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Dear Attorney General,

My wife and I own a 20 acre farm located in Ontelaunee township in Reading PA. We have been conducting a small poultry operation since we have moved here and have working livestock guardian dogs to protect them from predation. The vast majority of the poultry's nutrition comes from their ability to free range forage so their protection is needed 24 hours a day. They are not confined to a coop or barn, just roost in a small penned area at night with the LGD's. The LGD's (livestock guardian dog) bond with what they are protecting, must stay with them at all times from as young as 10 weeks old, and never leave the premises. I will add the LGD's are also an integral part of protecting our orchard from deer.

Since February of 2021 we have had had complaints about the crowing roosters and the barking from the LGD's. Citations followed starting in April for "barking," in violation to the ordinance of "keeping and maintaining pets":

Section 103. Custody, Supervision or Control It shall hereafter be unlawful for any person to permit any pet owned by or under the custody, supervision, or control of such person to:

B. Continuously, persistently, intermittently or regularly cause any loud, unpleasant, obnoxious, intense, annoying or unseemly sound or noise for an extended period of time which is audible to natural persons so as to disturb said persons rightful peace and tranquility.

I have attached the complete ordinance for your reference. You can see there is no distinguishing pets from livestock and nothing noted about agricultural operations. There are no exemptions for agricultural operations in Ontelaunee township that has a strong agricultural presence. Agricultural operations have no protection from the Right to Farm Law here, and likely because the mostly rural local community hasn't caught up with the explosion of residential homes over the past 20 years in what once was mostly farms.

The encroaching residential development, that was a dairy farm 20 years ago, is now packed with approximately 450 new homes in a rezoned medium residential lot. My farm has been engaged in agricultural operations in one form or another for 209 years. Now we are being told by the local Northern Berks police department, who enforce the ordinances, that I live in a residentially zoned area and am not allowed to farm here – a statement made to me by a police officer who was issuing a ticket just past midnight on May 11th this year.

I will add, though the zoning isn't definitively pertinent to an agricultural operation, I am in fact zoned for residential or agricultural purposes per the definition to R-1 zoning [REDACTED]

Section 405. R-1. Low Density Residential District Section 405.

1 Specific Intent It is the purpose of the R-1 Low Density Residential District to permit low density residential development and the continuation of agricultural activities.

This residential development, that lives across the stream from me, is a culture of complaining that puts undue pressure, problems, and citations and legal issues on the remaining farms in the area. [REDACTED]

The ordinances that are being enforced must exempt agricultural operations in its statutes, if it is to be compliant with state law, specifically the Right to Farm law. Also, as stated previously in the

ordinances, pets are not distinguished from livestock or those used in operation of a farm in the ordinances.

"Right-to-Farm" Law

953. Limitation on local ordinances

(a) Every municipality shall encourage the continuity, development and viability of agricultural operations within its jurisdiction. Every municipality that defines or prohibits a public nuisance shall exclude from the definition of such nuisance any agricultural operation conducted in accordance with normal agricultural operations so long as the agricultural operation does not have a direct adverse effect on the public health and safety

It may seem redundant, but I believe it is important to quickly summarize the harassment I have received from the local police department per the request of some local residents. I contested the citations and was told by the district justice that being a farm was irrelevant because, regardless of the Right to farm law, the local ordinances did not reflect any exemptions for agricultural operation. He would not recognize the Right to Farm law. On appealing this to common court the ticket was dropped because it was explicitly stated to my legal council by the township prosecutor had no intention of defending the township's ordinance in court. Since no ruling was made by the court I had to go again to the district justice for more tickets with which the township police withdrew them likely because of the township prosecutor's position. I still have no protecting precedent after fighting this and spending \$2200 on legal council. I just received another ticket last week and I can't fight this battle when locally no one in a township position will recognize "The Right to Farm Law" or acknowledge any protections an agricultural operation needs to continue operation. This endless cycle, wasting time and resources, will continue unless you intervene.

I can forward all citations if it is needed, or any other specific documents pertaining to my farm. I am going to be forced to cease my operation because of unlawful application of these ordinances. I would appreciate your response and your attention in this matter. Thank you.

Sincerely,
[REDACTED]

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