

**BOROUGH OF DONORA
COUNTY OF WASHINGTON**

ORDINANCE NO. ___ OF 2023

Ordinance for Non-Commercial Keeping of Bees, Chickens, and Goats.

WHEREAS, there is an increase in this Commonwealth among families to be more self-sufficient in the production of food, including keeping of food producing animals, such as chickens, goats, and bees.

WHEREAS, the keeping of food producing animals provides social, economic, and environmental benefits.

WHEREAS, many people are unfamiliar with bee keeping as well as goat and chicken keeping, and as a result do not want these activities in their neighborhoods. By adopting ordinances, municipalities can ensure the citizens are protected.

WHEREAS, in adopting this ordinance, the Borough of Donora can address the growing interest of keeping food producing animals in residential areas.

NOW THEREFORE BE IT ENACTED AND ORDAINED, by the council of the Borough of Donora of the same as follows:

Section 1. The Ordinance and Code of Donora is amended by adding the following chapter to read:

CHAPTER 1

**NON-COMMERCIAL KEEPING OF FOOD PRODUCING
ANIMALS**

Section 1. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Apiary.” Any place where one or more colonies or nuclei of bees are kept.

“Authority having jurisdiction.” The office, board, or officer with the authority to decide an

issue raised.

“Bee.” Common domestic honeybee of the apis mellifera species.

“Beekeeper.” A person engaged in the keeping and care of a beehive.

“Buckling.” Young male goat.

“Chicken.” Female poultry or fowl of the species gallus domesticus species.

“Coop.” A structure, either portable or permanent, to shelter chickens.

“Doeling” A young, unbred female goat.

“Goat.” A Pygmy or Nigerian dwarf breed of goat.

“Hive.” Any frame hive, box hive, box, barrel, log, gum, skep or other receptacle or container, natural or artificial, or any part thereof, which may be used or employed as a domicile for bees.

“Owner.” The person who owns the land where the keeping is being performed. The owner bears responsibility for any legal action in this ordinance.

“Pen.” A fenced area designed to contain the animal to a restricted area, and prevent animals roaming at large.

“Permit officer.” Official designated to process permit applications and inspect locations to ensure compliance with this ordinance.

“Permittee” The person to whom the permit is issued a permit for keeping.

“Receipt of notice.” The typical time for a letter to arrive by mail. For this ordinance the typical time is three days of mail delivery from the day the letter was mailed. Notice in person is receipt of notice.

“Requeen.” The process of removing an old queen bee and replacing it with a new one to improve production or calm an aggressive hive.

“Rooster.” Male poultry or fowl.

“Veterinarian.” A veterinarian who cares for the specific animal type.

“Waste material.” The natural waste produced by keeping activity, which may include feces, soiled hay or bedding. It does not include the carcass of any animal.

“Wether.” A castrated male goat.

Section 2. Permits.

(a) General rule.--Permits for keeping animals in residential zones under sections 3, 4 and 5 shall be issued in accordance with this section. The keeping of any bees, chickens or goats in a residential area without a permit is a violation under section 8.

(b) Application.--

(1) An applicant must complete and submit an application provided by the permit officer and pay all fees required by section 9(b).

(2) A complete application shall include:

(i) proof that the applicant is the owner of the land or has express written permission from the owner where the activity will take place;

(ii) a statement that the location is in compliance with the requirements of:

(A) section 3 if keeping bees,

(B) section 4 if keeping chickens; and/or

(C) section 5 if keeping goats;

(iii) all fees are paid in full;

(iv) a statement that the land contains at least one residential dwelling;

(v) proof that applicant has provided notice to the residents of all immediately adjacent dwellings; if the supplicant seeks a permit to keep residential animals; and

(vi) the applicant has successfully completed an approved class or exhibited knowledge through passing an approved test in keeping the type of animal applied for.⁷⁶

(c) Issuance of permit:

(1) A permit application will not be approved unless the applicant affirmatively demonstrates that the following conditions are met:

- (i) the information contained in the application is correct;
- (ii) the requirements for a permit have been met;

and

(iii) the proposed location is consistent with sections 3, 4 or 5 upon inspection.

(2) If all conditions are met, the officer shall issue the permit within (5,7,xx) days.

(d) Suspension, revocation, and non-renewal of permit.--

(1) The permit officer may suspend, revoke, or decline to renew any permit issued for any of the following reasons:

(i) false statements made on the application or other misinformation provided to the permit officer by the applicant;

(ii) failure to pay any penalty, re-inspection or reinstatement fee required by this section;

(iii) failure to correct deficiencies noted during inspections in the time specified by the permit officer;

(iv) failure to comply with the provisions of an approved mitigation/remediation plan by the permit officer; or

(v) failure to comply with any provision of this ordinance.

(2) Notification:

(i) revocation, suspension, denial or nonrenewal of a permit shall be in

writing, and delivered

- (A) by ordinary mail;
- (B) in person to the address indicated on the application; or
- (C) presented by hand delivery to the person.

(i i) The notification shall specify reasons for the action.

(e) Effect of revocation.--

(1) When a permit is revoked, the applicant may not re-apply for a new permit for a period of (6) months from the date of revocation.

(2) Upon expiration of the appeal period specified under subsection (g)(3), all animals shall be removed from the premises.

(3) Any premises not in compliance shall be subject to the violations and penalties specified in section 8.

(4) Any cost incurred to remove, place or dispose of animals by the municipality shall be paid by the owner of the property where the permit was issued.

(f) Appeals.--

(1) Where a permit has been denied, revoked, suspended, or not renewed, the applicant or holder of the permit may appeal the decision in writing to the authority having jurisdiction within 10 business days of receipt of notice.

(2) The applicant or holder of the permit shall be given an opportunity for a hearing within 15 days.

(3) The decision of the authority having jurisdiction hearing the appeal, or any decision by the permit officer which is not appealed in accordance with paragraph (1) shall be deemed final action.

(g) Duration of permit.--A permit shall be valid for a 1 year period of time

from the date of issuance.

(h) **Renewal of permit--**

(1) If there are no subsection (d) violations on record for the permittee at the time of renewal, the permit shall be renewed when the renewal fee is paid following section 9.

(2) If a violation under subsection (d) is found, the permit officer shall inspect the property to ensure continued compliance with the ordinance when the permit holder submits the renewal fee under section 9. Non-compliance shall result in action under subsection (e).

Section 3. Beekeeping.

(a) **General rule.--**Apiaries shall be permitted in residential zones when in compliance with (3 Pa.C.S. Ch.21 relating to bees) and, comply with the following regulations:

(1) All apiaries must be registered with the Pennsylvania Department of Agriculture, Bureau of Plant Industry, in compliance with Pennsylvania state laws.

(2) Beekeepers must follow the Pennsylvania apiary advisory board best practices established by the Pennsylvania State Beekeepers Association.

(b) **Hive type.--**All honey bee colonies shall be kept in inspectable type hives with removable combs, which shall be kept in sound and usable condition.

(c) **Density.--**

(1) No more than (2, 3, XX) hives shall be kept on a residential lot.

(2) A minimum of (2,000, 3,000, XX,) square feet of lot area is required per hive.

(d) Location.--

(1) Apiaries are not permitted within (10, 25, 30, XX) feet of any lot line.

(2) The front of any apiary shall face towards the most distant property line.

(e) Flyway barriers.--

(1) An apiary shall have a flyway barrier at least six feet in height consisting of a solid wall, fence, dense vegetation or a combination thereof. The barrier shall be parallel to the property line and extend at least 10 feet beyond the apiary in each direction.

(2) A flyway barrier is not needed if the beehive is kept at least eight feet off the ground.

(f) Water.--

(1) The beekeeper shall provide hives with fresh water throughout the day and it shall be designed to allow the bees a hard surface to land on to access the water.

(2) This subsection shall not apply during the winter.

(g) Safety.--

(1) In any instance in which a hive exhibits unusually aggressive characteristics, the beekeeper of the hive shall destroy or requeen the hive.

(2) Hives shall be located within a secured area to protect the colony and prevent direct access by the public.

(3) Signage shall be posted at a residential location where beekeeping occurs.

Section 4 Chickens.

(a) General rule.--Chickens shall be permitted in residential zones when in compliance with the provisions of this section.

(b) Non-commercial use.--The keeping of chickens under this ordinance shall not be for commercial purposes. A permittee may not engage in commercial:

- (1) chicken breeding;
- (2) sale of chickens;
- (3) egg producing; or
- (4) fertilizer production.

(c) Number.--The maximum number of chickens allowed is (2, 3, xx) per residential lot.

(d) Type.--

- (1) Chickens must be hens.
- (2) Roosters may not be kept in residential areas.

(e) Coops.--

- (1) Chicken coops shall;
 - (i) Have a solid roof.
 - (ii) Be solid on all sides.
 - (iii) Have adequate ventilation.
 - (iv) Provide protection from predators.
 - (v) Be designed to secure the chickens.
 - (vi) Be readily accessible for cleaning.
- (2) Coops may be either:
 - (i) commercially built/designed; or

(ii) built by the owner.

(3) Coops must provide (2,3,xx) square feet per chicken.

(f) Pens.--

(1) Pens shall permit at least (10,15,xx) square feet of area per chicken.

(2) The pen must be constructed in a way to prevent chickens from roaming free and keep predators from getting into the pen.

(3) The pen must be accessible by the hens from their coop when they are not secured in the coop.

(g) Location.--

(1) Pens and coops shall be located in the backyard only and at least 25 feet from any street.

(2) Any part closer than 10 feet from any property line shall be screened by closed fencing or solid hedge.

(3) The pen may not be closer than 5 feet from any property line.

(4) No part of the pen may be less than 15 feet from any neighboring house.

(h) Living conditions.--

(1) Chickens shall have access to feed and clean water at all times.

(2) Feed shall be secured to prevent rodents or other pests from accessing the feed.

(3) Chickens shall have adequate bedding.

(4) Coops shall be cleaned and bedding added weekly.

(5) Pens shall be cleaned at regular intervals.

(6) A veterinarian shall be identified and used for any necessary medical care.

(i) Disposition of deceased chickens.--Chicken carcasses shall be disposed of in

compliance with (3 Pa.C.S. § 2352) and, no person shall slaughter a chicken in a residential zone.

Section 5 Goats.

(a) General rule.--Goats are permitted in residential zones when in compliance with the provisions of this section.

(b) Non-commercial use.--The keeping of goats under this ordinance shall not be for commercial purposes. The following are prohibited for commercial purposes:

- (1) goat breeding, except that female goats may be bred under subsection (d);
- (2) sales;
- (3) milk producing;
- (4) cheese producing;
- (5) yogurt making;
- (6) soap making;
- (7) baby formula making; or
- (8) fertilizer production for commercial purposes.

(c) Number

- (1) At least two goats shall be required
- (2) No more than (2,3,xx) goats shall permitted unless the excess is for weening under subsection (d).

(d) Breeding.--Female goats may be bred if all of the following conditions are met:

- (1) The goat is bred at a commercial location that provides stud services.
- (2) Breeding is done for the purpose of maintaining milk production of the female or females.
- (3) Doeling and buckling goats are kept for no more than eight weeks after birth to allow for weaning from the mother.
- (4) Breeding must occur;
 - (1) One goat at a time.
 - (2) At no less than eight-week intervals to ensure only one litter of goats is being weened at any time.
- (5) Placement arrangements for any goats over the maximum number permitted shall occur before breeding.
- (6) Goats exceeding the number allowed under subsection (c)(2) may not be kept more than 60 days after the day they are born.
- (7) Buckling goats must be separated from female goats six weeks after birth. Any buckling not being placed under paragraph (5) shall be made a wether and dehorned in no more than seven weeks.

(e) Shelter.--

- (1) Goat shelters shall:
 - (i) Have a solid roof.
 - (ii) Provide protection from the elements.
 - (iii) Provide protection from predators.
 - (iv) Be designed to secure the goats.
 - (v) Be readily accessible for cleaning.
- (2) Shelters may be:

(i) commercially built and designed; or

(ii) built by the owner.

(3) Shelters must provide 36 square feet per mateable female goat.

(4) Shelters must provide (15)square feet for each wether. Shelters must be capable of separating goats if breeding under subsection (d).

(f) Pens.--

(1) Pens must permit at least 250 square feet per goat.

(2) The pen must be constructed in a way to prevent goats from getting out.

(3) No items are permitted near the fencing of the pen which a goat may use to escape.

(4) Fencing and gates must be inspected and maintained regularly by the permittee.

(5) The pen must be accessible by the goats from their shelter when they are not secured in the shelter.

(g) Location.--

(1) Shelters and pens are to be located in the backyard only and at least 25 feet from any street.

(2) Any part closer than 10 feet from any property line must be screened by closed fencing or solid hedge.

(3) No part of the pen may be closer than five feet from any property line.

- (4) No part of the pen may be less than 15 feet from any neighboring house.
- (h) Living conditions.--
- (1) Goats shall have access to clean water at all times.
 - (2) Goats shall be fed hay twice daily or shall have free choice hay available to them.
 - (3) Hay shall be stored to prevent mold or excess moisture in the hay.
 - (4) If grain is used as a supplement:
 - (i) Goats shall be fed grain twice daily and any uneaten portion shall be picked up.
 - (ii) Goats may be given grain during milking to control the portion of grain and potential mess.
 - (iii) Goats may be given grain while cleaning and maintaining the shelter and pen.
 - (5) Grain shall be secured in a proper container to prevent rodents from getting into it. If bedding is used in the shelter, bedding shall be changed daily.
 - (6) Pens shall be cleaned at regular intervals as necessary.
- (i) Disposition of deceased goats.--Goat carcasses shall be disposed of in compliance with (3 Pa.C.S. § 2352) and no person shall slaughter a goat in a residential zone.

Section 6. Disposal of waste material.

All waste shall be disposed of in a proper manner as follows:

- (1) Appropriate waste disposal may be any of the following:
 - (i) Waste is to be double bagged and placed into municipal waste;

Or

- (i) Waste is to be placed into a designated container to be taken to the municipal compost facility
- (2) Permittee may compost the waste themselves.
- (3) Permittee may give the waste to another person who composts
- (4) Where the waste is composted the Permittee shall:
 - (i) Notify any person using the material to compost that the waste contains chicken/goat excrement.
 - (ii) Notify any person given compost that the compost was made from chicken/goat waste.
- (5) Waste may not be disposed of by dumping in any location.

Section 7. Nuisances.

- (a) General rule.--A nuisance may be either:
 - (1) a health hazard; or
 - (2) activity that interferes with the use or enjoyment of neighboring property.
- (b) Duty of the permit officer.--The permit officer shall inspect and advise on abatement of the nuisance
- (c) Suspension of permit.--If the nuisance is not corrected, the permit officer shall suspend the permit in compliance with section 2(d)(1)(iii).

Section 8. Violation.

- (a) Amount of fine.--Violation of this ordinance which results in a suspension or revocation of permit under section 2(d)(1) is a summary offense and the owner shall be subject to a fine of not less than (\$25, 50, xx) dollars nor more than (\$100, 250,xx) dollars.
- (b) Costs.--All costs incurred to abate the issue shall be assessed against the owner separate from the fine specified in subsection (a).

Section 9. Permit fees.

(a) Use.--All permit fees collected in the permit process shall be used to pay for the salary of the permit officer and any other costs associated with inspection by the permit officer.

(b) Amount.--The permit fee shall be as follows:

- (1) For bees, (\$50) initial permit fee and (\$25) renewal of permit.
- (2) For chickens (\$50) initial permit fee and (\$25) renewal of permit.
- (3) For goats (\$50 initial permit fee and (\$25) renewal of permit.

Section 10. Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

Section 11. General repeal

All other chapters and parts of chapters are repealed insofar as they are inconsistent with this chapter.

Section 12. Effective date.

This ordinance shall take effect in 30 days.