

**TOWNSHIP OF FINDLAY  
ORDINANCE NO. 389**

**AN ORDINANCE OF THE TOWNSHIP OF FINDLAY, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 117.317 OF THE FINDLAY TOWNSHIP ZONING CODE TO ADDRESS THE KEEPING OF BEES, RABBITS, CHICKENS, AND OTHER ANIMALS IN VARIOUS AREAS OF FINDLAY TOWNSHIP, AMENDING SECTION 117.202 DEFINITIONS; AMENDING THE TABLE OF USES AND ACCESSORY USES ACCORDINGLY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of Supervisors of the Township of Findlay ("Township") has been vested with the power and authority to make and adopt ordinances, bylaws, rules, and regulations non inconsistent with or restrained by the Constitution and laws of this Commonwealth, as is expedient or necessary for the proper management, care, and control of, *inter alia*, the Township's finances, the maintenance of peace, good government, safety, and welfare of the Township, its trade, commerce, and manufacturers; and

**WHEREAS**, the concept of local sustainability has inspired an interest in backyard food production, such as the keeping of chickens for egg product and the keeping of bees for honey product; and

**WHEREAS**, the Township desires to provide for the regulation of chickens, bees, and other kinds of outdoor animals in an effort to avoid nuisances and provide for and protect the public health, safety and welfare for the residents within the geographic limits of Findlay Township; and

**WHEREAS**, the Board of Supervisors has properly advertised and held a public hearing on June 10<sup>th</sup>, 2013 on the proposed amendment; and

**NOW, THEREFORE**, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Findlay Township, Allegheny County, Pennsylvania, that:

**Section 1.** Section 117.202 of the TOWNSHIP CODE shall be amended to add the following definitions:

**AFRICANIZED HONEYBEE** – Hybrids of the African Honeybee with various European honeybees that are aggressive compared to the European subspecies.

**APIARY** – any place where one or more colonies or nuclei of bees are kept.

**BEE** – any stage of the common hive or honeybee (*Apis mellifera*) or other species of the genus *Apis*.

**BEEKEEPER** – an owner of an apiary or a person who has charge of an apiary of one or more colonies of bees in the Township.

**BEE DISEASE** – any American or European foul brood, sac brood, bee paralysis or other disease or abnormal condition or eggs, larval, pupal, or adult stages of the honeybee.

**CHICKENS** – for the purposes of this code, a chicken (*Gallus domesticus*) refers only to a female chicken.

**CHICKEN COOP** – building used for housing chickens.

**COLONY** – an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times many drones.

**EXOTIC ANIMALS** - not limited to, any of the following, whether bred in the wild or in captivity, and any or all hybrids. The animals listed are intended to act as examples and are not to be construed as an exhaustive list: hippopotamuses, giraffes, camels, deer, lions, tigers, cougars, leopards, wolves, coyotes, foxes, jackals, bears, weasels, skunks, raccoons, hyenas, mongooses, sloths, Africanized honeybees, armadillos, kangaroos, wallabies, opossums, rhinoceroses, monkeys, chimpanzees, gorillas, squirrels, beavers, porcupines, crocodiles, and alligators.

**FISH HATCHERY** – a place for hatching eggs of fish. See FISH.

- **FISH** – including, but not limited to, aquatic animals that are cold-blooded aquatic vertebrates that have gills, fins, and typically have elongated bodies covered with scales.

**FLYWAY BARRIER** – a barrier composed of a fence, vegetation, hedge, or combination thereof, which directs the bees quickly into the sky.

**FUR-BEARING ANIMAL RANCH** – an establishment maintained for raising fur-bearing animals under range conditions. See FUR-BEARING ANIMALS.

- **FUR-BEARING ANIMALS** - certain animals, whose skin is covered with a thick and hairy coat, but which does not include exotic animals.

**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 by a Beekeeper as a domicile for bees which are expected to establish a permanent nest. The hive or hive grouping may be referred to as the “Beekeeping facilities” herein.

**HORSE** -- a large hoofed mammal having a short-haired coat, a long mane, and a long tail, domesticated, and used for riding and for drawing or carrying loads. The definition of horse includes a donkey and equine hybrids, such as a mule or hinny.

**POULTRY HATCHERY** – a place for hatching eggs of poultry for commercial use. See **POULTRY**.

- **POULTRY** – domesticated fowl such as chicken, turkey, duck, geese and guinea fowl.

**LIVESTOCK** – an animal belonging to the bovine (cow or ox), caprine (goat), equine (horse), ovine (sheep), or porcine (swine) species, ostriches, rheas, and emus, or poultry (i.e. turkey, duck, geese, guinea fowl), but excluding chickens. The animals listed are intended to act as examples and are not to be construed as an exhaustive list.

**RABBIT** – a large-eared animal that is classified as a hopping lagomorph, including hares.

**RABBITRY**: Includes any establishment where rabbits are raised, bred, housed, sold or otherwise disposed of for hire or for profit, or where more than three (3) rabbits are harbored or kept.

**ROOSTER** – a male chicken.

**Section 2.** Section 117.317, Express Standards and Criteria for **ACCESSORY USES** and **STRUCTURES** of the **TOWNSHIP CODE** shall be amended to add the following sections:

#### § 117.320. KEEPING OF CHICKENS

The keeping of **CHICKENS** shall be allowed by right as an accessory use incidental to the permitted principal use in the following districts: Agricultural (AG), Low Density Residential (LDR), Medium Density Residential (MDR), Mixed Use (MXU), and Village District (VLD) zoning districts provided the following conditions are met:

- 117.320.1. No person shall keep or maintain a **ROOSTER** in Findlay Township in any zoning district other than the Agriculture (AG) zoning district.
- 117.320.2. All **CHICKENS** shall be housed in a roofed coop that is stationary, secure, and enclosed in a way that contains the chickens.
- 117.320.3. A **CHICKEN COOP** may be an existing structure, if it meets applicable setback requirements and the requirements of this ordinance, or a new structure if zoning and building permits are obtained.
- 117.320.4. The **CHICKEN COOP** shall not be within 10 feet of any **DWELLING**.
- 117.320.5. The **CHICKEN COOP** shall be setback a minimum of 10 feet from any **LOT LINE**.
- 117.320.6. The minimum **CHICKEN COOP** size shall be three (3) square feet per **CHICKEN**. The maximum overall coop size shall not exceed 30 square feet. This provision does not apply in the Agricultural (AG) district.
- 117.320.7. A person or household shall not erect or maintain more than one **CHICKEN COOP** on their property. This provision does not apply in the Agricultural (AG) district.

- 117.320.8. A CHICKEN COOP is prohibited from being located in the front or side yard of any property; a CHICKEN COOP shall be maintained only in the backyard of a property. This provision does not apply in the Agricultural (AG) district.
- 117.320.9. Up to ten (10) CHICKENS are allowed to reside per property in Low Density Residential (LDR), Medium Density Residential (MDR), Village (VLD), and Mixed Use (MXU) zoning districts. CHICKENS may not be kept on MULTIPLEX DWELLING properties. Chicken are not allowed within MOBILE HOME LOTS OR MOBILE HOME PARKS.
- 117.320.10. An outside run is permitted when attached to the CHICKEN COOP.
- 117.320.11. If an outside run is provided, it shall be no bigger than 10 square feet per CHICKEN and shall be enclosed in a way that contains the CHICKENS. This provision does not apply in the Agricultural (AG) district.
- 117.320.12. The outside run shall not be within 10 feet of any DWELLING on an adjacent lot.
- 117.320.13. CHICKENS shall be kept for personal use only. The selling of CHICKENS, CHICKEN eggs, or CHICKEN manure, or the breeding of CHICKENS for commercial purposes is prohibited. This provision shall not apply in the Agricultural (AG) district.
- 117.320.14. It shall be unlawful for the owner or owners of any CHICKENS to allow the same to run at large upon any of the common thoroughfares, sidewalks, passageways, play areas, parks, streets, alleys, or public highways or any place where people congregate or walk, or upon any public or private property without an approved coop and run in the Township. Any CHICKEN not contained within an approved CHICKEN COOP or run shall be deemed "at large." This provision shall not apply in the Agricultural (AG) district, provided, however, that CHICKENS must be contained.
- 117.320.15. An owner or owners of CHICKENS within the limits of the Township are hereby required to house the same at all times under sanitary conditions so that the keeping of CHICKENS shall not become either a public or private nuisance. The following provisions apply:
- 117.320.15.1. All CHICKEN feces accumulated on private property shall be removed by using the approved sanitary method of double bagging and placed in the trash for collection.
- 117.320.15.2. CHICKEN feces on private property shall not be allowed to accumulate to the degree that it becomes a public health nuisance or hazard. In cases where chicken feces does accumulate on private property, the Code Enforcement Officer or his designee may conduct an investigation, after which the accumulation may be declared a public health hazard or nuisance and that the owner shall be ordered to remove and dispose of the accumulated feces in an approved manner. The order to remove such accumulated feces shall be given personally to the owner or shall be sent by certified mail and the owner shall be given a period of 48 hours from the date and time of receipt of the order to clean the property and remove the accumulated feces.

- 117.320.16. It shall be unlawful for any person to spread, or cause to be spread or deposited upon any ground or premises within the Township, any CHICKEN manure. However, CHICKEN manure may be composted on property in the Agricultural (AG) district.
- 117.320.17. No person shall slaughter any CHICKEN in the Township in any other zoning district than the Agricultural (AG) district.
- 117.320.18. All feed water and other items associated with the keeping of chickens shall be protected in a way that prevents infestation by rats, mice, or other rodents or vectors.

§ 117.321. BEEKEEPING

The keeping of BEES shall be prohibited, except as allowed by right as an accessory use incidental to the permitted principal use in the following districts: Agricultural (AG), Low Density Residential (LDR), Medium Density Residential (MDR), Mixed Use (MXU), and Village District (VLD) zoning districts provided the following conditions are met:

- 117.321.1 No more than four HIVES are allowed on LOTS of less than ½ acre.
- 117.321.2 Beekeeping facilities shall be setback a minimum of 10 feet from any LOT LINE.
- 117.321.3 HIVE entrances shall face away from neighboring property and in such a direction that bees fly across the BEEKEEPER'S property at sufficient distance to gain a height of at least six feet at the property line. The use of barriers may be employed to redirect the BEES' flight pathway and establish BEE flight pathways above six feet. Should the flight path not be able to be obtained as described above, then a FLYWAY barrier shall be placed at least four (4) feet in height, shall be placed along the side of the HIVE(s) that contains the entrance to the HIVE(s), shall be located within five (5) feet of the HIVE(s), and shall extend at least two (2) feet on either side of the HIVE(s). A FLYWAY barrier shall consist of a fence, vegetation, hedge, or combination thereof, the provides for suitable flight path of bees as described above. No FLYWAY barrier is required for HIVE(s) that are located on porches or balconies at least ten (10) feet above grade.
- 117.321.4 Beekeeping facilities shall not be located within fifty feet of a swimming pool or permanently kenneled animal.
- 117.321.5 Beekeeping facilities are prohibited from being located in the front or side yard of any property; Beekeeping facilities shall be maintained only in the backyard of a property. This provision does not apply in the Agricultural (AG) district.
- 117.321.6 Beekeeping facilities shall be managed in such a manner as to minimize the potential occurrence of bees entering streets, sidewalks, or unauthorized properties.
- 117.321.7 Beekeeping facilities shall erect signs as necessary to warn persons of the presence of bees.

- 117.321.8 Beekeeping facilities shall at all times be in compliance with all applicable laws and regulations.
- 117.321.9 The Township, working with the Pennsylvania Department of Agriculture and/or any official APIARY inspector, shall have free access, ingress, and egress to and from any apiary, premises, building, or other place, public or private, in which BEES, wax, honey, HIVES, or appliances may be kept or stored. No personal shall deny any such access or hinder or resist an inspection.
- 117.321.10 It shall be unlawful for any BEEKEEPER to keep any HIVE in such a manner as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life, or interfere with the normal use and enjoyment of the properties surrounding the property on which the bees are kept. By way of example and not of limitation, the following activities are hereby declared to be a public nuisance and are, therefore, unlawful:
  - 117.321.10.1 Multiple BEES stinging, attacking, or otherwise molesting others, including pedestrians, bicyclists, motor vehicle passengers, or domestic animals;
  - 117.321.10.2 The keeping of BEES not in compliance with these Zoning provisions;
  - 117.321.10.3 The keeping of BEES which interferes with the freedom of movement of persons in a public right-of-way; and
  - 117.321.10.4 The keeping of overcrowded, bee diseased, or abandoned HIVES.
- 117.321.11 BEES shall be kept for personal use only. The selling of BEES or BEE products for commercial purposes is prohibited. This provision shall not apply in the Agricultural (AG) district.
- 117.321.12 The Beekeeping Zoning provisions shall not apply to the keeping of BEES within an educational institution for study or observation, or within a physician's office or laboratory for medical research, treatment, or other scientific purposes.

§ 117.322. KEEPING OF RABBITS

The keeping of rabbits for personal use shall be allowed by right as an accessory use incidental to the permitted principal use in the following districts: Agricultural (AG), Low Density Residential (LDR), Medium Density Residential (MDR), Mixed Use (MXU), and Village District (VLD) zoning districts provided the following conditions are met:

- 117.322.1. No person or household shall maintain more than three (3) RABBITS in any zoning district other than the Agricultural (AG) district.
- 117.322.2. If kept outside, RABBITS must be kept in an enclosure, no part of which is within ten (10) feet of any property line.
- 117.322.3. All enclosures in which any RABBITS referred to in this section are kept, must be maintained in a sanitary manner, and be regularly cleaned, in order to prevent any accumulation of manure or offal.
- 117.322.4. RABBITS shall be kept for personal use only. The selling of RABBITS or RABBIT products for commercial purposes is prohibited. This provision

shall not apply in the Agricultural (AG) and Heavy Industrial (HI) districts where RABBITRY is allowed as a conditional use.

§ 117.323. STABLING OF HORSES

The stabling of horses shall be prohibited, except as allowed by right as an accessory use in the Agricultural (AG) district and by conditional use in Low Density Residential (LDR) and Medium Density Residential (MDR) zoning districts provided the following conditions are met:

**[See Section 3, which authorizes the movement of existing Section 117.604.64 to Section 117.323]**

§117.324. KEEPING OF POULTRY, EXCLUDING CHICKENS

The keeping of other POULTRY, excluding CHICKENS, shall be prohibited, except as allowed by right as an accessory use in the Agricultural (AG) district, Low Density Residential (LDR), Medium Density Residential (MDR), Mixed Use (MXU), and Village District (VLD) zoning districts provided the following conditions are met:

- 117.324.1. POULTRY, excluding CHICKENS, may only be kept on LOTS greater than one (1) acre.
- 117.324.2. No person or household shall maintain more than three (3) POULTRY, excluding CHICKENS, in any zoning district other than the Agricultural (AG) district.
- 117.324.3. POULTRY feces on private property shall not be allowed to accumulate to the degree that it becomes a public health nuisance or hazard. In cases where POULTRY feces does accumulate on private property, the Code Enforcement Officer or his designee may conduct an investigation, after which the accumulation may be declared a public health hazard or nuisance and that the owner shall be ordered to remove and dispose of the accumulated feces in an approved manner. The order to remove such accumulated feces shall be given personally to the owner or shall be sent by certified mail and the owner shall be given a period of 48 hours from the date and time of receipt of the order to clean the property and remove the accumulated feces.
- 117.324.4. No turkeys shall be kept in any zoning district other than the Agricultural (AG) district.
- 117.324.5. POULTRY shall be kept for personal use only. The selling of POULTRY products for commercial purposes is prohibited. This provision shall not apply in the Agricultural (AG) district.

§117.325. EXOTIC ANIMALS

The keeping of EXOTIC ANIMALS shall be prohibited in all districts in Findlay Township.

§117.326. NUISANCE

The keeping of any animal in such a manner as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life, or interfere with the normal use and enjoyment of the properties surrounding the property on which the animals are kept shall be declared to be a public nuisance and, as such, is unlawful.

**Section 3.** The conditions set forth in existing Section 117.604.64 of the Zoning Ordinance, regarding Stabling of Horses, shall be moved to Section 117.323, herein. The conditions set forth in Section 117.604.64 state:

- 117.604.64.1. A stable shall be permitted on a tract of land containing not less than five (5) acres. Not more than two (2) horses shall be maintained on the first five (5) acres of land and not more than one (1) additional horse shall be maintained for each additional acre of land in excess of five (5) acres.
- 117.604.64.2. A stable shall be for personal use of the LANDOWNER or occupant of the tract of land and shall not involve rental, boarding or any other profit-making activity;
- 117.604.64.3. In no instance, shall the stable be closer than one hundred (100) feet to a DWELLING used for human habitation, other than the LANDOWNER'S or occupant's DWELLING.
- 117.604.64.4. Adequate land area with favorable slope shall be available on the tract for grazing and exercising the horses.
- 117.604.64.5. The LANDOWNER or occupant shall be responsible for collecting and disposing of litter and droppings from the animals in such a way as to prohibit the presence of fly larvae or objectionable odors.
- 117.604.64.6. The SUPERVISORS may impose restrictions upon ACCESS to the facility, storage of vehicles or materials on the premises, hours of operation and such other matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district or adjacent PARCELS.
- 117.604.64.7. Outdoor LIGHTING, if any, shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.

**Section 4.** The TABLE OF AUTHORIZED USES, ZONING DISTRICT WHERE USE IS AUTHORIZED, AND METHOD OF AUTHORIZATION and TABLE OF ACCESSORY USES shall be amended to reflect the zoning changes set forth above. By way of example:

**TABLE OF AUTHORIZED, USES ZONING DISTRICT WHERE USE IS AUTHORIZED, AND METHOD OF AUTHORIZATION  
AGRICULTURE (applicable provisions) (Note that *Rabbitry* is the only new addition to this table):**



	<b>AG</b>	<b>LDR</b>	<b>MDR</b>	<b>MXU</b>	<b>VLD</b>	<b>BPK</b>	<b>LI</b>	<b>HI</b>
<b>FARM (and farm residence) (excluding the raising of livestock or horses)</b>	R	N	N	N	N	N	N	R
<b>Fish hatchery or farm</b>	C	N	N	N	N	N	N	N
<b>Poultry hatchery or farm</b>	C	N	N	N	N	N	N	N
<b>Fur-bearing animal ranch</b>	C	N	N	N	N	N	N	N
<b>Raising of livestock or horses</b>	C	N	N	N	N	N	N	N
<b>Rabbitry</b>	C	N	N	N	N	N	N	C

**TABLE OF ACCESSORY USES**

**(Note that *Stabling of Horses* is currently an accessory use and no changes will be made to the table regarding *Stabling of Horses*):**

	<b>AG</b>	<b>LDR</b>	<b>MDR</b>	<b>MXU</b>	<b>VLD</b>	<b>BPK</b>	<b>LI</b>	<b>HI</b>
<b>Keeping of Bees</b>	R	R	R	R	R	N	N	N
<b>Keeping of Chickens</b>	R	R	R	R	R	N	N	N
<b>Stabling of Horses</b>	R	C	C	N	N	N	N	N
<b>Keeping of Rabbits</b>	R	R	R	R	R	N	N	N
<b>Keeping of Poultry, other than Chickens</b>	R	R	R	N	N	N	N	N

**Section 5.** Severability. The provisions of this Ordinance are declared to be severable, and if any provision of this Ordinance shall for any reason be held to be invalid, such invalidity shall not affect the Ordinance as a whole or any other part or part thereof.

**Section 6.** Repealer. Any and all Ordinances and/or Resolutions, or parts thereof, conflicted herewith are repealed insofar as the matters herein are affected.

**Section 7.** Effective Date. This ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

ATTEST:

TOWNSHIP OF FINDLAY  
BOARD OF SUPERVISORS

\_\_\_\_\_

\_\_\_\_\_  
Thomas J. Gallant, Chairman

\_\_\_\_\_  
Janet L. Craig, Vice-Chairman

\_\_\_\_\_  
Raymond L. Chappell, Member