

NON-COMMERCIAL KEEPING OF LIVESTOCK / BEEKEEPING FOR LOTS UP TO TEN (10) ACRES

SECTION 1: PURPOSE AND INTENT

The purpose 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 areas; to give appropriate consideration to the property rights of citizens of Marion Township with non-commercial livestock; to help maintain neighborhood compatibility; and to protect the health, safety, and welfare of the general public. It is not the intent of this ordinance to regulate domestic animals (pets) which are typically kept inside the household.

SECTION 2: DEFINITIONS

Animal Equivalent Unit - 1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. 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.

Animal Housing Facility – A roofed structure or facility, or any portion thereof, used for occupation by livestock or poultry.

Animal, Large - For the purposes of this ordinance, Large Animals are considered livestock of the bovine, equine, sheep, goat or camelid families.

Animal, Small – For the purposes of this ordinance, Small Animals are considered including chickens, fowl, game birds, and any other animal which is by size and/or nature of a similar character to the aforementioned animals

Area, dedicated to keeping of livestock – For purposes of calculating maximum number of livestock permitted any buildings, septic systems, driveways, gardens and front yards must be removed from consideration. The area used for calculations shall be clearly unoccupied areas dedicated to the housing and pasturing of livestock.

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

Chicken Coop - A structure for housing chickens made of wood or other similar materials that provides shelter from the elements.

Flyway Barrier - A solid wall, fence, dense vegetation or combination thereof that forces bees to fly at a higher elevation above ground level over the property lines in the vicinity of the apiary.

Fowl – a domestic bird of any kind, not including chickens.

Honeybee - Honey bees are limited to European races of *apis mellifera*.

Honeybee Apiary - A place where honey bee colonies and/or hives, and other beekeeping equipment, are kept.

Honeybee Colony – An aggregate of worker bees, drones, queen, and developing brood living together in a social family unit in a hive.

Honeybee Comb – A mass of six-sided cells made of wax by honey bees in which a brood is reared and honey and pollen are stored; composed of two layers united at their bases.

Honeybee Hive – A box or receptacle with movable frames, used for housing a colony of bees.

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

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

Non-Commercial Keeping of Livestock - An accessory use to a dwelling unit involving the breeding, raising, caring for, housing, and principally the hobby (including agricultural clubs such as 4-H, FFA and the like) / personal use of livestock and products derived from livestock by the occupant, owner or leaser of the lot on which such use is located.

SECTION 3: PERMITTED ACCESSORY USES

- A. The following accessory uses shall be permitted by right in A-1, A-2, C-1, RRD and by Conditional Use in R-2.
- B. Non-Commercial Keeping of Livestock
 - 1. Horses, Cows, Llamas, Alpaca, Mules, and similar size animals;
 - 2. Goats, Sheep, and similar size animals;
 - 3. Chickens / Fowl;
- C. Honeybee Apiaries
- D. Livestock Structures permitted as part of permissible accessory uses include: pens, sheds, coops, cages, honeybee apiaries, barns, and similar structures, including livestock enclosures.

SECTION 4: SPECIFIC REGULATORY PROVISIONS

- A. Noncommercial Keeping of Livestock
 - Noncommercial Keeping of Livestock as an accessory use to a residential zone, subject to the following regulations:
 - 1. Lot Size and Density Restrictions

- a. Large Animals (livestock of the bovine, equine, sheep, or camelid families) shall be permitted at a density of two (2) Animal Equivalent Unit for each five (5) acres of unoccupied lot area dedicated to the housing and pasturing of livestock. For ease of calculating, this is equivalent to 0.4 Animal Equivalent Units per acre.
- b. Small Animals (including chickens, fowl, game birds, and any other animal which is by size and/or nature of a similar character to the aforementioned animals) shall be permitted at a density of six (6) animals per one (1) acre.
- c. Minimum lot size of one-half (½) acre shall be required for the noncommercial keeping of livestock.
- d. When calculating lot size and density restrictions, buildings, septic systems, driveways, gardens and front yards must be removed from consideration when calculating the number of livestock permitted. The area used for calculations shall be clearly unoccupied lot areas dedicated to the housing and pasturing of livestock.
- e. In the event any livestock, excluding chickens and fowl, gives birth, thereby exceeding the number of livestock animals allowed by the minimum set forth in this subsection, the owner of said livestock and/or the occupier of the premises shall conform to the number of livestock animals for the dimensional requirements within one year of the birth of the animal. Chickens and fowl shall conform to the number for the dimensional requirements within six (6) months of the birth of the animal.
- f. The lot size and density restrictions of this section shall not apply to Carriage Horses (See below).

2. Setback Requirements

- a. Livestock structures, excluding structures for chickens, fowl, game birds, rabbits and other similar animal(s), shall be located a minimum of 35 feet from all property lines, or the accessory building setback required by the zone in which the use is located, whichever is greater.
- b. Livestock structures for chickens, fowl, game birds, rabbits and other similar animal(s), shall be located a minimum of 15 feet from all property lines, or the accessory building setback required by the zone in which the use is located, whichever is greater.
- c. Livestock structures shall not be permitted in the front yard.

3. Fencing:

- a. All animals shall be kept within a livestock enclosure at all times when said animals are not leashed, haltered or brindled and under the direct control of the owner or an authorized agent of the owner of the animals.
- b. Barbed-wire fencing shall not be permitted for livestock enclosures.

- c. The height of the fencing shall be sufficient to keep the animal(s) within the pen and shall be adequately constructed to prevent the animal(s) from being able to escape from its confines.
4. 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.18
 - 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 applies to 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.
5. 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. An animal housing facility shall be provided as a shelter for the animal(s). The structure shall incorporate no less than three walls and a sufficient roof area to provide a weather proof shelter.
 - c. Animal housing facilities shall be of sufficient size to enable the animal to comfortably stand, turn around and lay down.
 - d. Animal housing facilities shall be ventilated to avoid respiratory disease and infections, control ambient temperature, and prevent accumulation of toxic gases.
6. General Requirements
- a. Livestock structures shall comply with the accessory building height requirement of the zoning district.
 - b. Livestock structures shall be kept in a sanitary condition and free from unpleasant odors and from conditions contributing to the breeding of flies.
 - c. The raising of animals for commercial use or profit is not permitted. The sale of animal products is prohibited.
 - d. The conversion of non-commercial keeping of livestock to a commercial livestock operation shall not be permitted unless such use complies with all ordinance and permitting requirements in effect at the time of application.

- e. The slaughtering of animals on the property is prohibited.
 - f. 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 48 hours after death.
 - g. 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.
 - h. Animal feed that is not stored in the principal building shall be stored in sealed, rodent-proof containers.
7. Regulations Specific to Chickens: In addition to regulations applicable to all Livestock, the keeping of chickens is subject to the following additional regulations:
- a. Coops shall be enclosed with solid material on all sides, have a solid roof, and vents to ensure adequate ventilation. Coops shall be predator proof and provide shelter from moisture and extremes of temperatures. Both stationary and non-stationary coops shall be located according to the setback provisions contained within this ordinance.
 - b. Coops shall be constructed as to prevent rodents from being harbored underneath or within the enclosure.
 - c. The minimum coop size shall be sufficient to permit free movement of the chickens.
 - d. Outside runs shall provide at least ten (10) square feet per chicken and shall be enclosed in a way that contains the chicken and is predator proof.
 - e. The free ranging of chickens shall only be permitted on lots greater than five (5) acres.
 - f. Unlawful to Allow Chickens to Run at Large. It shall be unlawful for the owner or owners of any chickens to allow their chickens to run at large upon adjoining properties, any of the common thoroughfares, sidewalks, passageways, play areas, parks, streets, alleys, or public or private highways or any place where people congregate or walk, or upon public or private property in Marion Township.
 - g. Sanitary Requirements for Housing of Chickens. Any owner of chickens or roosters within the limits of the Municipality shall be required to house the chickens at all times under sanitary conditions so that the keeping of chickens shall not become either a public or private nuisance. The following provisions apply:
 - i. All chicken feces accumulated on private property shall be removed by the approved sanitary method of double bagged and placed in the trash for collection unless composted (see Section iii).
 - ii. Chicken feces on private property shall not be allowed to

accumulate to the degree that it becomes a public health nuisance or hazard. In cases where chicken feces does accumulate on private property, the Ordinance Enforcement Officer and/or other designated official may conduct an investigation, after which the accumulation may be declared a public health hazard or nuisance and the owner shall be ordered to remove and dispose of the accumulated feces in an approved manner. The order to remove such accumulated feces shall be given personally to the owner or shall be sent by registered mail, and the owner shall be given a period of 48 hours from the date and time of receipt of the order to clean the property and remove the accumulated feces.

- iii. Composting. It shall be unlawful for any person to spread or cause to be spread or deposited upon any ground or premises within Marion Township any chicken manure. However, chicken manure may be composted on the property where the chickens are housed and the composted material then applied to gardens or yards.
 - iv. Slaughtering or butchering. Slaughtering or butchering of chickens for personal consumption or religious practices shall be permitted, provided that it is done wholly on the property where the chickens are kept and any waste is disposed of in a proper and sanitary way.
 - v. Proper storage of feed. All feed, water, and other items associated with the keeping of chickens shall be protected in a way that prevents infestation by rats, mice, or other rodents or vectors. Failure to keep all feed, water, and other items associated with the keeping of chickens in a clean and sanitary condition constitutes a violation of this ordinance.
 - h. Coops and outside runs shall be cleaned of hen droppings, uneaten feed, feathers and other waste on a regular basis and as necessary to ensure they do not become a health, odor or other nuisance.
 - i. Roosters are not permitted on lots less than ten (10) acres.
8. Regulations Specific to Carriage Horses: The following lot size and density restrictions shall apply to the keeping of carriage horses. Carriage horses are subject to all other applicable livestock regulations.
- a. Carriage horses are permitted at an animal density of one (1) horse per 10,000 square feet of unoccupied lot area dedicated to the housing and pasturing the animal.

B. Beekeeping

Honeybee apiaries are permitted by right as an accessory use in A-1, A-2, C-1, RRD and by Conditional Use in R-2 when in compliance with the Pennsylvania Bee Law (3 Pa.C.S.A. § 2101-§ 2117) and, subject to the following regulations:

1. Best Management Practices: Beekeeping facilities must be consistent with the Pennsylvania Department of Agriculture “Best Management Practices for Maintaining European Honey Bee colonies in the Commonwealth of Pennsylvania”.
2. Registration: The apiary must be properly registered with the Pennsylvania Department of Agriculture, Bureau of Plant Industry, pursuant to applicable Pennsylvania state laws;
3. Ownership and Care: Ownership, care and control of the honey bees shall be responsibility of a resident of the dwelling on the lot or the individual listed on the registration;
4. Colony Density:
 - a. There is no minimum parcel size for beekeeping.
 - b. A maximum of 3 hives may be kept on a lot.
5. Location:
 - a. Apiaries are not permitted within 10 feet of any lot line.
 - b. The front of any apiary shall face away from the property line of the residential property/zone closest to the hive;
 - c. No apiary shall be kept in front or side yards that abut streets.
6. Flyway Barriers: A flyway barrier is not needed if the beehive is kept at least 8 feet off the ground.
7. Water: A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
8. Safety: In any instance in which a hive exhibits unusually aggressive characteristics it shall be the duty of the beekeeper to destroy or requeen the hive.
9. Hives must be located within a secured area to protect the colony and prevent direct access by the public.
10. Hive Type: No person shall keep or maintain honeybees in any hive other than a modern moveable frame hive which permits thorough examination of every comb to determine the presence of bee disease.

SECTION 5: PERMITTING PROCESS FOR NON-COMMERCIAL LIVESTOCK / BEEKEEPING

Applicants proposing the non-commercial keeping of livestock and/or beekeeping must submit a zoning permit application identifying the following:

- A. An application fee payable to the Township in the amount of up to \$25.00. This amount may be amended by resolution adopted by a majority of the Township Supervisors.
- B. Property address, name and contact information of applicant.
- C. Description of the proposed animals and activities on the property.
- D. Location and area of proposed livestock enclosures.
- E. Location and height of proposed livestock structures including sheds, containers, animal housing, coops, hives, apiaries, flyway barriers, manure storage facilities, landscaping and fencing.
- F. Distance between structures/activities and neighboring properties.
- G. Verification that to the owner's knowledge, there is no private restriction against the keeping of animals/bees on the property.
- H. Verification that the applicant is familiar with the requirements set forth in this ordinance.
- I. Certify compliance with all applicable local, state, and federal regulations and permits.
- J. Penalties for Violations: In the event of a violation of any provision of this ordinance, the violator shall be subject to a minimum penalty of \$600.00 per day, plus court costs and reasonable attorney's fees incurred by the Township. In addition, the Township shall retain the right to enforce this Ordinance in equity brought in the Court of Common Pleas of the County of Centre, and all such other remedies as set forth in 53 P.S. Section 66601.

Appendix: Pennsylvania Act 38/Nutrient Management Program/Technical Manual, Supplement 5 Standard Animal Weights, Agronomy Facts 54 – Table 1, January 2013. *Please note this is included for reference as the latest version at time of ordinance preparation. The latest version shall apply.*

EXAMPLE CALCULATIONS

The following calculations are provided as examples. It is important to review this ordinance in its entirety and confirm these regulations are applicable to your property and determine if Conditional Use approval is necessary. Once confirmed, the following steps can be followed to determine the maximum allowable number of the desired livestock on your property:

Step 1: Determine acreage of land to be dedicated to housing and pasturing of livestock

Reference: §2. Definitions “Area, dedicated to keeping of livestock”

Step 2: For Small Animals, calculate maximum allowable animals based per §4.A.1.b. For Large Animals, convert acreage to “Animal Equivalent Units” per §4.A.1.a.

Step 3: Convert Animal Equivalent Units to pounds of Standard Animal Weight

Reference: Pennsylvania Act 38/Nutrient Management Program Technical Manual Supplement 5 Table 1 Standard Animal Weights

Step 4: Determine number of allowable animals is allowed based on Standard Animal Weight of desired animal

Example #1: Chickens on a one acre lot

Scenario: Michael owns one acre in the A-1 Zoning District. Michael desires to raise layer chickens for his family.

Step 1: Michael's homestead area consists of his home, driveway, septic fields and gardens occupies one-half ($\frac{1}{2}$) acre, leaving one-half ($\frac{1}{2}$) acres dedicated to housing and pasturing for non-commercial livestock.

Step 2: Per §4.A.1.b. Small animals, including chickens, are permitted at a density of six (6) animals per one (1) acre.

$$6 \text{ small animals per acre} \times \frac{1}{2} \text{ acre} = 3 \text{ Chickens are permitted on Michael's property}$$

Example #2: Horses on a three and one-half acre lot

Scenario: John owns three and one-half (3 ½) acres in the C-1 Zoning District. John desires to raise horses for his daughter to ride.

Step 1: John’s homestead area consisting of his home, driveway, front yard and septic fields occupies one-half (½) acre leaving three (3) acres dedicated to housing and pasturing for non-commercial livestock.

Step 2: Per §4.A.1.a. Large Animals, such as horses, are permitted at a density equal to 0.4 Animal Equivalent Units per Acre of lot area dedicated to the housing and pasturing of livestock.

John has three (3) acres remaining to dedicate to the housing and pasturing of horses. Therefore:

$$3 \text{ acres} \quad \times \quad \frac{0.4 \text{ Animal Equivalent Units}}{\text{acre}} \quad = \quad 1.2 \text{ Animal Equivalent Units permitted on John's property}$$

Step 3: By definition, 1 Animal Equivalent Unit = 1,000 lbs total

$$1.2 \text{ Animal Equivalent Units} \quad \times \quad \frac{1,000 \text{ lbs}}{\text{Animal Equivalent Unit}} \quad = \quad 1,200 \text{ lbs Standard Animal Weight is permitted on John's property}$$

Step 4: Per the Pennsylvania Act 38/Nutrient Management Program Technical Manual Supplement 5 Table 1 Standard Animal Weights, a “Light Horse, Mature” (i.e. not a work or draft horse) is equivalent to 1,100 lbs. Therefore:

$$\frac{1,200 \text{ lbs Standard Animal Weight permitted}}{1,100 \text{ lbs per Light Horse}} \quad = \quad 1 \text{ Light Horse is permitted on John's property}$$

Example #3: Dairy cows on an eight and one-half acre lot

Scenario: Taylor owns eight and one-half (8 ½) acres in the R-2 Zoning District. Taylor desires to raise Holstein dairy cows to provide milk for her family. Note: Since Taylor is located in the R-2 Zoning District, a Conditional Use application is required.

Step 1: Taylor’s homestead area consisting of her home, driveway, gardens, front yard and septic fields occupies one and one-half (1 ½) acre leaving seven (7) acres dedicated to housing and pasturing for non-commercial livestock.

Step 2: Per §4.A.1.a. Large Animals, such as dairy cows, are permitted at a density equal to 0.4 Animal Equivalent Units per Acre of lot area dedicated to the housing and pasturing of livestock.

Taylor has seven (7) acres remaining to dedicate to the housing and pasturing of dairy cows, therefore:

$$7 \text{ acres} \quad \times \quad \frac{0.4 \text{ Animal Equivalent Units}}{\text{acre}} \quad = \quad 2.8 \text{ Animal Equivalent Units permitted on Taylor's property}$$

Step 3: By definition, 1 Animal Equivalent Unit = 1,000 lbs total

$$2.8 \text{ Animal Equivalent Units} \quad \times \quad \frac{1,000 \text{ lbs}}{\text{Animal Equivalent Unit}} \quad = \quad 2,800 \text{ lbs Standard Animal Weight is permitted on Taylor's property}$$

Step 4: Per the Pennsylvania Act 38/Nutrient Management Program Technical Manual Supplement 5 Table 1 Standard Animal Weights, a Holstein cow is equivalent to 1,300 lbs. Therefore:

$$\frac{2,800 \text{ lbs Standard Animal Weight permitted}}{1,300 \text{ lbs per Holstein cow}} \quad = \quad 2 \text{ Holstein dairy cows are permitted on Taylor's property}$$

Example #4: Dairy goats and chickens on a four acre lot

Scenario: Mary owns four (4) acres in the A-1 Zoning District. Mary desires to raise chickens and dairy goats for her family.

Step 1: The area consisting of her home, driveway, septic fields and gardens occupies one (1) acre leaving three (3) acres dedicated to housing and pasturing for non-commercial livestock. She intends to dedicate one (1) acre for chickens and two (2) acres for goats. Note: The separation of acreage is for calculation purposes only, not to dictate physical separation between animals. Large and small livestock may physically share the same acreage, but cannot “share” for purposes of calculating maximum number of livestock permitted.

Step 2: Per §4.A.1.b. Small animals, including chickens, are permitted at a density of six (6) animals per one (1) acre.

$$6 \text{ small animals per acre} \quad \times \quad 1 \text{ acre} = 6 \text{ Chickens are permitted}$$

Per §4.A.1.a. Large Animals, such as dairy goats, are permitted at a density equal to 0.4 Animal Equivalent Units per Acre of lot area dedicated to the housing and pasturing of livestock.

Mary intends to dedicate two (2) acres to the housing and pasturing of dairy goats. Therefore:

$$2 \text{ acres} \quad \times \quad \frac{0.4 \text{ Animal Equivalent Units}}{\text{acre}} = 0.8 \text{ Animal Equivalent Units}$$

Step 3: By definition, 1 Animal Equivalent Unit = 1,000 lbs total

$$0.8 \text{ Animal Equivalent Units} \quad \times \quad \frac{1,000 \text{ lbs}}{\text{Animal Equivalent Unit}} = 800 \text{ lbs Standard Animal Weight is permitted}$$

Step 4: Per the Pennsylvania Act 38/Nutrient Management Program Technical Manual Supplement 5 Table 1 Standard Animal Weights, a doe dairy goat is equivalent to 125 lbs. Therefore:

$$\frac{800 \text{ lbs Standard Animal Weight permitted}}{125 \text{ lbs per doe dairy goat}} = 6 \text{ doe dairy goats permitted on Mary's property}$$