

**ORDINANCE NO. 2025-02**

**Proposed Changes to the Code of the Borough of Johnsonburg**

**WHEREAS** the Borough of Johnsonburg (“the Borough” or “Johnsonburg”) is a duly created Borough, functioning under powers enumerated in the Borough Code as amended (8 Pa.C.S. §101 et. seq.), and maintaining its regular place of business at 100 Main Street in Johnsonburg, Elk County, Pennsylvania;

**WHEREAS** the Borough previously adopted the “Borough of Johnsonburg Wild and Exotic Animals Ordinance”, Chapter 130 of the Borough Code;

**WHEREAS** the Borough now desires to amend Chapter 130 as outlined more fully below to provide for the regulations regarding poultry;

**WHEREAS** the Borough intends to comply and has complied prior to adoption of this ordinance with all relevant public notice and public hearing requirements;

**NOW, THEREFORE**, be it ordained, and the same is ordained following public hearing conducted the 14<sup>th</sup> day of April, 2025, at 4:00p.m. and held pursuant to public notice, that Chapter 130 is amended as follows:

**Chapter 130 – Animals**

**Amend §130-1 Title to read:**

This article shall be known as the “Borough of Johnsonburg Poultry, Wild and Exotic Animals Ordinance.”

**Amend §130-2 Findings, opening paragraph to read:**

The Borough Council has found and determined that the keeping of poultry, wild, and/or exotic animals (including bees) within the Borough of Johnsonburg is detrimental to the public health, safety and welfare of the citizens and property owners of the Borough of Johnsonburg and constitutes a public nuisance . . .

**Add to §130-4 Definitions:**

**POULTRY**– Domestic fowl such as chickens, turkey, geese, and ducks.

**Amend §130-6(A) Exceptions; review hearing to read:**

- A. Any person may apply, in writing, to the Borough Manager for permission to keep **an Exotic Animal or Wild Animal** otherwise prohibited by this article in the Borough.

**Add §130-8 Poultry:**

Except as hereafter provide, it shall be a violation of this article for any person to maintain, keep, possess or permit at large, any poultry in the Borough of Johnsonburg.

- A. An annual permit is required for the keeping of any poultry in the Borough. Every applicant for a permit to keep poultry shall complete and file an application on a form prescribed by Borough Council. The applicant is required to deposit the prescribed permit fee with the Borough Office at the time the application is filed. The permit is required to be renewed every year that poultry is being kept.
- B. The permit fee shall be \$25.00 for the first year and \$5.00 for every year thereafter.
- C. Poultry may be permitted within any zoning district within the Borough and must comply with the following requirements:
  - (1) The maximum number of poultry allowed is 6 per 10,000 square feet of lot area, with the addition of 3 more poultry for every additional 5,000 square feet of lot area. Only female poultry are allowed. There is no restriction on poultry species. Male poultry, or roosters, are not permitted and shall be removed within 10 days upon request by the Borough.
  - (2) All poultry must be kept in an enclosure or poultry run secured by a fence at all times. Each secure poultry run area shall provide no less than 10 square feet per poultry.
  - (3) Poultry shall be secured within the henhouse during non-daylight hours. Henhouses shall comply with the following standards and regulations:
    - a. A henhouse footprint shall not exceed 32 square feet per 10,000 square feet of lot area (unless an existing shed or garage which complies with all setbacks required by the Borough's Zoning Ordinance is used for this purpose) and shall be located in the rear of the property no closer than 10 feet to the property line and otherwise subject to the bulk and area requirements of the Borough Zoning Ordinance relating to accessory structures. Henhouses shall not exceed 6 feet in height. To the extent that there is any conflict between the requirements set forth in this chapter and the bulk and area requirements of the Borough Zoning Ordinance relating to accessory structures, the more restrictive provisions shall govern.
    - b. Henhouses must provide a minimum floor of 5 square feet per chicken in the henhouse. Henhouses shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predatory- and bird-proof wire of less than one-inch openings.

- c. Henhouses must be kept clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odors or other adverse impact.
- d. Poultry feed must be stored in a metal container with a metal lid that cannot be penetrated or removed by vermin.
- e. There shall be no public slaughter of any chicken.

(4) Any person, firm or corporation who shall violate the provisions of this article shall be subject to the violations and penalties set forth in §130-7.


D. In the event an applicant is denied a permit, the applicant may request a review hearing consistent with the provisions set forth in §130-6. A request for a review hearing must be in writing and delivered to the Borough Manager no later than 30 days from the date the permit was denied.

Effective date: This Ordinance shall be effective 5 days after adoption.

Adopted this 14th day of April 2025, by the Borough of Johnsonburg at open meeting then convened, and following due advertisement of intent to adopt the same as required by the Borough Code:

  
Alfred J. Maletto III, Chairperson

  
Kyle Paget, Mayor

Attest:   
Rachel Kilhoffer, Secretary  
Johnsonburg Borough Council  
Board of Supervisors