1. Permit Required: No person shall raise, harbor or keep chickens within the Borough without a valid permit from the Code Official under the provisions of this Ordinance.

2. Application: In order to obtain a permit, or renew a permit, an applicant must submit a completed application on forms provided by the Code Official and paying all fees required by this Ordinance. Fees shall not be prorated at any time for initial or renewal permits.

3. Requirements:

(a) All performance standards requirements of this Ordinance are met;

(b) All fees, as may be provided for from time to time by Borough Council resolution, for the permit are paid in full;

(c) All taxes owed by the applicant to the Borough have been paid in full;

(d) All Subdivision and/or Homeowners Association rules / policies / bylaws are followed by the property owner. It shall be the responsibility of the existing association for the enforcement of the same.

4. Issuance of Permit: If the Code Official concludes, as a result of the information contained in the application, that the requirements for a permit have been met, then the Official shall issue the permit within thirty (30) days of receipt of a complete application and fees.

5. Denial – Suspension – Revocation – Non-Renewal: The Code Official may deny, suspend, revoke, or decline to renew any permit issued for any of the following grounds:

(a) False statements on any application or other information or report required by this section to be given by the applicant;

(b) Failure to pay any application, penalty, re-inspection or reinstatement fee required by this section;

(c) Failure to correct deficiencies noted in notices of violation in the time specified in the notice;

(d) Failure to comply with the provisions of an approved mitigation / remediation plan by the Permitting Officer, or designee;

(e) Failure to comply with any provisions of this ordinance

6. Notification of Suspension or Revocation: A decision to revoke, suspend, deny or not renew a permit shall be in writing, delivered by ordinary mail or in person to the address indicated on the application. The notification shall specify reasons for action.

7. Effect of revocation: When an application for a permit is denied, or when a permit is revoked, the applicant may not re-apply for a new permit for a period of one (1) year from the date of the denial or revocation. Upon the expiration of the appeal period under “Appeals”, property owner shall remove all chickens from the premises.

8. Appeals: No permit may be denied, suspended, revoked or not renewed without written notice. In any instance where the Code Official has denied, revoked, suspended, or not renewed a license, the applicant or holder of the permit may appeal the decision to the Borough Manager within fourteen (14) days of receipt by the official notice of the decision. The applicant or holder of the permit will be given an opportunity for a hearing before the Borough Manager within thirty (30) days. The decision of the Borough Manager hearing the appeal, or any decision by the Permitting Officer which is not appealed in accordance to this Chapter shall be deemed a final adjudication pursuant to Local Agency Law.

9. Duration of Permit: The initial permit shall be valid for the remainder of the year in which it was approved with the expiration date of December 31<sup>st</sup>.

Renewal of Permit: The permit renewal application is due on or before December 1<sup>st</sup> each year. Renewals shall be facilitated pursuant to this section. If any performance standard has been violated, the Permit Officer shall visit the property and confer with the applicant to ensure that all appropriate corrective or mitigation measures have been implemented prior to issuing a renewal.

**Section 5. Coops.**

1. All chickens must be kept in a Coop or Chicken Run at all times. During daylight hours, chickens may have access to outdoors via a Chicken Run. The chickens shall be secured within the Coop during non-daylight hours.
  - (a) Coops and Chicken Runs shall be located at least 20 feet away from an occupied dwelling other than that of the property owner.
  - (b) The minimum Coop shall be solid, vermin and predator proof and shall provide at least 3 square feet of area per chicken.
  - (c) The Chicken Run shall be adequately fenced to contain the chickens on the property.
  - (d) Coops shall be enclosed on all sides, and shall have a roof and doors. Access doors must be able to be shut at night. Openings, windows, and vents must be covered with vermin, predator and bird-proof wire of ½-inch hardware cloth.
    - (i) Materials used for making a Coop shall be uniform for each element of the enclosure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or opening are constructed using the same materials. The use of proper building materials for exterior and interior applications is required. The use of scrap, waste board, or similar material is prohibited.
    - (ii) The Coop shall be painted or stained in its entirety in a uniform color, except that trim may be a separate color.
2. Coops and Chicken Runs shall be designed to provide safe and healthy living conditions for the chickens and shall provide shade in the warm weather, suitable protection from inclement weather, and adequate ventilation.
3. Coops and Chicken Runs shall be kept in good repair and must be capable of being maintained in a clean and sanitary condition, free of vermin and obnoxious odors.
4. Coops and Chicken Runs must reasonably prevent the chickens from running at large. Chickens will be considered running at large within the meaning of this Section when Chickens are off the permit holder's premises.
5. Coops and Chicken Runs shall be open for inspection by the Borough.
6. Coops and Chicken Runs are permitted in backyards only. Coops and Chicken Runs are prohibited in front yards and side yards.

**Section 6. Feed and Water.**

Chickens shall be provided with access to feed and clean water at all times. All feed, water, and other such items associated with the keeping of chickens shall be properly stored in a clean and sanitary manner so as to prevent the infestation of rats, mice, or other rodents or vectors.

**Section 7. Nuisance.**

No person shall keep chickens, in the Borough, in a manner that creates an unsanitary condition or creates an offensive odor. Any related odor is prohibited beyond the property boundary where the chickens are being kept. Noise, that is offensive to neighboring residents, is prohibited. Offensive odors extending beyond the property boundary, offensive noise and Chickens running at large shall be considered a public nuisance.

**Section 8. Veterinary Care.**

All chickens shall be afforded veterinary care if they are known or suspected to be sick or injured.

**Section 9. Slaughtering.**

No person shall slaughter or butcher any chicken within the Borough.

**Section 10. Waste Storing and Removal.**

All chicken droppings shall be collected and disposed of daily in a container or receptacle that when closed shall be rat-proof and fly-tight, and after every such collection shall cause such container or receptacle to be kept closed. At least once a week, every such keeper shall cause all litter and droppings so collected to be disposed of in such manner as not to permit the presence of fly larvae. Any related odor shall not be detectible beyond the property boundary.

**Section 11. Composting.**

It shall be unlawful for any person to spread or cause to be spread or deposited upon any ground or premises within the Borough any chicken manure. However, chicken manure may be composted on the property where the chickens are housed, and the composted material then applied to gardens or yards.

**Section 12. Sale of Chickens or Chicken Eggs.**

Chickens are permitted in the Borough exclusively for the purpose of generating eggs for the consumption of the occupants of the residential property where the chickens are being kept. Chickens, within the Borough, are not for the purpose of generating the sale of chickens, chicken meat or chicken eggs.

**Section 13. Dangerous Animals.**

No dog or cat that kills an escaped chicken, for that reason alone, will be considered a dangerous or aggressive animal or the Borough's responsibility to enforce any animal control provisions.

**Section 14. Administration and Enforcement.**

The Borough Code Enforcement Officer, also known as the Code Official, shall enforce this Ordinance. The Code Enforcement Officer shall provide for enforcement of this Ordinance pursuant to Borough Ordinance No. 1111, adopted on or about August 22, 2017, as amended, known as the Quality-of-Life Ticketing Ordinance.

**Section 15. Violations.**

The Borough Code Enforcement Officer shall engage in the disposition of violation tickets issued pursuant to Ordinance No. 1111, as amended, through bringing summary proceedings against the offender before the Magisterial District Judge. Any person who shall violate any of the provisions of this Ordinance upon conviction thereof before a Magisterial District Judge shall be sentenced to pay fines as expressed in Ordinance No. 1111, as amended, in addition to the costs of prosecution. Failure to pay such fine and cost may lead to a sentence of imprisonment in the Erie County jail for a period not to exceed thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense and the person(s) allowing or permitting this continuation or violation may be prosecuted as provided above for each separate offense.

**Section 16. Conflicts and Repealer.**

It is the express intent of the Borough Council that the provisions of this Ordinance shall prevail in the event any provision of this Ordinance that conflicts with any provision of any other Ordinance, part of ordinance, rule or resolution of the Borough, including, but not limited to, the Zoning Ordinance. To the extent that any such conflict is unable to be resolved, the conflicting ordinance, rule, resolution or part thereof and in conflict herewith are hereby repealed.

**Section 17. Severability.**

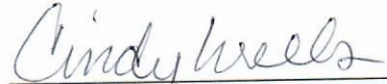
The provisions of this Ordinance are severable. If any sentence clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses,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

**Section 18. Effective Date.**

This Ordinance shall become immediately effective upon approval by the Mayor or as soon as may be otherwise permitted by applicable law.

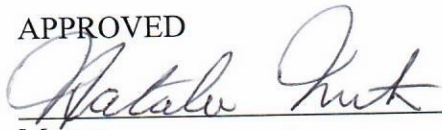
DULY ENACTED AND ORDAINED this 14th day of June, 2022, by the Borough Council of the Union City Borough, Erie County, Pennsylvania, in lawful session duly assembled.

ATTEST:

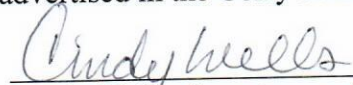
  
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Cindy Wells, Secretary  
and Borough Manager

  
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Riley Cross, President

APPROVED

  
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Mayor

I certify that the above is a true copy of the Union City Borough, Erie County, Pennsylvania, Ordinance No. 1145, adopted by the Union City Borough Council on June 14, 2022, and advertised in the Corry Journal on June 2, 2022.

  
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Cindy Wells, Secretary and Borough Manager

