BOROUGH OF EAST BERLIN
ADAMS COUNTY, PENNSYLVANIA
NOTICE OF PUBLIC HEARING
AND PROPOSED ORDINANCE FOR PUBLIC REVIEW

A Public Hearing will be held by the Borough Council of the Borough of East Berlin on Wednesday, August 12, 2026, at 6:10 p.m., at the East Berlin Borough Municipal Building, 128 Water Street, East Berlin, Pennsylvania, to receive public comment on the following proposed ordinance. Borough Council may consider adoption of the proposed ordinance at the regular public meeting immediately following the Public Hearing.

The complete text of the proposed ordinance adopting Chapter 235 – Chickens is provided below for public review.

BOROUGH OF EAST BERLIN
ADAMS COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF EAST BERLIN, ADAMS COUNTY, PENNSYLVANIA, ESTABLISHING CHAPTER 235 OF THE CODE OF ORDINANCES, ENTITLED "CHICKENS," PROVIDING LEGISLATIVE FINDINGS, DEFINITIONS, PERMITTING REQUIREMENTS, PERFORMANCE STANDARDS, ADMINISTRATION, ENFORCEMENT, PENALTIES, SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

CHAPTER 235

CHICKENS

ARTICLE I

Title; Legislative Findings; Authority

§ 235-1. Short Title.

This chapter shall be known and may be cited as the "Chicken Ordinance."

§ 235-2. Legislative Findings.

The Borough Council of the Borough of East Berlin finds and declares as follows:

A. There is a growing interest among Borough residents in local food systems, household self-sufficiency, and small-scale, noncommercial food production.

B. Limited backyard chicken keeping may complement residential gardening through egg production, natural insect control, composting, and educational opportunities.

C. Experience has demonstrated that backyard chickens may be maintained in residential neighborhoods without creating adverse impacts when reasonable performance standards are established and consistently enforced.

D. The Borough recognizes the interests of residents who desire to keep chickens while also recognizing the rights of neighboring property owners to the peaceful use and enjoyment of their property.

E. The purpose of this chapter is to establish reasonable regulations governing the noncommercial keeping of chickens within the Borough while protecting the public health, safety, welfare, and neighborhood character.

F. The regulations contained within this chapter are intended to provide a fair, uniform, and enforceable process for permitting, administration, and enforcement.

§ 235-3. Statutory Authority.

This chapter is adopted pursuant to the authority granted to the Borough under the Pennsylvania Borough Code and other applicable laws of the Commonwealth of Pennsylvania authorizing the Borough to regulate the keeping of animals and to protect the public health, safety, and welfare.

§ 235-4. Severability.

The provisions of this chapter are severable. If any section, subsection, sentence, clause, phrase, or provision of this chapter is determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall not affect the validity of the remaining provisions, which shall remain in full force and effect.

ARTICLE II

Definitions

Unless otherwise expressly stated, the following words and phrases shall have the meanings indicated when used in this chapter.

ADEQUATE SUN AND SHADE

Areas that provide protection from excessive sunlight while allowing chickens reasonable access to sunlight and dry ground conditions throughout the day.

ADEQUATE VENTILATION

Air circulation within a henhouse sufficient to prevent excessive moisture accumulation while protecting chickens from drafts and adverse weather conditions.

CHICKEN

A domesticated female member of the species *Gallus gallus domesticus*. This definition shall not include turkeys, ducks, geese, guinea fowl, or other species of poultry. Roosters are prohibited except as otherwise specifically provided by this chapter.

CHICKEN TRACTOR

A portable enclosure designed to house chickens and intended to be moved periodically within a permitted property.

HENHOUSE

A fully enclosed structure designed and constructed to provide shelter and protection for chickens.

PERMIT HOLDER

Any property owner issued a valid Chicken Permit pursuant to this chapter.

PERMITTING OFFICER

The individual designated by the Borough to administer and enforce the provisions of this chapter.

PERMITTED PROPERTY

The residential property identified within an approved Chicken Permit Application upon which chickens are authorized to be kept.

ROOSTER

A male member of the species *Gallus gallus domesticus*.

SINGLE-FAMILY DWELLING

A dwelling designed for and occupied by one family, as defined by the East Berlin Borough Zoning Ordinance.

TRACT OF LAND

A parcel containing one single-family dwelling together with any permitted accessory structures or uses.

ARTICLE III

Permitting Requirements

§ 235-6. Permit Required.

No person shall raise, harbor, or keep chickens within the Borough of East Berlin without first obtaining a valid Chicken Permit issued in accordance with the provisions of this chapter.

A Chicken Permit shall be issued only for properties meeting the requirements established by this chapter.

§ 235-7. Application.

A. An applicant seeking to keep chickens within the Borough shall submit a completed Chicken Permit Application on forms provided by the Borough.

B. Applications for an initial Chicken Permit may be submitted throughout the calendar year.

C. Each application shall include all information required by the Borough to determine compliance with this chapter.

D. Applicants shall provide notice to the residents of all immediately adjacent dwellings of their intent to obtain a Chicken Permit.

E. Applicants shall comply with all applicable fees identified within the current Borough Fee Schedule.

§ 235-8. Requirements for Permit.

The following requirements shall be satisfied prior to issuance of a Chicken Permit:

A. The proposed use shall comply with all provisions of this chapter.

B. The property shall contain one single-family dwelling together with any permitted accessory structures or uses as authorized by the East Berlin Borough Zoning Ordinance.

C. The applicant shall certify that all chickens will be maintained in accordance with the performance standards established by Article IV.

D. The applicant shall acknowledge responsibility for maintaining compliance with this chapter throughout the duration of the permit.

§ 235-9. Issuance of Permit.

A. Upon determination that the application complies with the requirements of this chapter, the Permitting Officer shall issue a Chicken Permit.

B. The Borough shall act upon a complete application within thirty (30) days following receipt of all required application materials.

C. Issuance of a permit shall not relieve the permit holder from complying with any other applicable Borough ordinance or regulation.

ARTICLE III

Permitting Requirements *(continued)*

§ 235-10. Denial, Suspension, Revocation, or Nonrenewal of Permit; Appeals.

The Permitting Officer may deny, suspend, revoke, or decline to renew a Chicken Permit for any of the following reasons:

A. Submission of false or misleading information on the application.

B. Failure to comply with any provision of this chapter.

C. Failure to correct violations identified by the Borough within the time specified in a written notice of violation.

D. Failure to comply with an approved corrective action plan.

E. Failure to comply with applicable Borough Fee Schedule requirements.

Notice of denial, suspension, revocation, or nonrenewal shall be provided in writing and shall state the reason for the action.

Any person aggrieved by a decision of the Permitting Officer may appeal the decision to the East Berlin Borough Zoning Hearing Board within thirty (30) days following receipt of the written decision.

If a permit is revoked and all applicable appeal periods have expired, all chickens shall be removed from the property until a new permit has been obtained.

---

§ 235-11. Duration of Permit.

A. Initial Chicken Permits may be issued throughout the calendar year.

B. All Chicken Permits shall participate in the Borough's uniform annual renewal cycle.

C. Regardless of the date of issuance, all permits shall be renewed annually during the month of April.

D. A permit issued after the annual renewal period shall remain valid until the next annual renewal period unless suspended or revoked in accordance with this chapter.

---

§ 235-12. Annual Renewal.

A. Chicken Permits shall be renewed annually during the month of April.

B. Responsibility for timely renewal shall remain solely with the permit holder.

C. Renewal applications shall be submitted on Borough forms together with any applicable fees identified within the Borough Fee Schedule.

D. If the permit holder has remained in compliance with this chapter, the permit may be renewed administratively.

E. Where violations of this chapter exist, the Permitting Officer may require inspection of the property and correction of violations prior to renewal.

F. A permit that remains expired following the annual April renewal period shall be considered expired and subject to enforcement in accordance with this chapter.

G. Enforcement may include issuance of a written notice, warning notice, permit action, citations, or other remedies authorized by Borough ordinance.

H. Continued keeping of chickens after expiration of a permit shall constitute a violation of this chapter.

§ 235-13. Administration.

A. Following adoption of this chapter, the Chicken Permit Application shall be made available through the Borough website and at the Borough Office.

B. The Borough may revise permit application forms as necessary, provided such revisions remain consistent with the requirements of this chapter.

C. Administrative forms developed for implementation of this chapter shall not require amendment of this ordinance unless substantive provisions of this chapter are modified by Borough Council.

ARTICLE IV

Performance Standards

§ 235-14. Number and Type of Chickens Permitted.

A. A maximum of six (6) chickens shall be permitted on any permitted property.

B. Only female chickens (hens) shall be permitted. Roosters are prohibited within the Borough.

C. The keeping of chickens is permitted solely as an accessory residential use and shall not be construed as an agricultural use.

---

§ 235-15. Noncommercial Use.

The keeping of chickens authorized under this chapter is intended solely for personal, household use.

No permit issued pursuant to this chapter shall authorize:

A. Commercial breeding.

B. Commercial sale of chickens.

C. Commercial sale of eggs.

D. Commercial fertilizer production.

E. Any commercial agricultural enterprise.

---

§ 235-16. Enclosures.

A. Chickens shall be confined at all times within a secure enclosure, chicken tractor, fenced run, or henhouse located upon the permitted property.

B. Chickens shall be secured within a henhouse during non-daylight hours.

C. All enclosures shall be maintained in a clean, dry, sanitary, and structurally sound condition.

D. Henhouses and chicken tractors shall provide adequate ventilation together with adequate access to sun and shade.

E. Henhouses and chicken tractors shall be constructed to prevent entry by rodents, wild birds, dogs, cats, and other predators.

F. Henhouses shall provide a minimum of four (4) square feet of floor area per chicken.

G. Henhouses and chicken tractors shall:

1. **Be enclosed on all sides.**
2. **Include a roof.**
3. **Include doors capable of being securely closed during non-daylight hours.**
4. **Provide screened openings constructed of predator-resistant wire having openings of one-half (½) inch or less.**

H. Construction materials shall be of a uniform and durable nature. The use of scrap lumber, pallets, sheet metal, or similar discarded materials is prohibited.

I. Henhouses, chicken tractors, and enclosed runs shall be maintained in good repair.

J. Henhouses, chicken tractors, and enclosed runs shall be located only within the rear yard.

K. Henhouses, chicken tractors, and enclosed runs shall be located a minimum of ten (10) feet from any property line and twenty-five (25) feet from any principal building located on an adjoining property.

ARTICLE IV

Performance Standards *(continued)*

§ 235-17. Odor and Noise.

A. Chickens, enclosures, and related facilities shall be maintained so that odors are not detectable beyond the boundaries of the permitted property.

B. Chickens shall not create noise that unreasonably interferes with the use and enjoyment of neighboring properties.

---

§ 235-18. Predators, Rodents, Insects, and Parasites.

A. Permit holders shall take reasonable measures to minimize attraction of predators and rodents.

B. Chickens shall be maintained free of insects and parasites that may create unhealthy conditions.

C. Failure to adequately address infestations may constitute grounds for enforcement action or permit revocation.

§ 235-19. Feed and Water.

A. Chickens shall have continuous access to clean water.

B. Chickens shall be provided adequate feed.

C. Feed and water containers shall be maintained in a manner that minimizes attraction of rodents, wild birds, and predators.

---

§ 235-20. Waste Storage and Removal.

A. Chicken manure shall be stored in covered containers or enclosed composting structures.

B. No more than three (3) cubic feet of manure shall be stored upon the permitted property at any one time.

C. Manure not composted or utilized on the property shall be removed in a timely manner.

D. Chicken enclosures and surrounding areas shall be maintained free of accumulated waste, spilled feed, and debris.

---

§ 235-21. Chickens at Large Prohibited.

A. Chickens shall not be permitted to roam beyond the boundaries of the permitted property.

B. The Borough shall not be responsible for the injury or death of chickens that leave the permitted property.

---

§ 235-22. Prohibited Acts.

It shall be unlawful to:

A. Keep chickens without a valid permit issued pursuant to this chapter.

B. Permit chickens to be maintained upon rental property unless the property owner is also the permit holder and resides on the property.

C. Slaughter chickens within the Borough except where otherwise authorized by applicable zoning regulations.

D. Keep or harbor a rooster.

E. Keep chickens upon vacant or unoccupied property.

F. Maintain chickens in violation of any provision of this chapter.

§ 235-23. Public Nuisance.

A violation of this chapter that creates a condition adversely affecting the public health, safety, welfare, or the reasonable use and enjoyment of neighboring property may be declared a public nuisance and shall be subject to all remedies available under applicable Borough ordinances and Pennsylvania law.

---

§ 235-24. Violations and Penalties.

A. Any person violating any provision of this chapter shall, upon conviction before a Magisterial District Judge, be subject to a fine of not less than two hundred dollars ($200.00) nor more than one thousand dollars ($1,000.00), together with court costs and any other relief authorized by law.

B. Each day a violation continues shall constitute a separate offense.

C. The Borough may pursue any other legal or equitable remedies authorized by law to obtain compliance with this chapter.

---

§ 235-25. Effective Date.

This chapter shall become effective immediately upon enactment as provided by law.

---

§ 235-26. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this chapter are hereby repealed to the extent of such inconsistency.

East Berlin Borough
FEE SCHEDULE

Duplication of Printed Material - per page	$ .25
Vendor / Peddler Permit Application	$ 25.00
Street Opening Permit	$ 30.00
Transient Business Permit Application	$100.00
Parking Tickets	$ 25.00
Chicken Keeping Permit Application	
Initial Application Fee	$ 100.00
Annual Renewal Fee	$ 50.00
Violation fee - after 1st offense warning	$200.00

Application Category Fee

Zoning Permit	
Sign	$ 30.00
Change of Use	$ 30.00
Accessory Building, Non-Permanent Foundation	$ 30.00
Accessory Building, Permanent Foundation	$ 40.00
Single Dwelling Unit on One Property	$ 60.00
Single Dwelling Unit Structure Developed Under Condominium Ownership	$ 60.00
2 to 10 Dwelling Unit Structure on One Property	$ 80.00
More than 10 Dwelling Unit Structure on One Property	$100.00
New or Expanded Non-Residential Structure (Under 5,000 sq. ft. of new building coverage)	$100.00
New or Expanded Non-Residential Structure (5,000 sq. ft. to less than 25,000 sq. ft. of new building coverage)	$150.00
New or Expanded Non-Residential Structure (25,000 sq. ft. to less than 50,000 sq. ft. of new building coverage)	$200.00
New or Expanded Non-Residential Structure (50,000 sq. ft. to less than 100,000 sq. ft. of new building coverage)	$300.00
New or Expanded Non-Residential Structure (100,000 sq. ft. or higher of new building coverage)	$500.00
Certificate of Non-Conformance	$ 30.00
Subdivision Plans - Initial payment	$1500.00

Additional fees incurred by the Borough associated with plan review will be due prior to final signature of plans. Delivery / acceptance of the initial payment and hard-copy plan(s) to the Borough Office are mandatory to begin the review process.

Zoning Hearing Board Applications	
Variance	$1500.00
Special Exception	$1500.00
Appeal of Zoning Officer's Determination	$1500.00
Conditional Use Application	$1500.00
Zoning Amendment Request	$1500.00

In the event that the actual costs incurred by the Borough in connection with a hearing before the Zoning Hearing Board or the Borough Council exceeds the fee paid under this schedule, the applicant or appellant shall be billed for those actual costs. Such costs may include notice and advertising costs and necessary administrative overhead connected with the hearing, and shall include half of the appearance fee for the stenographer as authorized by Section 908(7) of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as reenacted and amended). Such costs shall not include the legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

Proposed

EAST BERLIN BOROUGH
128 Water Street, East Berlin, PA 17316
Phone (717) 259-9224 / Fax (717) 259-8298

Chicken Keeping Permit / Renewal

Name _____

Property Address _____

Mailing Address (if different than property address) _____

E-Mail Address _____

Phone Number _____

☐ Upon issuance of this permit, you are entitled to six (6) chickens. Roosters are prohibited.
☐ Initial Chicken Permit Applications may be submitted throughout the calendar year with the applicable fee.
☐ All Chicken Permits are renewed annually during the month of April regardless of the original issue date.
☐ Applicant is the property owner.
☐ Adjacent dwelling notification has been provided.

Applicant Certification
I certify that the information provided on this application is true and correct. I acknowledge that I have received, read and understand the requirements of Chapter 235 of the East Berlin Borough Code. I agree to comply with all applicable provisions of Chapter 235 and understand that all Chicken Permits are renewed annually during the month of April regardless of the original issue date.

Applicant Signature _____ Date _____

Approved by Permit Officer: _____ Date _____

Permit fee shall be established by the current Borough Fee Schedule.	
Date	
Initial Permit Fee	$100.00
OR	OR
Renewal Fee	$50.00
Payment Type	Check Money Order No Cash
Check #	

Permit No.	
Issuance Date	

Proposed