

I, Michael G. Crotty, Esquire of Siana, Bellwoar & McAndrew, LLP, Solicitor of West Fallowfield Township, hereby certify and attest that the below Ordinance is a true and correct copy of the proposed ordinance to be considered for adoption by the West Fallowfield Township Board of Supervisors at the regular Township meeting on July 6, 2017.

/s/ Michael G. Crotty
Michael G. Crotty, Esquire
Siana, Bellwoar & McAndrew, LLP
Township Solicitor

WEST FALLOWFIELD TOWNSHIP

ORDINANCE NO. 81

AN ORDINANCE OF THE TOWNSHIP OF WEST FALLOWFIELD, CHESTER COUNTY, PENNSYLVANIA, AMENDING SECTION 1302 OF THE WEST FALLOWFIELD TOWNSHIP ZONING ORDINANCE OF 1997, AS AMENDED, RELATED TO THE KEEPING OF ANIMALS AS A RESIDENTIAL ACCESSORY USE, AND SUPERSEDING ANY ORDINANCE OR PARTS OF ORDINANCES THAT ARE INCONSISTENT HEREWITH.

AND NOW, this 6th day of July , 2017, the Board of Supervisors of West Fallowfield Township, Chester County, Pennsylvania, hereby amends the Zoning Ordinance of West Fallowfield Township of 1997 as follows:

SECTION 1. Section 1302(F) of the Zoning Ordinance, Keeping of Animals, is hereby amended as follows:

F. Keeping of Animals

1. Keeping of Non-Household Animals. The following standards apply to the keeping of Non-Household Animals (i.e., horses, cows, goats, sheep, pigs and livestock) as an accessory to a residential use:
 - a. All Non-Household Animals shall be contained within the Lot.
 - b. A minimum lot area of three (3) acres is required to keep Non-Household Animals.
 - c. The number of Non-Household Animals on a lot shall not exceed the following on a lot of three (3) acres):

- i. One (1) horse;
 - ii. One (1) cow or livestock;
 - iii. Three (3) goats or sheep; or
 - iv. Two (2) pigs.
 - d. With each additional, full one (1) acre of property, any one of the following Non-Household Animals may be added per acre:
 - i. One (1) horse;
 - ii. One (1) cow or livestock;
 - iii. Up to three (3) goats or sheep; or
 - iv. Up to two (2) pigs.
 - e. Any accessory building or structure used for the housing or maintaining of such Non-Household Animals shall comply with the setback provisions for the District in which the use is located.
 - f. If the keeping of Non-Household Animals pursuant to this provision is a commercial activity, such use shall be considered a principal use and shall be governed by the regulations of the District in which the use is located.
 - g. Animal waste from Non-Household Animals shall be contained in a manner to control and mitigate the potential of contaminating surface and ground water due to stormwater runoff.
 - h. The keeping of Fowl shall be governed by section 2 below.
- 2. Keeping of Fowl. The following standards apply to the keeping of Fowl as an accessory to a residential use on a property.
 - a. Lot Size: A minimum Lot Size of ½ acre is required for the keeping of Fowl.
 - b. Number of Fowl: Within the V Village District, the RN Residential Neighborhood District, the C Commercial District, and the I Industrial District, six (6) Fowl may be permitted on Lots greater than ½ acre in Lot Size. Within the AG Agricultural District, twelve (12) Fowl are permitted on Lots greater than ½ acre in Lot Size as an accessory to a residential use. Nothing herein shall be construed to regulate the keeping of Fowl as a component of, or accessory to, an Agricultural Operation.
 - c. No Fowl shall be permitted in mobile home parks or on properties containing multifamily dwelling units.
 - d. No roosters or similar crowing Fowl shall be permitted on residential lots not associated with a principal Agricultural Operation in the V Village District, the

RN Residential Neighborhood District, the C Commercial District, or the I Industrial District.

- e. Fowl shall be kept for personal use only and not for commercial exchange or goods or commodities with the exception of the sale of surplus eggs directly to an end user or as a donation to a local food bank. If the keeping of Fowl is a commercial activity (except as provided in this subsection), such use shall be considered a principal use and shall be governed by the regulations for the District in which the use is located.
- f. Fowl must be secured at all times and located at a minimum distance equivalent to the required Rear or Side Yard setback requirements in the applicable Zoning District, whether in a stationary coop or a tractor-style coop. Fowl shall not be permitted within the Front Yard of any property.
- g. Fowl shall be provided with a run or placed in a securely fenced area on the Lot, so that they are able to forage for feed within the Lot. Any accessory building or structure used for the housing, maintaining or keeping of Fowl shall also comply with the setback provisions for the District in which the use is located.
- h. To protect the public health in residential areas, the following standards must be met:
 - i. Feed for Fowl shall be stored in a rodent- and raccoon-proof container at all times.
 - ii. Fowl manure, when not being utilized for composting or fertilizing on an individual's property, must be collected, stored and removed from the property on a regular basis in compliance with the following:
 - (1) All stored manure shall be in a noncombustible container.
 - (2) No more than one, twenty-gallon container of manure shall be stored on any one property housing Fowl.
 - (3) All manure not used for composting or fertilizing shall be removed from the property.
- i. Coops, runs and fenced-in areas shall be placed on a lot in compliance with all zoning requirements, and all coops in excess of 32 square feet in size shall obtain a zoning permit prior to their placement.

- j. Should a complaint be filed that requires an Animal Control Officer from another governmental agency or other agency other than that of the Township to address a nonagricultural residential lot on which Fowl are raised and said complaint leads to the issuance of a citation but not a conviction, said complainant shall be responsible for the reimbursement of any and all costs associated with said complaint should the Township receive a bill for said service from the agency issuing the citation.
3. Nothing herein shall be construed or interpreted in a manner inconsistent with any state law, rule or regulation that is deemed to be preemptive of municipal regulation. To the extent of an inconsistency between this Section and current or future applicable, preemptive state law, rule or regulation, such state laws, rules or regulations shall control and an applicant shall establish compliance with the same.

SECTION 2. Section 1902 of the Zoning Ordinance, Definitions, is hereby amended to add the following definitions:

FOWL - Chickens, guinea hens, peacocks, ducks, geese, turkeys and the like.

HOUSEHOLD ANIMALS - Dogs, cats, rabbits, guinea pigs, rodents, birds, reptiles, and other species of animal raised for personal, noncommercial purposes within a Dwelling Unit, which may be restrained by a leash, by holding the animal in the hands, or by having direct supervision and control of the animal.

NON-HOUSEHOLD ANIMALS – Animals kept, housed or maintained on a property for personal, non-commercial purposes, except for those animals defined as Household Animals.

AGRICULTURE; AGRICULTURAL OPERATION – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural or aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. The term further includes agricultural operations as the term is utilized and defined by state law (including, but not limited to, the Right to Farm Act, and the Nutrient Management Act).

SECTION 3. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 5. Effective Date. This Ordinance shall take effect five (5) days after its adoption.

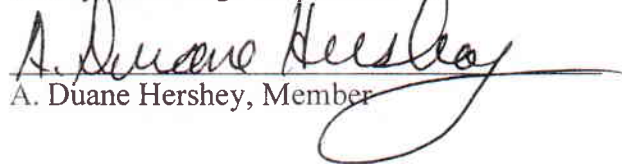
ENACTED AND ORDAINED this 6th day of July, 2017, by the Board of Supervisors of West Fallowfield Township.

**BOARD OF SUPERVISORS
WEST FALLOWFIELD TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**



Anne E. Hutchison, Chairman

Jeffrey K. Young, Vice Chair



A. Duane Hershey, Member

Attest:



Anna M. Wheeler