

**TOWNSHIP OF WAYNE**  
**SCHUYLKILL COUNTY, PENNSYLVANIA**  
**ORDINANCE NO. 2016-1**

***AN ORDINANCE OF THE TOWNSHIP OF WAYNE, SCHUYLKILL COUNTY, PENNSYLVANIA, AMENDING THE WAYNE TOWNSHIP ZONING ORDINANCE OF 1982 TO REGULATE DOMESTIC LIVESTOCK USE IN CERTAIN ZONING DISTRICTS; REPEALING INCONSISTENT ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE.***

***WHEREAS*** residents of Wayne Township have interest in keeping animals conventionally regarded as farm animals either as pets or as small domestic operations for personal enjoyment or consumption; and

***WHEREAS***, the Board of Supervisors desires to allow the citizens of Wayne Township to keep and raise small domestic animals while at the same time, protecting the public health, safety and welfare; and

***WHEREAS***, federal and state statutes and regulations impose certain limitations on Wayne Township's ability to regulate agricultural activities; and

***WHEREAS***, it is necessary to amend the Wayne Township Zoning Ordinance to address these concerns; and

***WHEREAS***, the Board of Supervisors of Wayne Township have previously enacted Ordinance No. 1982-1, as amended by Ordinance Nos. 1989-1, 1990-1, 1992-1, 2012-1, and 2015-7, known as the "Wayne Township Zoning Ordinance of 1982, as amended"; and

***WHEREAS***, a public hearing was held on the proposed amendment, on *April 20*, 2016, in accordance with the requirements of Section 609 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10609; and

***WHEREAS***, public notice and advertising of the proposed amendments have been made, as required by Sections 609 and 610 of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10609 and 10610.

***NOW, THEREFORE, BE IT ENACTED AND ORDAINED*** by the Board of Supervisors of Wayne Township, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained as follows:

1. The Wayne Township Zoning Ordinance of 1982, as amended, is hereby further amended as follows:

Section A. In §201.4, the following new definitions are hereby inserted in alphabetical order:

**Domestic Livestock Use** – Any activity involving the breeding, raising, caring for, housing, and principally the hobby/personal use of domestic animals and products derived from those animals by the occupant, owner or lessee of the lot on which such use is located. Such animals may include, but need not be limited to, equine species such as horses and ponies; camelids such as llamas and alpacas; small animal operations such as rabbits, guinea pigs and chinchillas; fowl such as chickens, turkeys, geese, ducks, pigeons, guinea fowl; bovine, swine, or sheep; and other species not commonly defined as pets or regulated elsewhere in this ordinance. Incidental sales of animals or animal products directly associated with the use may be permitted, however, no stock-in-trade sales, sales building or sales area as such shall be permitted. This definition excludes all commercial animal operations such as, but not limited to, livestock production for wholesale and retail markets, boarding and riding stables and liveryes.

**Running-at-Large** – Any instance in which an animal is running about loose on a street, or upon the property of a person other than the owner of such animal, unleashed and unaccompanied by the owner or custodian or by any member of the owner's family or by any servant or agent of the owner of such animal.

Section B. In the R-1 District (Low-Density Residential) and R-2 District (Medium-Density Residential) and R-2C District (Residential/Commercial), the following new Permitted Accessory Use is hereby inserted:

Domestic Livestock Use.

Section C. In the C-R District (Conservation – Recreation) and C-W District (Conservation Watershed), the following new Use by Right is hereby inserted:

Domestic Livestock Use.

Section D. In the A District (Agriculture) and the I District (Industrial), the following new Uses by Right are hereby inserted:

Domestic Livestock Use.

Section E. Section 501 Additional Regulations for All Districts is hereby amended by adding the following:

501.17 Regulations Governing Domestic Livestock Use

**Lot Size Requirements** – The minimum lot size required for the zone in which the use is located must be met. In addition, a minimum of one (1) acre of land, exclusive of buildings and impervious surfaces, must be provided for the first two (2) Animal Units which are housed or pastured on the lot. One (1) additional acre

of land shall be provided for each additional Animal Unit, beyond the two (2) permitted on the first acre, which is to be housed or pastured on the lot.

An Animal Unit(s) is defined as 1,000 pounds. Standard Animal weights as defined by Penn State College of Agricultural Sciences, shall be used to calculate animal units.

The land designated as acreage for each Animal Unit shall be used exclusively for animal(s) of the domestic livestock use proposed, and such open area shall be maintained entirely in vegetative cover. Wood lots and forested areas shall not be included in the calculation of the open acreage required for an Animal Unit(s).

**Fencing Requirements** – The area within which the Domestic Livestock are allowed, as set forth above in this section, shall be enclosed by a fence designed for containment, 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. Running at-large is not permitted. Such fence shall be no closer than 10 feet from any lot line and at least 50 feet from the nearest dwelling other than the owner. The area within the enclosed fence shall be maintained with suitable grass cover and shall not be allowed to degrade to an erodible or eroded condition.

**Setback Requirements** – All buildings and structures housing animals, and any buildings or structures used to store feed or other materials used for the domestic livestock use shall be located a minimum of thirty-five (35) feet from all property lines, or the setback required by the zone in which the use is located, whichever is greater. A minimum setback of one hundred (100) feet shall be provided between any area or structure used for the storage of animal wastes and all property lines, existing street right-of-way lines, wetlands and waterways.

**Nuisance Effect** – The owners of domestic livestock shall exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor. 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.

**Conversion** – Conversion of a domestic livestock use to a more intense, commercial livestock operation shall not be permitted. No conversion of a domestic livestock use to any other principal or accessory use shall be permitted unless such use complies with all ordinance and permitting requirements in force and effect at the time such a conversion is applied for.

**Compliance with other Regulations** – The proposed use shall comply with all applicable State, Federal and local regulations, including but not limited to,


nutrient management, building codes, erosion and sedimentation control and storm water management, as well as standards for signs, lighting, parking and access.

2. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.
3. This ordinance shall become effective five (5) days after its enactment.

**ENACTED AND ORDAINED** this 20th day of April 2016, by the Board of Supervisors of Wayne Township, in lawful session duly assembled.

**ATTEST:**

**BOARD OF SUPERVISORS OF THE  
TOWNSHIP OF WAYNE**

  
Secretary

  
Chairman