

DOMESTICATED HEN APPLICATION

JURISDICTION OF LINCOLN BOROUGH

(PLEASE PRINT INFORMATION)

A permit is required to own and keep domesticated hens in certain areas of Lincoln Borough. Please read Part 5 of Chapter 2 of the Borough of Lincoln Code of Ordinances and Part 2 of chapter 2 section 202-207 livestock fowl and other animals. Providing for the regulation of domesticated chickens; requiring for the application for Permits.

As part of the permit application process, the applicant shall submit a site drawing showing the location of the chicken coop and enclosure in relationship to the applicant's real property line boundaries. Final permit approval shall be subject to inspection of the completed structure by the Building or Code enforcement. If you are unsure of the requested information (zoning, tax map/parcel), please contact the Lincoln Borough Secretary's Office at (412)751-2655.

Date / /	Permit # _____ Fees \$ _____ Receipt # _____	Zoning (Circle Yours) R - 1 R - 2	Tax Map Number _____ Parcel Number _____
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Name of Permit Holder (Shall Be Owner - Occupant)

Applicants Address (Must be same location where domesticated hens reside)

Phone (Home) _____ (Cell) _____	Email _____
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Required For Hen Structure

Site Plan (Includes the Following)

Diagram that outlines your property (Showing Hen Structure, Hen Run and other structures on your property)

Measurements on site plan showing the size of the Hen Structure and distance from any adjoining property lines.

Location of your screening buffer.

IMPORTANT NOTE YOU SHOULD KNOW

No person shall make application for a Residential Chicken Permit who knows or has reasons to know that private restrictions prohibit the keeping of non-commercial Chickens.

Applicant Certification

I hereby certify that the information submitted is true and correct. In submitting this signed application, I acknowledge and agree that the permit is subject to all the terms and conditions set forth in Part 5 of Chapter 2 of the Borough of Lincoln Code of Ordinances and Part 2 of chapter 2, section 202-207 livestock fowl and other animals. and any additional rules and regulations developed by the Department of Building and Codes in furtherance of this Section. I certify that I have read the rules and regulations and intend to abide by them. I understand that any false statements or omissions may result in denial or revocation of this permit. Failure to comply with the regulations is subject to a fine of not more than \$1000.00 for each violation, with each day that a violation is uncorrected to be considered a separate violation.

Name of applicant (Please Print) _____

Signature of Applicant _____

Approved Date

Approved By

Rejected / Reason Rejected

BOROUGH OF LINCOLN
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF LINCOLN, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING PART 5 OF CHAPTER 2 OF THE LINCOLN BOROUGH CODE OF ORDINANCES, AMENDING SAID ORDINANCE REGARDING THE TYPE OF CHICKEN THAT IS PERMITTED UNDER THE ORDINANCE AND REMOVING THE PERMITTING REQUIREMENTS OF THE WITHIN REFERENCED PART 5 OF CHAPTER 2, AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

BE IT ORDAINED AND ENACTED BY THE BOROUGH OF LINCOLN, ALLEGHENY COUNTY, PENNSYLVANIA, IN COUNCIL ASSEMBLED, AND IT IS HEREBY ORDAINED AND ENACTED BY AUTHORITY OF THE SAME THAT PART 5 OF CHAPTER 2 IS HEREBY AMENDED AS FOLLOWS:

1. Part 5 of Chapter 2 of the Borough of Lincoln Code of Ordinances is hereby amended as follows:

PART 5

DOMESTICATED CHICKENS

SECTION 501. Title. This Ordinance shall be known and may be cited as the "Domesticated Chicken Ordinance."

SECTION 502. Findings. Section 1202(10) of the Borough Code, 8 Pa.C.S. § 1202(10), specifically permits the Borough to enact ordinances regulating the keeping of livestock and fowls. The Borough Council of the Borough of Lincoln deems it to be in the best interest and the general welfare of the citizens and residents of the Borough to authorize and provide standards for keeping domesticated Chickens on a non-commercial basis while limiting the potential impacts on the surrounding neighborhood. The standards for the keeping of domesticated Chickens on a noncommercial basis include building, housing, property maintenance, health, public safety, and water, air, and noise pollution.

SECTION 503. Definitions. As used in this Part 5, the following terms shall have the meanings indicated, unless the context indicates another or different meaning or intent:

Chicken - Poultry or fowl of the species *Gallus gallus domesticus* /*G.gallus domesticus*. The species includes many different breeds of Chickens.

Chicken Coop (or "Coop") - A structure for sheltering of Chickens. An existing shed or garage may be used for this purpose, provided that it meets the standards for Chicken Coops set forth in this Ordinance. A Chicken Coop shall be considered an accessory structure, which may require separate permit(s).

Chicken Pen (OR "Pen") - An enclosure that is connected to/or surrounding a Chicken Coop for the purpose of allowing Chickens to leave the Coop while remaining in an enclosed predator-safe environment.

Co-Owner – a natural person or corporate entity who jointly owns a chicken or chickens with one or more other natural persons or corporate entities.

Dwelling - A house, apartment building or other building, including a mobile home, designed or used primarily for human habitation. The word "dwelling" shall not include boarding houses or rooming houses, hotels, motels, tents, trailers, or any structure designed or used for transient business.

Owner – a natural person or corporate entity who owns a chicken or chickens.

SECTION 504. Number and Type of Chickens Allowed

- A. The maximum number of non-commercial Chickens allowed on a property on which a dwelling is located is twelve (12).
- B. There is no restriction on the breed of Chicken which may be kept.

SECTION 505. Keeping of Chickens as Accessory to Residential Dwellings

- A. The non-commercial keeping of Chickens, in accordance with the standards of this Ordinance and, to the maximum extent possible, Part 2 (Livestock, Fowl and Other Animals) of Chapter 2 of the Borough's Code of Ordinances, shall only be permitted at a property on which a residential dwelling is the primary use. The keeping of Chickens shall be considered a use accessory to the residential use.
- B. The following items generated by or kept in accordance with this Ordinance shall not be offered for sale or sold:
 - 1. Eggs, chicks, or Chickens
 - 2. Chicken manure and compost containing Chicken manure
 - 3. Produce which has been grown in an accessory garden fertilized with Chicken manure or compost.

SECTION 506. Housing of Non-Commercial Chickens

- A. Chickens shall be housed in a Chicken Coop which has access to a Chicken Pen as provided in this Ordinance. Furthermore, to the maximum extent possible, Section 202 of Part 2 (Livestock, Fowl and Other Animals) of Chapter 2 of the Borough's Code of Ordinances shall also apply; except to the extent there is any conflict, the provisions of this Ordinance shall control.

B. Construction and Design of Non-commercial Chicken Coop

The non-commercial Chicken Coop shall comply with all applicable setback requirements for residential accessory uses and structures and comply with Sections 202 – 207 of Part 2 (Livestock, Fowl and Other Animals) of Chapter 2 of the Borough's Code of Ordinances. The Coop shall be stationary, enclosed with solid material on all sides and have a solid roof and door(s). The Coop shall be at least 18 inches high and provide at least 2.5 square feet of floor area per Chicken. The Coop shall provide no less than 1 square foot of window per Coop, with at least one (1) square foot of window per 15 square feet of floor. In addition, the Coop shall provide vents as necessary to ensure adequate ventilation. The materials for each element (walls, roof, windows and doors), shall be uniform and blend with the surrounding area and comply with Sections 205 and 206 of Part 2 (Livestock, Fowl and Other Animals) of Chapter 2 of the Borough's Code of Ordinances. Doors shall be constructed so that they can close and lock. Windows shall be constructed so they can close. Windows and vents shall be covered with wire mesh with a maximum spacing of 1 inch by 1 inch. The Coop shall be impermeable to rodents, wild birds, dog, cats and other predators. The Coop shall provide adequate shelter from moisture and extremes of temperatures. Existing accessory structures may be used as Chicken Coops provided they meet the standards set forth herein.

C. Construction and Design of Chicken Pen

The Chicken Pen shall be constructed of wood or metal posts with wire mesh fencing material (wire mesh with a maximum spacing of 1 inch by 1 inch) and comply with Sections 202 – 207 of Part 2 (Livestock, Fowl and Other Animals) of Chapter 2 of the Borough's Code of Ordinances. The Pen shall contain at least 10 square feet of area per Chicken. The fence shall rise at least 4 feet above the ground and be buried at least 1 foot below the ground. The Pen shall be covered with wire mesh, aviary netting or solid roofing.

D. Maintenance of Chicken Coop, Chicken Pen, and Surrounding Area

The Chicken Coop, Chicken Pen, and surrounding area shall be kept clean, dry, and odor-free, and in a neat and sanitary condition at all times and comply with Section 204 of Part 2 (Livestock, Fowl and Other Animals) of Chapter 2 of the

Borough's Code of Ordinances. All manure, uneaten feed, and other trash shall be removed in a timely manner and disposed of by using an approved sanitary method including composting or double bagging manure and placing the manure in the trash for collection. Under no circumstance shall Chicken manure be placed into any lot or public sanitary sewer system. The Owner and/or Co-Owner shall take any and all necessary action(s) to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Slaughter of Chickens is permitted for non-commercial consumption of the Owner and/or Co-Owner only. If a Chicken dies it shall be disposed of in accordance with the Domestic Animal Law, 3 Pa.C.S.A. §2301 et. seq.

E. Living Conditions

Chickens shall be kept clean and healthy in accordance with Section 203 of Part 2 (Livestock, Fowl and Other Animals) of Chapter 2 of the Borough's Code of Ordinances. Additionally, Chickens shall have access to feed and clean water at all times and such feed and water shall be inaccessible to rodents, wild birds and predators. Chickens shall be provided adequate bedding in the Coop and perches are encouraged.

SECTION 507. Responsibilities of the Owner/Co-Owner

A person engaged in the keeping of non-commercial Chickens on his/her property shall comply with all of the following:

- A. Keep no more than twelve (12) Chickens.
- B. The principal use of the property must remain as a residential dwelling.
- C. The Chickens shall at all times be provided a Chicken Coop and Chicken Pen in accordance with this Ordinance and Sections 202-207 in Part 2 (Livestock, Fowl and Other Animals) of Chapter 2 of the Borough's Code of Ordinances.
- D. A person shall not keep Chickens in any location on the property other than the rear yard. For the purpose of this Ordinance, "rear yard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family structure and extending to the side lot lines.
- E. Notwithstanding the applicable residential accessory setbacks, the Chicken Coop and Chicken Pen shall be located no closer than one hundred (100) feet to any residential structure on an adjacent property or within twenty-five (25) feet of any property line, right-of-way, alley or street. Any lot of one hundred (100) feet or less must center the Chicken Coop or Pen.

- F. All feed and other items associated with the keeping of Chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
- G. If the above requirements or any other requirements of this Ordinance and Part 2 (Livestock, Fowl and Other Animals) of Chapter 2 of the Borough's Code of Ordinances are not complied with, the Borough may initiate appropriate actions at law or equity to abate or restrain the violation.
- H. Owners and Co-Owners shall be jointly and severally liable for compliance with the provisions of this Ordinance and Part 2 (Livestock, Fowl and Other Animals) of Chapter 2 of the Borough's Code of Ordinances.

SECTION 508. Removal of Items

- A. Compliance with the requirements of this Ordinance shall create a presumption that the permitted keeping of Chickens does not create a public nuisance or threat to public health or safety under the nuisance provisions of this Ordinance.
- C. Violation of the provisions of this Ordinance may result in the initiation of the enforcement proceedings set forth in the Ordinance and in the assessment of the penalties set forth in this Ordinance.
- D. If a violation of this Ordinance occurs, the Borough is authorized to order immediate removal of all disposable items associated with the keeping of Chickens. Stationary structures associated with the keeping of Chickens may remain provided the structure is not creating a nuisance and is not in violation of any provision of the Code of the Borough of Lincoln.

SECTION 509. Nuisance Prohibited. The permitted keeping of non-commercial Chickens shall be conducted in a manner that does not disturb the use or enjoyment of adjacent properties. Odor generated by the Chickens shall not be perceptible at the property boundaries, and noise generated by the Chickens shall not disturb people of reasonable sensitivity at the property boundaries. An Owner or Co-Owner shall not under any circumstance, keep Chickens in a manner which constitutes a public nuisance.

SECTION 510. Appeal. If any Owner, Co-Owner, or landowner adjacent to a permitted Chicken Coop or Chicken Pen is aggrieved by the determination of the Borough, such aggrieved person may appeal the determination to the Lincoln Borough Council. The appeal shall be in writing and must be received at the Borough Secretary's Office no later than twenty (20) days from the date of the determination of which such person(s) are aggrieved. A timely appeal shall stay any order to remove Chickens until the determination of the appeal, unless the order specifies that it was

issued due to the keeping of Chickens causing an immediate public health or safety hazard. The written appeal must describe in detail the reason for appeal. The Borough Council may make a determination after considering the written appeal or may notify the aggrieved person of when the matter will be considered by Council at a public meeting. Any decision of Council shall be final and binding.

SECTION 511. Penalties

- A. Any violation of this Ordinance may result in an action being brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The fine for such violation shall not be more than \$1,000.00 for each violation or, alternatively, sentenced to pay a fine of not more than the maximum permitted under Pennsylvania law as the same may be from time to time amended and in effect as of the date of conviction. In default of payment of imposed fines, the offender may be imprisoned for a term not to exceed ninety (90) days. A separate offense shall arise for each day or portion of a day in which a violation is found to exist, or for each section of this Ordinance which is found to have been violated.
- B. In addition to and not in lieu of the foregoing, the Borough may seek equitable and legal relief to compel compliance with this Ordinance in the Court of Common Pleas in which the subject property is located.
- C. Any person found guilty of violating this Ordinance may be assessed court cost and reasonable attorney fees incurred by the Borough in the enforcement proceedings brought in accordance with this Ordinance.

SECTION 512. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith, except to the extent otherwise provided herein, are hereby repealed.

SECTION 513. Severability. In any word, phrase, sentence, part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 514. Effective Date. This Ordinance shall become effective immediately.

- 1. All Ordinances or parts of ordinances conflicting with the provisions of this Ordinance are repealed insofar as they are inconsistent with this Ordinance.
- 2. This Ordinance shall become effective immediately upon its adoption.

ORDAINED AND ENACTED this ____ day of _____, 2018, a full quorum being present.

ATTEST:

BOROUGH OF LINCOLN:

JAMIE LEBER, Borough Secretary

MARK BETZNER, Council President

Examined and Approved this ____ day of _____, 2018.

JAMES J. BEISLER, Mayor