

**BOROUGH OF MILLERSBURG  
COUNTY OF DAUPHIN  
COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO. 5-22**

**HOUSEHOLD BIRD ORDINANCE**

**AN ORDINANCE AMENDING CHAPTER 2 OF THE MILLERSBURG ORDINANCES,  
ANIMAL REGULATIONS, TO ESTABLISH REGULATIONS FOR THE NUMBER OF  
HOUSEHOLD BIRDS THAT MAY BE KEPT ON A PROPERTY AS WELL AS REGULATING  
THE MANAGEMENT OF THE HOUSEHOLD BIRDS TO PREVENT PUBLIC NUISANCES**

**Whereas**, the Borough of Millersburg seeks to maintain a peaceful and pleasant environment for residents, and in order to do so must put into place limits on the number and variety of animals that may be kept as pets or as domestic animals. This amendment to the Borough’s longstanding Animal Ordinances specifically pertains to chickens, geese, or any other avian species that a property owner or Borough resident wishes to keep within Millersburg Borough.

**Section 1 - Definitions**

**Annoyance** – The state of being irritated.

**Chicken Run** – An enclosed area in which household birds are allowed to walk and run about.

**Commercial Purposes** – Any attempt to profit or benefit from the household birds by selling, trading, bartering, or otherwise using the eggs, meat, or products created by a household bird. This also includes breeding chicks and selling, trading, bartering, or otherwise seeking to profit from the chicks.

**Coop (Chicken Coop)** – A small building for housing poultry.

**Household Bird** – A chicken, goose, or other avian species that is kept for any of the following reasons: 1) to provide eggs and/or meat for the members of the household to consume, or 2) to provide companionship to the property owner or resident but is of a species which is primarily considered to be a “food” bird whether it be for eggs, meat, or other products. This definition does not pertain to parrots, cockatiels, or other such bird breeds that are predominantly kept as pets inside of the residence.

**Inconvenience** – Difficulty caused to one’s personal requirements or comfort.

**Nuisance** – Any person, thing or circumstance which causes inconvenience or annoyance to an individual.

**Section 2 - Limits on the Number and Gender of Household Birds**

- a. **Limit on Number of Household Birds** – A property owner, or tenant with permission from the property owner, may keep no more than nine household birds per property. The nine household

birds do not include any chicks that are not yet capable of laying eggs. If keeping the chicks until maturity would increase the number of household birds over the limit of nine, the owner of said chicks shall be responsible for removing the excess chicks from the property within fourteen (days) of the chicks turning 10 weeks old.

Meat breed chickens may be kept for food if they: 1) are 12 weeks of age or less of either sex, 20 birds max/flock; 2) are harvested in a sanitary fashion including offal management; 3) are to be consumed by the house, not to be sold.

- b. **Roosters** – Roosters or any other male bird will be permitted so long as no nuisance issues arise. Only one male permitted per property.
- c. **Multiple Households on One Property** – For multi-unit properties, including apartments and duplex homes, the limit is nine household birds total across all units on a property. If there are multiple chicken owners, the various owners must maintain a record of how many chickens they own and be able to provide that record promptly to the Borough upon request. All households must register through database (6d.).
- d. **Existing Household Birds** – For properties that have household birds at the time of this Ordinance being enacted and have household birds more than the permitted amount, the following shall apply:
  - .1 The property owners or tenants will be permitted to keep any existing household birds. Upon the death or removal of a bird in the flock, the owners or tenants will not be permitted to replace the birds by purchasing, trading for, breeding, or otherwise acquiring such household birds as to make the flock exceed the limit of nine.
  - .2 If household is over the maximum amount of birds and purchases more after this Ordinance goes into effect, the birds must be disposed of or relocated off the property within 30 days.
  - .3 All other sections of this Ordinance, including location of the coop or chicken run and other such requirements, shall be applicable to existing birds.

### **Section 3 - Where Household Birds are Permitted**

The keeping of household birds shall be permitted in any zoning district provided that the property owner or tenant can demonstrate to the Borough's satisfaction that there is sufficient room (as described in Section 4.b.2) and must be compliant with the living conditions enumerated in this Ordinance.

### **Section 4 - Chicken Coops or Runs**

- a. **Coop and Run Placement** – All coops and runs must be, at a minimum, 25 feet away from a doorway, window, or other opening of an occupied dwelling other than that of the dwelling of the owner or resident that is keeping household birds. As long as no new violations as stated below occur, it is permissible to keep any existing chicken coops or runs previously placed.
- b. **Coop Requirements** – The following shall apply to all coops, runs, and enclosures:

- .1 It shall be kept in a clean, dry, neat and sanitary condition at all times, and shall have minimal odor.
- .2 Coops and enclosures will provide adequate ventilation, shade, and space for the birds. Adequate space is a minimum of three-square feet per bird.
- .3 No coop, run, or enclosure shall be placed in a front yard or a side yard.
- .4 Installation of a new coop, run, or enclosure and/or replacement of an existing structure shall require a zoning permit. For properties that are not owner occupied, a zoning permit application to install a coop, run, or other enclosure must be accompanied by written permission from the property owner to install said run, coop, or enclosure.
- .5 At a minimum, coops must be structurally sound, vermin and predator-proof. The coops must have a roof and doors, in addition to being enclosed on all sides. The doors must be able to be shut and locked at night. Openings, including windows and vents, must be covered in vermin and predator-proof hardware cloth (appropriate mesh sizes shall include ½ and ¼ inches).
- .6 Coops, runs, and enclosures must be kept in good repair at all times. Upon notice from a Borough designated official that a coop, run or enclosure is not considered in good repair, the owner of the birds must be compliant with the timeline established by the official or be subject to the penalties in Section 7.

## **Section 5 - Manure Nuisances**

- a. **Storage of Manure** – All chicken manure that has not been composted is to be stored in an airtight and watertight container that does not exceed the equivalent of 30-gallons.
- b. **Composting** – Compost area should be no more than 12 square feet in area and the compost pile should have a cover of mulch, sawdust or similar material. Manure that has been fully composted can only be spread on the property that has the household birds that produced the manure.

## **Section 6 - Control and Safety of Household Birds**

- a. **Control of Birds** – Any owner of birds is required to keep the animals contained within an approved coop (Section 4b), run, or enclosure at all times unless accompanied and controlled by owner. Failure to keep animals contained/controlled will constitute a violation of this Ordinance.
- b. **Dead Birds** – All dead birds are to be removed and disposed of immediately upon discovery. Disposal is to be done in a sanitary fashion.
- c. **Other Domestic Animals and Birds** – No dog, cat, or other domestic animal which kills a household bird shall, for that reason alone, be considered a dangerous or aggressive animal.

Applicable leash laws may apply and a fine assessed upon the legal owner of the neighboring pet causing loss to the flock.

- d. **Registering Birds** – All household birds by house/pen number will be registered by the Borough to promote animal health. A \$2 one-time administrative fee for registering the pen with the Borough will be collected and a pen number will be assigned to the homeowner. This pen number is to be marked on the main pen for identification (stencil, paint, sticker, etc.) and be visible to any inspector. Pen numbers will stay with the address assigned and should be retired should poultry no longer be kept by the homeowner.
- e. **Mortality Rate** – Should the owner lose 2 birds in 2 weeks, owner shall call their veterinarian or the Department of Agriculture for further instruction. If a reportable disease is diagnosed, owner is to refer the responding health officer to the Borough Office to assist in area testing.

## **Section 7 - Violations, Penalties, and Enforcement**

- a. **Violations** – The following shall be considered violations of this Ordinance and shall subject the household bird owner to penalties:
  - .1 Failure to contain household birds within coop or run shall be a violation of this Ordinance.
  - .2 Failure to uphold cleanliness standards and effective manure management.
  - .3 Male birds become a nuisance with noise, shows aggression to flock, or there is concern for the bird's well-being.
  - .4 Number of birds rises over required limit due to incessant breeding.
  - .5 Ownership of household birds that have not been registered through the Borough and have an unmarked pen.
  - .6 The selling, trading, bartering or any other profiting created from the birds.
  - .7 Failure to abide by any of the provisions of this Ordinance.
- b. **Penalties** – The following shall be the penalties for violations of this Ordinance:
  - .1 An initial failure to contain a Household Bird to the confines of coop or run will result in a warning. Upon a second incident, a Quick Ticket fine of \$50 will be issued. In the event of three events at a property, Council requests the bird owner to rehome or otherwise remove the entirety of their flock due to improper management.
  - .2 With a failure to uphold cleanliness standards, owners will be given an initial warning. A second violation will lead to ammonia air testing and a Quick Ticket fine of \$50 will be issued. . A third violation will lead to a re-testing of the air. If ammonia in the air is too high (20 ppm +), a complaint will be filed with the Dauphin County Conservation District to require the owner to form a Manure Management Plan.

- .3 If male birds are causing a nuisance with noise, the number of birds is not managed properly, or if the rooster is aggressive, a complaint may be filed. There will be an initial warning. Upon a second incident, a Quick Ticket fine of \$50 will be issued. If a third violation arises, the Council shall request the owner rehome or otherwise remove the rooster or male bird.
  - .4 Failure to mark the main pen for identification that is visible to any inspector or false representation of numbers would incur a Quick Ticket fine of \$50. Unidentified pens within the Borough would garner a first warning followed by a \$100 fine after three weeks from the warning.
- c. **Enforcement** – It shall be the prerogative of Millersburg Borough Council to select individuals to handle all matters related to household birds. A preliminary list of individuals shall include:
- .1 The Borough Manager.
  - .2 A third-party code enforcement officer, at the direction of the Borough Manager.
  - .3 Any member of the Millersburg Police Department, including the Police Clerk.
  - .4 Any other individual employee or contractor that Millersburg Borough Council chooses to handle such matters.
  - .5 By keeping poultry, the owner by implied consent will abide by all directives of the PA Department of Agriculture, USDA or other designated agency in regard to poultry health directives. This may include the quarantine, testing and depopulation of poultry for disease containment under official order.

### **Section 8 - Repealer**

Any ordinances of the Borough that conflict with this Ordinance are hereby repealed.

### **Section 9 - Severability**

The provisions of this Ordinance are severable. Should any portion of this Ordinance be declared by a final order of court invalid, the remaining provisions shall be unaffected by such declaration and shall remain in force and effect.

### **Section 10 - Effective Date**

This Ordinance shall go into effect on the following date: 10-12-2022

ENACTED AND ORDAINED this 12<sup>th</sup> day of October, 2022.

ATTEST:

MILLERSBURG BOROUGH  
DAUPHIN COUNTY, PENNSYLVANIA

Ann Bowman Gersa  
Secretary

Clay C. Ditz  
President

ENACTED AND APPROVED this 12<sup>th</sup> day of October, 2022.

Alan  
Mayor

SEAL