

# **Non-Commercial Keeping of Bees, Chickens and Goats**

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## **I. Introduction**

As more families start to rely on themselves to become more self-sufficient, many families are looking at ways to be independent. One of the ways families are becoming more self-sufficient is through raising their own food in their own yards. In addition to traditional gardening, many families have also turned to goat, chicken and bee keeping to provide food to their families.

Since raising bees, chickens, and goats in the yards of residential dwellings is a relatively new practice, many municipalities do not have adequate ordinances to address these practices. Ordinances are needed to protect both those participating in the activities as well as their neighbors and others in the local community. Ordinances are also needed to address the concerns that residents have who are not familiar with beekeeping and the raising of goats and chickens in a residential setting.

This narrative will address the residential, non-commercial keeping of bee, chickens, and goats ordinances that municipalities are adopting to address individuals raising bees, chickens and goats in a residential setting. We will discuss why new and revised ordinances are needed. This is because existing laws and ordinances often fail to address the residential, non-commercial keeping of bees, chickens and goats. The social, economic and environmental benefits and opportunities created by the raising of bees, chickens and goats as food sources will also be discussed.

When adopting new ordinances, municipalities often look at what other municipalities have done to address the issue. We will look at what several municipalities have done and the ordinances they adopted to address the residential, non-commercial keeping of bees, chickens, and goats. Finally, we will discuss several policy issues that non-commercial keeping of bees, chickens, and goats create and look at areas decision makers must address in proposing, adopting, and implementing non-commercial animal keeping ordinances.

## **II. Balancing the interest of residents who want to participate in the non-commercial keeping of bees, chickens, and goats while alleviating the concerns of those residents not participating**

There is a growing interest among many families in local food systems. This includes a greater self-sufficiency in producing one's own food, and a trend toward non-commercial, non-traditional food production.<sup>1</sup> By producing one's own food, the cost to the consumer is lower, and the environmental impact is less because there is less transportation involved in getting the product to the consumer. Besides home gardening, the largest trends in the areas of self-sufficient, non-commercial food production are in the residential raising of bees, chickens, and goats. These activities are becoming common place in residential yards throughout the Commonwealth.

Many municipalities currently do not have ordinances to address bee keeping and the raising of chickens and goats in a residential setting. This leads to unregulated animal keeping which can create nuisances such as noise and smell. This can also lead to unsightly properties in the municipalities. Ordinances are needed to protect both those individuals who are participating

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<sup>1</sup> BOROUGH OF EDGEWOOD, Pa., BOUROUGH CODE § 1050-102 (2015).

in beekeeping and chicken and goat keeping, as well as those residents in the community who do not participate in those activities.

### **III. Why ordinances related to the residential, non-commercial keeping of bees, chickens, and goats are needed**

There are several reasons why municipalities might consider adopting ordinances related to the residential, non-commercial keeping of bees, chickens, and goats. Many municipalities lack ordinances that address the keeping of animals in a residential setting. Those municipalities that do have animal ordinances have ordinances that are outdated, and those ordinances don't address the residential keeping of animals. A second reason a municipality may consider an ordinance is to protect both those residents who are participating and those residents who do not participate and who may be unfamiliar with the activities. Finally, municipalities may consider the social, economic, and environmental benefit of adopting an ordinance related to the residential keeping of bees, chickens and goats.

Many jurisdictions in the Commonwealth of Pennsylvania have outdated animal ordinances. Most of these ordinances address the keeping of domesticated animals such as cats and dogs. Most municipalities lack any ordinances addressing the keeping of bees, chickens, and goats. With the trend toward a greater self-sufficiency of among residents, it is important that municipalities proactively address the residential, non-commercial keeping of bees, chickens and goats as more residents begin to participate in these activities.

The Township of Cheltenham restricts the keeping of birds or animals that cause excessive noise.<sup>2</sup> The Township also restricts the exhibition of wild animals. However, the ordinance fails to define what wild animals are.<sup>3</sup>

The Township has a sustainability page on their website, [Cheltenham.municipalities.com](http://Cheltenham.municipalities.com). However, the stated sustainability goals do not address the residential, non-commercial keeping of animals. Although Cheltenham Township is being progressive in regards to sustainability, they failed to address the sustainability of residential animal keeping.

Similarly, the city of Scranton's animal ordinance is outdated in regards to animal keeping. Under Scranton's ordinance, "no person, whether as owner or harbor, shall cause or permit any horse, mare, gelding, mule, ox, cow, bull, goat, sheep, hog or cat to run at large."<sup>4</sup> The ordinance also places restrictions on dying fowl and selling more than six chickens.<sup>5</sup> Otherwise, the city of Scranton's ordinance does not address the keeping of animals.

The Borough of Forest Hills, Pa updated its animal ordinance in 2013 to permit and regulate the keeping of bees and chickens in the Borough.<sup>6</sup> Prior to that, the ordinance only addressed the regulation of dogs, cats, and other animals. The Borough of Forest Hills updated the ordinance because they are committed to creating policies that encourage environmental stewardship and sustainability.<sup>7</sup>

Like the Borough of Forest Hills, the Borough of Shippensburg also updated their animal ordinance to address the raising of domesticated chickens.<sup>8</sup> This occurred in 2012 and prior to

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<sup>2</sup> TOWNSHIP OF CHELTENHAM, Pa., MUNICIPAL CODE art. 3 § 205-11(g) (1994).

<sup>3</sup> TOWNSHIP OF CHELTENHAM, Pa., MUNICIPAL CODE § 98-1 (1977).

<sup>4</sup> SCRANTON, Pa., MUNICIPAL CODE Art. 1 § 169-3 (a) (1979).

<sup>5</sup> SCRANTON, Pa., MUNICIPAL CODE Art. 1 § 169-5 (1979).

<sup>6</sup> BOUROUGH OF FORREST HILLS, Pa., BOUROUGH CODE ch. 2 pt. 3 (2014)

<sup>7</sup> BOUROUGH OF FORREST HILLS, Pa., Ordinance 1039 (Jun. 19, 2013)

<sup>8</sup> BOUROUGH OF SHIPPENSBURG, Pa., BOUROUGH CODE ch. 69 art. IV (2012)

that, the ordinance only addressed the keeping of livestock and fowl.<sup>9</sup> The Borough of Shippensburg recognized that it was in the best interest and general welfare of their residents to provide standards for the keeping of domesticated chickens on a non-commercial basis while limiting the potential impacts of the surrounding neighborhood.<sup>10</sup>

It may be believed that a lack of rules addressing the keeping of these types of animals would be a favorable thing. Where no rules exist, people can keep animals as they please. There are two issues to this approach. First, when an issue arises corrective actions are generally reactionary rather than proactive. Second, poor regulations can result in improper treatment of the animals. When elected officials are presented with complaints, there is a tendency to want to correct the complaint without consideration for the impact the correction may have. An example of this would be passing an ordinance forbidding pyrotechnics within the city because of a problem with people setting off fireworks. Passing this broad of an ordinance would also forbid professional companies from performing pyrotechnics and prevent any theatrical pyrotechnics. However, these other implications are generally not considered when addressing a problem in a reactionary way. Where the care of animals is involved, a lack of ordinance can allow for animals to be kept in any condition within cruelty to animal regulations. If the intent is to permit the keeping of animals, it would only be proper to include the parameters for proper care. In creating an ordinance, the local municipality would have the opportunity to consider what would be desirable and undesirable when permitting and regulating the keeping of bees, chickens, and goats.

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<sup>9</sup> *id.*

<sup>10</sup> *id.*

A second reason why new ordinances are needed is many people are unfamiliar with the residential keeping of bees, chickens and goats. This leads certain residents not wanting these activities in their neighborhoods because they do not understand the activity.

One concern people have is that all bees are dangerous, and they fear that allowing bees to be kept in their neighborhood will expose them to a greatly likelihood of being stung by a bee. Louisiana State University addressed these concerns in their proposed Model Bee Keeping Ordinance for Louisiana Local and Municipal Governments.<sup>11</sup> The model ordinance declared certain conduct to be unlawful. The conduct included keeping any bee colony in such a manner as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.<sup>12</sup> By adopting model ordinances, such as the one designed by Louisiana State University, municipalities can ensure the citizens who are unfamiliar with bee keeping that they are going to protect them by implementing rules and regulations for bee keepers.

Another concern people have is that all bees are dangerous and every type of bee stings people. Domestic strains of honeybees have been selectively bred for desirable traits, including gentleness, honey production, tendency not to swarm and nonaggressive behavior.<sup>13</sup> Gentle strains of honeybees can be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located and carefully managed and maintained.<sup>14</sup> Honey bees are unlike yellow jackets and wasps. Honey bees are vegetarians and are only interested in flowers and not food. Many people assume that all stinging insects are the same.<sup>15</sup>

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<sup>11</sup> Louisiana State University, La., Proposed Model Beekeeping Ordinance for Louisiana Local and Municipal Governments (2009)

<sup>12</sup> *id.*

<sup>13</sup> Milwaukee, Wi., MUNICIPAL CODE § 78-6 (2010)

<sup>14</sup> *id.*

<sup>15</sup> Charles Breinig, Zoning, Gardens and Honey Bees, (Sept, 13, 2016, 11:05 PM), [www.pastatebeekeepers.org/pdf/Zoning.pdf](http://www.pastatebeekeepers.org/pdf/Zoning.pdf)

Honey bees die after they sting someone so they will only sting someone as a matter of last resort.<sup>16</sup> By educating the public and addressing these concerns in an ordinance, those in the population who are opposed to bee keeping based on inaccurate information can learn about the benefits of bee keeping and learn that honey bees are more beneficial than harmful.

A third reason new ordinances are needed is because of the social, economic, and environmental benefits that goat, chicken and bee keeping provide.

Milwaukee, Wisconsin adopted a beekeeping ordinance in which it made several findings about the economic and environmental benefits of beekeeping.<sup>17</sup> The ordinance indicated that honey bees are a benefit to mankind in that they provide agriculture, fruit and garden pollination services.<sup>18</sup> Honey bees also provide economic benefits by furnishing honey, wax, and other useful products.<sup>19</sup>

The Borough of Edgewood, PA adopted an Urban Chicken Ordinance.<sup>20</sup> The Borough Council made several findings in regards to the ordinance that addressed the social, economic, and environmental benefits of raising chickens in a residential setting.

The Borough Council found there was a growing interest among residents in local food systems, a greater self-sufficiency by households, and a growing interest in non-commercial food production as an adjunct to residential dwellings.<sup>21</sup> These findings show both an economic and environmental benefit of chicken keeping.

The Borough Council also found that small-scale chicken keeping can reduce organic waste, and complement home vegetable gardening by providing insect control and composting

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<sup>16</sup> *id.*

<sup>17</sup> Milwaukee, Wi., MUNICIPAL CODE § 78-6 (2010)

<sup>18</sup> *id.*

<sup>19</sup> *id.*

<sup>20</sup> BOROUGH OF EDGEWOOD, Pa., BOUROUGH CODE § 1050-102 (2015).

<sup>21</sup> BOROUGH OF EDGEWOOD, Pa., Ordinance 1050 (Mar. 16, 2015)

and fertilizer.<sup>22</sup> Residents are better able to manage their home garden because chickens provide insect control and a natural fertilizer for the resident's gardens.<sup>23</sup> This will decrease the amount of commercial fertilizer that residents will need to purchase for their home gardens.

Next, the Borough Council also found that by providing for limited, non-commercial urban chicken keeping the community development objective of keeping young families interested in buying property and remaining within Borough limits is met.<sup>24</sup> By keeping residents interested in buying within the local community, this will be a benefit to the local economy. It will also provide a social benefit as community members will interact with each other while shopping locally and discuss other ways they could have a positive impact on the local community.<sup>25</sup> Finally, there will be environmental benefits because if individuals are shopping locally, they can use more environmentally friendly modes of transportation such as walking or biking. By growing, selling, and buying locally grown produce, this also reduces the need to ship products through traditional measures such as trucking which amounts to less impact on the environment.

New Haven, CT adopted a Best Practice Manual for Chicken Keepers after the city adopted a chicken keeping ordinance.<sup>26</sup> The manual offered several social, economic, and environmental benefits of raising chickens. One of the benefits was that chicken eggs are one of the world's healthiest forms of protein.<sup>27</sup> If the chicken keeper sells the chicken eggs, this has a positive impact on the local economy by purchasing locally. Second, the eggs are grown locally,

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<sup>22</sup> *id.*

<sup>23</sup> *id.*

<sup>24</sup> *id.*

<sup>25</sup> *id.*

<sup>26</sup> Ct Nofa, Best Practices Manual For Chicken-Keepers (with local resources for New Haven, CT residents), (Sept. 18, 2016, 10:15 AM) <http://www.ctnofa.org/documents/Chicken%20Manual.pdf>

<sup>27</sup> *id.*



in an ethical, more humane way than eggs that come from chickens in factory farms.<sup>28</sup> Finally, chickens benefit gardening by making fertilizer, eating kitchen scraps, and eating weeds, bugs, and other pests.<sup>29</sup> This benefits the environment in several ways. Since chickens make fertilizer, this will decrease the need to buy commercial fertilizer. By eating kitchen scraps, there will not be a need to place the scraps in the garbage and less trash is created this way. Finally, by eating bugs and other insects, the local gardener will not have to purchase commercial fertilizer that may have a negative impact on the environment.

#### **IV. How other Jurisdictions have addressed Bee Keeping and Chicken Keeping**

##### **A. Bees**

There are several different issues that municipalities must consider when adopting a beekeeping ordinance. There were two different beekeeping ordinances that were looked at. One ordinance was from the Borough of Forest Hills, PA and the second one was a model ordinance that was developed by the Cumberland County, PA Planning Department. Both ordinances addressed similar issues. The model ordinance provided different options for the municipality so the municipality could tailor the ordinance to their individual municipality.

Both ordinances require the bee apiary to be properly registered with the Pennsylvania Department of Agriculture as required by the Pennsylvania Bee Law.<sup>30</sup> Both ordinances also require the beekeeper to follow the best management practice of the PA Department of Agriculture.<sup>31</sup> The model ordinance only requires the beekeeping facility to be consistent with

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<sup>28</sup> *id.*

<sup>29</sup> *id.*

<sup>30</sup> BOUROUGH OF FORREST HILLS, Pa., BOUROUGH CODE ch. 2 pt. 3 (2014), Cumberland County Planning Department Model Ordinance

<sup>31</sup> *id.*

the best practices of the department.<sup>32</sup> The Forest Hill ordinance requires the beekeeper to execute the Department's Compliance Agreement for Beekeepers before the beekeeper is allowed to own or maintain an apiary.<sup>33</sup>

Another issue the ordinances address is permit requirements. Forest Hills requires the beekeeper obtain an annual permit from the zoning officer.<sup>34</sup> The model ordinance does not address how long the permit will be for and who to obtain the permit from only that the applicant must submit a zoning permit application.<sup>35</sup> Both ordinances require similar information on the permit such as the hive location, the distance of the hive from the property line, and the location of any flyway barriers. Flyway barriers force the bees to fly at a certain elevation when they fly off the property over neighboring property lines which reduces the likelihood of human contact. Forest Hills requires written evidence to be submitted along with the permit that the beekeeper has completed a certified beekeeping educational program.<sup>36</sup> The model ordinance requires the beekeeper to notify adjacent property owners of the application before the application hearing and to post notice on their property.<sup>37</sup> Permits allow each municipality to regulate who can maintain apiaries and allows each municipality to select what specific permit requirements would work in their municipality.

Another issue addressed by the ordinances involve several issues with the beehive. One area addressed is the number of colonies that are allowed on each property. Forest Hills permits two hives on a lot with a minimum of two thousand square feet.<sup>38</sup> For each additional two

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<sup>32</sup> Cumberland County Planning Department Model Ordinance

<sup>33</sup> BOUROUGH OF FORREST HILLS, Pa., BOUROUGH CODE ch. 2 pt. 3 (2014)

<sup>34</sup> *id.*

<sup>35</sup> *id.*

<sup>36</sup> *id.*

<sup>37</sup> Cumberland County Planning Department Model Ordinance

<sup>38</sup> BOUROUGH OF FORREST HILLS, Pa., BOUROUGH CODE ch. 2 pt. 3 (2014)

thousand square feet, two additional hives are permitted.<sup>39</sup> The model ordinance offers several options. Option one is to permit one hive and allows the municipality to select the square footage requirement of the lot and option two is to require no minimum lot size.<sup>40</sup> The model ordinance allows the municipality to select the maximum number of hives allowed on a lot.<sup>41</sup> Once again, there are different options available and the municipality can select the one that is best for them.

The location and orientation of the hive should also be considered in the ordinance. Forest Hills requires that hives not be located within ten feet of any property line while the model ordinance allows the municipality to select distance requirement of the hive to the property line.<sup>41</sup> Both ordinances require hives not be located in the front yards.<sup>42</sup> Both ordinances also require the hive entrances to face away from neighboring properties.<sup>43</sup> Both ordinances also address flyway barriers and require the barriers to be at least six feet in height and consist of a solid wall or fence or dense hedges or vegetation.<sup>44</sup> By addressing the location and orientation of bee hives, municipalities can consider how they can best protect the interest of the beekeeper as well as neighboring property owners.

A source of water for the bees is also required. Both ordinances require a water source to be kept closer to the apiary than any other water source.<sup>45</sup> Forest Hills also requires that hives not be located within fifty feet of a swimming pool.<sup>46</sup> By providing a source of water for bees, this will prevent them from going to other nearby water sources where there may be other people which could create a problem.

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<sup>39</sup> *id.*

<sup>40</sup> *id.*

<sup>41</sup> BOUROUGH OF FORREST HILLS, Pa., BOUROUGH CODE ch. 2 pt. 3 (2014)

<sup>42</sup> BOUROUGH OF FORREST HILLS, Pa., BOUROUGH CODE ch. 2 pt. 3 (2014), Cumberland County Planning Department Model

<sup>43</sup> *id.*

<sup>44</sup> *id.*

<sup>45</sup> *id.*

<sup>46</sup> BOUROUGH OF FORREST HILLS, Pa., BOUROUGH CODE ch. 2 pt. 3 (2014)

No information was found on the effectiveness of the Forest Hills ordinance. There was also no information found on what, if anything, Forest Hills is doing to evaluate the effectiveness of its beekeeping ordinance. There were also no suggestions in the model ordinance as to how to evaluate the effectiveness of the ordinance.

## **B. Chickens**

Just like bee keeping there are several different issues that municipalities must consider when adopting a chicken keeping ordinance. There were two different chicken keeping ordinances that were looked at. One ordinance was from the Borough of Forest Hills, PA, and the second one was from the Borough of Shippensburg. Both ordinances address similar issues related to chicken keeping.

Both ordinances address the number and type of chickens that are allowed. Forest Hills allows no more than four hens over the age of one month.<sup>47</sup> Shippensburg allows no more than three chickens.<sup>48</sup> This number of hens can produce enough eggs in a week for an average family to consume. If more hens were permitted, this may lead to an excess of eggs for the family. Both municipalities prohibit the keeping of roosters.<sup>49</sup> Roosters are prohibited because they make a lot of noise which could interfere with the quality of life for some residents if the rooster is crowing early in the morning.

A major area that the ordinances address are chicken coops. Both ordinances require chickens to be kept in coops.<sup>50</sup> This is to prevent the chickens from wandering onto neighboring properties and onto the roadway. Both ordinances also require the coops to be solid and have a

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<sup>47</sup> BOUROUGH OF FORREST HILLS, Pa., BOUROUGH CODE ch. 2 pt. 3 (2014)

<sup>48</sup> BOROUGH OF SHIPPENSBURG, Pa., BOUROUGH CODE ch. 69 art. IV (2012)

<sup>49</sup> *id.*

<sup>50</sup> *id.*

roof and doors.<sup>51</sup> These requirements will keep the chickens confined while allowing the owner to have access to the chickens. Both ordinances also require the coops to be vermin and predator proof.<sup>52</sup> Both ordinances also require the material used to build the coops to be uniform and blend in with the surrounding area.<sup>53</sup> Adequate ventilation is required for the coops.<sup>54</sup> Forest Hills requires the coop to provide at least three square feet of area for each chicken while Shippensburg requires two and a half feet per chicken.<sup>55</sup>

Living conditions for the chickens are also addressed in both ordinances. Both ordinances require that chickens be provided access to food and water at all times.<sup>56</sup> The food must be properly stored to prevent access by rodents, vermin and other predators and coops are required to be maintained in a clean and sanitary condition.<sup>57</sup>

Municipalities must also look at nuisances related to chicken keeping. Forest Hills define nuisance as “an offensive odor, excessive noise, or unsanitary conditions which disturb neighboring residences or threatens public health.”<sup>58</sup> Shippensburg also includes noise and odors created by chickens as well as the disturbance of neighboring properties.<sup>59</sup>

Permits are required in both municipalities to keep chickens. A permit is valid in Shippensburg for three years.<sup>60</sup> Forest Hills requires an annual permit application.<sup>61</sup>

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<sup>51</sup> *id.*

<sup>52</sup> . BOROUGH OF SHIPPENSBURG, Pa., BOUROUGH CODE ch. 69 art. IV (2012)

<sup>53</sup> *id.*

<sup>54</sup> *id.*

<sup>55</sup> BOROUGH OF SHIPPENSBURG, Pa., BOUROUGH CODE ch. 69 art. IV (2012)

<sup>56</sup> *id.*

<sup>57</sup> *id.*

<sup>58</sup> BOUROUGH OF FORREST HILLS, Pa., BOUROUGH CODE ch. 2 pt. 3 (2014)

<sup>59</sup> BOUROUGH OF SHIPPENSBURG, Pa., BOROUGH CODE ch. 69 art IV (2012)

<sup>60</sup> *id.*

<sup>61</sup> BOUROUGH OF FORREST HILLS, Pa., BOUROUGH CODE ch. 2 pt. 3 (2014)

No information was found on the effectiveness of the Forest Hills or Shippensburg ordinance. There was also no information found on what, if anything, Forest Hills and Shippensburg is doing to evaluate the effectiveness of its beekeeping ordinances.

### **C. Goats**

Pittsburgh was the only municipality found that had an ordinance that specifically addressed the residential, non-commercial keeping of goats. Pittsburgh updated their ordinance to include the residential keeping of goats in 2015. However, the ordinance is very limited on the requirements and regulation of goats.

The ordinance allows no less and no more than 2 dehorned female goats or neutered male goats on property lots between 2,000 and 10,000 square feet.<sup>62</sup> For each additional 5,000 feet, over 10,000 feet, one additional goat is allowed.<sup>63</sup> The requirement that there be a pair of goats is because goats do better in pairs. If there is only a single goat, the single goat will often emit a noise because they want a companion. If a goat is constantly emitting noises this could become a nuisance to surrounding properties. Offspring which are less than twelve weeks old are also permitted on the lot.<sup>64</sup> Allowing the offspring to stay for a period allows the offspring to be weaned from the mother.

The only other requirement of the ordinance is that the structures and roaming areas for the goats must be “kept sanitary and free from accumulations of animal excrement and objectionable odor.”<sup>65</sup> The outdoor roaming areas for the goats need to be fenced in so that the

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<sup>62</sup> City of Pittsburgh, The Pittsburgh Code, Title Nine, Zoning Code, Article V, Chapter 911 (2015)

<sup>63</sup> *id.*

<sup>64</sup> *id.*

<sup>65</sup> *id.*

goat cannot roam onto other properties or into traffic.<sup>66</sup> The ordinance does provide for any other regulations or restrictions related to goat keeping.

Since this ordinance went into effect in 2015 there has not been time to evaluate the effectiveness of the ordinance. However, there is also no indication if there is anything in place to evaluate the effectiveness of the ordinance.

## **V. Policy Issues**

When discussing the implementation of a new ordinance or the revision of an existing ordinance, the decision makers of the municipality must consider policy issues. Several policies issues are raised when discussing the adoption of a non-commercial ordinance related to animal keeping. Those policies issues are addressed below.

One policy issue that municipalities need to consider when adopting goat, chicken, and bee keeping ordinances is how to balance the interest of the animal keeper with the interest of other citizens in the neighborhood. One of the ways to accomplish this is to consider the best practices of these activities. With beekeeping, the municipality could consider requiring beekeepers to follow the best management practice of the Department of Agriculture. This will allow residents to participate while ensuring those residents who have concerns about beekeeping that their concerns are also being addressed. The municipality could also conduct educational seminars and require those wishing to participate in the activities to attend those seminars.

Another thing municipalities must consider when adopting a new ordinance is how the municipality is going to pay to implement the ordinance. One way the municipality can pay for

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<sup>66</sup> City of Pittsburgh, The Pittsburgh Code, Title Nine, Zoning Code, Article V, Chapter 911 (2015)

animal keeping ordinances is through a permit fee. This permit fee can then be used to pay the salary of the employee who is responsible for enforcing the ordinance. The permit fee can also be used to pay for any additional costs associated with the ordinance such as any equipment the employees may need to enforce the ordinance.

There are several considerations the municipality should consider when determining how much to charge for the fee. The municipality should consider whether they will charge a flat permit fee where everyone pays one cost regardless of the number of animals they keep or they could base the permit fee on the number of animals the resident keeps. The municipality could consider not charging a fee if the number of animals to be kept on the property is below a certain number. The municipality should consider the impact a permit fee may have on lower income residents. Some lower income residents will be using the animals as a supplemental food source and if the cost of the permit fee is too high, this may deter or prevent low income residents from participating in animal keeping. Finally, the municipality needs to consider is how often the fee must be paid. The municipality could consider charging a one-time fee, an annual fee, or a multiple year fee.

Municipalities must also consider how the ordinance will be enforced. The municipality could use the code enforcement officer or another employee with enforcement powers to enforce the ordinance. The municipality could also use the police department to enforce the ordinance. The municipality would have to determine if someone in those positions would have time to enforce the ordinance effectively. They would also have to consider whether those employees would need additional training to enforce the ordinance. The municipality could also create a new position for the enforcement of the animal keeping ordinance however they would have to determine how cost effective that would be. Most municipalities probably will not generate



enough revenue from the animal keeping ordinance to justify a position specific to animal keeping.

The number of animals that will be permitted on each lot is something municipalities should also consider. They can do this by permitting a maximum number of each animal on each lot. For example, most ordinances allow one bee hive on each property that is a certain square footage. Some ordinances allow any additional bee hive on a lot that meets an additional square footage requirement. When considering the number of goats to permit, the municipality should remember that goats do best when there are at least two goats because goats become lonely if they are by themselves and will cry out for a companion. The minimum number of goats that should be permitted is two. The municipality could also decide not to have a restriction on the number of each animal that is allowed on each lot.

The placement of the beehives and chicken and goat shelters should also be considered. For aesthetic reasons, the placement of the bee hives and chicken and goat shelters is probably best in the rear or side yards of the lot. If these things are allowed in the front or side yards where they are visible from the roadway or sidewalk they might be less attractive to the neighborhood. If they are easily visible, residents might be more likely not to support the raising of these animals.

The material that chicken and goat shelters are to be made from is also a consideration for municipalities. If the material is required to be uniform on all parts of the shelter this will be more attractive and create a harmonious look on the property. However, low income residents are more likely to build the shelters out of scrap or leftover material they already have. If they are required to spend money on additional supplies, this might not be cost effective for them and they might choose not to participate in chicken or goat keeping.

When considering chicken keeping, the municipality needs to decide what type of chickens will be allowed. If the municipality allows roosters to be kept, they need to remember roosters create a lot of noise by crowing and this could occur at any time during the day. By only allowing residents to keep hens, the resident will be able to generate a food supply by the hen laying eggs, and there will be very minimal noise associated with a hen because hens don't crow.

Next, municipalities need to consider what type of penalties they will enact if the ordinance is violated. The municipality could choose to provide a warning or written warning for first time violations or for violations of certain sections of the ordinance. Another option is to suspend or revoke the permit so the resident can no longer participate in animal keeping. Another option is to issue a violation or a ticket which would include a monetary penalty that would be paid to the municipality. A final option is to issue a citation which would be filed with the Magisterial District Judge and would include a monetary fine and court costs.

The environmental impact that goat, chicken and bee keeping have on the municipality is another policy issue that must be considered. The primary concern is the proper disposal of the waste associated with goat and chicken keeping. Municipalities must decide on the proper disposal methods they will require and whether they will allow the composting of the manure. Another environmental concern is the smell associated with chicken and goat manure and this also should be addressed in adopting a chicken and goat keeping ordinance. The final environmental impact is the noise level. Municipalities must also consider what an appropriate noise level is that is associated with chicken and goat keeping.

The Pittsburgh ordinance was the only ordinance that has been found through research that has addressed the residential keeping of goats. Goat keeping is a very unregulated area. As more families become interested in goat keeping, more municipalities will need to look at

adopting ordinances to address the activity. The municipalities will need to decide what issues related to goat keeping are important when considering whether to adopt a goat keeping ordinance.

Finally, this narrative is to address the non-commercial aspects of animal keeping. One thing the municipality should consider is what the animal keeper is permitted to do with an excess of product such as honey, chicken eggs, or goat milk. If the animal keeper has an excess and is unable to use it personally, the municipality may consider allowing the animal keeper to sell the product instead of letting it go to waste. To prevent an abuse of this by the animal keeper, the municipality could limit the number of products the animal keeper could sell. The municipality could also provide an incentive for the animal keeper to donate the excess product to a food bank by reducing the cost of the permit fee.

## **Conclusion**

As more families venture into raising food through goat, chicken and bee keeping activities, local municipalities must balance the interest of those animal keepers with the interest of others in the communities. This can be accomplished through the implementation of ordinances designed to regulate these activities and protect those not participating while allowing those participating to follow best practices to achieve their goals and provide social, economic, and environmental benefits to the local community.

Proposed Model 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, this municipality 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 \_\_\_\_\_ of \_\_\_\_\_ by authority of the same as follows:

Section 1. The \_\_\_\_\_ code 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.<sup>67</sup>

"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.<sup>68</sup>

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

"Buckling." Young male goat.<sup>69</sup>

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<sup>67</sup> 3 Pa.C.S.A. § 2102

<sup>68</sup> *id.*

"Chicken." Female poultry or fowl of the species gallus domesticus species.<sup>70</sup>

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

"Doeling" A young, unbred female goat.<sup>71</sup>

"Goat." A Pygmy or Nigerian dwarf breed of goat.<sup>72</sup>

"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.<sup>73</sup>

"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.

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<sup>69</sup> Daniell Wolford, A Simple guide to raising & Milking Goats. (October 16, 2016) [www.weedem.com/raising-goats-milking-goats/](http://www.weedem.com/raising-goats-milking-goats/)

<sup>70</sup> BOUROUGH OF SHIPPENSBURG, Pa., BOUROUGH CODE ch. 69 art. IV ordinance 12-886 §69-16 (2012)

<sup>71</sup> "Doeling." Merriam-Webster.com. (October 20, 2016) <http://www.merriam-webster.com/dictionary/doeling>

<sup>72</sup> Nigerian dwarf are more common milk goats, pygmy are generally more for meat. Both are considered pet goats. Nigerian Dwarf Goats are Great Pets While Producing Milk For Your Family, [Nigerianpygmygoats.com/index.html](http://Nigerianpygmygoats.com/index.html)

<sup>73</sup> 3 Pa.C.S.A. § 2102 (Last visited Oct. 15, 2106)

"Permit officer." Official designated to process permit applications and inspect locations to ensure compliance with this ordinance.<sup>74</sup>

"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.<sup>75</sup>

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<sup>74</sup> Permit officer can come from several offices, it may be the health inspector, an animal control officer, a designated police official or a qualified individual appointed to perform the duties. Because the resources of the jurisdiction are not known, the precise person or office has been left vague.

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;

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<sup>75</sup> Why A Wether?. <http://www.endofthelinefarm.com/whyawether.htm> (Last visited Oct. 15, 2106)



(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.<sup>76</sup>

(c) Issuance of permit:

(1) A permit application will not be approved unless the applicant affirmatively demonstrates that the following conditions are met:<sup>77</sup>

(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.--

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<sup>76</sup> The permit officer shall maintain a current list of such approved classes and locations to take a proficiency test.

<sup>77</sup> § 271.201. Criteria for permit issuance or denial., 25 PA ADC § 271.201

(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.

(ii) 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 (6,8,xx) 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 (5, 10, xx) business days of receipt of notice.<sup>78</sup>

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<sup>78</sup> Authority having jurisdiction can be the supervisor of the permit officer, or a board, magistrate, or other entity. The authority is identified to ensure the permittee has an identified higher authority to appeal to.

(2) The applicant or holder of the permit shall be given an opportunity for a hearing within (15, 30, xx) 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 (1,3,XX) 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).<sup>79</sup>

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<sup>79</sup> The permit section of this code (§2) was based on article 3 of the Borough of Edgewood ordinance 1050 and altered for more general adoption. BOROUGH OF EDGEWOOD, Pa., Ordinance 1050 (401)(B) (Mar. 16, 2015)

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.<sup>80</sup>

(2) Beekeepers must follow the Pennsylvania apiary advisory board best practices established by the Pennsylvania State Beekeepers Association.<sup>81</sup>

(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.<sup>82</sup> <sup>83</sup>

(c) Density.--

(1) No more than (2, 3, XX) hives shall be kept on a residential lot.<sup>84</sup>

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<sup>80</sup> 3 Pa.C.S.A. § 2105 Registration of apiaries.

<sup>81</sup> PENNSYLVANIA APIARY ADVISORY BOARD VOLUNTARY BEST MANAGEMENT PRACTICES FORMAINTAINING EUROPEAN HONEY BEE COLONIES INTHE COMMONWEALTH OF PENNSYLVANIA, *available at* [http://www.pastatebeekeepers.org/pdf/BestManagementPractices\\_062513.pdf](http://www.pastatebeekeepers.org/pdf/BestManagementPractices_062513.pdf)

<sup>82</sup> Governed by 3 Pa. C.S.A. § 2109. "Bee Law"

<sup>83</sup> Inspectable hives allow beekeepers to determine if there is disease or other issues in the hive. Listed under 3. Design at <http://www.abcbees.ca/learn/honey-bees/equipment-list/> (Last visited Oct. 15, 2106)

<sup>84</sup> There is wide variety regarding density from no standard at all to densities based on acreage. This is a variant on the density used in the Cumberland County model ordinance. It was selected because it is a simple formula that sets clear limits. Cumberland County model Non-Commercial Keeping of Livestock/Beekeeping ordinance. <https://www.ccpa.net/DocumentCenter/View/21221>

(2) A minimum of (2,000, 3,000, XX,) square feet of lot area is required per hive.<sup>85</sup>

(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.<sup>86</sup>

(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.<sup>87</sup>

(2) A flyway barrier is not needed if the beehive is kept at least eight feet off the ground.<sup>88</sup>

(f) Water.--

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<sup>85</sup> *id.*

<sup>86</sup> *id.*

<sup>87</sup> Louisiana State University, La., Proposed Model Beekeeping Ordinance for Louisiana Local and Municipal Governments (2009)

<sup>88</sup> Cumberland County model Non-Commercial Keeping of Livestock/Beekeeping ordinance.  
<https://www.ccpa.net/DocumentCenter/View/21221>

(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.<sup>89 90</sup>

(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.<sup>91</sup>

(2) Hives shall be located within a secured area to protect the colony and prevent direct access by the public.<sup>92</sup>

(3) Signage shall be posted at a residential location where beekeeping occurs.<sup>93</sup>

Section 4 Chickens.

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<sup>89</sup> Milwaukee, Wi., MUNICIPAL CODE § 78-6 (2010)

<sup>90</sup> The water source requirement is to ensure bees do not seek water in neighboring property creating a nuisance. This is less of an issue in cold months.

<sup>91</sup> PENNSYLVANIA APIARY ADVISORY BOARD VOLUNTARY BEST MANAGEMENT PRACTICES FORMAINAINING EUROPEAN HONEY BEE COLONIES INTHE COMMONWEALTH OF PENNSYLVANIA, *available at* [http://www.pastatebeekeepers.org/pdf/BestManagementPractices\\_062513.pdf](http://www.pastatebeekeepers.org/pdf/BestManagementPractices_062513.pdf)

<sup>92</sup> Cumberland County model Non-Commercial Keeping of Livestock/Beekeeping ordinance. <https://www.ccpa.net/DocumentCenter/View/21221> section (B)( 8)( b).

<sup>93</sup> Louisiana State University, La., Proposed Model Beekeeping Ordinance for Louisiana Local and Municipal Governments (2009)

(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.<sup>94</sup>

(d) Type.--

- (1) Chickens must be hens.
- (2) Roosters may not be kept in residential areas.<sup>95</sup>

(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.

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<sup>94</sup> Ordinances vary from 2 to 6. Generally, to ensure production of a dozen eggs a week 3 chickens are necessary. How Many Chickens Do I Need To Keep?. (Oct. 16, 2016) [Backyard-chicken-keeping.com/how-many-chickens-do-i-need-to-keep](http://Backyard-chicken-keeping.com/how-many-chickens-do-i-need-to-keep)

<sup>95</sup> BOROUGH OF EDGEWOOD, Pa., Ordinance 1050 (401)(B) (Mar. 16, 2015)



- (v) Be designed to secure the chickens.
- (vi) Be readily accessible for cleaning.
- (2) Coops may be either:
  - (i) commercially built/signed; or
  - (ii) built by the owner.
- (3) Coops must provide (2,3,xx) square feet per chicken.<sup>96</sup>
- (f) Pens.--
  - (1) Pens shall permit at least (10,15,xx) square feet of area per chicken.<sup>97</sup>
  - (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.<sup>98</sup>
- (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.

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<sup>96</sup> Ordinances vary as to the required square footage, the least being two.

<sup>97</sup> Most ordinances call for 10 square feet per chicken.

<sup>98</sup> BOUROUGH OF SHIPPENSBURG, Pa., BOUROUGH CODE ch. 69 art. IV (2012)

(4) No part of the pen may be less than 15 feet from any neighboring house.<sup>99</sup>

(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.<sup>100</sup>

(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,<sup>101</sup> no person shall slaughter a chicken in a residential zone.<sup>102</sup>

## Section 5 Goats.

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<sup>99</sup> Many ordinances do not address location, can add or adjust parameters more restrictive or less. Best Practices Manual For Chicken-Keepers (with local resources for New Haven, CT residents) *available at* <http://www.ctnofa.org/documents/Chicken%20Manual.pdf>.

<sup>100</sup> Most ordinances do not specify frequency of cleaning. This site recommends once a week, requiring this practice would ensure minimal odor and disease issues. Keeping Chickens: A Beginners Guide (Oct. 19, 2016) <http://keeping-chickens.me.uk/routine-jobs/cleaning-out>

<sup>101</sup> 3 Pa.C.S. §2352

<sup>102</sup> Food Producing Animals (FPA) Suggested Care Practices and Local Resource Chickens, Ducks, and Goats , City and County of Denver.

(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<sup>103</sup>
- (2) No more than (2,3,xx) goats shall permitted unless the excess is for weening under subsection (d).<sup>104</sup>

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

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<sup>103</sup> A lone goat will “cry and call a lot and quite possibly all day long, may attempt and even escape from its enclosure.” Keeping of a single goat is not recommended. A goat needs a friend. (Oct. 17, 2016), <http://www.endofthelinefarm.com/agoatneedsafriend.htm>

<sup>104</sup> There is no code restrictions on the number of goats found in research, however a jurisdiction may want to set a limit on the total number of aggregate animals kept like Fort Wayne did. Fort Wayne, Ind., Mun. Code ch. 91.05 (2014), available at <http://www.cityoffortwayne.org/city-ordinance.html>

(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.<sup>105</sup>

(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.<sup>106</sup>

(7)Buckling goats must be separated from female goats six weeks after birth.<sup>107</sup> Any buckling not being placed under

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<sup>105</sup> For a goat to produce milk, it must be regularly impregnated. Daniell Wolford, A Simple guide to raising & Milking Goats. (Oct. 16, 2016), [www.weedem\\_and\\_reap.com/raising-goats-milking-goats/](http://www.weedem_and_reap.com/raising-goats-milking-goats/)

<sup>106</sup> 60 days is four days beyond the eight week weening period. This allows for full weening, but sets a maximum time excess goats can remain.

<sup>107</sup> Bucklings are capable of breeding at seven weeks old. Which is less time than necessary to properly ween a buckling. The male may mate with its mother or sisters. This may create unexpected and inbred litters. Daniell Wolford, Goat breeding 101. (Oct. 16, 2016) [www.weedemandreap.com/goat-breeding-101/](http://www.weedemandreap.com/goat-breeding-101/)

paragraph (5) shall be made a wether and dehorned in no more than seven weeks.<sup>108</sup>

(e) Shelter.--

(1) Goat shelters shall:

- (i) Have a solid roof.
- (ii) Provide protection from the elements.<sup>109</sup>
- (iii) Provide protection from predators.<sup>110</sup>
- (iv) Be designed to secure the goats.<sup>111</sup>
- (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.<sup>112</sup>

(4) Shelters must provide (10,15,xx) square feet for each wether.<sup>113</sup>

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<sup>108</sup> Generally the time when a goat can be neutered and dehorned is six weeks. Personal interview with F. A. Pane Veterinarian. On October 29.

<sup>109</sup> There is large variety on the kinds of shelters. Protection from the elements should be based on the climate of the region.

<sup>110</sup> This section is necessary only when there is a potential predators may be able to get at the goats. If the goats are in an area free of predators this level of protection is not needed.

<sup>111</sup> This section is necessary only when there is a potential predators may be able to get at the goats. If the goats are in an area free of predators this level of protection is not needed.

<sup>112</sup> Brent Zimmerman, Raising Goats on a Backyard Farm. (Oct. 17, 2016), <http://www.motheearthnews.com/homesteading-and-livestock/raising-sheep-goats/raising-goats-backyard-farm-ze0z1204zsie?pageid=2#PageContent2>

<sup>113</sup> Generally, make goats need this much area in a shelter. Cheryl K. Smith Providing Shelter for Your Goats (Oct. 15 2016),

<http://www.dummies.com/home-garden/hobby-farming/raising-goats/providing-shelter-for-your-goats/>

(5) 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.<sup>114</sup>

(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.

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<sup>114</sup> Minimum recommended area per goat. Daniell Wolford, How much space is needed to raise goats. (Oct. 16, 2016) <http://www.weedemandreap.com/how-much-space-need-raise-goats/>

(4) No part of the pen may be less than 15 feet from any neighboring house.<sup>115</sup>

(h) Living conditions.--

(1) Goats shall have access to clean water at all times.<sup>116</sup>

(2) Goats shall be fed hay twice daily or shall have free choice hay available to them.<sup>117</sup>

(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.<sup>118</sup>

(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.

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<sup>115</sup>. No information is available regarding easements for goats. The same measurements were used as the best practice for chickens as it seems a reasonable setback and parameter. Best Practices Manual For Chicken-Keepers (with local resources for New Haven, CT residents) *available at* <http://www.ctnofa.org/documents/Chicken%20Manual.pdf>.

<sup>116</sup> Water should be clean and available at all times. Diet and Water (Oct. 19, 2016)

<http://www.endofthelinefarm.com/dietwater.htm>

<sup>117</sup> *id.*

<sup>118</sup> It is a practice of several farms to feed goats during milking to control diet and any supplementary medicine given to each goat. Goats also tend to knock the grain over during feeding. The accepted practice is to clean up any spilt grain immediately after feeding. One example is <https://fiascofarm.com/goats/feeding.htm>

(6) If bedding is used in the shelter, bedding shall be changed daily.<sup>119</sup>

(7) Pens shall be cleaned at regular intervals as necessary.<sup>120</sup>

(i) Disposition of deceased goats.--Goat carcasses shall be disposed of in compliance with (3 Pa.C.S. § 2352) and<sup>121</sup> no person shall slaughter a goat in a residential zone.<sup>122</sup>

#### Section 6. Disposal of waste material.<sup>123</sup>

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.

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<sup>119</sup> Bedding in a goat shelter is optional, however daily cleaning controls urine and manure buildup. Julia Shewchuck, Building a Goat Shelter and Bedding (Oct. 20, 2016), <http://www.motherearthnews.com/homesteading-and-livestock/building-goat-shelter-and-bedding-zbcz1410>

<sup>120</sup> There is no consensus on pen cleaning frequency. It seems the larger the pen area the less frequent it is needed.

<sup>121</sup> 3 Pa.C.S. §2352

<sup>122</sup> Food Producing Animals (FPA) Suggested Care Practices and Local Resource Chickens, Ducks, and Goats , City and County of Denver.

<sup>123</sup> There is a lot of divergence on what to do with waste. Some view it as a valuable byproduct, others view it as a hazard. This ordinance gives an option of using either approach.



- (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.<sup>124</sup>
- (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.

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<sup>124</sup> BOUROUGH OF SHIPPENSBURG, Pa., BOUROUGH CODE ch. 69 art. IV (2012)

(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:<sup>125</sup>

(1) For bees, (\$10, 50, xx) initial permit fee and (\$5,25,xx) renewal of permit.

(2) For chickens (\$10, 50, xx) initial permit fee and (\$5,25, xx) renewal of permit.

(3) For goats (\$10, 50, xx) initial permit fee and (\$5,25,xx) renewal of permit.

#### Section 10. Severability.

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<sup>125</sup> Fee is two tiered based on the expectation the initial setup inspection and approval would be more involved. Permits for each category may also be based on the number of hives, chickens or goats kept.

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.<sup>126</sup>

#### Section 11. General repeal

All other chapters and parts of chapters are repealed insofar as they are inconsistent with this chapter.<sup>127</sup>

#### Section 12. Effective date.

This ordinance shall take effect in (30,60, 90, XX) days.

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<sup>126</sup> Taken from severability clause used in personal legislative drafting final.

<sup>127</sup> § 19.61. General repeal., 101 PA ADC § 19.61