

Application for keeping chickens/fowl

Borough of Kennett Square
120 Marshall Street
Kennett Square, Pa. 19348

Date of Application: _____

The undersigned requests permission to keep chickens/fowl in the Borough of Kennett Square.

- (1) Name of applicant: _____ Phone Number: _____
- (2) Address of applicant: _____ Property owner _____ Tenant _____
- (3) Zoning District: _____
- (4) Tax Parcel number: _____
- (5) Lot size: _____
- (6) Number of chickens to be kept (cannot exceed 4): _____
- (7) Accurate description of coop (can attach a photo or drawings, if preferred): _____

- (8) Coop size: length _____ width _____
- (9) Size of exterior run attached to the coop: _____
- (10) Distance of coop to lot lines: _____ feet to closet side lot line, _____ feet to rear lot line.
- (11) Distance of coop/run to applicant house: _____ feet
- (12) Name, address, and tax parcel number of all the owners of each parcel immediately contiguous to the boundaries of the applicant.

Wherefore, the undersigned applicant hereby states that the forgoing information and all attachments to this application are true and correct:

Dated this _____ day of _____, 20 _____

Applicant

BOROUGH OF KENNETT SQUARE

Chester County, Pennsylvania

ORDINANCE NO. 910

AN ORDINANCE AMENDING THE KENNETT SQUARE BOROUGH CODE, CHAPTER 3, ANIMALS AND FOWL: AMENDING ARTICLE I, IN GENERAL, SECTION 3-1 DEFINITIONS, TO INCLUDE A DEFINITION OF FOWL; AND AMENDING SECTION 3-2 PROHIBITING LIVESTOCK TO RUN AT LARGE IN THE BOROUGH OR TO BE PRESENT AT SPECIAL EVENTS IN THE BOROUGH, BY ADDING A NEW SUBSECTION 3-2.1 REGULATIONS FOR THE KEEPING OF FOWL

WHEREAS, the Borough Council for the Borough of Kennett Square has the authority pursuant to sections 46006 and 46202(10) of The Borough Code, 53 P.S. §§46006 and 46202(10), to establish regulations and ordinances beneficial to the Borough, to prohibit and regulate fowl, to make regulations necessary for the health, safety, morals, general welfare, comfort, and safety of persons within the Borough, and to enact and enforce ordinances;

WHEREAS, the unregulated keeping of fowl within the Borough is a nuisance and adversely affects the health, safety, and comfort of persons within the Borough;

WHEREAS, the Borough Council for the Borough of Kennett Square has determined that the unregulated keeping of fowl within the Borough creates a nuisance within the Borough; and

WHEREAS, the Borough Council for the Borough of Kennett Square has determined that the enactment of this ordinance will help alleviate the nuisance caused by the unregulated keeping of fowl, and is necessary for the health, comfort, and safety of persons within the Borough.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Kennett Square, as follows:

Section 1. The Kennett Square Borough Code, Chapter 3, *Animals and Fowl*, article I, section 3-1, *Definitions*, is amended as follows:

a. The following definition is added:

“Fowl” means birds that are barnyard, domesticated, or wild, including those valued for their meat and eggs, such as

chickens, hens, roosters, pheasants, turkeys, ducks, geese, poultry, and guinea fowl.

- b. The following existing definitions are amended:

"Livestock" means any wild or domesticated animals of all species not normally kept as pets, as that term is defined herein, including, but not limited to, horses, cattle, swine, sheep, goats, and other animals, but specifically excluding poultry and fowl.

...

"Run at large" means the presence of livestock upon any public highway, street, alley, park, or other public land, or upon the property of the owner or the property of another person or entity other than the owner, where the livestock is not accompanied by and under the immediate control of the owner or other person having custody of the livestock.

Section 2. The Kennett Square Borough Code, Chapter 3, *Animals and Fowl*, article I, section 3-2, is amended to include a new subsection 3-2.1 *Regulations for the keeping of fowl*, as follows:

3-2.1 Regulations for the keeping of fowl

- (a) Permits.
- (1) Any Owner who keeps fowl shall obtain a permit from the Borough Codes Department prior to acquiring the fowl.
 - (2) All permits shall be conditioned upon passing a mandatory inspection by the Codes Department.
 - (3) The Codes Department may refuse to grant or may revoke a permit if the fowl are or become a nuisance.
- (b) Each Owner holding a permit to keep fowl shall comply with the following:
- (1) No Owner shall keep more than 4 fowl.
 - (2) No Owner shall keep a rooster.
 - (3) No Owner shall keep any fowl inside a dwelling unit, an attached garage, or a detached garage.

- (4) No Owner shall slaughter fowl in the Borough of Kennett Square unless authorized by the county or state health department.
- (5) Fowl shall be provided a secure, predator-resistant, and well ventilated roofed structure providing a minimum of 3 square feet per fowl, and in compliance with the current zoning and building codes.
 - (A) The structure shall be fully enclosed, moisture resistant, raised off of the ground, or placed on a hard surface such as concrete, patio block, or gravel; and may have a heat source to maintain an adequate indoor temperature during extreme cold conditions.
 - (B) The structure shall not exceed 50 square feet in area, nor 10 feet in height.
 - (C) Fowl shall be kept in the structure or any attached fenced yard enclosure at all times. The structure and fenced yard together shall provide at least 16 square feet per fowl.
 - (D) Fowl shall be kept in the structure from dusk until dawn. During daylight hours, fowl shall have access to the structure.
 - (E) No structure or fenced yard enclosure shall be located within any front or side yard. No structure or fenced yard enclosure located in a rear yard shall be located closer than 15 feet to any abutting property line unless the Owner obtains written consent of the abutting property owner(s).
 - (F) The structure and the fenced yard enclosure shall be kept in a clean, sanitary, and healthy condition.

Section 3. Except as amended by this ordinance, all other sections, parts, and provisions of the Kennett Square borough Code, Chapter 3, *Animals and Fowl*, shall remain in full force and effect as previously enacted and amended.

Section 4. Supersedeas. The terms hereof shall supersede the terms of all other ordinances or resolutions of the Borough inconsistent herewith.

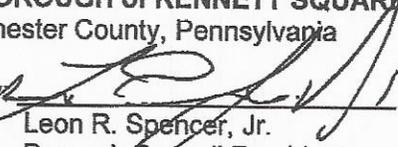
Section 5. Severability. The provisions of this ordinance are severable. If any action, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court

shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent that this ordinance would have been adopted as if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 6. Effective Date. This amendatory ordinance shall take effect and be in force from and after its enactment. The enactment date of this amendatory ordinance is the date when the Mayor shall approve it, or the date of passage by the Borough Council over the veto of the Mayor. If the amendatory ordinance is not returned by the Mayor at the regular meeting of Borough Council, occurring at least ten days after the meeting at which such amendatory ordinance was passed by the Borough Council, the date of enactment shall be the date of such succeeding regular meeting of Borough Council.

DULY ORDAINED and ENACTED this 21st day of July, 2014, by the Borough Council of the Borough of Kennett Square, Chester County, Pennsylvania, in lawful session duly assembled.

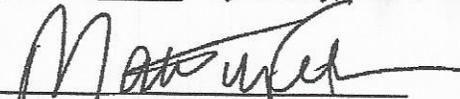
BOROUGH of KENNETT SQUARE
Chester County, Pennsylvania

By 
Leon R. Spencer, Jr.
Borough Council President

Attest: 
Karen L. Scherer
Secretary

[BOROUGH SEAL]

APPROVED by the Mayor this 21st day of July, 2014.


Matthew W. Fetick, Mayor
Borough of Kennett Square