

CITY OF BETHLEHEM
Inter-Office Memorandum

SUBJECT: Proposed Ordinance – Chicken Ordinance
TO: Members of Council
FROM: Paige Van Wirt and Hillary Kwiatek, Members of Council
DATE: June 29, 2022

Attached is a proposed Ordinance permitting the keeping of backyard chickens in residential areas by amending Article 1159.

I would appreciate Council's consideration of the proposed Ordinance and that it be put on the July 5, 2022 Council agenda as a Communication.

Thank you.



Paige Van Wirt, Member of Council

Attachment

CC: Members of Council
B. Panella, Esq.

BILL NO. ____-2022

ORDINANCE NO. ____

OF THE COUNCIL OF THE CITY OF BETHLEHEM, LEHIGH AND
NORTHAMPTON COUNTIES, PENNSYLVANIA, AN ORDINANCE
PERMITTING THE KEEPING OF BACKYARD CHICKENS IN
RESIDENTIAL AREAS IN LIMITED QUANTITIES AND UNDER CERTAIN
CONDITIONS BY AMENDING ARTICLE 1159 OF THE BETHLEHEM CITY
CODE

WHEREAS, the City of Bethlehem recognizes the desire by residents to produce their own food source and be able to produce fresh eggs for their personal, non-commercial consumption, and

WHEREAS, there are benefits of allowing residents to produce their own food source, including promoting sustainable food sources within Bethlehem City limits, helping to ensure food security and accessibility, helping to promote self-reliance and resiliency from rising food costs and supply chain issues, and

WHEREAS, the raising and keeping of chickens on a non-commercial basis at a residential property, and their associated henhouses, coops, and runs are appropriate accessory uses if certain conditions are met, and

WHEREAS, the City of Bethlehem desires to ensure that the raising and keeping of chickens and their associated structures are conducted in a way as to not adversely affect the safety and general welfare of the citizens of Bethlehem and not create a public nuisance.

NOW, THEREFORE IT IS HEREBY ORDAINED AND ENACTED, by the Bethlehem City Council, as follows:

Section 1. Purpose.

The purpose of this Ordinance is to provide minimum standards for the keeping of domesticated chickens. This ordinance enables residents to keep domesticated chickens for non-commercial uses while limiting the adverse effects of the activity on the surrounding properties.

Section 2. Definitions.

Bantam Chicken – A smaller breed of chicken than “gallus domesticus” chickens.

Chicken – Female poultry or fowl that is a member of the species “gallus domesticus.”

Chicken Coop – *See* Henhouse.

Chicken Run - a fenced-in or other type of enclosure that is mostly open to the elements, for the purpose of allowing chickens to leave the henhouse or coop while remaining in a predator-safe environment. The chicken run or pen is attached to the henhouse and/or chicken coop.

Chicken Pen – *See* Chicken Run.

Domesticated Chicken – *See* Chicken.

Flock – the group of chickens held at each property. Each individual property shall be considered its own “Flock”.

Hen – *See* Chicken.

Henhouse – a structure providing shelter for chickens which is completely enclosed and predator resistant that is thoroughly ventilated, provides adequate sun light and shade and all-season protection from the elements, designed to be easily accessed and cleaned by the owner.

Rooster – Male poultry or fowl.

Section 3. General Rule.

The keeping of chickens in conformity with the provisions of this Ordinance shall be permitted in the City of Bethlehem. This Ordinance enables residents to keep chickens on a non-commercial basis while limiting the adverse effects of the activity to the surround properties.

Section 4. Powers and Duties of the Animal Control Officer.

- A. The Animal Control Officer shall have the power to review or cause to be reviewed each application for a permit and may either approve or reject such application or require modification of the application. When the Officer has approved the application, he/she shall issue the permit pursuant to the procedures of this Ordinance.
- B. If the conditions presented by the application for a permit or for renewal of a permit constitute an actual or potential public nuisance and/or a hazard and/or a danger to the public health, safety and welfare, the application for a

permit or for renewal of a permit shall be denied by the Animal Control Officer.

- C. The Animal Control Officer and police officers of the City of Bethlehem are authorized to enter upon any premises within the City for the purpose of investigating a possible violation of this chapter. If access is denied by the property owner, the Animal Control Officer and/or Police Officers are authorized to submit an application for a search warrant to the appropriate judicial authority.

Section 5. Permits.

A. Application.

- 1) An applicant must submit a completed application provided by the Animal Control Officer and pay all fees.
- 2) A complete application shall include:
 - i. Proof that the applicant is the owner of the property or has express written permission from the owner of the property;
 - ii. A written and signed affidavit that the proposed property is in full compliance with all sections of this Ordinance;
 - iii. A drawn to scale site plan showing proposed locations and footprint of the proposed chicken coop and runs as well as all existing structures on the property and the location of adjacent homes or, in the event there are no adjacent homes, structures on adjacent properties.
 - iv. A drawn to scale plan that shows elevations and floor plans of the proposed chicken coop and run along with labeling of the proposed building materials. Photographs may be submitted at the discretion of the applicant.
 - v. All applications shall be submitted to the Animal Control Officer, or such other designated surrogate as appointed by the city administration.
 - vi. The Animal Control Officer, or such other designated surrogate as appointed by the city administration, may periodically inspect the proposed property and facility upon reasonable notice to the applicant, to ensure continued compliance with this Ordinance.

3) In addition to the required application information, the Animal Control Officer shall consider all other relevant conditions, and may independently investigate and/or require the applicant to submit additional information in writing, verified by affidavit, concerning but not limited to the following:

- i. The odor emanating or likely to emanate from the premises to persons and places off the premises;
- ii. The noise emanating or likely to emanate from the premises to persons and places off the premises;

4) Issuance of Permit.

- i. If an applicant has met all application conditions, and the Animal Control Officer is satisfied with the conditions detailed in Section 4(A)(3), the Animal Control Officer shall issue the permit within fifteen (15) days.

5) Renewal.

- i. A permit issued pursuant to this ordinance shall expire three (3) years after the date of issuance but may be renewed in accordance with the terms of this section.
- ii. So long as a permit holder has not violated any section of this Ordinance, a permit may be renewed upon payment of the renewal fee as established by the Animal Control Officer.
- iii. In the event a permit holder has been cited for violating any section of this Ordinance, any renewal applications shall be approved by the Bethlehem City Code Inspection Officer.

6) Suspension, Revocation, and Non-Renewal of Permit.

- i. The Animal Control Officer shall also have the power, with the consent of the City Council, to make such rules and regulations as he/she shall deem necessary to carry out the purposes of this ordinance. The Animal Control Officer and/or Police Officers shall be responsible to determine whether any person is violating any provisions of this ordinance. In making such determinations as to whether to approve or reject an application for a permit or an application for renewal of a permit, the Animal Control Officer and/or Police Officers shall consider whether any one or more of the following approved standards

are not complied with. The failure of the applicant to comply with or satisfy any one or more of the requirements of this Ordinance or to satisfy any one or more of the following approved standards shall constitute grounds for denial of the application as a public nuisance:

- a) All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
- b) The permittee shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.
- c) The permittee shall maintain the premises so to eliminate offensive odors or excessive noise.
- d) The permittee shall not permit any condition causing disturbance of the peace and quiet of his/her neighbors.
- e) Animals must be maintained in quarters so constructed as to prevent their escape. The permittee assumes full responsibility for recapturing any animal that escapes from his/her premises. The permittee shall make adequate provisions and safeguards to protect the public from the animals.
- f) Every person shall conform to all present and future laws of the Commonwealth of Pennsylvania and the United States of America, the ordinances of the City of Bethlehem and the rules and regulations that may accompany this chapter in any way connected with animals, specifically including anticruelty laws.
- g) Any and all animals must be kept healthy and free from sickness and disease at all times. Should the Animal Control Officer or any Police Officer question the health of any animals, he/she shall have the authority to require an examination by a doctor of veterinary medicine, such examination to be at the expense of the owner.
- h) The permittee shall be responsible and liable for the actions of all persons employed by or otherwise associated with him/her as such actions relate to permittee's obligation to comply with this chapter.

- i) Every owner and occupant of a structure or property shall be responsible for the extermination of insects, rodents, vermin or other pests in all areas of the premises.
 - ii. Notification of Revocation.
 - a) Revocation, suspension, or denial of a renewal of a permit shall be in writing and delivered in at least one of the following manners:
 - i. By First Class Mail;
 - ii. In person to the address indicated on the application; or
 - iii. Presented by hand delivery to the applicant or permit holder at a location other than the address indicated on the application or permit.
 - b) The notification shall specify reasons for the revocation, suspension, denial of a permit, or denial of a renewal of a permit.
- 7) Applicability. The provisions providing for the care of chickens under this Ordinance shall not apply to lots that are 10 acres or greater that are located in a zoning district where agricultural uses are permitted use.

B. Structure Requirements.

- 1) Enclosed Structures. Chickens raised pursuant to this Ordinance shall be kept in a Chicken Run. No chicken shall be permitted to roam freely outside of the Chicken Run.
- 2) The uses provided for in this Ordinance shall be allowed within residential zones RR, RS, RG, and RT. This ordinance shall only apply to single family homes and side-by-side homes.

C. Noncommercial Use. The keeping of chickens under this ordinance shall be for noncommercial uses only. A permittee may not engage in commercial:

- 1) Chicken breeding;
- 2) Sale of chickens;
- 3) Egg producing; or
- 4) Fertilizer production.

- D. Fees. All fees referenced in this section shall be set by resolution approved by City Council. In the event City Council has not passed a resolution, the Permit Fee shall be Twenty-Five Dollars (\$25.00).

Section 6. Limits on Chicken Keeping.

- A. No roosters. Only hens shall be allowed within the City of Bethlehem.
- B. Number of Chickens:
- 1) A maximum of six (6) chickens shall be permitted per property.
 - 2) In the event 50% or more of the flock is made up of bantam chickens, a collective maximum of ten (10) chickens shall be permitted per property.
- C. Distance. A chicken coop and run shall be located in the rear yard of a property. The chicken coop and run must be a minimum of twenty (20) feet from structures with habitable space on all adjacent properties.
- 1) A chicken coop and run must be at least twenty-five (25) feet from any street.
 - 2) A chicken coop and run may not be closer than five (5) feet from any property line.
- D. The footprint of a chicken coop and enclosed run shall not exceed one hundred and twenty (120) square feet. The maximum height of the coop shall be eight (8) feet. A chicken coop shall have either a raised floor of at least eighteen (18) inches above ground level, or it must incorporate a mesh apron buried around the perimeter of the coop or run, with hardware cloth with no more than half inch ($\frac{1}{2}$) openings to prevent wildlife intrusion.
- 1) A chicken coop shall provide no less than one (1) square foot per chicken.
 - 2) A chicken run will provide no less than four (4) square feet per chicken.
 - 3) All chicken coops are required to have a chicken run.
- E. Chicken Feed:
- 1) If stored outside of the residence, chicken feed shall be kept inside of metal containers and outside of the view of the property from the street.

- 2) If stored inside the garage of the residence, chicken feed shall be kept inside of metal containers.
- 3) If stored inside of the residence, chicken feed shall be stored in such a way that it deters rodents, bugs, cockroaches, or such other residential pests.

F. No slaughtering of chickens is allowed.

G. Chicken coops and runs shall be maintained in a clean fashion to prevent odors and chicken manure shall be removed unless used for composting. Chicken manure can be dropped off at the compost center during open hours. Spillage and leftover feed must be removed daily.

H. Chickens shall have access to feed and clean water at all times, as well as shade during daylight hours. Chickens shall be enclosed in a secure coop at from dusk until dawn.

I. Nuisance Conditions.

- 1) Nuisance conditions are not allowed. Nuisance conditions include, but in no way are limited to, foul smells, flies, vermin, and excessive noise.
- 2) Chicken coops and runs shall be maintained in a clean fashion to prevent odors. Chicken manure shall be removed unless used for composting purposes. In the event of composting, the chicken manure must be maintained in such a way that no nuisance is caused.
- 3) At the discretion of the Department of Community and Economic Development, or the assigned official, the finding of nuisance conditions may result in the forfeiture of a property's chickens.

Section 7. Application Submission.

A. All backyard chicken uses and facilities shall require a permit from the Department of Community and Economic Development or surrogate as designated by the Mayor of Bethlehem. This permit shall only be issued after the backyard chicken application has been approved in accordance with this Ordinance and shall specify any terms or conditions of the permit.

Section 8. Violations.

- A. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this ordinance shall be subject to the following penalties:
- 1) First Violation – a fine of not less than \$100.00 nor more than \$250.00;
 - 2) Second Violation – a fine of not less than \$250.00 nor more than \$500.00;
 - 3) Third Violation – a fine of not less than \$500.00 nor more than \$1,000.00;
 - 4) Fourth and each subsequent violation – a fine of not less than \$1,000.00.
 - 5) Each day's failure to comply with any provision of this Article shall constitute a separate violation.
- B. The Animal Control Officer may revoke any license hereunder, or deny any application to renew, upon the finding of a violation of this Ordinance.
- C. All fines, penalties, and costs collected for violations of this chapter shall be paid to the City of Bethlehem for its general use.

Section 9. Notice of Violation.

If it appears to the Animal Control Officer that a violation of this ordinance has or is occurring, the Animal Control Officer shall send a written notice of violation to the license holder by personal delivery or by United States first-class and certified mail. The Animal Control Officer shall enumerate the conditions which constitute the violation, cite the specific sections of this ordinance

Section 10. Repealer.

All Ordinances and parts of Ordinances inconsistent herewith are hereby specifically repealed.

Section 11. Severability.

The provisions of this Ordinance shall be severable and, if any provision thereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby

declared as legislative intent of the Bethlehem city Council that this ordinance would have been enacted as otherwise set forth had such unconstitutional, illegal or invalid provision(s) not been included herein.

Section 12. Effective Date. This Ordinance shall become effective on

_____.