

**BOROUGH OF ORWIGSBURG  
SCHUYLKILL COUNTY, PENNSYLVANIA  
ORDINANCE NO. 461**

**AN ORDINANCE OF THE BOROUGH OF ORWIGSBURG TO AMEND THE ORWIGSBURG BOROUGH ZONING ORDINANCE BY DELETING THE DEFINITION OF ANIMAL HUSBANDRY AND ADDING THE DEFINITIONS OF AGRICULTURE, ANIMAL EQUIVALENT UNIT (AEU), RAISING OF LIVESTOCK OR POULTRY, CONCENTRATED ANIMAL FEEDING OPERATION (CAFO), CONCENTRATED ANIMAL OPERATION (CAO), AND KEEPING OF NON-COMMERCIAL LIVESTOCK OR POULTRY; AMENDING SECTION 6.02F TO EXCLUDE RAISING OF LIVESTOCK OR POULTRY; AMENDING SECTION 6.12A TO INCLUDE RAISING OF LIVESTOCK OR POULTRY; ADDING A NEW SECTION 10.39 RELATING TO KEEPING OF NON-COMMERCIAL LIVESTOCK OR POULTRY; ADDING A NEW SECTION 10.41 RELATING TO RAISING OF LIVESTOCK OR POULTRY; AND PROVIDING FOR A REPEALER, VALIDITY AND THE EFFECTIVE DATE OF THE ORDINANCE.**

BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Borough Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania that the Orwigsburg Zoning Ordinance, as amended (the "Ordinance"), is hereby amended as follows:

**Section 1.** Section 2.02 of the Ordinance is hereby amended by deleting in its entirety the definition of ANIMAL HUSBANDRY.

**Section 2.** Section 2.02 of the Ordinance is hereby supplemented by adding the following definitions:

**AGRICULTURE.** The cultivation of the soil for food products or other marketable products, including raising of livestock or poultry.

**ANIMAL EQUIVALENT UNIT (AEU).** 1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unity. Animals weights must be calculated annually using the Standards Animal Weights listed in Pennsylvania Act 38 Nutrient Management Program Technical Manual, by the Pennsylvania State Conservation Commission.

**LIVESTOCK OR POULTRY, RAISING OF.** The raising and keeping of livestock, poultry, or insets for any commercial purposes beyond what is allowed under the "Keeping of Pets and Non-Commercial Livestock or Poultry" section 10.39 and beyond what is customarily accessory to a principal "Agricultural Operation" use. Raising of livestock or poultry shall not include a slaughterhouse nor a stockyard involving animals from multiple farms. Raising of fish shall be regulated separately as aquaculture. See Section 10.41.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO). A type of raising of livestock or poultry that meets one or more of the following standards: 1) it is a CAO with greater than 300 AEUs, 2) it is an agricultural operation with greater than 1,000 AEUs, or 3) it meets regulations of the U.S. Environmental Protection Agency as a “large CAFO”.

CONCENTRATED ANIMAL OPERATION (CAO). A type of raising of livestock or poultry use that meets both of the following criteria: 1) it includes eight (8) or more AEUs and 2) the animal density exceeds 2 AEUs per acre on the annualized basis.

NON-COMMERCIAL LIVESTOCK OR POULTRY, KEEPING OF. The keeping of livestock, poultry, or other types of animals for non-commercial purposes that are normally beyond the definition of those considered to be kept in conjunction with a dwelling for the pleasures of the resident family, i.e. pets. See Section 10.39.

**Section 3.** Section 6.02F of the Ordinance is hereby amended to read in its entirety as follows:

Agriculture, truck farming, gardening, flower and tree nurseries, noncommercial greenhouses, but not including raising of livestock or poultry or pet kennels.

**Section 4.** Section 6.12A of the Ordinance is hereby amended to read in its entirety as follows:

Agriculture, truck farming, gardening, flower and tree nurseries, noncommercial greenhouses, raising of livestock or poultry, but not including pet kennels.

**Section 5.** Section 10.39 Keeping of Non-Commercial Livestock or Poultry is hereby added to the Ordinance to read in its entirety as follows:

#### SECTION 10.39 – KEEPING OF NON-COMMERCIAL LIVESTOCK OR POULTRY

(NOTE: this does not apply to the Raising of Livestock or Poultry, which is regulated in Section 10.41 for commercial uses)

- A. This is a permitted by right accessory use in all Districts.
- B. This use shall not include a use meeting the definition of a kennel.
- C. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard, or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height and on a chain. Animals shall be kept on the property of the owner, except when they are on a leash.

#### D. LOT SIZE AND DENSITY REQUIREMENTS

1. Chickens, ducks, geese, and/or similar fowl/poultry may be kept as a non-commercial accessory to a dwelling on a lot at a density rate of three (3) per one half (1/2) acre of lot area, provided they are not allowed to enter roads or the property of others, and provided they are maintained in a sanitary manner that does not cause odors for occupants of other properties. Roosters shall not be kept on a lot of less than three (3) acres.

0 to ½ acre lot – Maximum 3

½ to 1 acre lot – maximum 6

1 to 1-½ acre lot – maximum 9

1-½ to 2 acre lot – maximum 12

Continue per the above rate.

2. Large animals (livestock of the bovine, caprine, equine, swine, sheep, or camelid families) shall be permitted at a density of one (1) animal for each 15,000 square feet of lot area used for housing and pasturing of livestock.
3. Minimum lot size of one (1) acre shall be required for the non-commercial keeping of “Large Animals”.
4. Notwithstanding the area available for large animals, no more than five (5) large animals shall be permitted per lot, regardless of size, weight, or species of animal.
5. Any animal barn, manure storage areas, or stable shall be a minimum of 100 feet from any “residential lot line” and 150 feet from any existing dwelling other than that of the owner of the animal described. A plan shall be prepared, submitted to the Borough, and followed for management of manure.

- E. The keeping of any “exotic wildlife” shall also comply with the Pennsylvania Game & Wildlife Code regulations, current edition. (As of 2019, such regulations were in Title 58, Chapter 147 of the PA Code). Exotic wildlife includes but is not limited to all animals not referenced within the ordinance or animals not typically kept in conjunction with a dwelling for the pleasures of the resident family.

**Section 6.** Section 10.41 Raising of Livestock or Poultry is hereby added to the Ordinance to read in its entirety as follows:

#### SECTION 10.41 – RAISING OF LIVESTOCK OR POULTRY

- A. Allowable as a permitted use in R-S Suburban Residential Districts.
- B. Minimum lot area – 1 acre, except a minimum lot area of 10 acres shall apply for a Concentrated Animal Feeding Operation (CAFO) or Concentrated Animal Operation (CAD).
- C. Except for a CAFO or CAO use, any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 200 feet from a lot in a residential

district, 2) 200 feet from an existing dwelling that is not within a residential district, and 3) 50 feet from all other existing lot lines.

- D. For a CAFO or CAO use, any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 500 feet from a lot in a residential district, 2) 200 feet from an existing dwelling that is not within a residential district, and 3) 100 feet from all other exterior lot lines.
- E. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that exist prior to the adoption of this Section where the applicant proves that there is no reasonable and feasible alternative and where the applicant proves that the lesser distance would not be detrimental to public health or safety or create significant hazards or nuisances.
- F. The setbacks from property lines provided in this Section for this use shall not apply from dwellings or lots owned by: 1) the operator or owner of the livestock use, or 2) affected property-owners providing a written notarized letter waiving such setback.
- G. For a new or expanded raising of livestock or poultry use, evidence shall be provided by the operator/applicant to the Borough to show that there will be compliance with procedures and requirements of the State Nutrient Management Act and accompanying State regulations.
- H. Buildings used for the keeping of livestock or poultry shall not be located within 100 feet of any of the following: a perennial creek, a river, a public water supply reservoir, an active public central drinking water supply well, or an active intake for a public central water supply.
- I. For manure storage facilities that are specifically required to have a setback from lot lines under the State Nutrient Management regulations, that State setback shall apply. For any other manure storage facilities, a 100 feet minimum setback shall apply from all lot lines.
- J. The following additional requirements shall apply to a CAO or CAFO use:
  - 1. The applicant shall provide a soil and erosion control plan to the County Conservation District for review and pay their review fees.
  - 2. The applicant shall describe in writing or on site plans methods that will be used to address water pollution and insect and odor nuisances. The applicant may meet this requirement by stating that there will be compliance with specific applicable sections of the Pennsylvania Soil and Water Conservation Technical Guide as published by the U.S. Department of Agriculture and the State Department of Environmental Protection's Manure Management Manual for Environmental Protection, or their successor publications.
  - 3. The location of the facility is requested to consider prevailing wind patterns as they may affect the nearest existing dwellings.
  - 4. An area shall be provided for trucks to turn around on the property that avoids the need to back out onto a public road.

**Section 7.** All ordinances or parts of ordinances, together with all amendments and supplements thereto, are hereby repealed to the extent that the same conflict with the provisions of this Zoning Ordinance Amendment. This Zoning Ordinance Amendment shall not affect any suit or prosecution pending or to be instituted to enforce any provision of such repealed ordinance or to punish any offense against any such repealed ordinance committed prior to the effective date of this Zoning Ordinance Amendment.


**Section 8.** If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Zoning Ordinance Amendment is declared for any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase word or remaining portion of the Zoning Ordinance. The Borough Council of the Borough of Orwigsburg hereby declare that it would have adopted this Zoning Ordinance Amendment and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof irrespective of the fact that any one or more of the articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.


**Section 9.** This Ordinance shall become effective five (5) days after the date of its enactment.

DULY ENACTED AND ORDAINED this 13<sup>th</sup> day of March, 2024, by the Borough Council of Orwigsburg Borough, Schuylkill County, Pennsylvania, in lawful session duly assembled.

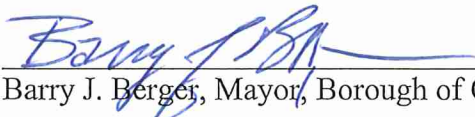
BOROUGH OF ORWIGSBURG  
Schuylkill County, Pennsylvania

ATTEST:

  
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Sarah Celani, Borough Secretary

By:   
\_\_\_\_\_  
Richard Bubeck, President of Borough Council

EXAMINED and APPROVED this 13<sup>th</sup> day of March, 2024.

  
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Barry J. Berger, Mayor, Borough of Orwigsburg