



**PENN TOWNSHIP
CUMBERLAND COUNTY
BOARD OF SUPERVISORS**

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ORDINANCE NO. 2021-06

**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.

This ordinance also addresses certain responsibilities of animal owners living or visiting in Penn Township, Cumberland County regarding the effect of their animals on persons, other animals, and property.

This ordinance does not replace federal, state, or Cumberland County Ordinances. If a conflict arises, the federal, state or Cumberland County Ordinances take precedence.

The provisions of this Ordinance do not apply to non-captive animals regulated by the Pennsylvania Game Commission under Title 34 *et alia*. The provisions of this Ordinance do not apply to all captive animals in Penn Township, Cumberland County, including those also regulated by the Pennsylvania Game Commission.

This Ordinance replaces Ordinance 2013-05 and Ordinance 2018-05.

SECTION 2: DEFINITIONS

Abandon – To forsake entirely or to neglect or refuse to provide or perform the legal obligations for the care and support of an animal by its owner or his agent

Animal – For the purpose of this Ordinance, "animal" shall include any non-human species including mammals, avians, and reptiles, including any wild or semi-wild animal maintained in captivity.

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 Pennsylvania.

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.

Owner – Any person owning, harboring or keeping, or providing regular care or sustenance for any animal, whether registered or not, or having custody of any animal, whether temporary or permanently.

Small Animals – See below:

Domestic Small Animal – Small animals, typically kept indoors as pets, including but not limited to cats, dogs, pet rabbits, lizards, snakes, etc.

Non-Domestic Small Animal – Small animals, typically kept outdoors and not intended as pets, such as chickens, turkeys, rabbits, etc.

SECTION 3: 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
3. Fowl
4. Small Animals

- B. The following accessory uses shall be permitted by Conditional Use in the Residential District (R).
1. Fowl
 2. Small Animals

SECTION 4: 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 and fence height requirements 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 5: REGULATIONS SPECIFIC TO NON-COMMERCIAL LIVESTOCK

- A. 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 Equivalent 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.
- B. 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, shall be adequately constructed to prevent the livestock from escaping its confines, and shall meet the fence height requirements of the Zoning District.

SECTION 6: REGULATIONS SPECIFIC TO NON-DOMESTIC SMALL ANIMALS

Density Restrictions, Non-Domestic 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 Non-Domestic 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 Non-Domestic Small Animal.
- B. Coops and hutches shall ensure adequate ventilation and provide shelter from moisture and extreme temperatures.
- C. The minimum coop or hutch size shall be sufficient to permit free movement of the Non-Domestic 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 Non-Domestic 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 site's 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: NUISANCE

It shall be unlawful for any owner to permit animals, to become a nuisance in the Township. Acts of nuisance shall include, but are expressly not restricted to any of the following:

- A. It shall be unlawful for any person to own, keep or have in his possession, or harbor, any animal(s) which, by frequent or habitually howling, yelping, barking or otherwise, cause loud noises, and produce seriously annoying disturbance to any person or to the neighborhood. For the purpose of this Ordinance, an animal making an annoying disturbance shall include an animal that barks, bays, cries, howls or makes any other noise continuously for a period of fifteen (15) minutes at any time of the day or night regardless of whether the animal is physically situated in or upon public or private property.
- B. It shall be unlawful to allow digging into flower beds, children's playsets, gardens, or otherwise damaging shrubbery, trees or lawns on premises, personal property or other property not belonging to the owner of the animal.
- C. Depositing feces or urine or other bodily waste or by-products on private property not belonging to the owner of the animal(s). Acts of nuisance also include the deposition of such waste directly in public roadways and paths in such a manner that persons or vehicles are likely to be soiled in normal passage along the public roadway or paths. This provision does not apply to the occasional deposition of manure and urine by horses or draft animals when passing along public roadways or paths. Depositing or storing feces or urine or other bodily waste or by-products or other organic refuse on private property in such a manner as to attract numbers of insects, rodents and other vermin, or to create unwholesome or noxious odors sensible at or beyond the property boundaries.

SECTION 10: GENERAL REQUIREMENTS

- A. Livestock structures, coops and hutches and runs shall not be permitted in front yard.
- B. Roosters are not permitted under this ordinance. Swine over 250 pounds are not permitted under this ordinance.
- C. The slaughtering of animals on a property within the Residential Zone must be conducted out of sight of neighboring residential structures.
- 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 a building shall be stored in sealed, rodent-proof containers.
- H. No person shall abandon any animal within Penn Township, Cumberland County.
- I. Animal carcasses or other bodily waste or by-products and similar refuse may not be dumped along Penn Township, Cumberland County roads.
- J. Any owned animal that trespasses on another person's property shall be removed promptly by the owner and prevented from doing so again
- K. Property owners have the right to humanely trap animals that encroach on their property and shall immediately make reasonable efforts to notify the owner if an owner can be identified. If an owner cannot be identified or does not exist, the trapped animal shall be taken to a humane society, association for the prevention of cruelty to animals, or similar organization. Any animal so caught and detained shall not be abandoned, nor abused in any way, nor shall the animal be sold for the purpose of vivisection or research. The right specifically enumerated herein does not apply to trapping of furbearers, which is regulated by the Pennsylvania Game Commission.
- L. Dogs shall remain under human control (physical, auditory or electronic) at all times. This Ordinance and its subsections shall not be construed as specifically requiring use of dog leashes in the Township unless required by existing laws and regulations (such as may be required at Township parks and walking trails). This Ordinance and its subsections shall not pertain to hunting dogs on State Park or State Forestlands.
- M. Notwithstanding the above, this Ordinance and its subsections shall not be construed as contradicting existing Pennsylvania Game and Wildlife Code (Title 34) Section 21 et seq. and as amended, which states inter alia:

"....nothing in this title shall be construed to prohibit any person from killing any game or wildlife: (1) which the person may witness actually engaged in the material destruction of cultivated crops, fruit trees, vegetables, livestock, poultry or beehives; (2) anywhere on the property under the persons control, including detached lands being cultivated for the same or similar purposes, immediately following such destruction..."

Further, this Ordinance and its subsections shall not be construed as making it unlawful for a person to kill any animal as a means of protection if human life is endangered to a degree that immediate destruction of the animal is necessary, or under other circumstances as may be permitted under Pennsylvania law. All such destruction is subject to mandatory reporting, police investigation and potential legal action as specified under Pennsylvania law.

SECTION 11 – 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 14th day of January, 2021 By the Supervisors of Penn Township in public session duly assembled


GARY MARTIN, CHAIRMAN


RONALD TRITT, VICE CHAIRMAN


KENNETH SHEAFFER, SUPERVISOR

ATTEST:


CORRIE WADEL, SECRETARY