

Willig, Robert A.

From: [REDACTED] n>
Sent: Friday, November 19, 2021 7:21 PM
To: ACRE Shared Mailbox
Subject: [EXTERNAL] [REDACTED] township issues)
Attachments: Civil enforcement1.jpg; Civil enforcement2.jpg; Civil enforcement3.jpg; [REDACTED].jpg; [REDACTED].jpg; [REDACTED].jpg; [REDACTED].jpg; Exhibit1.jpg; Exhibit2.jpg; Exhibit3.jpg; Exhibit4.jpg; Exhibit5.jpg; Exhibit6.jpg; Exhibit7.jpg

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Attention Robert Willig,

Here is the documentation you requested as per our phone conversation on November 19th requesting an ACRE "Request For Review" in regard to Washington Township. An Overview of the situation, my Township sent a (Civil Enforcement) Dated November 8th 2021.(copy Attached) The letter is requesting that we remove a disabled vehicle from our property and remove all of our chickens By December 8th (30 days) or, we will be fined \$500.00 a day until they are removed. The Vehicle in question has been disabled on this property for 57 years. Township Zoning laws state section 411.10 (The use of trucks, trailers/Bodies for accessory structures specific for storage not permitted). As I stated in my Letter to [REDACTED], "Zoning and planning officer" We don't use it for storage 1/3 of the truck houses hour chickens and the other 2/3 is used as a propagation house for all of our seedlings. In addition, Washington Township Laws state under (Property Maintenance) Section 302.8; that residents are allowed to have 1 inoperative, unlicensed, or unregistered vehicle on their property so long as it's not being dismantled or in a state of major disassembly. this truck has been moved from where it sat for 53 years (see Exhibit 2) until I moved it to its current location on our property (Exhibit 6) when it was outfitted to support the daily functions of our "Normal Agricultural Operations" You can see the old location of the (box truck) perpendicular to the pool on Lot [REDACTED]

I feel it needs to be said that these properties have been owned by the [REDACTED] for over 80 years. Are zoned "Rural" which is our "agricultural Area". The family used this property primarily as a metal scrap yard prior to my residence 4 years ago, You can see some of the debris in the old Map pictures. It Truly was an unsightly eye sore. When [REDACTED] next to [REDACTED] maiden name, took Physical Possession of the House and land 4 years ago we planned to build this farm. She is my Fiance today, and we have and continue to do our best Legally and proficiently in all facets of our farming operation. We have had overwhelming support from our local Borough of Slatington, and surrounding communities. We work in conjunction with their Local "venture Group" and set up our produce stand once a week at their [REDACTED] on [REDACTED] to provide Fresh, Naturally grown produce to our local community. In addition we Hold weekly Markets at the Lehighon Downtown Farmers Market, and our Farm is open daily to serve our community. We farm Just over 2.5 acres of land. 2 acres of that is "leased" from our neighboring farm lot [REDACTED] (Exhibit 3) I upkeep her Property, and she lets me use the land in return. I understand According to the Pa (RTFA) that outside of 10 contiguous Acres we Must have an estimated annual gross of \$10,000. This farm is our Only Income. This past growing season with Crop loss added, due to tornado damage our farm suffered. Confirmed By The National Weather Service. We just cleared 10K. I have estimated projections of 50K in the next 5 years and 100k in 10 years. Yes annually.

According to the PA (RTFA) Every Municipality shall encourage the continuity, development, and viability of agriculture 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 public health and safety. My Township has spent far too much time and resources trying to Intentionally Violate my Rights to farm Granted under the Pa (RTFA) and ACRE, which I have printed out several times to share with them so we could all be on the same page. I spoke directly to their Solicitor [REDACTED] via Phone on November 16th to try and communicate the law to him. He replied he would read the Pa(RTFA) in its entirety and send me a letter. I received that letter Today, November 19th. (copy sent). It seems he fails to understand the Law In its entirety. "It is the purpose of this Act to reduce the loss to the Commonwealth of its agricultural resources by limiting the circumstances under which agricultural operations may be the subject matter of nuisance suits and ordinances. "unauthorized ordinances" in particular. A local ordinance cannot exceed, duplicate or conflict with state law. We are a Tiny Farm. But It is our desire and objective to "make a positive difference" In our community. We grew up here, Graduated here, and raised our children here. [REDACTED] am

[REDACTED] And I am a member Of the Pennsylvania Farm Bureau. The current behavior of our local Township after receiving Multiple copies of the Pa (RTFA) And Commonwealth law in regard to Farming "intentionally" violating Farmers rights is blatant and Criminal to say the least. I stand to have this issue corrected, and I appreciate the States Assistance in this matter.

Exhibit 4 shows some of our Local Agricultural fields and Our Proximity to our Township Building.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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11/19/21, 9:52 AM

Google Maps

Google Maps



Exhibit 1

11/19/21, 9:59 AM

Google Maps



Exhibit 2

11/19/21, 9:51 AM

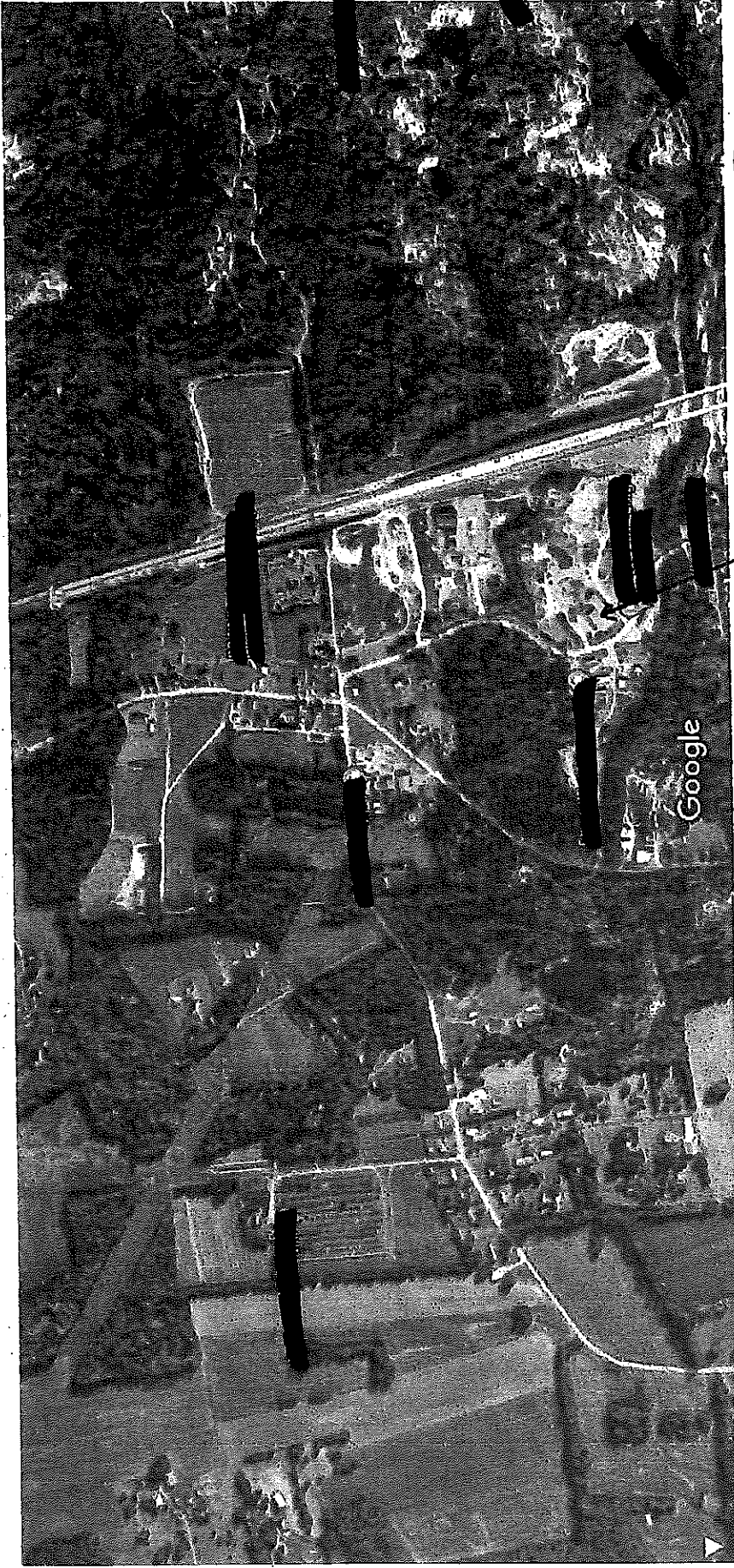
Google Maps



Exhibit 3

11/19/21, 9:49 AM

Google Maps



Township Building

Exhibit 4



Lehigh County Parcel Viewer

by Lehigh County



Search bar with a magnifying glass icon and a dropdown menu.

Show search results for



(our properties)

Exhibit 5

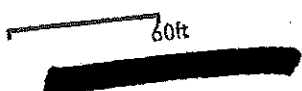


Exhibit 6

25
April
1982



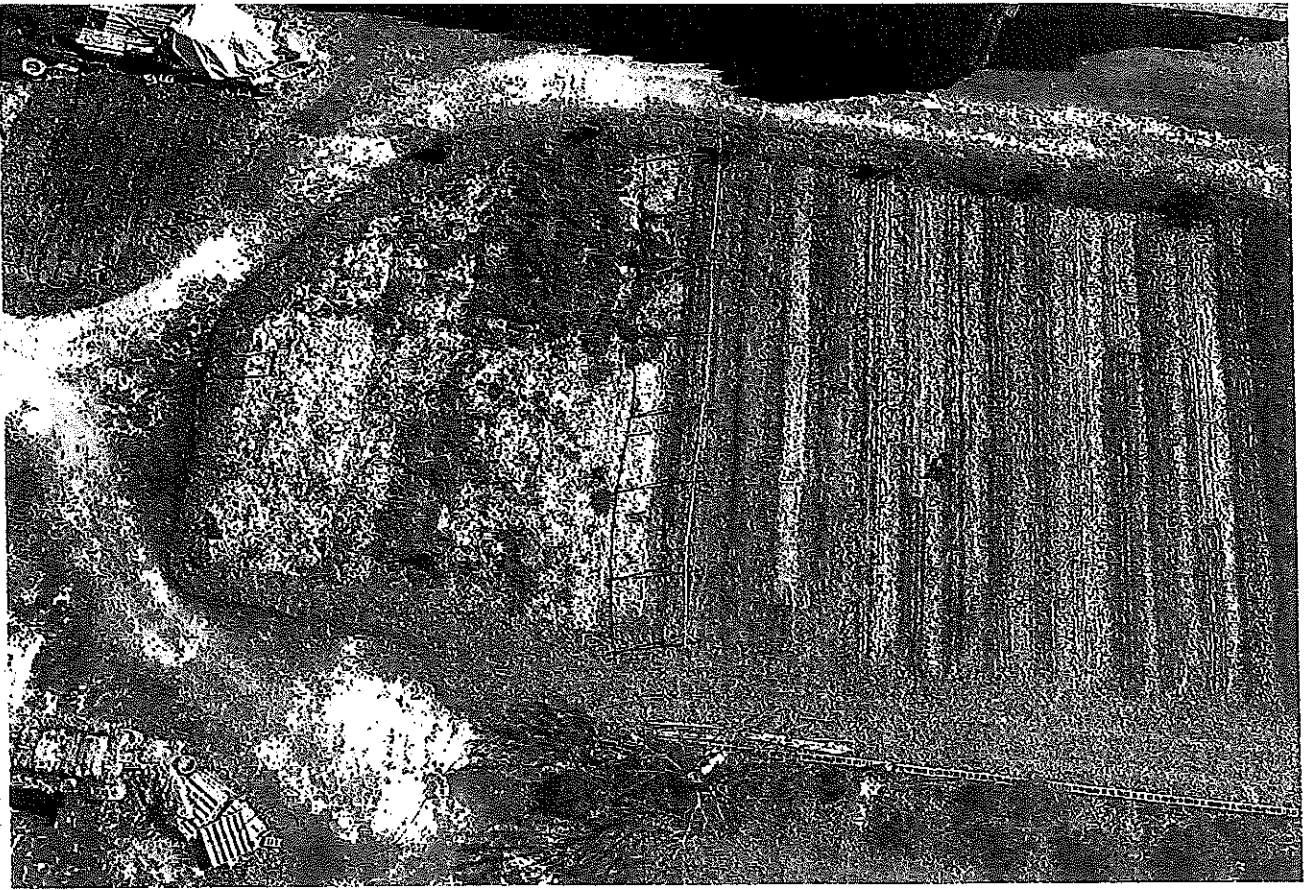


Exhibit 7
(our Market plot)

11/10/2021

Washington Township,

After Review of the "Civil Enforcement" you sent against [REDACTED]

I have found that your Infraction as per "Local ordinance" No.2018-03 (Keeping Of Poultry) infringes upon our rights to Farm As established by the commonwealth of Pennsylvania.

"Pennsylvania Right to Farm Act (3Pa. Stat. 951-957)". The keeping of Poultry or Livestock are Stated as "Normal Agricultural operations" And the crowing Of roosters used for "animal husbandry" are declined Locally as a "Nuisance" where the Pa State law CLEARLY states... "If there is a municipal definition of public nuisance, agricultural operations are to be excluded unless there is a direct adverse effect on public health and safety."

In regard to your Complaint about the "truck" Your ordinance;

411.10 states: "the use of truck trailers/Bodies or house trailers for accessory Structures specific for storage are not permitted"

We don't use the truck for storage. 1/3 of it is used to house Poultry the other 2/3 is used as a "propagation House" for seedlings for production.

In addition, according to Your "property Maintenance code 302.8 We are allowed to have ONE inoperative vehicle parked on the property. This particular "truck" has been here inoperative on this property for 57 years!

Your request to fill out a permit under "supplementary regulations ordinance" (418.4) Zoning permits are needed for all man made fences in all Districts, (BUT NOT TO INCLUDE AGRICULTURAL FENCING. As I have stated to you in the past, I don't need to fill out a permit for an "agricultural Fence". According to your own laws, you do read this stuff right.....?

Agriculture fences are also supported by the Commonwealth Of Pennsylvania Under the "right to Farm act" (3Pa. Stat. 951-957) as well.

I have had enough of this Continued Harassment from You and Washington Township in General. Your continued Letters requesting and even threatening me to decline my Legal rights and way of life as a farmer are disgusting and criminal to say the least. The "Pennsylvania Right to Farm Act" Under the Commonwealth of Pennsylvania. States in section (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 appears you are in DIRECT violation of my State and Federal Rights to Farm. As a "Farmer" I have a series of duties and obligations to uphold as well. If there is a Local Government entity that chooses to force its tyranny on me I am required to report it to my Attorney General. As a registered farm under the

US Department of Agriculture, I have the right to a "request for review" through the General assembly stating this;

§ 314. Duties of Attorney General.

(a) **Request for review.**--An owner or operator of a normal agricultural operation may request the Attorney General to review a local ordinance believed to be an unauthorized local ordinance and to consider whether to bring legal action under section 315(a) (relating to right of action).

(b) **Discretion.**--The Attorney General has the discretion whether to bring an action under section 315(a).

(c) **Response.**--Within 120 days after receiving a request under subsection (a), the Attorney General shall advise the person that made the request whether or not the Attorney General will bring legal action under section 315(a). If the request under subsection (a) is in writing, the response shall be in writing.

(d) **Consultation.**--The secretary and the dean of the College of Agricultural Sciences at The Pennsylvania State University shall, upon request of the Attorney General, provide expert consultation regarding the nature of normal agricultural operations in this Commonwealth.

I Have in fact sent an email to Josh shapiro's legal Team to further investigate Washington Township's Blatant disregard to the states Laws and to define Your personal involvement in supporting these Illegal actions conducted by Washington Township. He will receive a copy of this letter as well. As a past paralegal, and repeated candidate for Magisterial Judge I would like to believe you KNOW how to read law and apply it correctly. But you fail to do that in ALL the letters you send me. I have printed out the law to educate you and your colleges. I have had the State Game Warden come talk to you to explain our rights as a Farm. Yet you still continue to try and violate my rights...I have also reached out to "ACRE" (Agriculture, Communities and Rural Environment) which went into effect to ensure that ordinances adopted by local governments to regulate normal agricultural operations are not in violation of state law. A local ordinance cannot exceed, duplicate or conflict with state law.

I encourage you and your Colleges to READ THE LAW! Stop harassing us. Go do something productive for our community instead of wasting your time and resources on ignorant actions. I read and follow the law. Washington Township is not your kingdom to profit from, it is our home. and I will see to it that this Illegal behavior is stopped at once.

[REDACTED]

[REDACTED]

[REDACTED]

November 17, 2021

[REDACTED]

Re: [REDACTED]
Violation of Township Rules and Regulations

Dear [REDACTED]:

You and I had a discussion on November 16, 2021 concerning the Right-to-Farm Law. You should be aware that that law states, at 3 P.S. §953, as follows: "Every municipality shall encourage the continuity, development and viability of agriculture 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 agriculture operations so long as the agricultural operation does not have a direct adverse effect on the public health and safety. (B). Direct commercial sales of agricultural commodities upon property owned and operated by a landowner who produces not less than 50% of the commodities sold shall be authorized, notwithstanding municipal ordinances, public nuisance or zoning prohibitions. Such direct sales shall be authorized without regard to the 50% limitation under circumstances of crop failure due to reasons beyond control of the landowner."

The above limitation on local ordinances does not indicate that it excludes farm operations from compliance with building codes or zoning ordinances. It only prohibits public nuisance regulation or rule.

It does provide for the sale of agricultural commodities on the property owned and operated by a landowner, and it specifically excludes that from zoning prohibitions. It does not prohibit zoning regulations with regard to farm operations, only that they cannot prohibit direct sales, namely roadside produce stands and the like.

At 3 P.S. §954, the statute also prohibits as follows: "no nuisance action shall be brought against an agricultural operation which has lawfully been in operation for one year or more prior to the date of bringing such action, where the conditions or circumstances complained of as constituting the basis of the nuisance action have existed substantially unchanged since the establishment date of operation and are normal agricultural operations, or if the physical facilities

[REDACTED]
[REDACTED]
[REDACTED]
PROFESSIONAL CORPORATION

of such agricultural operation or substantially expanded or substantially altered and the expanded or the substantially altered facility has either:

- (1) Been in operation for one year or more prior to the date of bringing such action, or
- (2) Been addressed in a nutrient management plan approved prior to the commencement of such expanded or altered operation pursuant to Section 6 of the Act of May 20, 1993 (P.L. 12, No. 6) known as the Nutrient Management Act, and is otherwise in compliance therewith. Provided, however, that nothing herein shall in anyway restrict or impeded the authority of this state from protecting the public health, safety and welfare or the authority of municipalities to enforce state laws.

(b). The provisions of this section shall not affect or defeat the right of any person, firm or corporation to recover damages for any injuries or damages sustained by them on account of any agricultural operation or any portion of an agricultural operation which is conducted in violation of any Federal, State or local statute or government regulation which applies to agricultural operations or portions thereof."

Based upon the limitation on public nuisances, it does not limit the ability of a local municipality to enforce its zoning laws, its building codes, or any other duly enacted statute, only nuisance laws.

The statute does not bar requiring compliance with zoning ordinances or regulations. It does not bar or impact the requirements to comply with all building codes and other safety codes. It only provides a farm operation from protection from nuisance claims.

I trust this enlightens you with regard to the protections of the Right-to-Farm Act.

Very truly yours,
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] SS

Washington Township, Lehigh County

Planning and Zoning Office
7951 Center Street, Emerald, PA 18080
Phone: 610-767-8108

DATE: November 8, 2021
TO: [REDACTED]
FROM: [REDACTED] Zoning Officer
RE: Violations of Washington Township Ordinances

Dear [REDACTED]

This letter serves as a CIVIL ENFORCEMENT against [REDACTED] and [REDACTED] in accordance with the Washington Township Zoning Ordinance and the Pennsylvania Municipalities Planning Code. [REDACTED] and [REDACTED]

1. As per Ordinance No. 2018-03 "Keeping of Poultry", The Keeping of Poultry, Section 428 "...permitted in all districts, on a lot size not less than 0.5 acres. No more than three (3) poultry may be kept on lots between 0.5 and 1 acres. Three (3) additional poultry are permitted for each 0.5 acres in lot size...." Roosters as pets or for personal use are only permitted in the Rural and Blue Mountain District of Washington Township on lots larger than 5.0 acres. Please see enclosed ordinance. You are in violation of this Ordinance and are required to comply by removing all poultry from the property by December 8, 2021
2. As per Zoning Article 4 Supplementary Regulations ordinance 411.10, the use of truck trailers/bodies or house trailers for accessory structures specifically for storage are not permitted. You are in violation of this Ordinance and are required to remove this truck housing the poultry from the property by December 8, 2021
3. As per Article 4 Supplementary Regulations ordinance 418.4, Zoning permits are needed for all man-made fencing in all Districts but not to include agricultural fencing. Please fill out a permit for the existing fence in the back yard of [REDACTED]

"You are hereby directed to initiate steps to correct the above-references violations of the Township Zoning Ordinance on or before December 8, 2021.

You are further advised that you may file an appeal with the Township Zoning Hearing Board with regard to the Zoning Ordinance violations asserted in this notice on or before December 8, 2021. Failure to comply with this Notice to commence and complete corrections of the Zoning Violations in a timely manner or to file a timely Appeal with the Washington Township Zoning Hearing Board, will result in a Civil Enforcement Complaint being filed against you before a District Justice, with the possible imposition of the following fines and sanctions against you:

- a. \$500.00 fine per violation day
- b. All Court costs;
- c. All reasonable attorney fees and administrative costs incurred by Washington Township for the prosecution of this Zoning Ordinance violation.

A time period of thirty (30) days from receipt of this notice will be allowed for the voluntary abatement of the said violation(s). Failure to comply with this notice within the time specified, unless extended by an appeal to the Zoning Hearing Board, constitutes a violation under Section 617.2 of the Pennsylvania Municipality Planning Code. You may appeal this Civil Enforcement action by filing a complete application appealing the decision of the Zoning Officer plus the filing fees with Washington Township.

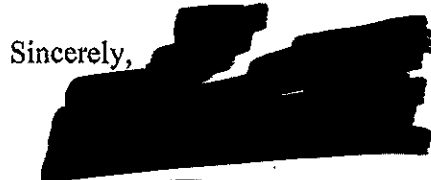
Section 617.2 of the Municipality Planning Code states, as follows:


Any person, partnership or corporation who or which has violated or permitted the violation of any provision of any Zoning Ordinance enacted under this act or prior enabling law shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgement of not more than \$500.00 plus all court costs, including reasonable attorney's fees incurred by the municipality as a result thereof. No judgement shall be commenced or imposed, levied or payable until the date of determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgement, the municipality may enforce the judgement pursuant to the applicable rules of civil procedure.

Each day that a violation continues shall constitute a separate violation, unless the District Justice determines that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the two have believed that there was no such violation, in which event there shall be deemed to have been only one violation until the fifth day following the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation.

Please feel free to contact me if you have any questions. Thank you in advance for your attention and cooperation in this matter.

Sincerely,

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oning & Planning Officer

Washington Township, Lehigh County

A solid black redaction mark covering a line of text.