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 and as a way to provide food to their families.

Since raising bees, chickens, and goats in the yards of residential dwellings are 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. We will also discuss is what those municipalities have done to evaluate the effectiveness of their ordinances and how effective the ordinances have been.

II. Problem

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.\(^1\) 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. Ordinances are needed to protect both those individuals who are participating in beekeeping and chicken and goat keeping, as well as those residents in the community who do not participate in those activities.

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\(^1\) BOROUGH OF EDGEWOOD, Pa., BOROUGH CODE § 1050-102 (2015).
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.2 The Township also restricts the exhibition of wild animals. However, the ordinance fails to define what wild animals are.3

The Township has a sustainability page on their website, Cheltenham.municipalities.com. However, the stated sustainability goals do not address the residential, non-commercial keeping

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2 TOWNSHIP OF CHELTENHAM, Pa., MUNICIPAL CODE art. 3 § 205-11(g) (1994).
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.” The ordinance also places restrictions on dying foul and selling more than six chickens. Otherwise, the city of Scranton’s ordinance does not address the keeping of animals.

The Borough of Forest Hills, Pa updated their animal ordinance in 2013 to permit and regulate the keeping of bees and chickens in the Borough. 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.

Like the Borough of Forest Hills, the Borough of Shippensburg also updated their animal ordinance to address the raising of domesticated chickens. This occurred in 2012 and prior to that, the ordinance only addressed the keeping of livestock and fowl. 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.

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.

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4 SCRANTON, Pa., MUNICIPAL CODE Art. 1 § 169-3 (a) (1979).
6 BOROUGH OF FORREST HILLS, Pa., BOROUGH CODE ch. 2 pt. 3 (2014)
7 BOROUGH OF FORREST HILLS, Pa., Ordinance 1039 (Jun. 19, 2013)
8 BOROUGH OF SHIPPENSBURG, Pa., BOROUGH CODE ch. 69 art. IV (2012)
9 id.
10 id.
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.

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. The state of Louisiana addressed these concerns in their Model Bee Keeping Ordinance. 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

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11 Louisiana State University, La., Proposed Model Beekeeping Ordinance for Louisiana Local and Municipal Governments (2009)
enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.\textsuperscript{12} By adopting model ordinances, such as the one designed in Louisiana, 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.\textsuperscript{13} 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.\textsuperscript{14} Honey bees are unlike yellow jackets and wasps. Honey bees are vegetarians and are only interested in flowers and not food. Many people make the assumption that all stinging insects are the same.\textsuperscript{15} Honey bees die after they sting someone so they will only sting someone as a matter of last resort.\textsuperscript{16} 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 then 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 they made several findings about the economic and environmental benefits of beekeeping.\textsuperscript{17} The ordinance

\textsuperscript{12} id.
\textsuperscript{13} Milwaukee, Wi., MUNICIPAL CODE § 78-6 (2010)
\textsuperscript{14} id.
\textsuperscript{15} Charles Breinig, Zoning, Gardens and Honey Bees, (Sept, 13, 2016, 11:05 PM), www.pastatebeekeepers.org/pdf/Zoning.pdf
\textsuperscript{16} id.
\textsuperscript{17} Milwaukee, Wi., MUNICIPAL CODE § 78-6 (2010)
indicated that honey bees are a benefit to mankind. Specific examples of the benefits of honey bees are that they provide agriculture, fruit and garden pollination services.\textsuperscript{18} Honey bees also provide economic benefits by furnishing honey, wax, and other useful products.\textsuperscript{19}

The Borough of Edgewood, PA adopted an Urban Chicken Ordinance.\textsuperscript{20} 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 non-commercial food production as an adjunct to residential dwellings.\textsuperscript{21} 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 and fertilizer.\textsuperscript{22} Residents are better able to manage their home garden because chickens provide insect control and a natural fertilizer for the resident’s gardens.\textsuperscript{23} 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 providing for limited, non-commercial urban chicken keeping meets the community development objective of keeping young families interested in buying property and remaining with Borough limits.\textsuperscript{24} 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.\textsuperscript{25} 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.\textsuperscript{26} The manual offered several social, economic, and environmental benefits of chicken raising. The benefits include, chicken eggs which are one of the world’s healthiest forms of protein.\textsuperscript{27} 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, in an ethical, more humane way than eggs that come from chickens in factory farms.\textsuperscript{28} Finally, chickens benefit gardening by making fertilizer, eating kitchen scraps, and eating weeds, bugs, and other pests.\textsuperscript{29} 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

\textsuperscript{25} id.

\textsuperscript{26} 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

\textsuperscript{27} id.

\textsuperscript{28} id.

\textsuperscript{29} id.
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. The model ordinance also requires the beekeeper to follow the best management practice of the PA Department of Agriculture. The model ordinance only requires the beekeeping facility to be consistent with the best practices of the department. 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.

Another issue the ordinances address is permit requirements. Forest Hills requires the beekeeper to obtain an annual permit from the zoning officer. 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. 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. Forest Hills requires written evidence to be submitted along with the permit that the beekeeper has completed a certified beekeeping educational program. 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. 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 permit two hives on a lot with a minimum of two thousand square feet. For each additional two thousand square feet, two additional hives are permitted. The model ordinance offers several options. Option one is to permit one hive and allows the municipality to select the square foot requirement of the lot. Option two is to require no minimum lot size. The model ordinance allows the municipality to select the maximum number of hives allowed on a lot. 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. Both ordinances require that hives not be located in the front yards. Both

35 id.
36 id.
37 id.
38 Cumberland County Planning Department Model Ordinance
39 BOUROUGH OF FORREST HILLS, P.a., BOUROUGH CODE ch. 2 pt. 3 (2014)
40 id.
41 Cumberland County Planning Department Model Ordinance
42 id.

ordinances also require the hive entrances to face away from neighboring properties. 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.

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. Forest Hills also requires that hives not be located within fifty feet of a swimming pool. By providing a source of water for bees, this will prevent them from going to other nearby water sources.

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 start out by addressing the number and type of chickens that are allowed. Forest Hills allows no more than four hens over the age of one month. Shippensburg allows no more than three chickens. Both municipalities prohibit the keeping of roosters. Roosters are prohibited because they make a lot of noise.
A major area that the ordinances address are chicken coops. Both ordinances require chickens to be kept in coops.\textsuperscript{53} Coops must also be solid and have a roof and doors.\textsuperscript{54} Coops must be vermin and predator proof. \textsuperscript{55} The material used to build coops must be uniform and blend in with the surrounding area.\textsuperscript{56} Adequate ventilation is required for the coops.\textsuperscript{57} 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. \textsuperscript{58}

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.\textsuperscript{59} 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.\textsuperscript{60}

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.” \textsuperscript{61} Shippensburg also includes noise and odors created by chickens as well as the disturbance of neighboring properties. \textsuperscript{63}
Permits are required in both municipalities to keep chickens. A permit is valid in Shippensburg for three years. Forest Hills requires an annual permit application.

C. Goats

Very few municipalities have ordinances that specifically address the residential, non-commercial keeping of goats. Pittsburgh is one municipality that updated their ordinance to include the residential keeping of goats. However, the ordinance was 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. For each additional 5,000 feet, over 10,000 feet, one additional goat is allowed. 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. By allowing the offspring to stay for a period, allows them 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.” The outdoor roaming areas for the goats need to be fenced in so that the
goat cannot roam onto other properties or into traffic.\textsuperscript{70} The ordinance does not address goat keeping with any other regulations or restrictions.

V. Policy Issues

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. This can be accomplished through a variety of methods when drafting the ordinance. One of the ways to accomplish this is to consider the best practices of bee keepers and chicken keepers. The municipalities that have already adopted beekeeping ordinances have done this through regulating the type of bees that are allowed, the number of hives that are allowed, placing restrictions on the hive including hive type and placement of the hive, requiring a flyway zone, requiring permits and training, requiring access to the hives so that they may be inspected, and defining nuisances related to beekeeping. The municipalities that have adopted chicken keeping ordinances have accomplished this through regulating the number and type of chicken that each property owner is permitted to keep, by permitting the keeping of chickens in certain zoning districts, by placing minimum standards on chicken coops and chicken pens, requiring certain sanitary conditions, placing requirements on waste storage and removal, disallowing the composting of chicken manure, banning the slaughtering of chickens, and defining nuisances related to chicken keeping.

\textsuperscript{69} id.
\textsuperscript{70} id.
Another policy issue that municipalities need to address is whether they will require residents to obtain permits for goat, chicken, and bee keeping. Most municipalities that have adopted ordinances require that a permit be obtained. There are different variations to the requirements of the permit. Some permits are annual permits, while some permits are valid for several years. Municipalities must consider the time involved to process the permits and how many permits will be processed. Some municipalities require a fee to process the application; others do not. If a municipality chooses to charge a permit fee, the fee can be used to generate revenue that can cover the cost of the individual in charge of issuing the permits. The municipality must also determine what an appropriate fee would be and if the residents would be willing to pay that fee to participate.

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 manure and this also should be addressed in adopting a chicken 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 keeping.

The Pittsburgh ordinance was the only ordinance that has been found through research thus far 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.

**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

§1. Definitions.

(a) 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.30

“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.31

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

30 3 Pa.C.S.A. § 2102
31 id.
“Buckling.” Young male goat.\textsuperscript{32}

“Chicken.” Female poultry or foul of the species \textit{gallus domesticus} species.\textsuperscript{33}

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

“Doeling” A young, unbred female goat.\textsuperscript{34}

“Goat.” A Pygmy or Nigerian dwarf breed of goat.\textsuperscript{35}

"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.\textsuperscript{36}

“Owner.” The person who owns the land where the keeping is being performed.

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

\textsuperscript{32} Daniell Wolford, A Simple guide to raising & Milking Goats. (October 2016) www.weedem and reap.com/raising-goats-milking-goats/
\textsuperscript{33} BOUROUGH OF SHIPPENSBURG, Pa., BOUROUGH CODE ch. 69 art. IV ordinance 12-886 §69-16 (2012)
\textsuperscript{34} www.meriam-webster.com
\textsuperscript{35} Nigerian dwarf are more common milk goats, pygmy are generally more for meat. Both are considered pet goats. Nigerianpygmygoats.com
\textsuperscript{36} 3 Pa.C.S.A. § 2102
“Permit officer.” Official designated to process permit applications and inspect locations to ensure compliance with this ordinance.\(^\text{37}\)

“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 foul.

“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.\(^\text{38}\)

\(^{37}\) 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.

\(^{38}\) http://www.endofthelinefarm.com/whyawether.htm
§ 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 §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) §3 if keeping bees,

(B) §4 if keeping chickens; and/or

(C) §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.\textsuperscript{39}

(c) Issuance of permit:

(1) If the permit officer concludes that:

   (i) the information contained in the application is correct;

   (ii) the requirements for a permit have been met; and

   (iii) the proposed location is acceptable upon inspection,

the officer shall issue the permit within (5,7,xx) days.

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

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

\textsuperscript{39} The permit officer shall maintain a current list of such approved classes and locations to take a proficiency test.
(i) false statements made on the application or other misinformation provided to the permit officer by the applicant;
(ii) failure to pay any application, penalty, reinspection 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; or

(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 sub section (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 § 8.

(4) Any cost incurred to remove, place or dispose of animals by the (jurisdiction) 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.\(^{40}\)

(2) The applicant or holder of the permit shall be given an opportunity for a hearing within (15, 30, xx) days.

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\(^{40}\) 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.
(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 § 9. Non-compliance shall result in action under subsection (e).\textsuperscript{41}

\textsuperscript{41}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.
(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; 42

(2) Beekeepers must follow the Pennsylvania apiary advisory board best practices established by the Pennsylvania State Beekeepers Association; 43

(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. 44, 45

(c) Density.--

(1) No more than (2, 3, XX) hives shall be kept on a residential lot. 46

(2) A minimum of (2,000, 3,000, XX,) square feet of lot area is required per hive. 47

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42 3 Pa.C.S.A. § 2105 Registration of apiaries.
43 http://www.pastateekeepers.org/
45 Inspectable hives allow beekeepers to determine if there is disease or other issues in the hive. Listed under 3. Design at http://www.abcbes.ca/learn/honey-bees/equipment-list/
46 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.ccupa.net/DocumentCenter/View/21221
(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 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 8 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 bee access water to by landing on a hard surface.

(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.\textsuperscript{53}

(2) Hives shall be located within a secured area to protect the colony and prevent direct access by the public.\textsuperscript{54}

(3) Signage shall be posted at a residential location where beekeeping occurs.\textsuperscript{55}

§ 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;

\textsuperscript{51} Milwaukee, Wi., MUNICIPAL CODE § 78-6 (2010)
\textsuperscript{52} The water source requirement is to endure bees do not seek water in neighboring property creating a nuisance. This is less of an issue in cold months.
\textsuperscript{53} \url{http://www.pastatebeekeepers.org/} (9)
\textsuperscript{54} Cumberland County model Non-Commercial Keeping of Livestock/Beekeeping ordinance. \url{https://www.ccpa.net/DocumentCenter/View/21221} section B 8 b
\textsuperscript{55} Louisiana State University, La., Proposed Model Beekeeping Ordinance for Louisiana Local and Municipal Governments (2009)
(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/design; or  
  (ii) built by the owner.  
(3) Coops must provide (2,3,xx) square feet per chicken.  

56 Ordinances vary from 2 to 6. Generally, to ensure production of a dozen eggs a week 3 chickens are necessary. Backyard-chicken-keeping.com/how-many-chickens-do-i-need-to-keep  
57 BOROUGH OF EDGEWOOD, Pa., Ordinance 1050 (401)(B) (Mar. 16, 2015)  
58 Ordinances vary as to the required square footage, the least being two.
(f) Pens.--

(1) Pens shall permit at least (10,15,xx) square feet of area per chicken.\(^59\)

(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.\(^60\)

(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.\(^61\)

(h) Living conditions.--

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

\(^{59}\) Most ordinances call for 10 square feet per chicken.
\(^{60}\) BOURGHOUG OF SHIPPENSBURG, Pa., BOURGHOUG CODE ch. 69 art. IV (2012)
(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.\textsuperscript{62}

(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.--

(a) Chicken carcasses shall be disposed of in compliance with (3 Pa.C.S. §2352) and,\textsuperscript{63} no person shall slaughter a chicken in a residential zone.\textsuperscript{64}

§ 5 Goats.

(a) General rule.--

Goats are permitted in residential zones when in compliance with the following 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:

\textsuperscript{62} \url{http://keeping-chickens.me.uk/routine-jobs/cleaning-out} most ordinances do not specify frequency of cleaning. This site recommends once a week, requiring this practice would ensure minimal odor and disease issues.

\textsuperscript{63} 3 Pa.C.S. §2352

\textsuperscript{64} Food Producing Animals (FPA) Suggested Care Practices and Local Resource Chickens, Ducks, and Goats, City and County of Denver.
(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) No less than two goats shall be permitted. 65

(2) No more than (2,3,xx) goats shall permitted unless the excess is for weening under subsection (d). 66

(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. 67

65 A lone goat will “cry and call a lot and quite possibly all day long, may attempt and even escape from its enclosure.” Keeping on a single goat is not recommended. http://www.endofthelinefarm.com/a-goat-needs-a-friend.htm

66 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. http://www.cityoffortwayne.org/city-ordinance.html
(3) Doeling and buckling goats are kept for no more than 8 (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.\(^{68}\)

(7) Buckling goats must be separated from female goats six weeks after birth.\(^{69}\) Any buckling not being placed under paragraph (5) shall be made a wether and dehorned in no more than seven weeks.\(^{70}\)

(e) Shelter.--

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\(^{67}\) For a goat to produce milk, it must be regularly impregnated. Daniell Wolford, A Simple guide to raising & Milking Goats. (October 2016) [www.weedemandreap.com/raising-goats-milking-goats/](http://www.weedemandreap.com/raising-goats-milking-goats/)

\(^{68}\) 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.

\(^{69}\) 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. [www.weedemandreap.com/goat-breeding-101/](http://www.weedemandreap.com/goat-breeding-101/)

\(^{70}\) Generally the time when a goat can be neutered and dehorned is six weeks. Personal interview with F. A. Pane Veterinarian. On October 29.
(1) Goat shelters shall:

(i) Have a solid roof.

(ii) Provide protection from the elements.\textsuperscript{71}

(iii) Provide protection from predators.\textsuperscript{72}

(iv) Be designed to secure the goats.\textsuperscript{73}

(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.\textsuperscript{74}

(4) Shelters must provide (10,15,xx) square feet for each wether.\textsuperscript{75}

(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.\textsuperscript{76}

\textsuperscript{71} There is large variety on the kinds of shelters. Protection from the elements should be based on the climate of the region.
\textsuperscript{72} 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.
\textsuperscript{73} 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.
\textsuperscript{74} http://www.motherearthnews.com/homesteading-and-livestock/raising-sheep-goats/raising-goats-backyard-farm-ze0z1204zie?pageid=2#PageContent2
\textsuperscript{75} Generally, make goats need this much area in a shelter. http://www.dummies.com/home-garden/hobby-farming/raising-goats/providing-shelter-for-your-goats/
\textsuperscript{76} Minimum recommended area per goat. http://www.weedemandreap.com/how-much-space-need-raise-goats/
(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 5 feet from any property line.

(4) No part of the pen may be less than 15 feet from any neighboring house.\(^7\)

(h) Living conditions.--

(1) Goats shall have access to clean water at all times.\(^8\)

\(^7\) [http://www.ctnofa.org/documents/Chicken%20Manual.pdf](http://www.ctnofa.org/documents/Chicken%20Manual.pdf). 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.
(2) Goats shall be fed hay twice daily or shall have free choice hay available to them.\(^\text{79}\)

(3) Hay shall be stored to prevent mold or excess moisture in the hay.

(4) If gain 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.\(^\text{80}\)
   
   (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.

(6) If bedding is used in the shelter, bedding shall be changed daily.\(^\text{81}\)

(7) Pens shall be cleaned at regular intervals as necessary.\(^\text{82}\)

   (i) Disposition of deceased goats.--

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\(^{78}\) Water should be clean and available at all times. http://www.endofthelinefarm.com/dietwater.htm

\(^{79}\) \textit{id.}

\(^{80}\) 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 spit grain immediately after feeding. One example is https://fiascofarm.com/goats/feeding.htm


\(^{82}\) There is no consensus on pen cleaning frequency. It seems the larger the pen area the less frequent it is needed.
Goat carcasses shall be disposed of in compliance with (3 Pa.C.S. §2352) and,\textsuperscript{83} no person shall slaughter a goat in a residential zone.\textsuperscript{84}

\section*{§ 6 Disposal of waste material\textsuperscript{85}}

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) Owners may compost the waste themselves.

(3) An owner may give the waste to another person who composes

(4) Where the waste is composted the owner shall:

\textsuperscript{83} 3 Pa.C.S. §2352
\textsuperscript{84} Food Producing Animals (FPA) Suggested Care Practices and Local Resource Chickens, Ducks, and Goats, City and County of Denver.
\textsuperscript{85} 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.
(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.

§ 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.\(^{86}\)

(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).

§ 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

\(^{86}\) BOUROUGH OF SHIPPENSBURG, Pa., BOUROUGH CODE ch. 69 art. IV (2012)
be subject to a fine not less than ($25, 50, xx) dollars and not greater 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.

§ 9. Permit fees.

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

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

(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.

§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

87 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.
application, and to this end, the provisions of this ordinance are severable.\textsuperscript{88}

§ 11. Effective date.--This ordinance shall take effect (30, 60, 90, XX) days after adoption.

\textsuperscript{88} Taken from severability clause used in legislative drafting final.