

**CODORUS TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 15- *06*

**AN ORDINANCE OF CODORUS TOWNSHIP, YORK COUNTY,
PENNSYLVANIA, ESTABLISHING HEALTH, SAFETY, AND WELFARE
REGULATIONS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS;
PROVIDING STANDARDS FOR THE PERMITTING OF CONCENTRATED ANIMAL
FEEDING OPERATIONS; PROVIDING DEFINITIONS; PROVIDING AN
EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY.**

WHEREAS, Section 607(1) of the Second Class Township Code ("Code") provides that the Codorus Township Board of Supervisors is charged with the general governance of the Township and the execution of legislative, executive and administrative powers in order to ensure sound fiscal management and to secure the health, safety and welfare of the citizens of the Township; and

WHEREAS, Section 1506 of the Code provides that the Codorus Township Board of Supervisors may make and adopt any ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth necessary for the proper management, care and control of the Township and its finances and the maintenance of peace, good government, health and welfare of the Township and its citizens, trade, commerce and manufacturers; and

WHEREAS, Article I, Section 27 of the Pennsylvania Constitution, the Environmental Rights Amendment, provides that the people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment, and that public natural resources are the common property of all the people, including generations yet to come; and

WHEREAS, there are documented potential human health risks associated with Concentrated Animal Feeding Operations ("CAFOs") including infections resulting from the potential transmission of airborne pathogens, health effects including asthma, bronchitis, and allergic reactions associated with exposure to air contaminants, and health effects associated with exposures to nitrates, drug residues, and other hazards that may be present in ground and/or surface waters contaminated by manure, and

WHEREAS, the Codorus Township Board of Supervisors has determined that providing proper standards, in accordance with the laws of the Commonwealth of Pennsylvania and the authority of the Township, pertaining to CAFOs will adequately and properly protect and ensure the health, safety and welfare and secure rights to clean air and pure water for the citizens of Codorus Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby ordained and enacted by the Board of Supervisors of Codorus Township as follows:

1. **DEFINITIONS**

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense, and words used in the plural include the singular. For purposes of this chapter, the following words, terms and phrases shall have the following meanings unless otherwise indicated:

- 1.1. **AIRBORNE PATHOGENS** - Any organism that causes disease and that spreads throughout the environment via the air.
- 1.2. **ANIMAL EQUIVALENT UNIT (AEU)** - One thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individuals comprising the unit, as defined in Section 3 of the Nutrient Management Act (3 p.s. §1703)[1] AND 25 Pa. Code §83-201, which are incorporated into this chapter by reference.
- 1.3. **AEU PER ACRE** - An animal equivalent unit per acre of cropland or acre of land suitable for application of animal manure.
- 1.4. **ANIMAL WASTE** - Any animal excrement, animal carcass, feed waste, animal water waste, or any other waste associated with animals.
- 1.5. **ANIMAL WASTEWATER** - Any animal excreta, any liquid which comes into contact with any manure, litter, bedding or other raw material or intermediate or final material or product used in or resulting from the production of animals or products directly or indirectly used in the operation of a CAFO, or any spillage or overflow from animal watering systems, or any liquid used in washing, cleaning or flushing pens, barns, or manure pits, or any liquid used in washing or spraying to clean animals, or any liquid used for dust control on the premises of a CAFO,
- 1.6. **CONCENTRATED ANIMAL FEEDING OPERATION** - A CAFO with greater than 300 AEUs, any agricultural operation with greater than 1,000 AEUs, or any agricultural operation defined as a large CAFO under 40 CFR 122.23(b)(4) (relating to concentrated animal feeding operations (applicable to State NPDES programs, see § 123.25)).
- 1.7. **CONCENTRATED ANIMAL OPERATION** - Agricultural operations with eight or more animal equivalent units where the animal density exceeds two AEUs per acre on an annualized basis.
- 1.8. **BUILDING PERMIT** - A building permit/letter of approval required of a CAFO by Codorus Township.

- 1.9. **FEEDLOT** - Any land area, structure, lot, yard, or corral or other area, whether enclosed with a roof or unenclosed, wherein livestock are confined in close quarters for the purpose of fattening, feeding, growing, raising, or birthing such livestock for final shipment to market or slaughter. Without limiting the generality of the foregoing definition, a lot or structure which contains 300 AEUs per acre for the foregoing purposes shall be considered a feedlot. A feedlot does not include unenclosed pasture areas which are used for the raising of crops or other vegetation upon which livestock are allowed to graze or feed.
- 1.10. **LAND** - Any plot, parcel, lot or other area of land owned or leased by the CAFO to qualify for the capacity of one acre per four AEU formula for wet handling, or one acre per eight AEU formula for dry handling.
- 1.11. **LAND APPLICATION AREA** - Land used or reserved for the application of liquid or dry CAFO animal wastes from a building or outdoor storage facility.
- 1.12. **LEASE** - A written contract for the exclusive use of real property, which contract specifically grants unto the lessee the right to apply animal waste and animal wastewater to the leased premises.
- 1.13. **LIVESTOCK** - Cattle, sheep, swine, poultry and other animals or fowl, which are being produced primarily for use as food or food products for human consumption.
- 1.14. **MANURE STORAGE STRUCTURE** - Any pad, pit, pond, lagoon, tank, building, or manure containment area used to store or treat manure, including any portions of buildings used specifically for manure storage or treatment. Manure storage structures must be designed and managed to contain manure, wastewater, contaminated runoff, and manure mixed with litter or bedding without any discharge to the waters of the Commonwealth.
- 1.15. **OWNER** - Anyone who owns, either individually and/or with any other persons, any of the following interests in the real property upon which a CAFO is situated:
- 1.15.1. Fee simple title;
 - 1.15.2. Leasehold interest;
 - 1.15.3. Any interest in any entity which holds fee simple title;
 - 1.15.4. Any interest in any entity which has a leasehold interest.
- 1.16. **OWNER'S IMMEDIATE FAMILY** - The owner's parents, spouse, children, grandchildren, brothers and/or sisters.
- 1.17. **PERSON** - Includes natural persons and also includes corporations, partnerships, associations and any other business or charitable entities, including a natural person who has supervisory authority over the operation of a CAFO, whether or not such person is an owner of the CAFO, and a natural person who

applies animal waste or animal wastewater originating from the CAFO.

- 1.18. **RESIDENCE** - A dwelling place for people which is inhabited at least 50% of the year or any church, school, business or other public building open to and used routinely by the public for public purposes.
- 1.19. **TOWNSHIP HEALTH PERMIT** - Written authorization issued by the Codorus Township Board of Supervisors to construct, modify or operate a CAFO. Permits are effective for a five-year period before having to be renewed. Renewal applications must be submitted to the Township at least 180 days prior to expiration of the permit.

2. CLASSIFICATION OF CONCENTRATED ANIMAL OPERATIONS

- 2.1.A Class I CAFO is one that has a capacity of 2,000 or more AEUs.
- 2.2 A Class II CAFO is one that has a capacity of 1,500 to less than 2,000 AEUs.
- 2.3 A Class III CAFO is one that has a capacity of 1,000 to less than 1,500 AEUs.
- 2.4 A Class IV CAFO is one that has a capacity of 301 to less than 1,000 AEUs

3. RULES APPLICABLE TO ALL CAFOs

Each CAFO located in Codorus Township, save for those meeting the exceptions contained in Sections 5 and 6 herein, shall be required to obtain a Township Health Permit. Such permit is valid for a period of 5 years from the date of issuance and may be renewed for additional 5-year period upon renewal application by the CAFO owner or operator. Prior to issuance of a Codorus Township Health Permit, the Township shall make findings of fact and conclusions of law as to the following:

3.1. The proposed CAFO shall be in compliance with the provisions of this Ordinance, as applicable. Codorus Township shall have the right to contract with outside engineers or other qualified parties to conduct inspections of proposed and permitted CAFOs as needed to ensure ongoing compliance with this Ordinance, with not less than one inspection performed on each facility annually. Inspection reports shall be generated and provided to the Codorus Township Board of Supervisors and posted on the Township's web site.

3.1.1. The Township may designate a health inspector to enter and inspect at reasonable times and in a reasonable manner any places or conditions whatsoever within the jurisdiction of the Township for the purpose of enforcing the health laws, rules and regulations of the Commonwealth and this Ordinance, and for the purpose of examining for, and abating nuisances detrimental to the public health.

3.2. Airborne pathogens. The permittee shall provide adequate provisions for the control of airborne pathogens as determined by the Codorus Township Board of Supervisors. These measures include, but are not limited to, installation of filters and UV light systems on all exhaust fan assemblies. In addition, all measures for the control

and treatment of airborne pathogens shall comply with the most recent recommendations by the United States Centers for Disease Control

3.3. No Township Health Permit shall be issued for any CAFO that contains a livestock and/or poultry Manure Storage Structure unless such structure is in compliance with all state and federal regulations for the control of wastes from livestock feedlots, poultry lots and other animal lots and said Manure Storage Structure has obtained a permit from the Commonwealth, if necessary, for the pollution control devices to be installed

4. CAFO SPACING REQUIREMENTS

No Class I CAFO shall be located within two miles of any Class I or Class II CAFO or within one mile of any Class III or Class IV CAFO. No Class II CAFO shall be located within two miles of any Class I CAFO, within 1-1/4 miles of any Class II CAFO or within one mile of any Class III or Class IV CAFO. No Class III CAFO will be located within one mile of any Class I or II CAFO or within 1/2 mile of any Class III or Class IV CAFO. No Class IV CAFO will be located within one mile of any Class I or II CAFO or within 1/2 mile of any Class III or Class IV CAFO. This distance shall be measured from the nearest point of one CAFO's confinement or waste containment system to the nearest point of another CAFO'S confinement or waste containment system.

Spacing Distances

	Class I	Class II	Class III	Class IV
Class I	2 miles	2 miles	1 mile	1 mile
Class II	2 miles	1.25 miles	1 mile	1 mile
Class III	1 mile	1 mile	0.5 mile	0.5 mile
Class IV	1 mile	1 mile	0.5 mile	0.5 mile

5. RELIEF FROM REQUIREMENTS

Where, due to an extraordinary or exceptional situation or condition of a specific piece of property, the strict application of this chapter would result in peculiar and exceptional difficulties to, or an exceptional and demonstrable undue hardship upon, the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, the Board of Supervisors may authorize, as part of the application for a Township Health Permit, relief from the strict application so as to relieve said demonstrable difficulties or hardships, provided the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the regulations, standards and criteria established in this chapter.

6. APPLICABILITY

A CAFO in existence at the time of the enactment of this chapter is exempt from its

terms and conditions; provided, however, that before a CAFO in existence at the time of the enactment of this chapter may expand or change its operation in terms of a change of classification or amount or manner in which animal waste or animal wastewater is applied or disposed of, the CAFO shall be in compliance with this Ordinance in every respect and shall obtain a new Township Health Permit. If the real estate upon which a CAFO is exempt as stated above is transferred to a member of the Owner's Immediate Family either by voluntary conveyance or as the result of the death or incapacity of the owner, the exemption provided herein shall also transfer.

7. ADMINISTRATIVE FEES

7.1. No application for approval of a Township Health Permit shall be accepted until the applicant has paid all processing fees as set forth below. Fees paid shall be nonrefundable except as provided below.

7.2. The original application fee amount shall not exceed the amount needed to recover the cost of any annual inspections, investigation and review of the proposed application, which fee amounts are based upon the anticipated costs of review, inspection and investigation by Codorus Township and which fee amounts have also taken into consideration the need for special investigative services, including geologic inspections, hydrologic inspections, groundwater monitoring, soils evaluation, and other unique costs of a scientific or technical nature associated with the processing of the application. For purposes of this Ordinance, the administrative fee amounts shall be as follows:

Classification of CAFO	Fee
Class I	\$10,000
Class II	\$2,000
Class III	\$1,500
Class IV	\$1,000

7.3. There shall be established with the Codorus Township Board of Supervisors an escrow fund for each application for a Township Health Permit. The purpose of the escrow fund is to reimburse Codorus Township for services rendered in connection with administration of this Ordinance. Said escrow account shall include the proceeds of fees established pursuant to this section and any penalties collected under Section 11 of this Ordinance. The funds contained in said escrow account shall be used solely to reimburse Codorus Township for actual costs associated with administration of this Ordinance, for actual services rendered for investigation, administration and processing of a Township Health Permit, including costs associated with the retaining and compensation of experts on scientific and technical issues associated with the application and costs associated with public hearings. The Township Treasurer shall disburse payments based upon billings supplied by Codorus Township and approved by the Codorus Township Board of Supervisors.

7.4. The applicant for a Township Health Permit may apply to Codorus Township for

a credit against the fee previously paid in the event that a portion of the cost of review and processing is duplicative, pursuant to the standards of applicable case law or statutes then in effect.

7.5. The five-year renewal fee for all classes of CAFOs shall be \$1,000 to be paid at the time the application for renewal permit is submitted, said fee shall be deposited into the escrow fund.

8. **DISPOSAL OF DEAD ANIMALS AND AFTER BIRTHING MATERIAL**

The proper disposal of dead animals and after-birthing material shall be completed in accordance with the Pennsylvania Domestic Animal Act which is hereby incorporated into this chapter by reference.

9. **SITE EVALUATION AND NUTRIENT MANAGEMENT PLAN**

The Applicant shall obtain and provide to Codorus Township a satisfactory site evaluation and nutrient management plan of any proposed CAFO prepared by a certified nutrient management specialist who satisfies the requirements of the Department of Agriculture's Nutrient Management Certification Program in 7 Pa. Code §§ 130b.1-130b.51 (relating to nutrient management certification).

10. **CONDITIONS FOR ISSUANCE OF PERMIT**

The Applicant shall meet all of the conditions as set forth above in Sections 1 through 9 prior to Codorus Township issuing either a Building Permit and/or Township Health Permit under this Ordinance.

11. **VIOLATION AND PENALTIES**

11.1. Enforcement of the provisions of this Ordinance and violations thereof shall be by an action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person found guilty of violation of the provisions of this Ordinance shall be sentenced to pay a fine not to exceed One Thousand (\$1,000.00) Dollars for each violation and may be imprisoned to the extent allowed by law for the punishment of summary offenses. Each day a person operates a CAFO in violation of the provisions of this Ordinance, and each day a person applies animal waste or animal wastewater in a manner inconsistent with the requirements of this Ordinance, shall constitute a separate offense. Further, any person who shall violate more than one section of this Ordinance shall be deemed to have committed separate offenses for the violation of each section of this Ordinance.

11.2. For purposes of imposing penalties for violation of this Ordinance, the term "person" includes the responsible corporate officer.

12. **ACTION IN EQUITY**

In addition to the enforcement provisions contained in Section 11 above, Codorus Township is authorized to enforce the provisions of this Ordinance through an action in equity as permitted by Section 1601 of the Second Class Township Code.

13. **SEVERABILITY**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

14. **REPEAL OF ORDINANCE NOT TO AFFECT LIABILITIES, ETC.**

Whenever any part of this Ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the Ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the Ordinance shall go into effect unless therein otherwise expressly provided, but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this Ordinance previous to its repeal shall be affected, released, or discharged but may be prosecuted, enjoined, and recovered as fully as if this Ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

15. **EFFECTIVE DATE**

This Ordinance shall become effective as provided by law.

ENACTED AND ORDAINED by the Board of Supervisors of Codorus Township

this 6TH day of AUGUST, 2015.

ATTEST:

**CODORUS TOWNSHIP
BOARD OF SUPERVISORS**

A. J. K. Rehbein
Secretary

Samuel R. Shafeltz
Chairman

ARTICLE III

GLOSSARY OF ZONING TERMS

SECTION 301 APPLICATION AND INTERPRETATION

It is not intended that this Glossary include only words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the Ordinance for administrative purposes in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Unless otherwise expressly stated, the following shall, for the purpose of this Ordinance, have the meaning herein indicated:

1. Words used in the present tense include the future tense.
2. The word "person" includes a profit or nonprofit corporation, company, partnership, or individual.
3. The words "used" or "occupied" as applied to any land or building include the words "intended", "arranged", or "designed" to be used or occupied.
4. The word "building" includes structure.
5. The word "lot" includes plot or parcel.
6. The word "shall" is always mandatory.

SECTION 302 DEFINITION OF TERMS

For the purposes of this Ordinance, the following words, terms, and phrases have the meaning herein indicated:

Accessory Building - A subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building, including, but not limited to, private garages, carports, utility buildings, tool sheds, noncommercial greenhouses, etc. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Agricultural Commodity Sales - The sale of agricultural commodities as defined in 3 P.S. §952.

Agricultural Promotion Events - Events such as corn mazes, hay rides, wine and food tasting, agriculture equipment demonstrations, wagon rides, farm walks and similar uses which promote sales of agricultural commodities currently available at the property where the agricultural promotion events are held.

Agriculture - The production and preparation for market of crops, livestock, livestock products and dairy products and the production, harvesting and preparation for market or use of agricultural,

agronomic, horticultural, silviculture, and agricultural crops and commodities together with accessory uses for packing, testing or storing the products in barns, sheds and other buildings utilized for the housing and feeding of farm animals and the storing of farm supplies and farm equipment. This definition specifically excludes concentrated animal feeding operations which are separately defined.

Alley - A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alterations - As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Amendment - A change in the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Municipal Governing Body.

Animal Feedlot - An area or lot in which grain fattening of cattle is conducted in specialized lots, and where fattening rations are formulated, feed ingredients mixed and metered out to each feeding pen.

Animal Hospital - A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

Area, Building - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

Area, Floor - The sum of the areas of the several floors of a building structure, including areas used for human occupancy and basements, attics and penthouses, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy or any floor space in an accessory building or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance or any such floor space intended and designed for accessory heating and ventilation equipment.

Auctions and Yard Sales - An event for the purpose of disposition of personal property by sale on site.

Basement - A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes, other than a game or recreation room.

Bed and Breakfast Inn - A dwelling unit where, in exchange for compensation, the owner, who resides on the premises, provides lodging and at least one meal daily for guests.

Building - Any structure having a roof supported by walls, and intended for the shelter, housing or enclosure of persons, animals or chattel.

Building, Principal - A building in which is conducted or intended to be conducted any principal use of the lot on which it is located.

Building Coverage - That percentage of the plot or lot area covered by the building area.

Building Height - A vertical distance measured from the mean elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines of mansard roofs and to the mean height between eaves and ridge for gable, hip or gambrel roofs.

Building Permit - Any permit required by this or other Township Ordinances for the construction, alteration or razing of any structure.

Building Setback Line - A line within a property defining the required minimum distance between any structure and any adjacent street centerline.

Campground - Any park, tourist park, tourist camp, court, site, lot, parcel or tract of land upon which one or more camp cottages or cabins are located and maintained for the accommodations of transients by the day, week or month or upon which tents, recreational vehicles or other temporary accommodations may be placed by transient occupants. It shall not include mobile home parks.

Carport - An open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.

Child Day Care Center - A facility licensed by the Commonwealth of Pennsylvania that provides a wide range of formal day care services outside of a residence to children who are not relatives of the care giver.

Common Open Space - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for use for enjoyment of residents of a development, not including streets, off street parking areas, and area set aside for public facilities.

Community Supported Agriculture (C.S.A.) - A method of selling agricultural commodities where the consumer pays in advance for a predetermined amount of commodities to be picked up by the consumer during the growing season either weekly or bi-weekly from the farmer or producer of the agricultural commodities.

Concentrated Animal Feeding Operation (CAFO) - Any operation involving the keeping of livestock in excess of the following numbers of animals specified in any of the following categories:

- (a) 700 mature dairy cows, whether milked or dry;
- (b) 1000 veal calves;
- (c) 1000 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs;
- (d) 2500 swine, each weighing 55 pounds or more;
- (e) 10,000 swine, each weighing less than 55 pounds;

- (f) 500 horses;
- (g) 10,000 sheep or lambs;
- (h) 55,000 turkeys;
- (i) 30,000 laying hens or broilers (if the operation uses a liquid manure handling system);
- (j) 125,000 chickens (other than laying hens) (if the operation uses other than a liquid manure handling system);
- (k) 82,000 laying hens (if the operation uses other than a liquid manure handling system);
- (l) 30,000 ducks (if the operation uses other than a liquid manure handling system); or
- (m) 5,000 ducks (if the operation uses a liquid manure handling system).

Conversion, Multi-Family - A multi-family dwelling constructed by converting an existing building into apartments for more than one (1) family without substantially altering the exterior of the building.

Driveway - A paved surface other than a street which provides vehicular access from a street or a private road to a lot.

Dwelling - A building or structure designed for living quarters for one (1) or more families, including mobile homes, but not including rooming houses, convalescent homes, motels, hotels, and tourist homes or other accommodations used for transient occupancy.

1. Single-Family Dwelling - A dwelling unit accommodating a single family and having two (2) side yards.
2. Single-Family Semi-Detached Dwelling - A building containing not more than two (2) dwelling units on two separate lots accommodating not more than two (2) families, which dwelling units are attached side by side through the use of common party walls and which have side yards adjacent to each unit.
3. Row Dwelling (Townhouse) - Three (3) or more dwelling units accommodating three (3) or more families which are attached side by side through the use of common party walls and which shall have side yards adjacent to each end unit.
4. Multi-Family Dwelling - A building containing two (2) or more dwelling units on a single lot accommodating two (2) or more families living independently of each other and doing their own cooking. (Row Dwellings or Townhouses and Single-Family Semi-Detached Dwellings are separately defined.)

Dwelling Unit - A building or portion thereof providing complete housekeeping facilities for one (1) family. A portion of a dwelling separated from the remainder of the dwelling by a wall or which can be separated by closing a door shall be considered a separate dwelling unit if such portion contains a bathroom with either a tub or a shower, a kitchen and a bedroom.

Dwelling Unit Area - The minimum or average square footage necessary to constitute a dwelling unit in a multiple-dwelling structure.

Events Venue - An indoor or outdoor facility or combination thereof utilized for business, entertainment or recreational service to the general public or invited guests, including but not

Junk - Shall mean any discarded material or article and shall include, but not be limited to, scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers, and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

Junk Dealer - Shall mean any person, as hereinafter defined, who shall engage in the business of selling, buying, salvaging and dealing in junk and who maintains and operates a junkyard within the Township of Codorus.

Junkyard - Shall mean any place where any junk as hereinafter defined, is stored, disposed of, or accumulated.

Kennel - A facility where five (5) or more adult dogs (over six (6) months of age) reside and one or more dogs irrespective of whether such dogs are over six (6) months of age are being utilized for a commercial purpose such as being boarded, held for sale or used for breeding.

Land of Low Quality for Agricultural Use - Land shall be considered of low quality for agricultural use if:

1. The land is not "prime agricultural land" as defined by this ordinance; or
2. The areas of prime agricultural land are minor and isolated (meaning not contiguous with other areas of prime agricultural land) and cumulatively do not exceed the lesser of one-tenth of the lot or 6500 square feet; or
3. The land has not been farmed in the past five years and cannot feasibly be farmed;
 - (a) due to existing features of the site such as rock outcroppings, or, the fact that the area is heavily wooded; or
 - (b) due to the fact that the size or shape of the area suitable for farming or which could be made suitable for farming by removal of obstacles such as trees, underbrush and other growth is insufficient to permit use of the type of farm machinery typically used at the present time by farmers in the area. For purposes of the application of this subsection, the land to be contained in a proposed lot shall be considered as part of the original parcel.

Landscaping - Landscaping shall include, but not be limited to, grass and other live plantings such as trees, shrubs and bushes.

Large Livestock Operation - A concentration on contiguous lands owned by the same owner or owners of over 20,000 chickens, 5,000 turkeys, 500 hogs or 200 head of cattle or other animals weighing in excess of three hundred (300) pounds.

Livestock - any swine, cattle, sheep, goats, horses, or poultry.

Liquid Manure - Manure with sufficient water added to form a mixture containing less than 15% solids. It is stored prior to spreading in a tank or pit or similar container and removed by means of a pump.

- c. Plant materials used in the screen planting shall be at least six (6) feet in height when planted.
- d. The screen planting shall be maintained permanently, and any plant material which does not live shall be replaced within one (1) year.
- e. When owing to existing conditions, the provisions of the buffer yard and screening would create a hardship, the Zoning Hearing Board may authorize a reduction and/or waive the buffer yard and screening requirements.

SECTION 606 SINGLE-FAMILY DWELLINGS IN FLOOD PLAIN AREAS

1. No single-family dwelling shall be located on any flood plain. The flood plain is established as those lands in the Township whose soils are subject to periodic flooding or overflow as described on the most recent maps prepared by the Federal Emergency Management Agency (FEMA). These areas have not been included on the Zoning map.
 - a. The precise boundaries of the flood plain need not be established or located and marked on any property until the time of the application for any building or development plan or the approval of a subdivision plan. If more detailed surveys are required to determine the precise flood plain boundaries on a property than can be obtained from the "Soil Survey, York County, Pennsylvania," or the Corps of Engineers Office, the Township may cause on-site surveys to be made. These may be made by the Township Engineer, the U.S. Department of Agriculture, Soil Conservation Service or any other qualified agency selected by the Township. Any property owner whose property is surveyed to fix the precise boundaries of the flood plain shall pay all costs of these studies and surveys.
 - b. In no case shall an approval by the Township for a variance represent any assurance by the Township that the property will not be damaged by flood. This also does not constitute any form of assurance that properties not located on flood plain soils are free from flooding and in no case shall the Township or its officials be held liable for damages sustained by flooding.

SECTION 607 CONCENTRATED ANIMAL FEEDING OPERATIONS

The requirements of this section shall apply to all Concentrated Animal Feeding Operations (CAFOs) and all operations that expand or modify their operations so as to cause them to become CAFOs. There shall be no minimum lot size for this use.

a. Building Permit

Prior to receiving a building permit to construct any structures or other facilities to be utilized in connection with a CAFO, the applicant must establish and provide documentation to the Township of the following:

- (1) That a special exception has been obtained if required by the provision of subsection (b) hereof.

- (2) That a land development plan including a storm water management plan and an erosion and sediment control plan for the site meeting the requirements of the Township Subdivision and Land Development Ordinance has been approved by the Township. The land development plan must establish that all manure storage facilities will be located in accordance with the applicable setbacks set forth in 25 Pa. Code Chapter 83 and approved Nutrient and Odor Management Plans and all carcass storage facilities or composting facilities and other structures or facilities to be used in connection with the CAFO will be located in accordance with an approved Odor Management Plan.
- (3) That all animal concentration areas, manure storage facilities and/or carcass storage or composting facilities and other buildings or structures have been designed in accordance with all applicable federal, state and local laws and regulations including but not limited to those of the Department of Environmental Protection set forth in 25 Pa. Code, Chapters 83 and 91 and those of the Environmental Protection Agency set forth in Volume 40 of the Code of Federal Regulations and that a Pennsylvania registered professional engineer has certified that the design of the manure storage facilities are in accordance with such applicable federal, state and local laws and regulations and that all permits required by such laws and regulations have been obtained.
- (4) That if new or additional driveway access from a public road will be utilized a driveway permit has been approved.
- (5) That the proposed operation has received an NPDES permit from the Pennsylvania Department of Environmental Protection, as agent for the United States Environmental Protection Agency and has filed a copy thereof with the Township.
- (6) That an Operators Site Specific Nutrient Management Plan has been approved by the State Conservation Commission or its designated agent with a copy provided to the Township.
- (7) That an Odor Management Plan and Odor Site Index Plan approved by the State Conservation Commission or its designated agent has been submitted to the Township.
- (8) If not included within an approved nutrient management plan submitted to the Township, the applicant must provide to the Township emergency contact information.
- (9) If the proposed manure storage facility is to incorporate a leak detection system, the applicant must provide the Township with an identification and description of the record keeping and inspection requirements with respect to such system.

b. Special Exceptions

- (1) A special exception to be granted by the Zoning Hearing Board shall be required prior to issuance of a building permit to construct any buildings or other structures to be utilized in connection with a CAFO. The application will be reviewed by the Zoning Hearing Board pursuant to the provisions of Sections 1007 of the Township Zoning Ordinance. In addition to the general standards set forth in Section 1007 (except Section 1007(7), the applicant must establish that all requirements set forth in Section 607(a)(2) through (9) as prerequisites for obtaining a building permit have been met.

- (2) Any special exception granted by the Zoning Hearing Board shall impose only such additional conditions as are permitted by Section 912.1 of the Pennsylvania Municipalities Planning Code (53 P.S. §10912.1). Any special exception shall be specifically conditioned upon continued compliance with all the requirements of this Section (607), and all other relevant provisions of this Ordinance and with all the requirements of 25 Pa. Code, Chapters 83 and 91 and with the implementation of all provisions of the proposed Odor Control Plan and with the representations set forth in the application.

c. Use Certificate

Prior to issuance of a use certificate the applicant must provide to the Township documentation establishing compliance with the following conditions:

- (1) That the Township Engineer has certified that proposed storm water management facilities have been constructed consistent with the requirements of the approved land development plan and the storm water management plan submitted in conjunction with the land development plan.
- (2) That a registered professional engineer employed by the Township or by a Commonwealth agency has certified that all driveways, buildings, animal concentration areas, manure storage facilities, carcass storage facilities, carcass compost facilities and other associated buildings and structures which have been permitted have been constructed in accordance with the plan submitted to the Township and in accordance with all applicable federal, state and local laws and regulations including, but not limited to, those of the Pennsylvania Department of Environmental Protection as set forth in 25 Pa. Code, Chapters 83, 91 and 92, those promulgated by the United States Environmental Protection Agency as set forth in Volume 40 of the Code of Federal Regulations and in accordance with the building permit issued by the Township.
- (3) All requirements imposed by any NPDES permit have been completed and approved by the Pennsylvania Department of Environmental Protection.
- (4) That the applicant has filed with the Township a plan for the disposal of dead animals consistent with the requirements of the Pennsylvania Department of Environmental Protection and the Domestic Animal Law, 3 Pa. C.S.A. §2352.
- (5) That there has been provided to the Township copies of all waivers, permits, approved plans or other documentation required by the Pennsylvania Department of Environmental Protection and/or the United States Environmental Protection Agency prior to commencement of operations.
- (6) Any use certificate shall be specifically conditioned upon continued compliance with all the requirements of this Section (607), and all other relevant provisions of this Ordinance and with all the requirements of 25 Pa. Code, Chapters 83 and 91, with the implementation of all provisions of the proposed Odor Control Plan and with the representations set forth in the application.

d. Operation

Following issuance of the use certificate:

- (1) The holder of the use certificate must insure that the documentation filed with the Township to meet the requirements of Section 607 are maintained current to permit continuing operation of the use. Copies of modifications, amendments and/or termination of any of those documents must be forwarded to the Township within thirty (30) days following modification, termination or approval of such amended plans or permits.
- (2) The owner of the parcel where the CAFO is located must insure that all provisions of this Ordinance, all provisions of the nutrient management plan, all provisions of the NPDES permit, all provisions of the Odor Control Plan and all provisions of the approved land development plan including storm water management plan and erosion and sediment control plan are complied with.
- (3) The owner must inform the Township of any changes in the owner's plan of operation such as an increase in the number of animals beyond that set forth in the special exception application which would cause the operation to be inconsistent with the special exception application and apply for and obtain a modification of his special exception before implementing such changes.
- (4) The owner must, before the first day of any calendar year, provide to the Township copies of all reports of any state inspections of any leak detection system during the prior calendar year.
- (5) It shall be the responsibility of the owner of the property where any CAFO is located to demonstrate to the Township continuous compliance with the requirements of this Ordinance and supply such documentation as is reasonably requested by the Township in order to verify such compliance.

SECTION 608 VETERINARY OFFICE OR ANIMAL HOSPITAL

1. Defined herein as any building used by a veterinarian for the treatment, housing or boarding of small domestic animals such as dogs, cats, goats, rabbits and birds or fowl, provided:
 - a. If only small animals are to be treated (dogs, cats, birds and the like) such hospital or office shall have a minimum lot area as specified for the District in which it is located.
 - b. If large animals are to be treated (cows, horses, pigs, and the like), such office or hospital may be located only in the Agricultural District and shall have a minimum lot area as specified for the Agricultural District.

SECTION 609 PUBLIC UTILITY BUILDING

The provisions of this Ordinance shall not apply to any existing or proposed building or extensions thereof used or to be used by public utility corporations if, upon petition of the corporation, the

- b. Proves that he has obtained liability insurance in the principal amount of at least one million (\$1,000,000.00) dollars protecting against injuries to persons or property arising from the operation of the use.
 - c. Proves that all storage will be consistent with the requirements of Section 629 of this ordinance.
 - d. Proves that the location of the proposed use and storage site will be at least two thousand (2,000) feet from any school, church, playground, or recreation area and at least one thousand (1,000) feet from any dwelling not owned by the applicant.
2. The Zoning Hearing Board in approving such use shall place as conditions to the grant of a special exception the following:
- a. That the applicant or then owner of the use must obtain an annual license from the Township for the use paying such fee as may be established by resolution by the Board of Supervisors at the time of the application for such annual license. At the time of applying for each annual license, the applicant or owner must provide the Township with copies of current federal and state regulations regarding the licensee's use and prove to the Township that such licensee has all required federal and state permits regarding the use and is in compliance with all federal and state regulations.
 - b. The applicant or person operating the use shall maintain at all times public liability insurance in the amount of at least one million (\$1,000,000.00) dollars insuring against injuries to persons or property occurring from the operation of the use and maintain with the Township at all times proof of such insurance coverage.
 - c. The applicant or person operating the use must be at all times in compliance with the provisions of Section 629 of this ordinance as well as other applicable provisions of this ordinance and other township ordinances.
 - d. Such other conditions as the Zoning Hearing Board may deem necessary to protect the public interest.

SECTION 633 AGRICULTURAL COMMODITY SALES

This use includes sales by way of "Community Supported Agriculture (C.S.A.)" as well as sales conducted in a "Farm Market" or in a Roadside Stand" (Sales Facility) and shall be permitted as accessory to "Agriculture" in each zoning district provided that all of the following requirements are complied with:

- 1. At least fifty (50%) percent of annual gross sales must be of agricultural commodities grown or produced on land farmed by the operator of the sales facility.
- 2. At least seventy-five (75%) percent of annual gross sales must be of agricultural commodities. Agricultural commodities include such items as vegetables, fruit, cider, nursery plants, flowers, trees, wine, cheese, yogurt, milk and butter as further defined in 3 P. S. §952. It does not include crafts and manufactured products normally sold at a flea market.

3. The operator, unless all sales are of agricultural commodities grown or produced on land farmed by the operator of the sales facility, must demonstrate that he has in place an accounting system that will enable him to segregate and keep accurate records of sales of agricultural commodities grown or produced on land farmed by the operator, sales of agricultural commodities not grown or produced on land farmed by the operator and sales of items other than agricultural commodities, and shall on or before February 1 of each year, provide records to the township zoning officer sufficient to establish compliance with subsections 1 and 2 of this section.
4. If York County has been declared an agricultural disaster any year by the U. S. Department of Agriculture, the requirements of section 1 above shall not be applicable in that year.
5. If the Sales Facility is a structure permanently affixed to the ground that facility must comply with all setback and yard requirements set forth in this ordinance. In addition, it must provide a mud free access and a mud free parking area containing at least one parking space for each 100 square feet of floor area open to customers.

Agricultural Promotion Events shall be permitted as an accessory use.

SECTION 634 FARM PROCESSING ESTABLISHMENT

This use is permitted as accessory to "agriculture" in each zoning district provided that the following requirements will be complied with:

1. At least fifty (50%) percent of the value of products processed must be of products grown on land farmed by the operators of the Farm Processing Establishment.
2. The operator, unless all items processed are of commodities grown or produced on land farmed by the operator or operators of the Farm Processing Establishment, must demonstrate that he has in place an accounting system which will enable him to keep accurate records of the value of products processed which are grown or produced on lands farmed by the operator or operators and the value of products processed which are grown or produced elsewhere and shall on or before February 1 of each year provide records to the Township Zoning Officer sufficient to establish compliance with subsection 1 above.
3. If York County has been declared an agricultural disaster area in any year by the U. S. Department of Agriculture, the requirements of paragraph 1 above shall not be applicable in that year.
4. All structures to be constructed or installed in connection with the farm processing establishment must comply with all setback and yard requirements set forth in the ordinance and a mud free access to such structures must be provided.
5. If all items processed are grown or produced on land farmed by the operator of the Farm Processing Establishment and will be marketed in an Agricultural Commodities Sales Facility located on land farmed by the operator of the Farm Processing Establishment, this use shall be permitted upon receipt of a use certificate to be issued by the Township Zoning Officer.

6. If the Farm Processing Establishment will be in compliance with subsections 1, 2, 3 and 4 of this section but not in compliance with subsection 5, it shall be permitted only following the grant of a special exception by the Township Zoning Hearing Board. In reviewing the special exception application the Zoning Hearing Board must review the anticipated parking and access requirements of this establishment and require that all needed parking, driveway and turn around areas be stoned so as to be in a mud free condition and that if new or additional driveway access from a public road will be utilized a driveway permit has been approved. If it is apparent to the Zoning Hearing Board that total water usage for all uses on the property will not exceed three hundred fifty (350) gallons per day for each 32,000 square feet of tract area, the water supply feasibility study required by Section 1007(8) shall not be required.

SECTION 635 SEWAGE

1. Hereafter, no sewage disposal system of any kind shall be erected, constructed, installed, altered, or extended within the limits of Codorus Township except as set forth in Section I of the Codorus Township Sewage Permit Ordinance, unless a permit to do so shall first be secured in accordance with the provisions of the Codorus Township Sewage Permit ordinance unless such erection, construction, installation, alteration or extension is in strict accordance with the application submitted pursuant to the Codorus Township Sewage Permit Ordinance and with the permit issued pursuant thereto and in accordance with the procedures set forth in such ordinance.
2. No person, firm, association, or corporation shall maintain or use any sewage disposal system of any kind so that vectors (insects or rodents capable of carrying disease) may have access to the excrementitious matter contained therein or so that the sewage disposal system directly or indirectly drains or discharges over or upon the surface of the ground or into the waters of the Township. It shall also be unlawful for any person, firm, association, or corporation to fail to comply with the requirements as set forth in subparagraphs (a) and (b) of Section 2 of the Codorus Township Sewage Permit Ordinance.
3. All of the provisions of the Codorus Township Sewage Permit Ordinance are incorporated herein by reference. Any violation of any provision of that ordinance shall constitute a violation of this ordinance.

SECTION 636 TOWNSHIP OWNED AND OPERATED MUNICIPAL RECREATIONAL FACILITY OR PARK

If the use is proposed to be located in the Agricultural District the tract of land selected for the use must be of low quality for agricultural use as defined in Section 1007(1)(c)(7) of this ordinance except that if the location of the use on a tract meeting the requirements of Section 1007(1)(c)(7) of this ordinance is not feasible considering the nature of the proposed use, higher quality lands may be utilized to the extent necessary to permit the development of the use; provided, however, such use shall be located on the least agriculturally productive land feasible and so as to minimize interference with agricultural production. The applicant shall have the burden of establishing that the requirements of this section have been met and that the tract of land proposed for the use represents the least productive land feasible for the use and will minimize interference with agricultural production giving effect to the purpose of the agricultural district as set forth in Section

SECTION 648 AUCTION AND YARD SALES

This use is permitted as an accessory use in all zoning districts provided there may not be more than two (2) such events on any parcel in any calendar year, neither of which may exceed seventy-two (72) hours in length.

SECTION 649 ENVIRONMENTAL REGULATIONS

In all Districts all uses and activities established after the effective date of this Ordinance shall comply with the following performance standards; all existing uses and activities in compliance with the following performance standards on the effective date of this Ordinance shall continue in compliance; and all existing uses and activities not in compliance with Section 390(a) through 390(e) regarding environmental standards shall, within two (2) years following the effective date of this Ordinance, bring themselves into compliance.

a. Noise

The sound level of any operation at any property line shall not exceed the decibel levels of the preferred frequencies cited below or as modified or exempted. The sound pressure level shall be measured with an octave bank analyzer calibrated in the preferred frequencies conforming to the specifications published by the American Standard Association (preferred Frequencies for Acoustical Measurements, SI 6-1960 American Standards Association, New York, New York)

1. Standards - The sound-pressure level resulting from any operation in any District shall not exceed the maximum permitted sound levels set forth below expressly or waived in paragraph 2 below.

Center Frequency	Maximum Sound-Pressure Level
<u>(Cycles per second)</u>	<u>(Decibels)</u>
31.5	65
63	67
125	66
250	59
500	52
1,000	46
2,000	37
4,000	26
8,000	17

(Sound pressure level in decibels equals 0 002 dynes/cm)

2. Waivers - The following sources of noise are exempt.

- a. Transportation vehicles not under the control of an on-site use.
- b. Occasionally used safety signals, warning devices and emergency pressure relief valves.
- c. Temporary construction activity between 7:00 A.M. and 7:00 P.M.
- d. Agricultural operations where the excess sound level is temporary or seasonal in nature.

b. Vibration

No use shall cause vibrations exceeding the maximum values specified in this section. The maximum vibration is given as particles velocity, which may be measured directly at the property lines with suitable instrumentation or computed on the basis of displacement and frequency. When computed the following formula shall be used.

$PV = 6.28 F \times D$ where

PV=Particle velocity, inches per second

F=Vibration frequency, cycles per second

D=Single amplitude displacement of the vibration inches.

Particle velocity shall be the vector sum of three individual components measured simultaneously in three mutually perpendicular directions.

Maximum Ground Transmitted Vibration

	<u>Particle Velocity</u>	<u>(Inches/Second)</u>
	Adjacent	
<u>Zoning District</u>	<u>(Lot Line)</u>	
Conservation, Agricultural & Residential	0.05	0.02
Commercial & Industrial	0.10	0.02

Where vibration is produced as discrete impulses and such impulses do not exceed a frequency of sixty (60) per minute, then the values in this table may be multiplied by two.

When specifically indicated to the contrary elsewhere in this ordinance, vibration resulting from temporary construction activity that occurs between 5:00 am and 7:00 pm shall be exempt from the indicated performance standard

c. Heat

No heat from any use shall be sensed at any property line to the extent of raising the temperature of air or materials more than one degree F.

d. Glare

All operations or activity-producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured in any district other than a Commercial or Industrial District.

e. Pollution

1. Odors and Fumes. No person, partnership, corporation or association may cause or permit on land owned by him, the emission into the outdoor atmosphere of any malodorous, hazardous, or non-permitted air contaminants from any source in such manner that the odors are detectable outside of the property of the person on whose land the source is being operated.
2. Dust and Particulate Matter. No person, partnership, corporation or association may cause or permit on land owned by him, the emission into the outdoor atmosphere of any particulate air contaminates from any source in such manner that the particulates are detectable by human senses outside of the property of the person on whose land the source is being operated.
3. The discharge of any substance into the atmosphere shall be in strict compliance with provisions of the Federal Clean Air Act and the Pennsylvania Air Pollution Control Act, as amended, and the regulations adopted pursuant thereto, all of which regulations are incorporated herein by reference.
4. Dust and Particulates. Dust and particulate matter emission from materials or products subject to becoming windblown shall be kept to a minimum by paving, wetting, covering, or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved streets, yards and storage piles of bulk materials such as stone, sand, cinders, manure, and topsoil. Watercourses and water sources must not be contaminated in violation of the Pennsylvania Clean Streams Law and Regulations issued pursuant thereto by particulate runoff. No dust or particulate matter may be discharged into the atmosphere, onto the surface of the ground, or into a stream of other body of water if such discharge is in violation of the standards established by the Pennsylvania Air Pollution Control Act or by the regulations issued pursuant thereto.
5. Water Pollution. All uses and activities in the township shall meet all applicable requirements of the Pennsylvania Clean Streams Law, Act 394 of 1937 as amended, and all other Federal and state laws pertaining to the quality of surface water, storm water runoff, and groundwater. This includes all laws and regulations pertaining to obtaining National Pollutant Discharge Elimination System (NPDES) permits for both point source and non-point source regulated sources.
6. The provisions regarding pollution shall not be applicable to the extent that such regulations are inconsistent with or in violation of any federal or state laws or regulations.

f. Fly Control

Any operation in any zoning district must assure such operation will not allow flies to leave the premises or traverse boundary lines to the extent that they become a public nuisance as defined in this Ordinance. In the event that Codorus Township or other government entity finds that the proliferation of flies emanating from an established operation is affecting the health and/or welfare of people, the operators will be required to implement a fly control plan. Any special exception granted by the Zoning Hearing Board shall be specifically conditioned upon the successful implementation of the fly control plan and shall be revoked if the proposed fly control plan is not implemented and in operation at the time of the commencement of the new operation. In the event any fly control program proves unsuccessful in controlling the fly population, the applicant will be required to implement additional measures acceptable to the Township to enable the required control to occur.

SECTION 650 APPLICATION OF PERFORMANCE STANDARDS

If, in the considered judgment of the Zoning Officer, there is a probable violation of the performance standards set forth herein, the following procedures shall be followed:

1. The Zoning Officer shall give written notice, by certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Officer believes there is a violation and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Officer within a time limit set by the Zoning Officer. The notice shall state, and it is hereby declared, that failure to reply or correct the alleged violation to the satisfaction of the Zoning Officer within the time set constitutes admission of violation of the terms of this Ordinance.

Except in connection with alleged violations of section 649(e) regarding air pollution, the notice shall state that, on request of those to whom it is directed, technical determinations shall be made as to the existence of the alleged violation and if a violation is determined to exist the cost of such determination shall be charged against those responsible for the violation, in addition to other penalties as may be appropriate, but that, if it is determined that no violation exists, the cost of the determination will be paid by the Township.

2. If there is no reply within the time limit set but the alleged violation is corrected to the satisfaction of the Zoning Officer, he shall note "Violation Corrected" on his copy of the notice and shall retain it among his official records, taking such other action as may be warranted.
3. If there is no reply within the time limit set and the violation is not corrected to the satisfaction of the Zoning Officer within the time limit set, he shall take of cause to be taken such action as is warranted by continuation of a violation after notice to cease.
4. If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Zoning Officer but requesting additional time, the Zoning Officer may grant an extension of time if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health or property.

2. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
3. An appeal to the Board shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life and property. In such a case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the Zoning Officer and for due cause shown.
4. Upon receiving an appeal, the Board shall fix a time and place for public hearing thereon and shall give the notice thereof:
 - a. By advertising at least one (1) week before the hearing, at least one (1) time in a newspaper of general circulation within the Township.
 - b. By mailing due notice at least six (6) days prior to the date of the hearing to the parties in interest.
 - c. By mailing due notice thereof to the Township Planning Commission the Zoning Officer and such other persons who make timely request for the notice.

SECTION 1007 SPECIAL EXCEPTION APPLICATIONS

1. Special exceptions may be granted or denied by the Board pursuant to express standards and criteria. The Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Ordinance. The Board shall pursue the following procedure.
 - a. The Board's decision to grant a permit for special exception use shall be made only after public notice and hearing. Such permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Zoning Hearing Board as a special exception use.
 - b. Upon receipt of an application for a special exception, the Township secretary shall mail a copy thereof to the Chairman of the Planning Commission for review by the Planning Commission. The Zoning Hearing Board shall not commence a hearing on any application until at least thirty-five (35) days following the submission of the application and shall not complete hearings on the application and shall not complete hearings on the application without receiving an advisory report from the Township Planning Commission; provided,

however, if the hearings are completed more than sixty (60) days following the submission of the application, the Zoning Hearing Board may complete the hearing process irrespective of whether the Planning Commission has submitted its report. The report of the Planning Commission may be submitted to the Zoning Hearing Board at a hearing either in writing or by verbal testimony.

- c. The Commission may have representation at the public hearing held by the Zoning Hearing Board on such application. After receipt shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of this Ordinance. The Zoning Hearing Board may thereafter direct the Zoning Officer to issue such permit if, in its judgement, the use meets all specific provisions and criteria contained in this Ordinance and the following general provisions.

- (1) Purpose - The intended purpose of the proposed use must be consistent with the development policies established in the Comprehensive Plan of Codorus Township.
- (2) Compatibility - The proposed use shall be in the best interest of properties in the general area as well as the Township at large. The proposed use will be reviewed as to its relationship to and effect on surrounding land uses and existing environmental conditions regarding the pollution of air, land and water; noise; potential of hazards and congestion; illumination and glare; restrictions to natural light and circulation of air.
- (3) Suitability - The proposed use shall be suitable for the property in question and shall be designed, constructed, operated and maintained suitably for the anticipated activity and population served, numbers of participating population, frequency of use, adequacy of space and traffic generation.
- (4) Serviceability - Assurance shall be made as to the adequacy and availability of utility services and facilities such as sanitary and storm sewers, water, trash and garbage collection and disposal and the ability of the Township to supply such services.
- (5) Accessibility - The proposed use shall:
 - (a) Establish that there is adequate access to the site from the adjacent road or street including adequate site distance and an adequate turning radius so that vehicles of the type expected to enter or to leave the site can do so without entering or being required to cross into the opposite traffic lane when making a right turn.
 - (b) Establish that there is adequate access to the road or street on which the site is located from the nearest collector street or road, including adequate site distance at any intersection between such collector street and the site and adequate turning radii so that vehicles of the type expected to enter or leave the site can do so without being required to cross into the opposite traffic lane when making a right turn.
 - (c) Establish that the expected volume of traffic will not create traffic congestion.

- (d) Establish that the type and size of vehicles expected to enter the site on a regular basis will not be of such weight as to exceed weight limits on any bridge that will be crossed in reaching the site.
- (e) Establish that the expected type and size of vehicles will not be such as to cause any township maintained roads to require substantially more repairs and maintenance than results from existing traffic patterns.
- (6) Conformity - The proposed use shall be in conformance with all applicable requirements of this Ordinance and, where applicable, in accordance with the Codorus Township Subdivision and Land Development Regulations.
- (7) Agricultural District - In the agricultural district the proposed use shall be located on land of low quality for agricultural use as defined in this ordinance.
- (8) Water Supply - If the water supply system proposed for the use permitted by special exception involves the utilization of water obtained from the tract being developed, the Zoning Hearing Board shall require that any Feasibility Study required for subdivision or land development plan approval is submitted.
- (9) The applicant must establish compliance with the drainage requirements of Section 630 of this ordinance.
- (10) The applicant must establish that the proposed use will comply with the environmental regulations set forth in Section 649 of this ordinance.
- (11) Sewage - The applicant must establish that adequate provision will be made to dispose of the sewerage created by the proposed use consistent with the requirements set forth in the regulations promulgated by the Pennsylvania Department of Environmental Protection.
- d. The Zoning Hearing Board may impose whatever conditions regarding layout, circulation and performance it deems necessary to insure that any proposed development will secure substantially the objective of this Ordinance.
- e. Unless otherwise specified or extended by the Zoning Hearing Board, a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so, a building permit or use certificate within six (6) months following the date of the grant of the special exception or fails to complete the work in the one (1) year next following the issuance of a building permit; excepting that in cases where the grant of a building permit or use certificate must be preceded by Township approval of a subdivision or land development plan, the special exception granted by the Board expires if:
 - (1) The applicant fails to file with the Township a preliminary subdivision or land development plan meeting applicable subdivision and zoning requirements within six (6) months next following the date of the grant of the special exception; or

- (2) The applicant fails to file with the Township a final subdivision or land development plan meeting applicable subdivision and zoning requirements within six (6) months next following the date of approval by the Township of the preliminary plan; or
- (3) The applicant fails to obtain a building permit or use certificate within six (6) months next following the date of approval by the Township of the final plan; or
- (4) The applicant fails to complete the work within one (1) year of the issuance of the building permit.

SECTION 1008 VARIANCE APPEALS

1. Upon appeal from a decision by the Zoning Officer, the Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship on the applicant. The Board shall prescribe the form of application and require preliminary application to the Zoning Officer. The Board may grant a variance, provided the following findings are made where relevant in a given case:
 - a. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the District in which the property is located;
 - b. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 - c. That such unnecessary hardship had not been created by the appellant;
 - d. That the variance, if authorized, will not alter the essential character of the District in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare nor;
 - e. That the variance, if authorized, will represent the minimum variance which will afford relief and the least modification possible of the regulation in issue.
2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

SECTION 1009 CHALLENGE TO VALIDITY OF ORDINANCE

The Board shall hear challenges to the validity of the Zoning Ordinance or Map except as indicated in the Pennsylvania Municipalities Planning Code Sections 609.1 and 916 (a)(2). In all such challenges the Board shall take evidence and make a record thereon as provided in section 916.1 following. At the conclusion of the hearing the Board shall decide all contested questions and shall