

Wrightstown TOWNSHIP ORDINANCE NO. 252

AN ORDINANCE OF NEWTOWN TOWNSHIP, UPPER MAKEFIELD TOWNSHIP AND WRIGHTSTOWN TOWNSHIP AMENDING THE NEWTOWN AREA JOINT MUNICIPAL ZONING ORDINANCE OF 1983, AS AMENDED, TO REVISE THE REGULATIONS PERTAINING TO THE KEEPING OF LIVESTOCK AND POULTRY

BACKGROUND:

A. Pursuant to statutory authority, the Pennsylvania Municipalities Planning Code (the "MPC"), Act 247 of 1968, as amended (53 P.S. §10101 et seq.), the Townships of Newtown, Upper Makefield and Wrightstown have enacted the Newtown Area Joint Municipal Zoning Ordinance of 1983, (the "JMZO"), as amended;

B. The JMZO participating municipalities have determined that there should be limits on the number of head of livestock and poultry which can be kept on properties of a certain size, in order to prevent overcrowding of livestock and poultry in the Jointure, and in order to prevent the negative impacts of over-grazing of the land, including, but not limited to, soil erosion and sedimentation which adversely effect both land and water;

C. The proposed amendments have been advertised, considered, posted and reviewed in accordance with MPC Section 609 (53 P.S. §10609).

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby **ENACTED AND ORDAINED** by the Boards of Supervisors of Newtown Township, Upper Makefield Township and Wrightstown Township, Bucks County, Pennsylvania, as follows:

Section 01: Section 803.A of the Newtown Area Joint Municipal Zoning Ordinance of 1983, as amended, is hereby amended to read as follows:

- A.** Principal Agricultural Uses. Agriculture is an ever-evolving industry. It is the intention of this Section to allow all normal agricultural operations including, but not limited to, the following:

Section 02: Subsection 3 of Section 803.A-1 of the Newtown Area Joint Municipal Zoning Ordinance of 1983, as amended, is amended in full to read as follows:

“3. Livestock and Poultry.

a. Livestock.

(1) Livestock shall not be permitted to over-graze any property in the Jointure Municipalities except during the winter months of November through February. Over-grazing shall be defined as grazing to the point of removing all or almost all vegetative growth from the ground, leaving only one inch (1”) or less of cover.

(2) The keeping of animals other than pets on ten (10) acres or more of contiguous land shall be governed by Pennsylvania Act 38 of 2005, as may be amended, known as the Agriculture, Communities and Rural Environment Act (“ACRE”).

(3) The keeping of grazing animals including, but not limited to, horses, cows, goats and sheep, on contiguous land consisting of less than ten (10) acres but greater than three (3) acres, shall be limited to no more than one (1) unit of grazing animals as defined on the first three (3) acres of contiguous land, and one (1) unit of grazing animals per acre for each contiguous acre over three (3) acres.

(4) The keeping of non-grazing animals including, but not limited to, pigs, on contiguous land consisting of less than ten (10) acres but greater than three (3) acres, shall be limited to no more than five (5) heads of non-grazing animals on the first three (3) acres of contiguous land, and five (5) heads of non-grazing animals per acre for each contiguous acre over three (3) acres.

(5) The keeping of non-grazing animals, including but not limited to pigs, on contiguous land consisting of three (3) acres or less shall be limited to five (5) heads of non-grazing animals.

(6) The keeping of both grazing and non-grazing animals on the same acreage described above will be limited to the maximum number of grazing and non-grazing animals for the acreage provided in the preceding paragraphs.

(7) Riding academies, livery or boarding stables, and commercial dog kennels, and the raising of fur-bearing

animals are not included in this provision and must meet the requirements of uses A-4 or A-5, as applicable, herein.

(8) All pastures for grazing livestock shall be fenced along paddock lines of sufficient height and type to contain livestock on the property. . The maximum height provisions governing fences in the front yard set forth in Sections 803.H-3.1.a. and 803.H-3.1.e. of this Ordinance shall not apply to the keeping of livestock.

(9) All non-grazing animals shall be kept in defined enclosures or areas of a type to contain the non-grazing animals on the property.

(10) Commercial livestock operations involving more than the number of head of livestock provided for in Section 803.A-1.3.a shall be regulated as Intensive Agriculture, use A-2.

b. Poultry.

(1) The keeping of poultry shall be limited to lots which contain at least 3 acres of land, and shall be limited to no more than 25 heads of poultry for the first 3 acres and up to 25 additional heads of poultry per acre up to 10 acres.

(2) Commercial poultry operations involving more than 25 heads of poultry per acre shall be regulated as Intensive Agriculture, use A-2.

(3) All poultry shall be kept in defined enclosures or areas of a type to contain the poultry on the property. The maximum height provisions governing fences in the front yard set forth in Sections 803.H-3.1.a and e. shall not apply to the keeping of poultry."

c. Exemption.

Members of youth programs sponsored and organized for the purpose of agricultural education and involving traditional agricultural animals, are hereby exempted from the provisions of this subsection 3, during the keeping and raising of traditional agricultural animals within the parameter of the youth programs.

- d. Pets, accessory to residential use.

The keeping of animals as pets, accessory to a residential use, will be governed by ordinance enacted by the participating municipalities.

Section 03: The introductory paragraph to Section 803.A-2 of the Newtown Area Joint Municipal Zoning Ordinance, as amended, is amended to read as follows:

“Intensive agriculture, including but not limited to feedlots, confinement livestock, or poultry operations taking place in structures or closed pens, shall be permitted subject to the following:”

Section 04: Section 200, of the Newtown Area Joint Municipal Zoning Ordinance of 1983, as amended, is hereby amended to add the following definitions:

Section 207.1 Animals, Grazing – Animals that exist wholly or partly on naturally growing pastures which usually consist of true grasses, together with other forage species such as legumes.

Section 207.2 Animals, Grazing Unit – 1 horse, cow or mule; or 2 donkeys; or 4 alpaca; or 5 sheep; or 6 goats; or 1 of any other grazing animal not listed. Suckling offspring are included within the same animal unit as the mother until weaned.

Section 207.3 Animals, Non-Grazing – Animals that exist in confined pens, cages, buildings or feed lots on feeds typically harvested and fed to the animals.

Section 05: All inconsistent provisions of the Newtown Area Joint Municipal Zoning Ordinance of 1983, as amended, are hereby repealed to the extent of the inconsistency. All other provisions of the Newtown Area Joint Municipal Zoning Ordinance of 1983, as amended, not affected by this Ordinance shall remain in full force and effect.

Section 06: The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Newtown Area Joint Municipal Zoning Ordinance of 1983.

Section 07: This Ordinance shall be effective five (5) days after adoption by the last adopting municipality hereto.

ORDAINED and ENACTED this 2nd day of May, A.D., 2007.

ATTEST:


ROBERT M. PELLEGRINO,
MANAGER

DATE: 4/18/07

NEWTOWN TOWNSHIP

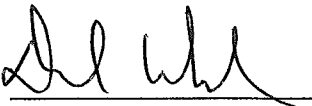

ANNE GOREN,
CHAIR

ATTEST:



JOSEPH CZAJKOWSKI,
MANAGER

DATE: 5/2/07

UPPER MAKEFIELD TOWNSHIP


DANIEL WORDEN,
CHAIR

ATTEST:


EILEEN M. BRADLEY,
TOWNSHIP ADMINISTRATOR

DATE: 4/16/07

WRIGHTSTOWN TOWNSHIP


CHESTER S. POGONOWSKI,
CHAIR

LAW OFFICES

CLEMONS RICHTER WALSH & REISS

A PROFESSIONAL CORPORATION

107 EAST OAKLAND AVENUE
DOYLESTOWN, PENNSYLVANIA 18901
TELEPHONE 215 348 1776
FAX 215 348 9450

TERRY W. CLEMONS
STEFAN RICHTER
THOMAS J. WALSH III

PETER L. REISS, LL.M.
SUSAN E. PIETTE
SCOTT A. MACNAIR

May 8, 2007

Ms. Lynn T. Bush, Executive Director
Bucks County Planning Commission
Neshaminy Manor
1260 Almshouse Road
Doylestown, PA 18901

Barbara Morris, Acting Director
Bucks County Law Library
Courthouse, First Floor
Main and Court Streets
Doylestown, PA 18901

Re: Adoption of Ordinance Amending the Newtown Area Joint Municipal
Zoning Ordinance - JMZO No. 2006-04 (Livestock and Poultry)

Dear Ms. Bush and Ms. Morris:

Please be advised that the above-referenced Ordinance was adopted on May 2, 2007. Its effective date is May 7, 2007. Enclosed is a copy of JMZO No. 2006-04 signed and attested by each Township. This Ordinance amends the Newtown Area Joint Municipal Ordinance by amending regulations pertaining to the keeping of livestock and poultry.

Should you have any questions, please feel free to contact me.

Very truly yours,



Susan E. Piette

Solicitor, Newtown Area Joint Zoning Council

Enclosure

cc: John Boyle, Newtown Township Interim Manager (w/original encl.)
cc: Joseph Czajkowski, Upper Makefield Township Manager (w/encl.)
cc: Eileen Bradley, Wrightstown Township Administrator (w/original encl.)
cc: Ethel Hibbs, Joint Zoning Council Secretary (w/ encl. via e-mail)
cc: Walter Wydro, NARPC Chairman (w/ encl. via e-mail)
cc: Paul Beckert, Jr., Esquire, Newtown Township Solicitor (w/ encl. via e-mail)
cc: John Rice, Esquire, Upper Makefield Township Solicitor (w/ encl. via e-mail)
cc: Mary Eberle, Esquire, Upper Makefield Township Solicitor (w/ encl. via e-mail)
cc: Terry W. Clemons, Esquire, Wrightstown Township Solicitor (w/ encl. via e-mail)