

## EAST BRANDYWINE TWP

### § 399-85 Keeping of animals.

A. In conjunction with agriculture. [Amended 11-15-2000; 10-19-2005 by Ord. No. 4-2005]

- (1) Except as stipulated in Subsection A(2) below, livestock and other animals utilized as part of an agricultural operation may be kept without numerical limit, so long as the property on which they are kept has a gross lot area of not less than 20 acres.
- (2) The operation of any feed lot or pig farm, or the keeping of pigs or swine, shall be permitted so long as the property has a gross lot area of not less than 50 acres. In addition, no such activities shall be conducted closer than 200 feet from any property line, and the area devoted to such uses shall be completely enclosed by fencing.
- (3) No animals of any kind shall be kept in any structure or elsewhere on the premises in a manner likely to cause excessive noise, unhealthy or unsanitary conditions, pollution of groundwater or surface water, or pollution of stormwater runoff leaving the property.
- (4) Permanent shelter shall be provided for all animals. Such shelter shall be of sufficient size for good sanitation practices and shall be equipped with adequate facilities for food, water, and manure removal and handling for the number and type(s) of animals kept.
- (5) A fenced or otherwise enclosed outside area shall be provided which is capable of containing the animals kept and which is of sufficient size and properly located for good sanitation purposes. Materials used for fencing shall be maintained so as to prevent straying.

B. Small-scale keeping of livestock. Small-scale keeping of livestock shall be practiced only in accordance with the terms of this section. [Amended 11-15-2000; 10-19-2005 by Ord. No. 4-2005]

- (1) Maximum gross lot area. Small-scale keeping of livestock may be practiced in accordance with the terms of this section on any lot with a gross area of less than 20 acres. On lots with a gross area of 20 acres or more, the keeping of livestock shall be regulated as an agricultural use under the terms of this chapter.
- (2) Minimum lot area. Any lot on which small-scale keeping of livestock is to be practiced shall have a minimum gross and net lot area of one acre. Further, such lot shall contain a minimum of one acre of land, exclusive of buildings and impervious surfaces, for each animal unit that is housed or pastured on the lot. The land designated as qualifying acreage for each animal unit shall be used exclusively for the animal(s) of the small-scale livestock use proposed, and such open area shall be covered and maintained entirely in natural vegetation.
- (3) Minimum setbacks from property lines. All buildings and structures housing animals, and any buildings or structures accessory or appurtenant to the small-scale livestock use shall be located a minimum of 35 feet from all property lines, or shall comply with the setback required for the zoning district in which the property is located, whichever is greater. A minimum setback of 100 feet shall be provided between all property lines, existing street right-of-way lines, any wetland or watercourse, and any area or structure used for the storage of animal waste.

- (4) Required fencing. All animals shall be kept within a fenced enclosure 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. Such fencing shall be located not less than five feet from any property line.
  - (5) Height limits. The height limits for residential buildings in the zoning district in which the property is located shall apply to all buildings and structures used for small-scale keeping of livestock and not otherwise exempted.
  - (6) Wetlands and watercourses. No animal shall have direct access to a jurisdictional wetland, watercourse, spring, or well on the lot on which the small-scale livestock use is located. Stabilized stream-crossing areas designed and constructed as such shall be exempted from this requirement.
  - (7) Outdoor storage. The provisions of this chapter governing outdoor storage shall apply, except that animal bedding material may be stored a minimum of 35 feet from any property line, existing street right-of-way line, wetland, or watercourse.
  - (8) Nuisances. The small-scale keeping of livestock shall not constitute a nuisance with regard to noise, odor, vectors, dust, vibration, running at large, or other nuisance effects beyond the property lines of the property on which the use is located.
- C. Kennels. As defined by this chapter, a kennel shall be permitted only when in compliance with the following standards:
- (1) The lot shall have a gross area not less than 15 acres. **[Amended 11-15-2000]**
  - (2) Any area in which dogs are kept, sheltered, or exercised shall be located not less than 500 feet from any property line.
  - (3) There shall be sufficient facilities to enable the dogs to be sheltered indoors. Such facilities shall be the required location of the dogs during the hours of 10:00 p.m. to 6:00 a.m. **[Amended 5-2-2013 by Ord. No. 03-2013]**
  - (4) Sound-baffling devices or other appropriate noise-control measures shall be installed in or on any building or shelter housing dogs to protect adjacent properties from noise problems. **[Amended 5-2-2013 by Ord. No. 03-2013]**
  - (5) Fencing shall be installed in a manner that prevents dogs from leaving the property.
- D. Keeping of small domestic animals. The raising or keeping of small animals on lots of less than 20 acres shall be permitted, provided the following standards are met: **[Amended 10-19-2005 by Ord. No. 4-2005]**
- (1) "Small animals" refer to those kept in a hutch or similar animal house, including but not limited to rabbits, chickens, and ducks. Such animals shall not include any exotic, wild, and/or dangerous animal, including but not limited to those designated and regulated as such by the Pennsylvania Game Commission or other federal or state law. **[Amended 4-19-2006 by Ord. No. 01-2006]**

- (2) Any lot on which the raising or keeping of small animals is to be practiced shall have a minimum gross and net lot area of one acre.
- (3) The total number of small animals shall not exceed one per each 1/5 acre of lot area.
- (4) Fencing or an enclosed animal house structure shall be installed. An animal house structure shall comply with the setback requirements for accessory structures in the applicable base zoning district.
- (5) Household pets which generally are kept within a dwelling unit, including but not limited to dogs, cats, hamsters, and birds, shall not exceed 10 such animals on the property. In addition, no lot shall contain more than six cats; more than four dogs, except that puppies from a litter born on the property shall not be included in this limit until four months following birth. The keeping of such household pets shall not be subject to the terms of Subsection **D(1)** through **(4)**, above.
- (6) Where more than four dogs are being bred and raised commercially for resale; or being kept during the day or boarded overnight for another owner for commercial purposes; or being kept on a temporary basis for humane purposes as part of a noncommercial shelter or rescue program, such operation shall be considered a kennel, as defined and regulated by this chapter. [**Amended 5-2-2013 by Ord. No. 03-2013**]
- (7) The terms of this section are intended to be separate and distinct from those of § **399-85B** regarding small-scale keeping of livestock.
- (8) On properties of 20 acres or greater, the regulations in Subsection **D(1)** through **(5)** above shall not apply and the keeping of such animals shall be subject to applicable regulations for agricultural use.