

WASHINGTON TOWNSHIP
FRANKLIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 276

OF THE BOARD OF SUPERVISORS OF THIS TOWNSHIP
AMENDING THE ZONING CHAPTER OF THE CODE OF
WASHINGTON TOWNSHIP TO REVISE RESTRICTIONS ON
CERTAIN AGRICULTURAL ACTIVITIES, PARTICULARLY THE
KEEPING OF BEES, CHICKENS, DUCKS, AND OTHER
POULTRY

WHEREAS, the Zoning Chapter of the Code of Washington Township makes no reference to beekeeping, and

WHEREAS, the Zoning Chapter of the Code of Washington Township only regulates the keeping of chickens, but not to ducks or other poultry, and

WHEREAS, the current Zoning Chapter of the Code of Washington Township references the Nutrient Management Act in several places with regard to the keeping of chickens and Concentrated Animal Operations (CAO), and

WHEREAS, the Nutrient Management Act has been repealed and the references to it in the Zoning Chapter are no longer up to date, and

WHEREAS, the Board of Supervisors of Washington Township has determined that it would be in the interest and welfare of the residents of Washington Township to revise, improve, and update the restrictions imposed on agricultural activities, in particular the keeping of bees, chickens, ducks, and other poultry, in Washington Township as follows:

NOW, THEREFORE, by the authority of and pursuant to the provisions of Article V of Act No. 247, as amended, of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known as and cited as the Pennsylvania Municipalities Planning Code, and any amendments and supplements thereby, and also by the authority of the Second Class Township Code, as amended, **BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Washington Township, Franklin County, Pennsylvania as follows:

1. Section 360-5(B) of the Washington Township Code is amended by removing the definition of "Nutrient Management Act" and by replacing the definition of "Concentrated Animal Operations (CAO)" with the following: "Agricultural operations where the animal density exceeds two animal equivalent units (AEU) per acre on an annualized basis. An animal equivalent unit (AEU) is equal to 1,000 pounds of live weight of any livestock or poultry animals, regardless of the actual numbers of animals. The regulations for CAOs also apply to concentrated animal feed operations (CAFOs). All concentrated animal operations (CAO) and concentrated animal feed operations (CAFO) must comply with 3 Pa.C.S. § 501 *et seq.* and all other applicable state law. Appropriate approval from the state must be obtained and a copy

presented to the Township prior to issuance of any permit for concentrated animal operations of any type.”

Section 360-5(B) of the Washington Township Code is also amended by adding a new definition for “Poultry” as follows: “One or more domesticated or wild birds kept for pleasure or for eggs, meat, offspring, feathers, or manure, excluding chickens, pet birds kept within a residence, and wild birds over which no control is exercised by humans.”

2. Section 360-57(F) of the Washington Township Code is removed in its entirety and replaced with the following:

“F. The keeping of chickens, ducks, and/or other poultry, subject to the following regulations:

(1) The minimum lot size of any property where chickens, ducks, and other poultry may be kept shall be two acres.

(2) No male chickens (roosters) shall be permitted.

(3) No more than eight total birds shall be permitted, per property.

(4) The keeping of chickens, ducks, and other poultry shall be an accessory use on the same lot with and customarily incidental to the primary use as a residence.

(5) All items and materials produced, including eggs, offspring, or compost containing manure, shall be solely for the use of the persons residing on the property and shall not be offered for sale or sold.

(6) Housing for chickens, ducks, and/or other poultry:

(a) Chickens shall be housed at all times in a chicken coop which has access to a chicken pen. During non-daylight hours, chickens shall be secured in the chicken coop.

(b) Ducks and/or other non-chicken poultry shall be housed in such a manner as to prevent them from leaving the property.

(c) New structures and alterations to existing accessory structures for the purpose of use as housing for chickens, ducks, and/or other poultry shall be subject to land use permit requirements as per § 360-120.

(d) Housing for chickens, ducks, and/or other poultry (including chicken coops and chicken pens) shall be located at a minimum of 100 feet from any side or rear property line, shall not be located within any front or side yard, and shall be located a minimum of 50 feet from any residence or well.

(e) No more than one structure for housing ducks and/or other poultry, or one chicken coop and one chicken pen shall be kept on any property.

(7) A manure management plan shall be provided and approved by the Franklin County Conservation District, and manure shall be removed from the housing for chickens, ducks, and/or

other poultry in a timely manner and disposed of by appropriate methods, including composting.”

3. Section 360-57 of the Washington Township Code is amended by adding a new subsection (G) as follows:

“G. Beekeeping, subject to the following regulations:

(1) The minimum lot size of any property where bees may be kept shall be two acres.

(2) Man-made beehives shall be located at a minimum of 100 feet from any side or rear property line, shall not be located within any front or side yard, and shall be located a minimum of 50 feet from any residence. Natural beehives created by bees on the property must be removed or relocated if they do not comply with these setbacks.

4. Section 360-61(G) of the Washington Township Code is removed in its entirety and replaced with the following:

“G. Agriculture and agriculturally related operations, including the following:

(1) Granaries, sawmills, gristmills, and similar agriculturally related activities.

(2) Forest reserves, tree farming and crop farming to include forage, sod, grain, and feed.

(3) Vineyards, orchards, nurseries, and gardens

(4) Animal husbandry; beekeeping; milk processing; livestock production including breeding of dairy and beef cattle, sheep, swine, horses, ponies, mules, goats, poultry, game birds, fowl, fur animals, and associated farm animals, excluding farm operations involving indoor confinement or concentrated animal or animal feed operations (CAO/CAFO).

(a) The minimum setback distances from any property line for any structure housing bees, livestock, poultry, or the storage of any waste products from livestock or poultry is 100 feet.

(b) Waste products and storage must comply with 3 Pa.C.S. § 501 *et seq.* and all other applicable state law.

(5) Commercial production of fruits, vegetables, grains, flowers, plants and similar products

(6) The sale of the products produced by the activities in D(1) through (D)(5) in buildings in which the retail area shall not exceed 1,000 square feet in floor area, and set back a minimum of 35 feet from any property line and 50 feet from any street right-of-way, with off-street parking provided.”

5. Section 360-62(F)(1)(f) of the Washington Township Code is removed in its entirety and replaced with the following: "Waste/manure storage shall be a minimum of 1,000 feet from property lines, including the area of application, and 1,500 feet from all roadways, water wells, waterways, and drainage ways." Section 360-62(F)(1)(g) of the Washington Township Code is removed in its entirety and replaced with the following: "Greenhouses when the total buildings are over 50,000 square feet are considered intensive agriculture."

6. Section 360-65(H) of the Washington Township Code is removed in its entirety and replaced with the following:

"F. The keeping of chickens, ducks, and/or other poultry, subject to the following regulations:

(1) The minimum lot size of any property where chickens, ducks, and other poultry may be kept shall be 40,000 square feet.

(2) No male chickens (roosters) shall be permitted.

(3) No more than eight total birds shall be permitted, per property.

(4) The keeping of chickens, ducks, and other poultry shall be an accessory use on the same lot with and customarily incidental to the primary use as a residence.

(5) All items and materials produced, including eggs, offspring, or compost containing manure, shall be solely for the use of the persons residing on the property and shall not be offered for sale or sold.

(6) Housing for chickens, ducks, and/or other poultry:

(a) Chickens shall be housed at all times in a chicken coop which has access to a chicken pen. During non-daylight hours, chickens shall be secured in the chicken coop.

(b) Ducks and/or other non-chicken poultry shall be housed in such a manner as to prevent them from leaving the property.

(c) New structures and alterations to existing accessory structures for the purpose of use as housing for chickens, ducks, and/or other poultry shall be subject to land use permit requirements as per § 360-120.

(d) Housing for chickens, ducks, and/or other poultry (including chicken coops and chicken pens) shall be located at a minimum of 50 feet from any side or rear property line and shall not be located within any front yard.

(e) No more than one structure for housing ducks and/or other poultry, or one chicken coop and one chicken pen shall be kept on any property.

(7) Manure shall be removed from the housing for chickens, ducks, and/or other poultry in a timely manner and disposed of by appropriate methods, including composting."

7. Section 360-74(M) of the Washington Township Code is removed in its entirety and replaced with the following:

“M. The keeping of chickens, ducks, and/or other poultry, subject to the following regulations:

(1) The minimum lot size of any property where chickens, ducks, and other poultry may be kept shall be 40,000 square feet.

(2) No male chickens (roosters) shall be permitted.

(3) No more than eight total birds shall be permitted, per property.

(4) The keeping of chickens, ducks, and other poultry shall be an accessory use on the same lot with and customarily incidental to the primary use as a residence.

(5) All items and materials produced, including eggs, offspring, or compost containing manure, shall be solely for the use of the persons residing on the property and shall not be offered for sale or sold.

(6) Housing for chickens, ducks, and/or other poultry:

(a) Chickens shall be housed at all times in a chicken coop which has access to a chicken pen. During non-daylight hours, chickens shall be secured in the chicken coop.

(b) Ducks and/or other non-chicken poultry shall be housed in such a manner as to prevent them from leaving the property.

(c) New structures and alterations to existing accessory structures for the purpose of use as housing for chickens, ducks, and/or other poultry shall be subject to land use permit requirements as per § 360-120.

(d) Housing for chickens, ducks, and/or other poultry (including chicken coops and chicken pens) shall be located at a minimum of 50 feet from any side or rear property line and shall not be located within any front yard.

(e) No more than one structure for housing ducks and/or other poultry, or one chicken coop and one chicken pen shall be kept on any property.

(7) Manure shall be removed from the housing for chickens, ducks, and/or other poultry in a timely manner and disposed of by appropriate methods, including composting.”

8. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such portion shall not affect the validity of the remaining portions hereof.

9. This ordinance shall take effect five (5) days after its enactment.

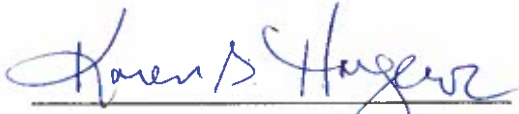
DULY ENACTED AND ORDAINED this 17th day of August 2020, by the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BY:

WASHINGTON TOWNSHIP

BOARD OF SUPERVISORS



Karen Hargrave, Township Secretary



Chad Reichard, Chairman