

**WILLISTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. __ of 2017

AN ORDINANCE AMENDING CHAPTER 139 OF THE CODE OF ORDINANCES OF WILLISTOWN TOWNSHIP, BEING THE ZONING ORDINANCE, IN ORDER TO CREATE NEW DEFINITIONS, AMEND EXISTING SECTIONS FOR PROPER REFERENCING, ELIMINATE INACCURATE SECTIONS, AND CREATE NEW STANDARDS UNDER SUPPLEMENTARY REGULATIONS CONCERNING THE KEEPING OF ANIMALS. EFFECTIVE FIVE DAYS FROM ENACTMENT.

BE IT AND IT IS HEREBY ENACTED by the Board of Supervisors of Willistown Township, Chester County, as follows:

Section 1. The Code of the Township of Willistown, Chapter 139 thereof, being the Willistown Township Zoning Code, Article II, §139-6, Definitions, is amended by adding the following terms and definitions in the correct alphabetical sequence:

POULTRY RUN OR PEN - A fenced or other type of enclosure that is mostly open to the elements, for the purpose of allowing domesticated fowl to leave the henhouse or coop while remaining in a predator-safe environment. The poultry run or pen is typically attached to the henhouse or poultry coop.

HENHOUSE OR POULTRY COOP - A structure providing shelter for poultry which is completely enclosed.

HORSE – Horses (*Equus ferus caballus*) and other equines.

LIVESTOCK – Farm animals such as cows, sheep, goats, swine, llamas, mules, and donkeys, excluding poultry or other small domestic fowl, kept or raised on a farm, predominantly for home use or for profit.

POULTRY – Domesticated fowl, such as chickens (*Gallus domesticus*), turkeys (genus *Meleagris*, ducks (waterfowl family *Anatidae*), or geese (waterfowl family *Anatidae*), raised for meat or eggs.

Section 2. The Code of the Township of Willistown, Chapter 139 thereof, being the Willistown Township Zoning Code, Article IV, §139-12, Use Regulations, is amended by deleting text with a strikethrough and adding underlined text, as follows:

139-12. Use regulations

A building may be erected, altered or used and a lot may be used or occupied for any one of the following purposes, and no other, subject to the special provisions of Article XXVI, Open Space Conservation District:

139-12. D. Farm use, including tilling of the soil to raise field crops, fruits or vegetables, the planting, grafting, raising and harvesting of trees and shrubs, or the keeping of livestock, poultry, and horses. The keeping of livestock, poultry and horses shall be subject to §139.97.1, Keeping of Animals. ~~provided that any building used for the keeping of livestock, poultry and horses shall be located not less than 100 feet from any street line and not less than 50 feet from any other property line.~~

Section 3. The Code of the Township of Willistown, Chapter 139 thereof, being the Willistown Township Zoning Code, Article V, §139-17, Use Regulations, is amended by deleting text with a strikethrough and adding underlined text, as follows:

139-17. Use Regulations

A building may be erected, altered or used and a lot may be used or occupied for any one of the principal uses permitted in Subsections A through F of § 139-12 hereof, and for accessory uses, as permitted by § 139-12G hereof, provided that the keeping or raising of livestock, poultry and horses shall be permitted as an accessory use only, subject to §139.97.1.B, Keeping of Animals ~~unless such use is conducted on a lot not less than four acres in size,~~ and for such other uses when authorized by the Board of Supervisors as a conditional use as set forth in § 139-20.1 below.

Section 4. The Code of the Township of Willistown, Chapter 139 thereof, being the Willistown Township Zoning Code, Article V, §139-18, Area Regulations, Article VI, §139-23, Area Regulations, and Article VII, §139-28, Area Regulations are amended by deleting references to §139-102 with a strikethrough, as follows:

139-18. Area Regulations

Every lot on which a principal building is created, altered, or used shall comply with the following area requirements, ~~subject also to the special provisions of §139-102 relating to cluster development.~~

139-23. Area Regulations

Every lot on which a principal building is created, altered, or used shall comply with the following area requirements, ~~subject also to the special provisions of §139-102 relating to cluster development.~~

139-28. Area Regulations

Every lot on which a principal building is created, altered, or used shall comply with the following area requirements, ~~subject also to the special provisions of §139-102 relating to cluster development.~~

Section 5. The Code of the Township of Willistown, Chapter 139 thereof, being the Willistown Township Zoning Code, Article XVII, §139-97, Prohibited Uses is amended by deleting §139-97 B. and C. in their entirety, as follows:

~~B. No lot shall be used for a commercial piggery or commercial livestock feed yard.~~

~~C. No stable or any other building for the housing of a horse or horses or similar animal or animals shall be permitted on a lot of less than four acres; a building permitted by this chapter must have a minimum of two acres of dedicated pasture land exclusive of enclosed structures; such buildings may not house more than one horse or similar animal for each acre of dedicated pasture land; no horse or horses or similar animal or animals may be kept upon a lot or upon land in excess of the number which would be permitted to be housed in a building thereon.~~

Section 6. The Code of the Township of Willistown, Chapter 139 thereof, being the Willistown Township Zoning Code, Article XVII, Supplementary Regulations is amended by adding a new §139-97.1, Keeping of Animals, as follows:

139.97.1 Keeping of Animals

A. In conjunction with a Farm Use or Agriculture permitted as a principal use.

- (1) Except as stipulated in Subsection A(2) below, livestock, poultry, horses and other animals utilized as part of a farm use or agricultural operation may be kept at a number consistent with the humane treatment of every animal, so long as the property on which they are kept has a gross lot area of not less than 20 acres.
- (2) The operation of any feed lot or pig farm, or the keeping of pigs or swine, shall be permitted so long as the property has a gross lot area of not less than 50 acres and/or the pigs or swine are kept at a number consistent with the humane treatment of every animal. In addition, no such activities shall be conducted closer than 200 feet from any property line, and the area devoted to such uses shall be completely enclosed by fencing.
- (3) No animals of any kind shall be kept in any structure or elsewhere on the premises in a manner likely to cause excessive noise, unhealthy or unsanitary conditions, pollution of groundwater or surface water, pollution of stormwater runoff leaving the property, or cruelty to the animals.
- (4) Permanent shelter shall be provided as necessary for the health and welfare of animals. Such shelter, where warranted, shall be of sufficient size for good sanitation practices and shall be equipped with adequate facilities for food, water, and manure removal and handling for the number and type(s) of animals kept. Any building for the keeping of livestock, poultry, and horses shall be located not less than 75 feet from all adjacent

residences that are not occupied by the property owner and not less than 50 feet from any other property line.

- (5) A fenced or otherwise enclosed outside area shall be provided which is capable of containing the animals kept and which is of sufficient size and properly located for good sanitation purposes. Materials used for fencing shall be maintained so as to prevent straying.
- (6) In conjunction with farm use or agriculture, no manure storage shall be permitted and no land application of manure or agricultural process wastewater shall be permitted without the preparation of a manure management plan pursuant to Section 5(b)(1) and Section 402 of the Pennsylvania Clean Streams Law. Plans need not be submitted for approval but must be kept on the farm and made available upon request. No manure storage shall be less than 100 feet from any lot line or flood hazard district boundary and no less than 100 feet from any stream, wetland or other body of water unless otherwise regulated. No manure may be stored within a riparian buffer area nor be located so as to drain onto adjacent land.

B. As an Accessory Use in the RU, RA and RA-1 residential districts, excluding the multifamily districts.

(1) Livestock and Horses

- (a) A minimum lot area of four acres shall be required for the keeping of livestock and horses. Further, such lots shall contain a minimum of one acre of land, exclusive of buildings and impervious surfaces, for each horse or cow (or other larger livestock animal, including llamas and alpacas) that are housed or pastured on the lot; such lots shall contain a minimum of one acre of land per two animals, exclusive of buildings and impervious surfaces, for sheep, goats and swine (or other small livestock animals) that are housed or pastured on the lot.
- (b) No animals of any kind shall be kept in any structure or enclosure or elsewhere on a property which will result in an unhealthy or unsanitary condition for humans or animals or pollution of groundwater or stormwater runoff to neighboring properties.
- (c) Animals shall have access to facilities for shelter, water and food.
- (d) Any building used for the keeping of animals shall be constructed and located a minimum of 100 feet from any street line and 50 feet from any side or rear lot line.
- (e) A fenced or otherwise enclosed outside area shall be provided which is capable of containing the animals kept and is of sufficient size and properly located for good sanitary practices. Materials used for fencing shall be of sufficient sturdiness and

properly designed, installed and maintained so as to prevent animals from straying off the property.

- (f) No manure storage/management and/or composting shall be less than 50 feet from any lot line or flood hazard district boundary and no less than 100 feet from any stream, wetland or other body of water unless otherwise regulated. No manure may be stored within a riparian buffer area nor be located so as to drain onto adjacent land.

(2) Poultry.

- (a) The keeping of guineafowl or peacocks shall not be permitted in the RU, RA and RA-1 residential districts.
- (b) The keeping of roosters of a crowing species is specifically prohibited.
- (c) A minimum lot area of one acre shall be required for the keeping of poultry.
- (d) Number of poultry per lot. Three poultry other than turkeys shall be permitted for the first one acre. One additional poultry other than turkeys shall be permitted for each additional 1/4 acre, up to a maximum of 20 poultry per lot. For turkeys, Two turkeys shall be permitted for the first one acre and an additional one shall be permitted for each additional 1/2 acre, up to a maximum of 20 turkeys per lot. On lots over five acres, poultry can be kept at a number consistent with their humane treatment.

(e) Setbacks

- [1] Poultry runs, pens, henhouses and coops shall be set back from all adjacent residences that are not occupied by the applicant by not less than seventy-five (75) feet and by not less than fifty (50) feet from any lot line.
- [2] Poultry henhouses and coops shall be set back not less than twenty (20) feet from the applicant's residence.
- [3] All structures relating to poultry shall be located to the rear of the residence.
- [4] No facility for storing manure or feed shall be located within one hundred (100) feet of any adjacent residence not occupied by the applicant and not less than fifty (50) feet from any lot line.

(f) Structures, Poultry Pens, Runs, and Coops.

Poultry shall be penned at all times, although free-roaming within such an area is permitted provided owners take adequate precaution to ensure animal safety.

- [1] Enclosed and Predator Resistant Structure. Poultry henhouses and coops shall be enclosed and constructed of durable materials to prevent entry by predators or the escape of poultry. All walls and ceiling and roof areas shall also be protected against entry by predators. Runs and pens need not be covered provided owners take adequate precaution to protect their poultry from predators.
- [2] Construction Materials. Poultry pens, henhouses and coops shall be constructed of weather-resistant material that can readily be cleaned and maintained and kept in good appearance.
- [3] Prevention of Entry by Burrowing. A horizontal at-grade area not less than one (1) foot in width along the interior or exterior perimeter of the poultry run or pen shall be composed of chain link or other material to prevent entry by burrowing predators. Alternatively, a barrier to burrowing not less than one (1) foot in depth may be placed along the perimeter of the poultry run or pen.
- [4] Elevation of Structures. Henhouses and poultry coops shall be elevated at least 18 inches above grade, with an elevated floor that will prevent entry by predators. The applicant shall provide details of how manure will be properly cleaned from henhouse and poultry coop floors.
- [5] External Illumination. The exterior areas of henhouses and poultry coops shall not be illuminated at night. Any lighting desired for monitoring or emergency purposes shall be used for a short duration only and turned off no later than 11pm.
- [6] Minimum Area per Poultry in Henhouse or Coop. The henhouse or poultry coop shall provide not less than three square feet (432 square inches) of area per domesticated fowl other than turkeys, as well as separate roosting or egg-laying areas. Turkeys shall have not less than six square feet (864 square inches) of area per bird.
- [7] Minimum Area per Poultry Run or Pen. A poultry run or pen shall be provided and be large enough to allow freedom of movement, but shall provide not less than six (6) square feet per domesticated fowl other than turkeys and twelve (12) square feet per turkey.
- [8] Feed and Water Required. Adequate feed and water shall be continuously provided, with protection against freezing.
- [9] Ducks and geese shall be provided adequate water for bathing purposes.

(g) Conduct of the Owner.

- [1] Permit required. The keeping of poultry may be permitted as an accessory use to a single-family dwelling provided a completed application is submitted, the requisite application fee is paid, and a zoning permit is issued.
 - [2] Odor and Noise. Odors shall not be perceptible at the lot line. Noise shall not be perceptible at lot lines to the extent that it results in a public nuisance or is in violation of the municipal noise ordinance.
 - [3] Waste and manure storage and removal. A written waste storage and removal plan shall be submitted. All stored manure shall be placed within a fully enclosed container. No more than three cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. The henhouse, poultry run and pen and surrounding area must be kept free from trash and accumulated manure.
 - [4] Mortality. Dead animals shall be disposed of promptly and consistent with applicable waste disposal regulations of the municipality.
 - [5] Slaughtering. Slaughtering of poultry should be conducted in a fully-enclosed structure; where done outside, slaughtering shall not be visible from any property line.
 - [6] Description of how the backyard poultry activity will be conducted. As part of the application process, the applicant shall describe how the poultry will be cared for, and shall elaborate on the following: how the facility will be maintained on a routine basis, routine collection of eggs, continuous provision of fresh food and water supplies, waste collection and removal, amounts of mulch or animal bedding, the provision of water for bathing purposes, how complaints from neighbors will be addressed, and other matters that the Township Code Enforcement Officer requests.
- (h) Periodic Inspection. The Township may periodically inspect the facility, upon reasonable notice.
 - (i) Additional Reasonable Conditions May be Attached. In granting an application for the keeping of poultry, the Township may attach such reasonable conditions and safeguards, in addition to those expressed herein, as it may deem necessary to implement the purposes of the Township Zoning Ordinance.
 - (j) At no time may the keeping of poultry be allowed to be a nuisance, as defined in the Township Code, due to odor, noise, or otherwise disturbing the peace as determined by the Township Code Enforcement Officer or police officer, as applicable.

C. Nonconformities.

- (1) Any nonconformity which results in pollution of groundwater or surface water shall be eliminated.

- (2) Any existing building which is used for the keeping of animals and which does not conform to setbacks or other standards may continue to be used but may not be expanded.
- (3) Owners of animals not meeting the standards set forth in this chapter at the time of its adoption may continue to operate an existing site, but animals may not be replaced.

Section 7. This Ordinance shall be effective five (5) days from the date of enactment.

ENACTED and **ORDAINED** this ____ day of _____, 2017

**BOARD OF SUPERVISORS
WILLISTOWN TOWNSHIP**

William R. Shoemaker, Chairman

George J. McHugh IV, Vice Chairman

Robert T. Lange, Member

ATTEST:

David R. Burman, Secretary