

**TOWNSHIP OF UPPER SAUCON
LEHIGH COUNTY, PENNSYLVANIA**

ORDINANCE NO. 141-Z

AN ORDINANCE AMENDING THE UPPER SAUCON TOWNSHIP ZONING ORDINANCE OF 2009, AS AMENDED, TO REVISE SECTION 464.B RELATING TO THE RESPONSIBILITIES OF PERSONS AUTHORIZED TO KEEP CHICKENS FOR NONCOMMERCIAL PURPOSES AS AN ACCESSORY USE IN THE RURAL RESIDENTIAL (R-1) AND SUBURBAN RESIDENTIAL (R-2) ZONING DISTRICTS TO ADD A REQUIREMENT THAT SUCH PERSONS ARE RESPONSIBLE FOR EXTERMINATION OF INSECTS, RODENTS, VERMIN, OR OTHER PESTS IN AREAS OCCUPIED BY CHICKENS, AND TO REVISE SECTION 103.3 RELATING TO THE APPLICABILITY OF THE ZONING ORDINANCE TO THE TOWNSHIP TO FURTHER CLARIFY SITUATIONS IN WHICH THE TOWNSHIP IS EXEMPT FROM THE ZONING ORDINANCE

SECTION 1: STATEMENT OF LEGISLATIVE FINDINGS

WHEREAS, on June 9, 2009, the Board of Supervisors of Upper Saucon Township (hereinafter, "Supervisors") enacted a comprehensive amendment to the Upper Saucon Township Zoning Ordinance (hereinafter, "Zoning Ordinance"), which amendment is known as Ordinance No. 141; and

WHEREAS, the Zoning Ordinance has been amended from time-to-time; and

WHEREAS, on October 24, 2022, the Supervisors duly adopted Ordinance No. 141-W, amending Section 464 of Article 4 of the Zoning Ordinance, titled "Noncommercial Keeping of Livestock," to provide for, *inter alia*, the noncommercial keeping of chickens in the Rural Residential (R-1) and Suburban Residential (R-2) Zoning Districts; and

WHEREAS, on October 24, 2022, the Supervisors held a public hearing pursuant to Section 302(b) of the Pennsylvania Municipalities Planning Code ("MPC"), 53 P.S. § 10302(b), for the purpose of receiving public input and comment on the then proposed Ordinance No. 141-W; and

WHEREAS, during the October 24, 2022, public hearing the Supervisors considered suggested revisions to Ordinance No. 141-W contained in correspondence from the Lehigh Valley Planning Commission (hereinafter, "LVPC"), dated September 15, 2022; and

WHEREAS, one of LVPC’s suggested revisions related to the inclusion of language requiring persons keeping chickens in the R-1 and R-2 Zoning Districts to be responsible for the extermination of insects, rodents, vermin, or other pests in areas where chickens are to be kept; and

WHEREAS, on October 24, 2022, the Supervisors authorized Township staff to develop appropriate language to be included in a future amendment to the Zoning Ordinance incorporating LVPC’s suggested revision relating to extermination responsibilities; and

WHEREAS, the Supervisors note that Section 603(b) of the MPC, 53 P.S. § 10603(b), indicates that zoning ordinances may “prohibit, regulate, restrict and determine,” among other things, uses of land and structures; and

WHEREAS, the Supervisors desire to amend Section 464.B of the Zoning Ordinance to add LVPC’s suggested language relating to extermination responsibilities; and

WHEREAS, Section 103.3 of the Zoning Ordinance renders the Zoning Ordinance inapplicable to the Township, Upper Saucon Sewage Treatment Authority, and Upper Saucon Township Municipal Authority in certain specified situations; and

WHEREAS, the Supervisors desire to amend Section 103.3 of the Zoning Ordinance to further clarify the situations in which the Zoning Ordinance is inapplicable to the Township, Upper Saucon Sewage Treatment Authority, and Upper Saucon Township Municipal Authority.

NOW, THEREFORE, the Board of Supervisors of Upper Saucon Township does hereby enact and ordain the following amendment to the Upper Saucon Township Zoning Ordinance of 2009, as amended.

SECTION 2: ZONING ORDINANCE TEXT AMENDMENT

1. Article 4, titled “Noncommercial Keeping of Livestock” is hereby amended to delete Section 464.B in its entirety and substitute the following therefore:

“464.B Within the R-1 and R-2 Zones, the noncommercial keeping of chickens (only) shall be permitted by right as an accessory use to a principal residence subject to the following requirements of sub-sections 1 through 12:

1. The maximum number of chickens permitted shall be six (6) per dwelling.
2. Only hens and chickens shall be permitted. Roosters and other poultry, fowl, or livestock shall not be permitted. Hens and chickens constitute “livestock,” as that term is defined in the Zoning Ordinance and shall not by virtue of this amendment constitute, or be considered, pets or therapy animals.

3. Chickens shall be kept in an enclosure (Coop) and all animals, their housing, and their outdoor area shall be properly maintained so as not to become a nuisance to the adjoining properties. In addition, each Coop shall meet all of the following requirements.

a. Each Coop shall be maintained and operated in a clean, dry, and odor-free condition while providing adequate sun, shade, and ventilation. It shall be impermeable to rodents, wild birds, and predators, including dogs and cats. Any operating windows and/or vents must be covered with a predator and bird-proof wire with less than one-inch openings.

b. Each Coop shall have four walls, a roof, and one or more doors that can be shut completely. Floors shall be constructed of concrete, wood, or wire.

c. Each Coop shall be fully surrounded by a single Pen consisting of a sturdy fence. The fence shall contain a gate. The fence and gate shall be maintained at all times in good working order for the purpose intended and shall be neat and clean in appearance and construction. All areas within the fencing shall be kept free from trash and accumulated droppings and maintained with a vegetated and stable surface. Every chicken shall at all times be secured within the Pen and shall be contained within the Coop between the hours of 10 p.m. and 7 a.m. prevailing time.

d. Coop and Pen dimensions shall meet the following requirements.

(1) The combined footprint of the Coop and Pen shall not exceed sixty-four (64) square feet.

(2) The maximum height of the Coop and Pen shall not exceed six (6) feet as measured from the ground level to the highest point of the Coop.

(3) Each Coop shall have a raised floor of at least eighteen (18) inches in height measures from ground level.

(4) Each Coop shall provide no less than two (2) square feet per chicken, and each Pen shall provide no less than six (6) square feet per chicken.

4. Every Coop and its associated Pen shall meet the following yard, setback, and location requirements.

a. No Coop or its associated Pen shall be placed in any front or side yard.

b. Each Coop and its associated Pen shall be set back a distance equal to the applicable side yard setback for principal structures but, in no case shall the setback be less than twenty (20) feet from all side property lines.

c. The setback from the rear yard property line for each Coop and Pen shall be:

(1) Fifty (50) feet for lots of 22,000 square feet or more; or

(2) Thirty-five (35) feet for lots of less than 22,000 square feet.

d. No Coop or Pen may encroach into any required buffer or easement.

5. Chickens shall at all times be provided with access to feed and clean water. Uneaten feed shall be removed in a timely manner. Water containers shall not be allowed to become breeding grounds for mosquitos and other insects.

6. All animal waste shall be properly stored and disposed of, so as not to be objectionable at the site's property line or become a public or private nuisance. Landowners shall make appropriate arrangements for the storage and removal of chicken manure from the Coop, Pen, and lot, and with respect to manure the following shall apply:

a. All manure not used for on-site composting or fertilizing shall be removed regularly; and

b. All stored manure shall be in a fully enclosed container with a secured lid over the entire container.

7. No breeding of chickens or sale of chickens, chicken manure, chicken eggs or products derived or created from chickens or their eggs is permitted on, or off-site.

8. No slaughter of chickens for the purpose of consumption may occur on the site.

9. The applicant shall furnish evidence of an effective means to dispose of dead chickens according to the regulations of the Pennsylvania Department of Agriculture.

10. If a Coop is uninhabited for one (1) year or more, all structural elements of the Coop and Pen must be removed from the site.

11. A Zoning Permit shall be obtained prior to establishing this use on any property in the R-1 or R-2 Zone.

12. Each applicant shall be responsible for the extermination of insects, rodents, vermin, or other pests in all areas of premises occupied by chickens including, but not limited to, Coops or Pens.”

2. Article 1, titled “Background Provisions” is hereby amended to delete Section 103.3 in its entirety and substitute the following therefor:

“3. This Ordinance shall not apply to any existing or proposed uses, land, buildings, structures, signs, or extensions thereof, occupied by, owned by, let by, leased by, or operated, in whole or in part, by any of the following entities:

- A. the Township;
- B. the Upper Saucon Sewage Treatment Authority; and/or
- C. the Upper Saucon Township Municipal Authority.”

SECTION 3: PROTANTO REPEAL

Unless otherwise specifically stated in this Ordinance 141-Z, all Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Upper Saucon Township.

SECTION 5: SAVINGS CLAUSE

To the extent that any word, portion, or provision of the text hereof is found by any court of competent jurisdiction to be invalid or void on constitutional or other grounds, such word, phrase, portion, or provision shall, if possible, be deemed to be repealed and those remaining valid portions of the text shall remain in full force and effect if the same can be accomplished without the structure of the Ordinance having been destroyed by elimination of that word, phrase, portion or provision found to be invalid or void.

DULY ENACTED AND ORDAINED this 10th day of April, 2023, by the Board of Supervisors of the Township of Upper Saucon, Lehigh County, Pennsylvania in lawful session duly assembled.

[Signatures Follow]

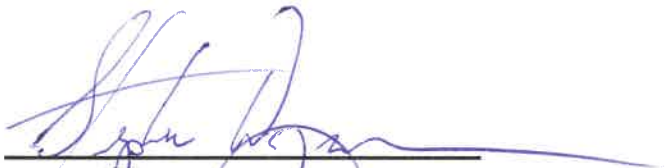
**TOWNSHIP OF UPPER SAUCON
BOARD OF SUPERVISORS**



CHAIRMAN



VICE CHAIRMAN



SUPERVISOR



SUPERVISOR

ATTEST:



SECRETARY



SUPERVISOR