

# Non-Commercial, Residential Keeping of Bees and Chickens

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## **I. Introduction**

With the ever-increasing cost of groceries and demand for homegrown foods, a new movement is on the horizon. Bees and chickens provide a local, sustainable, and affordable food source which can be kept safely in residential areas with appropriate monitoring.

Due to the recent development of this movement, there is little regulation to protect both the participant and the surrounding property owners. In order to remedy this possible problem, a previously created model ordinance will be tailored to our local municipality's needs. This local municipality is Susquehanna Township, a second-class township.

Susquehanna Township is a part of the Harrisburg metropolitan area.<sup>1</sup> Susquehanna Township is composed of six major zoning districts that contains nearly 25,000 residents and covers just over thirteen square miles.<sup>2</sup>

This ordinance will be presented to the Susquehanna Township Planning Commission ("Planning Commission") for possible adoption at their January meeting. This narrative and ordinance is the work product of two teams. Last year's team developed the basic language and scope of the ordinance, while our team this year has been responsible for editing and tailoring the ordinance to meet the specific needs of Susquehanna Township.

By providing a predictable and consistent regulation of the non-commercial keeping of chickens and bees, the members of the community will be more likely to properly follow the ordinance, therefore reducing the number of potential issues. Application of this ordinance

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<sup>1</sup>Dauphin County Pennsylvania: Municipalities, <http://www.dauphincounty.org/> (last visited Sept. 20, 2017).

<sup>2</sup>United States Census Bureau: Susquehanna Township. (2016).

should safely permit bees and chickens to be kept residentially, without burdening neighboring property owners.

This narrative will cover the residential, non-commercial keeping of chickens and bees. We will look to other townships and municipalities to study both the practical effectiveness and logistic choices of their ordinances. Additionally, we will look at the social, environmental, and economic impacts of allowing the raising of bees and chickens within residential environments. Next, we will discuss which zoning districts are ideal for the presence of bees and chickens and why other districts are not recommended. Lastly, we will address the key policy concerns that are associated with implementing this ordinance.

## **II. Maintaining individual property rights and preventing nuisance between participating and nonparticipating property owners**

The drive to have a sustainable, healthy, and relatively inexpensive food in your own backyard is both understandable and desirable. While many residents may want to participate in these backyard activities, regulations are needed to prevent unwanted nuisances.

There are concerns associated with both bees and chickens. For bees, those allergic to bee stings are concerned about their personal health. In some cases, a single bee sting can result in a dramatic allergic reaction requiring emergency medication or even hospitalization. Even those who are not allergic to the stings have concerns about swarms of insects being kept in close proximity to their home. The primary concern of most homeowners is the stinging ability of a honeybee. A common misconception is that honeybees will sting often and repeatedly. In fact, honeybees can sting other insects multiple times and survive, but can sting a thick-skinned animal, such as a human, only once before their stinger tears from their abdomen resulting in

their death.<sup>3</sup> The average human can sustain about ten stings per pound of body weight.<sup>4</sup> Therefore, the average person can survive upwards of 1,000 bee stings.<sup>5</sup> While the intention is that there are no human-bee incidents, any incident should be easily survivable by the average person. Secondly, just because someone is allergic to bee stings does not mean that they are allergic to honey bee stings. Each species of wasp and bee has slightly different venom, therefore if someone is allergic to wasp stings, it does not necessarily follow that they are allergic to honeybee or bumblebee stings.<sup>6</sup>

With regards to chickens, there are concerns relating to chickens escaping from their pen, keeping both food and bedding on the premises, creating noise, and disposing of manure/deceased chickens. Additionally, there may be some opposition to the presence of chickens due to their ability to carry diseases, such as the avian flu.<sup>7</sup> The keeping of bedding and feed on an individual's premises can result in pest problems, which is one of the major concerns for surrounding homeowners. If chicken owners monitor their feed, bedding supplies, and keep all feed in tightly locked containers the risk of rodent and pest problems greatly decreases. Additionally, the ordinance addresses the disposal of deceased chickens because the presence of their carcasses can draw unwanted predators and scavengers. To limit the amount of noise created, the ordinance allows only female chickens ("hens") to be kept on the property, as hens do not make as much noise as male chickens ("roosters"). Additionally, roosters sometimes become confrontational which could lead to unwanted fighting if a rooster were to escape.

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<sup>3</sup>Eleven Bee Facts and Myths, <https://www.terminix.com/blog/bug-facts/> (last visited Sept. 22, 2017).

<sup>4</sup>*Id.*

<sup>5</sup>*Id.*

<sup>6</sup>Bee Sting, [https://www.sciencedaily.com/terms/bee\\_sting.htm](https://www.sciencedaily.com/terms/bee_sting.htm) (last visited Sept. 22, 2017).

<sup>7</sup>Influenza and the Avian Flu, <https://www.cdc.gov/flu/avianflu/avian-in-birds.htm> (last visited Sept. 23, 2017).

Lastly, enforcing chicken coop setback requirements will prevent a host of problems about the sight and sounds of a chicken coop in one's neighborhood. Overall, these concerns can be addressed by a detailed, regularly enforced ordinance, which is what we have worked toward for Susquehanna Township.

### **III. Why a new ordinance is necessary**

Unfortunately, the existing laws do not address the current concerns of either participants or non-participants looking to engage in the non-commercial residential keeping of bees or chickens. Currently, Susquehanna Township prevents their residents from having bees or chickens entirely.<sup>8</sup> This total ban of bees and chickens may cause a subtle disconnect between the current ordinances and residents who are interested in keeping bees and chickens. Some residents within the township may be allowed to have chickens as part of their rural zoning while their counterparts in the more urbanized zones cannot participate.

Susquehanna Township will benefit by allowing its citizens to keep chickens and bees for non-commercial purposes because their citizens will be able to provide low-cost, nutritious food for their families in their own backyards. For example, honey can be utilized as a food source, medicine, and wax.<sup>9</sup> Most crops grown for their fruits (including vegetables such as squash, cucumber, tomato and eggplant), nuts, seeds, fiber (such as cotton), and hay (alfalfa grown to feed livestock), require pollination by insects.<sup>10</sup> Additionally, keeping a small flock of chickens

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<sup>8</sup>Susquehanna Township, Dauphin County, PA chapter 2 animals § 2-202.

<sup>9</sup>Jessica Tucker, *How Bees Benefit Other Living Things*, <http://www.onegreenplanet.org/> (last visited Sept. 23, 2017).

<sup>10</sup>Michigan State University-Dept. of Entomology, Pollination, <http://www.canr.msu.edu/> (last visited Sept. 24, 2017).

can supply fresh, healthy eggs and nutrient-rich fertilizer. Chickens can also be lively pets, as well as being a part of the drive to local, sustainable food systems.<sup>11</sup>

Susquehanna Township will also benefit through the environmental impact chickens and bees have on their surrounding area. Chickens can reduce the number of pests naturally because they eat a wide variety of insects such as termites, ticks, and june bugs. Chicken excrement is also high in nitrogen and is commonly used as fertilizer. Use of the chicken's excrement as fertilizer may reduce or eliminate the need to purchase commercial fertilizer and this natural fertilizer is easier for crops to process. Furthermore, the amount of garbage created by the household will decrease because chickens enjoy consuming a variety of scraps from the kitchen.<sup>12</sup>

Similarly, bees make an array of positive contributions to our environment. Bees will help the environment by pollinating nearby plants in the area. Without the pollination capabilities of bees, the ecosystem would suffer due to the large amount of plants that require mechanical pollination.<sup>13</sup> More specifically, Susquehanna Township should only allow native bee varieties to be kept because imported bees can have a destructive effect on local bee populations and these non-native bees may not recognize the same species of plants for pollination.

Lastly, Susquehanna Township's adoption of an ordinance governing residential non-commercial keeping of chicken and bees may appear more welcoming for new families moving into the area or local residents looking for a new opportunity. Having more individuals who are environmentally oriented will further the economic, social, and sustainability efforts of the community.

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<sup>11</sup>Laura Gidney, *The Many Benefits of Backyard Chickens*, <https://www.greenamerica.org/> (last visited Sept. 24, 2017).

<sup>12</sup>*What Should I Feed my Backyard Chickens?* <http://kb.rspca.org.au/> (last visited Sept. 25, 2017).

<sup>13</sup>Laura Downing, *Why Bees Matter so Much to Humans*, <http://www.onegreenplanet.org/environment> (last visited Sept. 25, 2017).

#### IV. Other jurisdictions' solutions

Other municipalities have chosen a variety of paths to create the most effective plan for their particular area, typically ordinances and zoning regulation. Some municipalities even allowing their participants to make small businesses out of these activities and sell the goods to other residents.

Comparative jurisdictions have chosen a variety of ways to handle the non-commercial, residential keeping of chickens and bees. Mt. Lebanon, Pennsylvania has chosen to allow the keeping of bees under one ordinance, while regulating chickens and other farm animals under two other separate ordinances.<sup>14</sup> The new beekeeping ordinance grandfathers in all existing beehives, so long as the owner promptly notifies the town of the pre-existing presence of the hive and the town then regulates the placement of any new hive.<sup>15</sup> The beekeeping ordinance also specifies the location of a barrier around the hive in order to encourage the movement of bees vertically rather than horizontally across neighboring property.<sup>16</sup> By providing specific rules within their ordinance and following up with regular enforcement, Mt. Lebanon has made their resident's keeping of bees and chickens an activity where participants can enjoy their new hobby and neighbors are not burdened.

Some municipalities chose to relax their existing ordinances after initial implementation due to a lack of complaints. For example, the City of Cleveland, located in Ohio, wrote a strict proposed ordinance that they presented to their Planning Commission. Following adoption, the city later reworked the ordinance to make the ordinance more lenient to the proposed bee and

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<sup>14</sup>*Mt. Lebanon Magazine: Rules for Keeping Chickens, Bees and Farm Animals*, <http://lebomag.com/> (last visited Sept. 21, 2017).

<sup>15</sup>Chapter 26, Mt. Lebanon Code Ordinance 2636 § 803.3.17.2.5.

<sup>16</sup>*Id.* at § 803.3.17.5

chicken owners. In the new ordinance, they lowered the setback requirements for a beehive from one hundred (100) feet to just five (5) feet from the neighboring property lines.<sup>17</sup> This change was due to both research and a lack of complaints about the new hives being established. Additionally, the commission removed the cap on the amount of chickens a property owner may possess and instead chose a square footage requirement, regulating the amount of space required for each chicken. The city cited studies that found the presence of a strict cap on the amount of chickens causes owners to dispose of the older chickens who are no longer laying eggs, rather than allowing the owners to simply add more young chickens to their flock and await the natural passing of their older chickens.<sup>18</sup> Furthermore, chickens are animals that thrive in a flock situation, so the presence of additional chickens actually encourages overall flock health.<sup>19</sup>

The city of Hammond, located in Indiana, chose to amend its existing ordinance following adoption. Hammond amended its bee ordinance after determining the ordinance was too strict by prohibiting bees outside of a contained area.<sup>20</sup> Citizens argued that the prior bee ordinance, passed in 1991, did not consider climate change, habitat loss, increased use of pesticides and other factors which have adversely affected the bee population.<sup>21</sup> The revised ordinance permits owners to house two (2) beehives within a fenced enclosure; such fence must be no less than four feet high.<sup>22</sup>

Furthermore, some municipalities have allowed their bee and chicken keepers to sell their surplus products at small stands. The Borough of Bellefonte, located in Pennsylvania, has been

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<sup>17</sup>Cleveland, OH Code of Ordinances § 347.02(1)(B).

<sup>18</sup>Bouvier, *Illegal Foul: A Survey of Municipal Laws Relating to Backyard Poultry and a Model Ordinance for Regulating City Chickens*. 42 ELR 10888. Sept. 2012.

<sup>19</sup>*Id.*

<sup>20</sup>Craig Lyons, *Hammond Eases Beekeeping Restrictions*, <http://www.chicagotribune.com/suburbs/> (last visited Sept. 25, 2017).

<sup>21</sup>*Id.*

<sup>22</sup>City of Hammond, Indiana Code of Ordinances chapter 91 § 91.036.

so pleased with their non-commercial residential keeping of bees they amended their ordinance to allow the selling of bee products.<sup>23</sup> Such a rapid embracing of the bee and chicken keeping helps to encourage community involvement, rather than creating tension between participants and non-participants.

## V. **Suitable residential zoning districts**

When determining the best locations for the non-commercial keeping of bees and chickens, certain zoning districts yield themselves more readily available to the keeping of bees and chickens. This section will discuss why the residential non-commercial keeping of bees and chickens should and should not be permitted in specific residential zoning districts within Susquehanna Township.

Susquehanna's Residential Country ("RC") zoning district is the most suitable for the presence of bees and chickens due to the increased amount of acreage each home is situated on. The minimum lot size in the RC district is one (1) acre and the minimum lot width is one hundred and fifty (150) feet.<sup>24</sup> Within this zone, residents can utilize their land for agricultural purposes when their lots are five (5) acres or larger.<sup>25</sup> Agriculture is defined as the rearing of animals for food purposes.<sup>26</sup> Bees and chickens would have ample space on the minimum five (5) acre lot required for agriculture purposes to both thrive and not bother the neighboring property owners.<sup>27</sup> According to Chapter 2 § 203(B) of the Susquehanna Township Codified Ordinance, no small animal shall be kept confined in quarters, which shall be closer than twenty-

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<sup>23</sup>Sarah Rafacz, *Bellefonte Recognized as Bee Friendly*  
<http://www.centredaily.com/news/local/community/> (last visited Sept. 23, 2017).

<sup>24</sup>Susquehanna Twp. Codified Ordinance, Chapter 27 § 504(1)(B)&(C).

<sup>25</sup>*Id.*

<sup>26</sup>Dictionary: Agriculture, <http://www.dictionary.com/browse/agriculture> (last visited Sept. 24, 2017).

<sup>27</sup>*Id.* at § 2001.

five (25) feet from the exterior limits of any dwelling or of any property line.<sup>28</sup> In our ordinance, chicken pens are allowed within ten (10) feet of the adjacent lot line but only if a fence is provided to block the neighbor's view of the coop. This decrease in the amount of the setback allows the owner more room for the chicken's pen, which thereby increases the chicken's ability to exercise and scavenge for bugs.

The second district, which lends itself to housing chickens and bees is the Low Density Residential District ("R-1"). In R-1, the minimum lot area is twenty thousand (20,000) square feet and minimum lot width is one hundred (100) feet.<sup>29</sup> Furthermore, this district provides minimum setbacks. Minimum setbacks reflect how close in proximity structures or designated areas may be from a sidewalk or public street. There is minimum thirty (30) foot setback required for the front and back yards and a fifteen (15) foot setback for side yards.<sup>30</sup> There is a maximum of two units (buildings) allowed per acre within R-1.<sup>31</sup> These constraints may make it more challenging to house chicken and bees; however, these constraints do not make such housing impossible. This district, similar to RC, permits agricultural activities within its boundaries. This zone is suitable for the keeping of bees and chickens because the proposed ordinance will specify square footage requirements for both chickens and bees and will require certain fencing or flyaway barriers to prevent any encroachment on the neighboring properties.

Third, Medium Density Residential ("R-2") should provide sufficient space to house chicken and bees, despite its smaller lots. Within R-2, there can be up to four units (buildings) per acre.<sup>32</sup> The minimum lot area is ten thousand (10,000) square feet with a minimum lot width

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<sup>28</sup>*Id.* at 2 § 203(B).

<sup>29</sup>*Id.* at Chapter 27 § 604.

<sup>30</sup>*Id.*

<sup>31</sup>*Id.*

<sup>32</sup>*Id.* at § 27-704(1)(A).

of seventy-five (75) feet.<sup>33</sup> There is a minimum thirty (30) foot setback required for both the front and back yard.<sup>34</sup> Furthermore, there is an eight (8) foot setback minimum for the side yards.<sup>35</sup> Having bees and chickens in this zoning district will provide benefits such as garden pollination, natural pest control, and access to organic goods, despite the small lot sizes.

While the previous three districts appear to be the most ideal for chickens and bees, some districts are not a good fit for these creatures. The non-commercial residential keeping of chicken and bees would not be suitable in Susquehanna Township's Conservative District (C), High Density Single-Family Residential District (R-3), and Residential Urban District (R-4). The Conservation district is not suitable for raising these animals because their presence contradicts the purpose of the zone: to preserve the natural environment.<sup>36</sup> R-3 and R-4 will not be suitable for bees and chickens due to the close proximity to the Business, Commercial, and Mixed-Use zoning districts, which would restrict the available area for bees and chickens to move comfortably. While beehives and chicken coops can be constructed in R-3 and R-4, they would pose greater risk to the surrounding property owners and businesses. For example, Lancaster allows bees in their urban zones only because the hives were present before the ordinance went into effect.

If Susquehanna Township wanted to further encourage the keeping of bees in denser, more urban zoning districts, the Township could consider the possibility of keeping bees on rooftops. However, if Susquehanna Township were to allow rooftop beekeeping, more regulations would need to be included in the ordinance to prevent accidents and injuries from participants falling off ladders or carrying heavy equipment up to and down from the rooftop.

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<sup>33</sup>*Id.* at § 27-704(1)(B)&(C).

<sup>34</sup>*Id.* at § 27-704(1)(D)(1)&(3).

<sup>35</sup>*Id.* at § 27-704(1)(D)(2).

<sup>36</sup>*Id.* at § 27-401.

In addition, weather would need to be taken into consideration. High winds can cause hives to topple and make it difficult for bees to forage. Due to these extreme considerations, we recommend that bees and chickens be located solely in the RC, R-1 and R-2 zoning districts for the comfort of the bees, chickens, and neighbors.

## **VI. Key policy issues**

Next, we will address key policy concerns. We will simultaneously address how to balance the interest of neighboring property owners and participants, implement methods to fund the ordinance, enforce the ordinance, potential sanctions violators face, number of animals, abating nuisance, and surplus products generated. All these concerns were carefully considered when determining the most suitable zoning districts for the residential non-commercial keeping of chickens and bees.

### **A. Balancing the interest of non-participants and participants**

One of the largest concerns of neighboring property owners is how the ordinance will affect the use of their property. To settle the neighboring property owners fears and prevent any potential conflicts, the ordinance provides precise specifications for the safe and streamlined keeping of bees and chickens. The most practical and reliable method may be to rely on the state's best practices for these activities.<sup>37</sup>

#### **1. Best management practices for bee and chicken keepers**

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<sup>37</sup>United States Department of Agriculture. *ARS Honey Bee Health and Colony Collapse Disorder*, <https://www.ars.usda.gov/oc/br/ccd/index/> (last visited Sept. 22, 2017).

With beekeeping, Susquehanna Township will require beekeepers to follow the best management practice of the Pennsylvania Department of Agriculture.<sup>38</sup> The Pennsylvania Apiary Advisory Board has also provided similar guidance relied on industry leaders to construct practices to ensure the bees and the surrounding environments were protected.<sup>39</sup> Chicken keepers should be mandated to successfully complete the Certified Poultry Technician (CPT) program through the Pennsylvania Department of Agriculture.<sup>40</sup> The CPT program offers training on transportation and catch crews on biosecurity, disease recognition, emergency planning, and the safe and humane handling of birds.<sup>41</sup> This will ensure participants are engaging in the activity responsibly and provide peace of mind for non-participants, knowing the participant is managing their bees or chickens at, or above, industry standards.

## **2. Educating participants and non-participants**

Within the ordinance, we hope to eventually include potential seminars or workshops to educate participants and these events will be hosted by the township. To increase the educational value of this experience for homeowners, Susquehanna Township could require a specified number of seminars or workshops to be completed by participants per year, to keep their permit once the program is established. Either the Township, the local branch of the United States Department of Agriculture or Pennsylvania Department of Agriculture, would run these seminars and workshops. Additionally, these workshops and seminars would include important health updates on bees and chickens. For example, a talk on Avian Influenza or bee parasites would be

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<sup>38</sup>Voluntary Best Practices, Pennsylvania Apiary Advisory Board.  
<http://www.agriculture.pa.gov/Protect/PlantIndustry/Apiary/Documents/Revised%20PA%20Advisory%20Board%20BMP%203-21-2017.pdf> (last visited Nov. 30, 2017).

<sup>39</sup>*Id.*

<sup>40</sup>Poultry Science Assn., New Poultry Handling and Transportation Program,  
<http://www.poultryscience.org/> (last visited Sept. 22, 2017).

<sup>41</sup>*Id.*

both useful and interesting to the bee and chicken keepers. Furthermore, the Township could distribute brochures periodically to keep homeowners who are not participating reasonably informed about safety measures, bee behavior, changes in law, diseases, and the current state of regulations required. Lastly, there should be precautions to conduct informative sessions to help bond the community and dispel any issues or rumors the non-participants wish to confront.

### **B. Funding the ordinance**

There are various ways this chicken and bee ordinance can be funded. Some municipalities impose an application fee, which ranges in amount. The City of Cleveland has imposed a \$50 administration fee for beehives.<sup>42</sup> This fee must be paid every two (2) years when the hive is eligible for reapplication and this fee offsets some of the costs of additional labor and enforcement. Application fees may be determined based on the number of animals present or square footage covered. The fee may be lowered or waived for households within the poverty threshold, ensuring that each family has an equal opportunity to participate. Alternatively, some municipalities have waived the permit fee when participants donate a specified number of eggs or honey to non-profit organizations such as shelters, educational programs, and orphanages. The permit fees will not be included in our ordinance due to Susquehanna Township's desire to adopt these fees by resolution. By using a resolution instead of providing for the fees in the ordinance, solely the resolution will need to be updated rather than amending the entire ordinance each time the costs are increased.

### **C. Enforcing the ordinance**

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<sup>42</sup>City of Cleveland, Revamped Chicken and Bee Ordinance, [http://cccfoodpolicy.org/sites/default/files/resources/chickens\\_and\\_bees\\_policy\\_summary\\_0.pdf](http://cccfoodpolicy.org/sites/default/files/resources/chickens_and_bees_policy_summary_0.pdf), (last visited Sept. 21, 2017).

Enforcing the ordinance is important to ensure the participants are engaging in bee and chicken keeping appropriately. Without enforcement, non-participants would be subject to nuisances from rogue chicken and bee keepers, which could escalate into a variety of other problems. The Susquehanna Township permit officer will be responsible for enforcement the ordinance. Ideally, the permit officer should be required to take courses administered by bee handlers and should successfully complete the CPT course and the Beekeeper's Course through the Pennsylvania State University.<sup>43</sup> The completion of both courses will provide the officer with enough knowledge and experience to handle the animals appropriately if necessary. The hiring of additional personnel to enforce this ordinance would be unnecessary, at least in the beginning. In addition, a permit officer already having a rapport with some residents may make enforcement easier due to existing relationships with local property owners.

#### **D. Sanctioning ordinance violators**

Violators of the ordinance are subject to a wide-range of sanctions. By imposing strict sanctions on violators, the Township may make additional income and these penalties will discourage violations, therefore making the enforcement more manageable. First-time offenders should face a written or oral warning. This protects the permittee from losing their license on the first offense and encourages them to become better keepers rather than immediately punish them by removal of their creatures. Upon the second offense, the permittee should be required to pay a fine. If there is continuing violations, permittee should face a permit suspension and an increased fine. Permit suspension protects the animals from further injury or risk of injury at the hands of their caretaker and will abate any nuisance their neighbors may be experiencing due to the

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<sup>43</sup>Poultry Science Assn., New Poultry Handling and Transportation Program, <http://www.poultryscience.org/> (last visited Nov. 22, 2017).

participant's failure to obey the ordinance. The amount of the fines will be set by Susquehanna Township through resolution. This will allow a streamlined procedure which does not require the entire ordinance to be amended each time the fees are increased or adjusted.

#### **E. Density considerations**

The number of animals and placement of animal shelters on a participant's property may be one of the largest concerns of non-participants. Susquehanna Township has chosen to manage the amount and location of animals within the ordinance by defining a maximum number of animals on each lot and by basing the maximum number of animals on the square footage of each lot. By providing both a square footage requirement and a maximum, the Township has the ability to limit the amount of animals on smaller lots to what is the best for the animals and prevent overcrowding. On larger lots, the maximum amount ensures that the amount of animals does not exceed what is necessary for non-commercial use. If the lot is a farm, then it would not fall under this ordinance. This two-part approach allows Susquehanna Township some flexibility, but also keeps sustainability as a priority.

The placement of the shelter is also a topic which is mandated by the ordinance. The placement of the chicken shelter and/or beehive is important to preserve relations between neighbors in the community. First, we will discuss chicken coops. If the coop is visible from the road and unattractive, the participants risk bringing down the property value of surrounding homes and invite the possibility for complaints. To limit the impact on appearances, these coops are only allowed behind or on the side of the participant's home. No coops are permitted to be in the participant's front yard. The building materials for the coop must provide adequate protection from the elements in the summer and winter months and prevent any possible escape by the

chickens.<sup>44</sup> By permitting coops in backyards only, the coops may not be subject to as many unnecessary complaints or curious trespassers as if they were more visible from the street.

The placement of beehives requires special considerations. Despite the ability of the keeper to make beehive inconspicuous without much effort, Susquehanna Township should recommend beehives be placed in areas where they receive sunlight throughout the day.<sup>45</sup> Second, the bees must have an adequate water source.<sup>46</sup> Susquehanna Township will mandate the placement of a water source near the hive during the summer months. Third, Susquehanna Township will require hives with removable combs for their permittees. Hives with removable combs allow adequate access for the beekeeper to check the health of the hive. Hive health is critical because an unhealthy hive will not properly pollinate and is more prone to migrate, leaving the hive entirely in search of a new home. Fourth, Susquehanna Township realizes that flyaway barriers are critical to keep bees from making shortcuts across neighbor's yards. These barriers force bees to fly up into the air rather than horizontally across which limits their chance of interaction with humans or other pets.

#### **F. Limiting nuisance complaints**

Another concern of non-participants is that non-commercial residential keeping of chicken and bees will become a nuisance. To limit noise complaints, Susquehanna Township will limit chickens to only hens. The presence of only hens will ensure the space is being used most effectively since roosters cannot lay eggs. Additionally, this will limit the noise complaints because male chickens regularly crow throughout the day, despite the common misconception

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<sup>44</sup>Chicken Coops, <http://www.poultryhub.org/> (last visited Nov. 21, 2017).

<sup>45</sup>Mass. Beekeepers Assn., Best Management Practices, (2014), <http://www.mass.gov/>

<sup>46</sup>*Id.*

they only crow in the morning. Furthermore, Susquehanna Township will ensure chickens are confined to the property of the participant, to prevent them from burdening non-participants.

For beekeepers, limiting roaming would be difficult to trace because it is virtually impossible to determine where the bee came from in the event they become nuisances in the community. The low humming noise of the colony is unlikely to cause many noise complaints. Bees can become a nuisance when they are drawn to nearby gardens and other sugary substances. To address concerns of the bees infiltrating neighboring property or trespassers upsetting the beehive, Susquehanna Township may inform non-participants of measures that can be taken to reduce the likelihood of bees from invading their property, such as not planting certain types of plants or making sure their trash is properly secured. To prevent any trespassers or confusion, all hives are required to be posted with warning signs requiring specified language. This will prevent anyone from stumbling upon a hive unintentionally and limit unwanted bee-human interactions.

As a punishment, any participant who is regularly reported for complaints may lose their permit. The possibility of losing privileges should encourage self-policing of the ordinance because people who have these creatures typically would like to keep them. This punishment also protects non-participants because their concerns can be resolved over the long-term rather than calling to complain on a regular basis with no permanent remedy. The one downfall of this punishment for the permittee is the possibility of the non-permittee reporting issues which are minimal or frivolous. The only way to ensure the non-participants concerns are valid is for the permit officer to inspect the situation and make a determination. Overall, this ordinance should allow the keeping of bees and chickens with limited negative impact on neighboring property owners and non-participants.

### **G. Surplus product**

Lastly, Susquehanna Township may determine what the keepers are permitted to do with any surplus of product such as honey and eggs if this becomes an issue following adoption. If the keeper has excess and is unable to use it in their household, Susquehanna Township may consider allowing the keeper to sell the product instead of stockpiling it. To prevent participants from taking advantage of this caveat, Susquehanna Township could limit the number of products the participant could sell to a particular monetary amount. Susquehanna Township could also provide an incentive for the keeper to donate the excess product to non-profit organizations by reducing the cost of the permit fee. This would allow the production of products from bees and chickens to further the beneficial impacts within the community.

## **VII. Conclusion**

Susquehanna Township will be acting proactively by adopting an ordinance to address the increase in the amount of families who wish to raise bees and chickens for food. By adopting this ordinance before chicken and bee keeping becomes too popular, Susquehanna Township will be able to prevent many of the issues which may arise if this trend were to become popular without regulation. By imposing an ordinance which considers the rights of both the participants and non-participants, the Township is more likely to encourage bonding within the community, rather than animosity between neighboring property owners. To protect the best interests of the citizens of Susquehanna Township, the Township has chosen to provide adequate guidance to protect the harmony of the community. There are many municipalities who have benefited

greatly from permitting bees and chickens to be kept in residential zoning districts and the growing trend of providing one's own food can have a positive economic effect. Allowing participants to engage in raising chickens and bees will benefit the community for many years to come.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE TOWNSHIP OF SUSQUEHANNA, DAUPHIN  
COUNTY,  
PENNSYLVANIA, AMENDING THE SUSQUEHANNA TOWNSHIP ZONING  
ORDINANCE TO ALLOW FOR THE NON-COMMERCIAL KEEPING OF BEES AND  
CHICKENS.<sup>47</sup>

WHEREAS, There is an increasing interest in the Commonwealth among families desiring to be more self-sufficient in the production of food, including keeping of food producing animals, such as chickens and bees, in order to provide nutritional benefits for families and encourage positive animal stewardship habits among the local community.

WHEREAS, Many people are unfamiliar with bee and chicken keeping, and are hesitant to have these activities in their neighborhoods but by adopting ordinances, Susquehanna Township can protect its citizens and ensure peace of mind for neighbors.

NOW, THEREFORE, be it enacted and ordained by the authority of the Board of Commissioners of the Township:

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<sup>47</sup> Note: This ordinance is based on the work done in last year's sustainability class by Travis Carbaugh and Shaun Flynn.

Section 1. Section 27-204 of the Zoning Ordinance is hereby amended by adding the following definitions:

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." Place where one or more colonies or nuclei of bees are kept.<sup>48</sup>

"Bee." Common domestic honey bee of the *apis mellifera* species.<sup>49</sup>

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

"Chicken." Female poultry or fowl of the species *gallus domesticus*.<sup>50</sup>

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

"Hive." Frame hive, box hive, box, barrel, log, gum, skep or other approved receptacle or container, natural or artificial, or any part thereof, which may be used or employed as a domicile for bees.<sup>51</sup>

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<sup>48</sup> 3 Pa.C.S. § 2102.

<sup>49</sup> *Id.*

<sup>50</sup> Borough of Shippensburg, Pa., Borough Code Ch. 69 art. IV ordinance 12-886 §69-16 (2012).

<sup>51</sup> 3 Pa.C.S. § 2102 (Last visited Nov. 22, 2017).

"Pen." A fenced area designed to contain chickens to a restricted area, prevent chickens from roaming at large and prevent the outside entry of predators.

"Permit officer." An official designated to handle all issues relating to this ordinance.

"Permittee." A person to whom the permit is issued allowing the keeping of bees and/or chickens.

"Requeen." A process of removing a queen bee and replacing it with a new queen bee to improve production or calm an aggressive hive.

"Resident." A person who resides within Susquehanna Township.

"Rooster." Male poultry or fowl.

"Veterinarian." A doctor of veterinary medicine who cares for animals and is certified or licensed to practice within this Commonwealth.

"Waste material." The natural animal excretions produced by bee or chicken keeping activity, which may include feces or soiled bedding. The term does not include the carcass of an animal.

Section 2. The Zoning Ordinance is hereby amended by adding Section 27-2048. - Noncommercial Keeping of Chicken and Bees to read as follows:

## 1. Permits

(a) General rule.--Permits for keeping bees or chickens in residential zones under sections 2, 3 and 4 shall be issued only for residents who reside in the Residential Country (RC), Low Density Residential (R1) or Medium Density Residential (R2) zoning districts. The keeping of bees or chickens in a residential area without a permit is a violation of Section 6 and the resident is subject to the penalties provided under that section.

(b) Application.--

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

(2) Initial applications shall be approved on a rolling basis.

(3) Renewal applications shall be submitted at least ten (10) business days before the expiration of a current permit. Renewal applications will be approved based on the current and past compliance of the applicant and the frequency of complaints received about the particular applicant.

(4) A complete application shall include:

(i) Proof that the applicant is the owner of the land or has written permission from the owner of the land where the bee or chicken keeping will occur.

(ii) A statement that the location is in compliance and will remain in compliance with the requirements of:

(A) section 2 if keeping bees,

(B) section 3 if keeping chickens.

(iii) Fees paid in full.

(iv) A statement that the land contains at least one residential dwelling.

(v) A statement from an insurance company verifying an umbrella liability insurance policy of at least \$100,000.00, which shall be maintained so long as the permit is effective.

(vi) A statement that the applicant has notified the adjacent property owners of the intention to apply for a permit.

(vii) Proof that the applicant has successfully completed an approved class in the keeping of bees and/or chickens, whichever the applicant applied for.<sup>52</sup>

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<sup>52</sup>Chicken keepers shall participate in the Certified Poultry Technician (CPT) license through the Pennsylvania Department of Agriculture:  
<http://www.agriculture.pa.gov/Protect/AHDServices/Certified%20Poultry%20Technician%20License/Pages/default.aspx> or they may complete the University of Arkansas online poultry training:  
[http://www.poultrytimes.com/poultry\\_today/article\\_7fe1218a-244a-11e7-89b6-9bf75372542b.html](http://www.poultrytimes.com/poultry_today/article_7fe1218a-244a-11e7-89b6-9bf75372542b.html). Beekeepers

(c) Issuance of permit.--

(1) A permit application will not be approved unless the applicant affirmatively demonstrates that the following conditions are met:<sup>53</sup>

(i) The information contained in the application is correct.

(ii) The requirements for a permit have been met.

(iii) The proposed location is consistent with sections 2 or 3, dependent upon inspection.

(2) If all conditions under paragraph (1) are met, the permit officer shall issue the permit within ten (10) business days of receipt.

(3) Duration of permit.--A permit shall be valid for a two (2) year period of time from the date of issuance.

(4) Renewal of permit--

(i) If there are no violations of subsection (d) on record for the permittee at the time of renewal, the permit shall be renewed when the renewal fee is paid and the application is completed under section 1(b)(3).

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must complete the Pennsylvania State University Beekeeping 101 program found at:  
<https://extension.psu.edu/beekeeping-101>

<sup>53</sup> § 271.201. Criteria for permit issuance or denial., 25 PA ADC § 271.201.

(ii) If a violation under subsection (d) is found, a permit officer shall inspect the property to ensure continued compliance with this ordinance when the permit holder submits the renewal application under section 7. Non-compliance will cause denial of the application and a subsequent application and remediation must be completed within ten (10) business days.<sup>54</sup>

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

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

(i) Failure to pay any penalty, re-inspection or reinstatement fee required by this section.

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

(iii) Failure to comply with the provisions of an approved mitigation/remediation plan by permit officer.

(iv) Failure to comply with provisions of this ordinance.

(v) Five or more violations of this section throughout the current permitting time period.

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<sup>54</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).

(2) Notification.--

(i) revocation, suspension, denial or nonrenewal of a permit shall be in writing and delivered:

(A) by first-class 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 reasoning for the action.

(e) Effect of revocation.--

(1) When a permit is revoked, the former participant may not re-apply for a new permit for a period of twelve (12) months from the date of revocation. If the permit has been revoked due to a founded report of abuse from a local humane society, the revocation shall be permanent.

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

(3) The required removal of any animals from the premises shall be the sole responsibility of permittee.

(4) Removal must occur within ten (10) business days after proper notice to permittee.

(5) Any premises not in compliance with this subsection shall be subject to the violations and penalties under section 6.

(6) Any cost incurred to remove, place or dispose of animals by Susquehanna Township 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 fifteen (15) business days of receipt of notice.<sup>55</sup>

(2) Per Section 27-2610 of the Zoning Ordinance, a public hearing must be commenced within sixty (60) days after written entry of appeal is submitted.

(3) The decision of the Zoning Hearing Board or any decision by the permit officer which is not appealed in accordance with paragraph (1) shall be deemed final action.

## 2. Beekeeping.

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<sup>55</sup> Refer to current zoning appeals process found in Section 27-2707 of the Susquehanna Township Zoning Ordinance.

(a) General rule.--Apiaries shall be permitted in Residential Country (§ 27-502), Low-Density Residential (§ 27-602), and Medium-Density Residential (§ 27-702) zones when in compliance with 3 Pa.C.S. Ch.21 (relating to bees); the other sections of this ordinance and must comply with the following:

(1) Apiaries must be registered with the Pennsylvania Department of Agriculture, Bureau of Plant Industry, in compliance with the laws of this Commonwealth.<sup>56</sup>

(2) Applicants/Permittees must follow the Pennsylvania Apiary Advisory Board Best Practices established by the Pennsylvania State Beekeepers Association.<sup>57</sup>

(3) Applicants/Permittees shall sign an affidavit stating they understand and will comply with the Voluntary General Best Practices for Maintaining European Honey Bee Colonies in Pennsylvania adopted by the Pennsylvania Apiary Advisory Board.<sup>58</sup>

(b) Hive type.--All honey bee colonies shall be kept in inspectable type hives with removable combs. The hives shall be

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<sup>56</sup> 3 Pa.C.S. § 2105 Registration of apiaries.

<sup>57</sup> Pennsylvania Apiary Advisory Board, Voluntary Best Management Practices for Maintaining European Honey Bee Colonies in the Commonwealth of Pennsylvania, [http://www.pastatebeekeepers.org/pdf/BestManagementPractices\\_062513.pdf](http://www.pastatebeekeepers.org/pdf/BestManagementPractices_062513.pdf), (Last visited Nov. 22, 2017).

<sup>58</sup> *Id.*

kept in sound and usable condition as determined by the permit officer.<sup>59</sup>

(c) Density.--

(1) A minimum of one thousand (1,000) square feet of open lot area is required per hive; and<sup>60</sup>

(2) No more than six (6) hives shall be kept on one residential lot.<sup>61</sup>

(d) Location.--

(1) Apiaries are not permitted within twenty (20) feet of any lot line.

(2) The apiary must be at least twenty (20) feet from a contained animal. This can include, but is not limited to: a horse in a pasture/barn, a dog run, a chicken coop or other animal-occupied structure.

(3) The front of an apiary shall face towards the most distant property line, unless the hive would then be facing the residential homestead located on the lot.<sup>62</sup>

(e) Flyway barriers.--

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<sup>59</sup> Governed by 3 Pa. C.S.A. § 2109. "Bee Law"; Inspectable hives allow beekeepers to determine if there is disease or other issues in the hive. <http://www.abcbes.ca/learn/honey-bees/equipment-list/> (Last visited Oct. 30, 2017).

<sup>60</sup> *Id.*

<sup>61</sup> There is wide variety regarding density, ranging from no standard at all to acreage-based densities. This is a variant on the density used in the Cumberland County model ordinance. It was selected because it is simple and sets clear limits. Cumberland County model Non-Commercial Keeping of Livestock/Beekeeping ordinance. <https://www.ccpa.net/DocumentCenter/View/21221>. Additionally, it has been found that a higher density of bees per hive will increase productivity, therefore a smaller number of hives on the property will encourage clustering and increased productivity.

<sup>62</sup> *Id.*

(1) Except as provided in paragraph (2), an apiary shall have a flyway barrier five (5) 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 eight (8) feet beyond the apiary in each direction.<sup>63</sup>

(2) A flyway barrier is not needed if the beehive is kept at least five (5) feet off the ground.<sup>64</sup>

(f) Water.--

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

(2) Subsection (1) shall not apply during the months of November through March.<sup>65</sup>

(g) Safety.--

(1) In any instance in which a hive exhibits unusually aggressive characteristics, the beekeeper of the hive shall be responsible for the destruction or

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<sup>63</sup> Louisiana State University, La., Proposed Model Beekeeping Ordinance for Louisiana Local and Municipal Governments (2009).

<sup>64</sup> Cumberland County Model Non-Commercial Keeping of Livestock/Beekeeping ordinance. <https://www.ccpa.net/DocumentCenter/View/21221>. (Last visited Nov. 20, 2017).

<sup>65</sup> Milwaukee, Wi., Municipal Code § 78-6 (2010); Having a water source on the property prevents the bees from wandering onto neighbor's property for water.

requeening of the hive.<sup>66</sup> Following this destruction or requeening, the beekeeper shall notify the permit officer of the hive's removal, the reason for the removal and the action taken. The information provided under this paragraph shall be documented with the permit officer at the Susquehanna Township office.

(2) Hives shall be located within a secured area to protect the colony and prevent direct access by the public.<sup>67</sup>

(3) Signage shall be posted at a residential location where beekeeping occurs.<sup>68</sup> The signage shall be ten (10) feet from the hive, be easily visible when approaching the hive and state "CAUTION: HONEY BEES". The signage must be at least one foot by one foot in size and clearly legible. Multiple signs may be necessary.

### 3. Chickens.

(a) General rule.--Chickens shall be permitted in Residential Country (§ 27-502), Low-Density Residential

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<sup>66</sup> Pennsylvania Apiary Advisory Board, Voluntary Best Management Practices for Maintaining European Honey Bee Colonies in the Commonwealth of Pennsylvania. [http://www.pastatebeekeepers.org/pdf/BestManagementPractices\\_062513.pdf](http://www.pastatebeekeepers.org/pdf/BestManagementPractices_062513.pdf) (Last visited Nov. 30, 2017).

<sup>67</sup> Cumberland County Model Non-Commercial Keeping of Livestock/Beekeeping ordinance. <https://www.ccpa.net/DocumentCenter/View/21221> section (B)(8)( b).

<sup>68</sup> Louisiana State University, La., Proposed Model Beekeeping Ordinance for Louisiana Local and Municipal Governments (2009).

(§ 27-602) and Medium-Density Residential (§ 27-702) zones when in compliance with this and the other sections of this ordinance.

(b) Non-commercial use.--The keeping of chickens under this section may not be for commercial purposes. The chickens and any products made by or from the chickens may be solely for the benefit of the permittee. A permittee may not engage in commercial:

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

(c) Density.--

- (1) A minimum of two thousand (2,000) square feet of open lot area is required per chicken.<sup>69</sup>
- (2) No more than eight (8) chickens shall be kept on one residential lot.

(d) Type.--

- (1) Chickens must be hens.
- (2) Roosters are prohibited.<sup>70</sup>

(e) Coops.--

- (1) A chicken coop shall:

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<sup>69</sup> *Id.*

<sup>70</sup> Borough of Edgewood, Pa., Ordinance 1050 (401)(B) (Mar. 16, 2015).

- (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.
- (vii) Provide sufficient roosting bars and egg boxes for each chicken.
- (viii) Maintain a steady, livable temperature for the chicks and chickens.<sup>71</sup>

(2) A coop may be either:

- (i) commercially built or designed; or
- (ii) built by the resident using acceptable building materials.

(3) A coop shall provide three (3) square feet of floor space per chicken.<sup>72</sup>

(f) Pens.--

(1) A pen shall provide at least ten (10) square feet of floor space per chicken.

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<sup>71</sup> Nutrena, How Much Heat Should Baby Chicks Have? <https://www.nutrenaworld.com/blog/heat-lamps-for-chicks> (Last visited Nov. 27, 2017).

<sup>72</sup> Ordinances vary as to the required square footage, the minimum being two square feet per chicken. How to Determine Your Space Requirements and Flock Size, <http://www.dummies.com/home-garden/hobby-farming/raising-chickens/how-to-determine-your-flock-size-and-space-requirements/> (Last visited Nov. 20, 2017).

(2) A pen shall be constructed in a way to prevent chickens from escaping and shall prevent predators from entering into the pen.

(3) A pen shall be accessible by the hens from their coop when they are not secured in the coop.<sup>73</sup>

(g) Location.--

(1) Pens and coops shall be located in the backyard only. The placement of any pen/coop in a side yard is prohibited.

(2) A pen shall be kept at least twenty-five (25) feet from any cartway.

(3) Part of a pen or coop closer than ten (10) feet to any property line shall be screened by closed fencing or solid hedge.

(4) A pen shall not be closer than ten (10) feet to any property line.

(5) No part of a pen may be less than fifteen (15) feet from any neighboring house.<sup>74</sup>

(h) Living conditions.--

(1) A chicken shall have access to suitable food and clean water at all times.

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<sup>73</sup> Borough of Shippensburg, Pa., Borough Code Ch. 69 art. IV (2012).

<sup>74</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) <http://www.ctnofa.org/documents/Chicken%20Manual.pdf>. (Last visited Nov. 10, 2017).

(2) Feed shall be secured in a sturdy, lidded container to prevent rodents or other pests from accessing the feed.

(3) A chicken shall have adequate bedding of straw or shavings.

(4) A coop shall be cleaned and re-bedded weekly.<sup>75</sup>

(5) A pen shall be either cleaned or moved on the property once every two (2) weeks.

(6) A veterinarian shall be identified and used for any necessary medical care. The veterinarian's name and phone number shall be posted on the door of the coop. The sign containing this information shall be at least eight (8) inches high by eight (8) inches wide.

(i) Disposition of deceased chickens.--Chicken carcasses shall be disposed of in compliance with 3 Pa.C.S. § 2352 (relating to disposal of dead domestic animals).<sup>76</sup>

(j) No person shall slaughter a chicken in a residential zone.<sup>77</sup>

#### 4. Disposal of waste material.

All waste shall be disposed of as follows:

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<sup>75</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> (Last visited Nov. 15, 2017).

<sup>76</sup> 3 Pa.C.S. §2352

<sup>77</sup> Kelley, Doug. Food Producing Animals (FPA) Suggested Care Practices and Local Resource Chickens, Ducks, and Goats, City and County of Denver.

(1) Appropriate waste disposal may be any of the following:

(i) Double bagged and placed into a lidded municipal waste container;

(ii) Placed into a designated container to be composted appropriately;

(iii) Property owner may provide a written contract with a waste removal company whereby said company agrees to remove the waste; or

(iv) Permittee may give the waste to another person for composting.

(2) Where the waste is composted by the permittee, the permittee shall:

(i) Notify persons using the material to compost that the waste contains chicken excrement.

(3) Waste may not be disposed of by dumping in any location.

(4) All waste composting structures or waste storage structures must be located at least ten (10) feet from any boundary line.

## 5. Nuisances.

(a) General rule.--A nuisance caused by the non-commercial keeping of chickens and bees may be:

- (1) a health hazard; or
- (2) activity that interferes with the use or

enjoyment of neighboring property.<sup>78</sup>

i. Including but not limited to:

1. Excessive noise;
2. Excessive odor or
3. Excessive dust.

(b) Duty of the permit officer.--The permit officer shall inspect and advise on the abatement of a nuisance.

(c) Suspension of permit.--If the nuisance is not corrected, the permit officer shall suspend the permit in compliance with section 1(d)(1)(iii) within ten (10) business days after resident has received notice.

## 6. Violations.

(a) Fine.--Violation of this ordinance shall be handled in accordance with Sections 27-2620 through 27-2622 of the Susquehanna Township Zoning Ordinance.

(b) Costs.--All costs incurred to abate an issue arising under this ordinance shall be assessed against the owner separate from the fine specified in subsection (a).

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<sup>78</sup> Borough of Shippensburg, PA., Borough Code Ch. 69 art. IV (2012).

(c) Any instances of animal cruelty shall be immediately referred to a local humane society. A finding of cruelty from said humane society will result in immediate and permanent loss of permit for permittee.

7. Permit fees.

(a) Use.--Permit fees collected under this ordinance shall be used to offset the cost of a permit officer and other costs associated with enforcement of this ordinance or education for the members of Susquehanna Township non-commercial bee and chicken keeping.

(b) Amount.--Permit fees shall be regulated in accordance with Section 27-2604 of the Susquehanna Township Zoning Ordinance.

Section 8. Severability.

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

Section 9. Repeal.

All other ordinances and parts of ordinances are hereby repealed insofar as they are inconsistent herewith.<sup>79</sup>

Section 10. Effective date.

This ordinance shall become effective upon enactment.

ORDAINED AND ENACTED as an Ordinance this \_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

BOARD OF COMMISSIONERS OF  
SUSQUEHANNA TOWNSHIP

\_\_\_\_\_  
DAVID W. KRATZER, JR., Secretary

\_\_\_\_\_  
FRANK LYNCH, President

<sup>79</sup> § 19.61. General repeal., 101 PA ADC § 19.61