



**PENN TOWNSHIP
CUMBERLAND COUNTY
BOARD OF SUPERVISORS**

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ORDINANCE NO. 2018-05

**AN ORDINANCE OF THE TOWNSHIP OF PENN, CUMBERLAND COUNTY,
PENNSYLVANIA, PROVIDING FOR THE KEEPING AND CARE OF NON-
COMMERCIAL LIVESTOCK, FOWL AND SMALL ANIMALS**

SECTION 1: PURPOSE AND INTENT

The purpose and intent of these regulations is to provide a definition of livestock; to set forth reasonable standards for the keeping and care of non-commercial livestock as an accessory use in Residential (R) and Conservation (C) Districts; to give appropriate consideration to the property rights of the citizens of Penn Township, Cumberland County with non-commercial livestock; to help maintain neighborhood compatibility; and to protect the health, safety and welfare of the general public.

SECTION 2: PERMITTING PROCESS FOR NON-COMMERCIAL LIVESTOCK

Applicants proposing the non-commercial keeping of livestock, fowl or small animals must submit a zoning permit application identifying the following:

- A. Property address, name and contact information of applicant
- B. Description of and the quantity of the proposed livestock, fowl or small animals on the property
- C. Location and area of the proposed livestock enclosures.
- D. Location and height of proposed livestock structures including fencing and manure storage facilities. (All structures shall comply with the accessory building height requirement of the Zoning District.)
- E. Distance between structures and enclosures and neighboring properties.
- F. Distance from any wetlands and/or waterways
- G. The keeper of the animals must comply with all applicable local, state and federal regulations and permits.

SECTION 3: DEFINITIONS

Animal Equivalent Unit – 1,000 pounds live weight of livestock, regardless of the actual number of individual animals. Animal weights shall be calculated using the Standard Animal Weights listed in Pennsylvania Act 38 Nutrient Management Program Technical Manual by the Pennsylvania State Conservation Commission.

Carriage Horse – A horse or other similar equine kept for purposes of drawing a carriage and used as the primary means of transportation.

Coop – A structure for housing fowl that provides shelter from the elements.

Fowl - A domestic bird of any kind native to the United States

Hutch - A structure for housing rabbits or other small animals of similar size that provides shelter from the elements

Livestock – Those class of animals that are customarily kept and housed outside the home or in enclosures such as pens, barns, corrals or paddocks areas. Livestock includes, but is not limited to horses, cattle (beef and dairy), llamas, alpacas, mules, and goats.

Livestock Enclosure – A fenced-in area that presents an adequate blockage around a field, yard or other such expanse of land for the purpose of containing livestock or prohibiting intrusions from the outside.

Livestock Structure – Any structure related to the practice of Non-Commercial Keeping of Livestock, including but not limited to animal housing facilities, barns, stables, sheds, coops, cages and similar structures, not including Livestock Enclosures. Livestock Structures shall incorporate no less than three walls and a sufficient roof area to provide a weather proof shelter.

Non-Commercial Keeping of Livestock – An accessory use to a dwelling unit involving the breeding, raising, caring for, housing and principally the hobby/personal use of livestock and products derived from livestock by the occupant, owner or leaser of the lot on which such use is located.

Small Animals – Rabbits and similar size animals

SECTION 4: PERMITTED ACCESSORY USES

A. The following accessory uses shall be permitted by Conditional Use in the Conservation (C) District:

1. Horses, cows, llamas, alpacas, mules and similar size animals
2. Goats, Sheep and similar size animals

- B. The following accessory uses shall be permitted by Conditional Use in the Residential District (R).
 - 1. Fowl
 - 2. Small Animals
- C. In both Commercial and Residential Districts this Ordinance does not apply to house pets which are principally maintained within a structure. They are permitted without a Conditional Use Application.

SECTION 5: REGULATIONS SPECIFIC TO NON-COMMERCIAL LIVESTOCK

Density Restrictions, Livestock - A minimum of one (1) acre of land, exclusive of buildings and impervious surfaces must be provided of each Animal Unit, up to a maximum of three (3) Animal Units.

- a. The density restrictions shall not apply to Carriage Horses
- b. In the event any livestock gives birth, thereby exceeding the number of livestock allowed, the owner of said livestock and/or the occupier of the premises, shall conform to the number of allowable animals within one (1) year of the birth of the animal.

C. FENCING

- 1. All livestock shall be kept within a livestock enclosure at all times when said animals are not leashed, haltered or bridled and under the direct control of the owner or an authorized agent of the owner of the animals.
- 2. Barbed-wire fencing shall not be permitted for livestock enclosures
- 3. The height of the fencing shall be sufficient to keep the livestock within the enclosure and shall be adequately constructed to prevent the livestock from escaping its confines.

SECTION 6: REGULATIONS SPECIFIC TO FOWL AND SMALL ANIMALS

Density Restrictions, Fowl and Small Animals- One (1) per 1,000 square feet of gross lot area exclusive of buildings and Impervious surfaces, up to a maximum of eight (8).

- A. In the event any fowl or small animal gives birth, thereby exceeding the number of fowl and/or small animals allowed, the owner or occupier of the premises shall conform to the number of allowable animals within six (6) months of the birth of the fowl or small animal.
- B. Coops and hutches shall be stationary, on all sides, have a solid roof and vents to ensure adequate ventilation. Coops and hutches shall be predator proof and provide shelter from moisture and extreme temperatures.
- C. The minimum coop or hutch size shall be sufficient to permit free movement of the fowl or small animals.

- D. Coops and hutches shall be constructed to prevent rodents from being harbored underneath or within the enclosure.
- E. Outside runs shall be enclosed to contain the fowl and small animals and shall be predator proof.

SECTION 7: MANURE MANAGEMENT

- A. Non-commercial keeping of livestock must comply with the Pennsylvania Nutrient Management Regulations, Pa Code Title 25, Chapter 83, as required by the Department of Environmental Protection.
- B. A minimum setback of one hundred (100) feet shall be provided for any area or structure used for the storage of animal wastes and all property lines, wetlands and waterways.
- C. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the sites property line.
- D. The keeper of such animal(s) shall show that adequate provisions are being implemented to collect; store and dispose of the manure and other litter associated with the keeping of the subject animal(s). The containers to be used in the process shall be kept covered and shall be cleaned on a regular basis to avoid the potential for detectable odors.

SECTION 8: ANIMAL CARE

- A. All Non-Commercial Keeping of Livestock must comply with minimum standards of animal care as required by Pennsylvania law, Pa Code Title 18, regarding animal cruelty provisions.
- B. Livestock Structures shall be provided as a shelter for the animal(s). The structure shall be of sufficient size to enable the animal(s) to comfortably stand; turn around and lay down and shall be ventilated to avoid respiratory disease and infections, control ambient temperature, and prevent accumulation of toxic gases.
- C. Livestock Structures, coops, hutches and outside runs shall be cleaned of droppings, uneaten food, feathers and other waste on a regular basis and as necessary to ensure they do not become a health, odor or other nuisance.

SECTION 9: GENERAL REQUIREMENTS

- A. Livestock structures, coops and hutches and runs shall not be permitted in front or side yards.
- B. Roosters and swine are not permitted.
- C. The Slaughtering of animals on the property must be conducted in a closed structure out of sight.
- D. All areas shall be kept in a sanitary condition and free from unpleasant odors and conditions contributing to the breeding of flies.

- E. The disposal of dead animals shall be in accordance with the Domestic Animal Law, Pa Code Title 3, Chapter 23, subsection 2352. Dead animals shall be disposed of within forty eight (48) hours after death.
- F. The use shall not constitute a nuisance with regard to noise, odor, vectors, dust, vibration, or other nuisance effects beyond the property lines of the parcel upon which the use is located.
- G. Animal feed that is not stored in the principle building shall be stored in sealed, rodent-proof containers.

SECTION 10 – MISCELLANEOUS

- A. The provisions of this Ordinance are severable. If any section, sentence, clause or phrase of this Ordinance shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sentences, clauses, or phrases of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Penn Township that this Ordinance would have been adopted had such invalid or unconstitutional section, sentence, clause or phrase not been included herein. Furthermore, it is the intent of this Ordinance to be supplementary to and not contrary to any laws of the Commonwealth of Pennsylvania or regulations of any of its executive agencies.
- B. All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed.
- C. This Ordinance shall take effect and be enforced from and after its approval as provided by law.
- D. Violation of this Ordinance shall be punishable by fine up to \$1,000 including costs and reasonable legal fees. This Ordinance shall also be covered by the Alternate Dispute Resolution 2015-05. Each day a violation occurs will constitute a separate violation.

DULY ENACTED and ORDAINED THIS 13TH DAY OF SEPTEMBER, 2018 By the Supervisors of Penn Township in public session duly assembled



GARY MARTIN, CHAIRMAN



KENNETH SHEAFFER, VICE CHAIRMAN



RONALD TRITT, SUPERVISOR

ATTEST:


VICKI KNEPP, SECRETARY