

BOROUGH OF CASTLE SHANNON

ORDINANCE NUMBER 926

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE BOROUGH OF CASTLE SHANNON, PENNSYLVANIA, ADDING DEFINITIONS, PROVIDING FOR, AND REGULATING URBAN AGRICULTURE (KEEPING OF BEES AND POULTRY BIRDS) IN RESIDENTIAL DISTRICTS OF THE BOROUGH

WHEREAS, the Borough Council of the Borough of Castle Shannon, upon receiving recommendations from the Borough's Planning Commission and Zoning Officer and after conducting public hearing(s), has determined that it is in the best interests of the Borough of Castle Shannon that the Borough's Zoning Ordinance be amended to define, provide for and regulate urban agriculture in residential zoning districts of the Borough, and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Castle Shannon, in lawful session duly assembled, and it is hereby ORDAINED AND ENACTED as follows:

Section 1 After receiving input from the public at a public hearing and from the Borough's Planning Commission, the Borough Council determines that urban agriculture shall be permitted as an accessory use in residential zoning districts and subject to certain regulations including, but not limited to, registration with the Borough Zoning Officer, minimum lot sizes, required setback distances from adjacent property and other requirements as set forth herein.

Section 2 The Zoning Ordinance of the Borough of Castle Shannon, as adopted by Ordinance Number 891, as amended, is hereby amended as follows:

A. Section 102 of the Zoning Ordinance (related to definitions) is amended to add the following definitions:

APIARY - Any place where one or more colonies of bees are kept.

BEE - Any stage of common hive or honeybee (*Apis mellifera*) or other species of genus *Apis*.

BEEKEEPER - An owner of an Apiary or a person who has charge of an Apiary or one or more colonies of bees in Castle Shannon Borough. The term "Beekeeper" will include the owner of the property upon which a Hive is located.

COLONY - An aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times many drones, including brood, combs, honey and the receptacle inhabited by the bees.

FLYWAY - A barrier composed of dense vegetation or man-made materials which direct bees quickly into the sky.

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.

POULTRY BIRDS – Chickens and Quail except as otherwise provided herein.

URBAN AGRICULTURE – The keeping of bees and/or the keeping of poultry birds in residential districts of the Borough.

B. Section 201, Table 2 of the Zoning Ordinance (related to accessory land uses) is amended to add Urban Agriculture as permitted accessory uses in the R-1 zoning district.

C. Part 2 of the Zoning Ordinance is amended to add section 204 to read as follows:

§204. SUPPLEMENTAL REGULATIONS – RESIDENTIAL DISTRICTS

§204.1. Urban Agriculture. Urban Agriculture is permitted as an accessory residential use in the R-1 Zoning District, subject to the following requirements:

A. The Keeping of Poultry Birds

1. Keeping of poultry birds requires the submission of an initial application to and the receipt of a zoning permit from the Zoning Officer for approval before any poultry birds are kept or structure is built. The permit must be renewed annually.

- a. The initial and annual application shall be established by the Borough Code Official. The initial and annual permit fee shall be established from time to time by resolution of Borough Council.
- b. Non-property owners that wish to keep poultry birds must include with their application written permission from the property owner or landlord that specifically indicates that the non-property owner has permission to keep poultry birds on the subject property.

2. Male chickens (roosters) and guinea hens shall not be permitted.

3. No poultry birds may run at large within the Borough and must be contained within the owner's property.
4. All seed, fertilizer, and animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
5. No person shall keep or harbor poultry birds in the Borough in a manner that creates an offensive odor, excessive noise, or unsanitary conditions which disturb neighboring residences or threaten public health. Poultry birds running at large shall be considered a public nuisance.
6. Keeping of poultry birds requires a minimum lot size of five thousand (5,000) square feet. Lots or properties that meet the minimum lot size are permitted two (2) poultry birds. For every additional one thousand (1,000) square feet of property above the minimum requirement, the owner is permitted two (2) additional poultry birds up to a maximum of six (6) poultry birds.
7. It shall be unlawful for any person to spread or cause to be spread or deposited upon any ground or premises within the Borough any manure from poultry birds. The application for a permit to keep poultry birds shall include a manure management plan and reflecting best management practices, including composting if applicable, for management of manure.
8. Poultry birds are required to reside in a designated coop.
 - a. A separate permit is required prior to the construction of a chicken coop. Applications for a permit shall be submitted to the Zoning Officer in such form and with such information as the Zoning Officer shall require.
 - b. All structures related to the housing of poultry birds shall be at least eight (8) Sq. Ft. in size per poultry bird. Coops shall be no larger than seventy-five (75) sq. feet.
 - c. All structures shall be located at least ten (10) feet from any property line and are not permitted in front of any primary building or within any required building setback.
 - d. The hen house and/or pen shall be properly designed and constructed to provide adequate security from rodents and predators. Sufficient ventilation and suitable shelter for hens must be provided. The hen house may not be taller than six (6) feet and must be easily accessible for cleaning and maintenance. Any windows must be screened with chicken wire to protect the hens from predators.

- e. During winter months a heat source must be provided. Low volume heat panels are permitted but no light fixtures or open flames (i.e. kerosene heaters) may be used for that purpose.

9. Poultry birds shall be provided with access to hanging feeders and clean water at all times.

10. Property with coops and runs shall be open at all times for an on-site inspection by a Borough authorized individual.

11. Slaughtering or butchering of poultry birds is not part of the permitted use set forth in this section.

12. Nothing in this section is intended to permit the sale of poultry bird parts or eggs. Any such sale must comply with all Borough, county, state and federal laws and regulations.

13. Any coop that is not occupied for a period of one (1) year must be removed.

B. The Keeping of Bees and Beehives. Subject to the standards in this Section, it shall be lawful to maintain an Apiary as an accessory use in any residential district.

1. Keeping of bees and beehives requires the submission of an initial application to and the receipt of a zoning permit from the Zoning Officer for approval before any bees are kept or beehive is built. The permit must be renewed annually.

- a. The initial and annual application shall be established by the Borough Code Official. The initial and annual permit fee shall be established from time to time by resolution of Borough Council.
- b. Non-property owners that wish to keep Bees must include with their application written permission from the property owner or landlord that specifically indicates that the non-property owner has permission to keep bees on the subject property.

2. For properties with a minimum of five thousand (5,000) square feet in size, the property owner is permitted to keep one (1) beehive. For properties of seven thousand (7,000) square feet or more in size, a maximum of two (2) beehives may be permitted.

3. All beekeepers owning or maintaining an Apiary in the Borough shall register all bee apiaries with the Pennsylvania Department of Agriculture as required by law.

4. All beekeepers owning or maintaining an apiary in the Borough shall also register all apiaries with the Zoning Officer.
5. All beekeepers owning or maintaining an apiary in the Borough shall practice those best management practices as set forth by the Pennsylvania Department of Agriculture.
6. A beehive that is not occupied for a period of one (1) year must be removed.
7. Location of beehive(s).
 - a. Beehive(s) shall be located a minimum of ten (10) feet from any lot line, and must be closer to the principal structure than to any lot line.
 - b. Beehive(s) shall not be located in a front yard or side yard and may only be located behind the principal structure on the lot.
8. Water. All Beekeepers shall ensure that a convenient source of fresh water is available to the bees from March 1 to November 1 so that the bees will not congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may cause human, bird or domestic contact.
9. Flyway barrier. A flyway barrier, at least six (6) feet in height, shall be placed along the side of the beehive(s) that contains the entrance to the beehive(s), shall be located within five (5) feet of the beehive(s) and shall extend at least two (2) feet on either side of the beehive(s). A flyway barrier shall consist of a solid panel, dense vegetation, or some combination thereof.
10. A property with beehives shall be open at all times for an on-site inspection by a Borough authorized individual.

Section 3 Any ordinance or part of ordinance conflicting with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4 Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

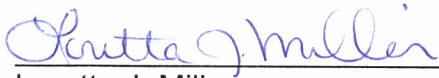
Section 5 If any provision of this ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions which shall continue in full force and effect.

Section 6 This ordinance shall be in full force and effect immediately upon and after its final passage.

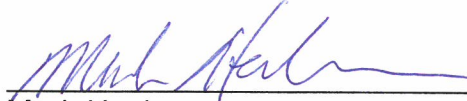
ORDAINED AND ENACTED into law this 24th day of May 2021.

ATTEST

BOROUGH OF CASTLE SHANNON



Loretta J. Miller
Acting Manager



Mark Heckmann
President of Council

Examined and approved this 24 day of May 2021.



Donald J. Baumgarten, Mayor