

**EXETER TOWNSHIP
ORDINANCE NO 806**

AN ORDINANCE OF THE TOWNSHIP OF EXETER, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE 638. PROMOTING THE HEALTH, SAFETY AND GENERAL WELFARE OF EXETER TOWNSHIP BY REGULATING OPEN BURNING AND, OR OUTDOOR FIRES AND REGULATING BONFIRES, OUTDOOR FIREPLACES, INDOOR FIREPLACES, INDOOR WOOD BURNING AND COAL STOVES, INCINERATORS, HANDLING OF ASHES AND COMBUSTIBLE RUBBISH AND PROVIDING THE ENFORCEMENT THEREOF.

PURSUANT TO THE AUTHORITY CONTAINED IN THE SECOND CLASS TOWNSHIP CODE, AS AMENDED, 53 P.S. §§ 65101, ET SEQ., THE BOARD OF SUPERVISORS OF EXETER TOWNSHIP, BERKS COUNTY, PENNSYLVANIA DOES HEREBY ENACT AND ORDAIN, AS FOLLOWS:

ARTICLE I. DEFINITIONS

For the purposes of this Ordinance, the following terms shall be defined as set forth below, unless a different meaning is plainly required by the context.

1.01 "PERSON" shall mean any natural person, partnership, firm, association or corporation.

1.02 "ORGANIC MATERIAL" shall mean material derived from living organisms such as wood, paper and yard scraps.

1.03 "NON-ORGANIC MATERIAL" shall mean material derived or formed from inanimate objects, other than vegetable, such as tin cans, glass crockery, metals, plastic and similar materials.

1.04 "BRUSH" shall mean bushes, shrubs, thickets, tree trimmings, hedge clippings and small trees.

1.05 "OPEN BURNING" shall mean burning any material in the open atmosphere, including burning in 55-gallon drums, outdoor fireplaces or other containers.

1.06 "RECYCLABLE" shall mean any material that is required to be recycled in Exeter Township under the Pennsylvania Act 101, including scrap lumber (non-treated/painted) and brush.

1.07 "AUTHORITY HAVING JURISDICTION" (AHJ) shall mean Fire Code Official, Police Officer or Code Enforcement Officer.

1.08 "Leaf Waste" shall mean leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

1.09 "Yard Waste" shall mean leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material.

ARTICLE II. OPEN FIRES AND OUTDOOR FIRES

2.01 It shall be unlawful for any person to open burn any material, including the following at any time in any zone within Exeter Township.

Household trash, books magazines, newspapers, cardboard and/or any items that are required to be recycled in Exeter Township under the Pennsylvania Act 101, including leaf waste and scrap lumber or any vegetation, plywood, drywall plastic products, insulation material, upholstered furniture, garbage, dead animals, human and animal excrement, human and animal hair, rubber products including tires, hydrocarbon products or flammable liquids, asphalt or tar shingles or roofing materials, bedding, foam rubber, nylon, rayon, cotton, wool, polyester or other synthetic material, insulation from copper or other wiring, solid waste and/or construction waste as defined by the Pennsylvania Solid Waste Management Act and 25 PA Code 271.1.

EXCEPT where fire or burning operations result from:

- A. Any fire set for the purpose of training and instructing authorized personnel in fire fighting, and training of persons in the use of portable fire extinguishers. (permit required)
- B. Any campfire or bonfire solely for organized recreational or ceremonial purposes. (permit required)
- C. Any fire set for the prevention and/or control of disease of pests, rats, snakes, bees, etc. (permit required)
- D. The burning of ONLY brush, exclusively for agricultural management and conservation practices & protection, and provided burning is located 100 feet or more from any building or structure. Brush must originate from the same property (first full weekend of the month, permit required)
 - 1. Burning is permitted from 6:00 A.M. to 6:00 P.M. on Saturday and Sunday. No burning or smoldering shall occur outside of the above stated hours.

2.02 The AHJ may suspend the above regulations at any time when the following conditions exist:

- A. When smoke and/or ash emission are or may be objectionable, offensive or deleterious to human or animal health or permeate or crosses neighboring properties, and/or falls on buildings, vehicles or vegetation.
- B. When extreme dry conditions or drought warrant a ban on all burning.

- C. Such fireplaces, wood burning, coal stoves or solid fuel heaters shall not be used for such purpose when, in the judgment of AHJ, a fire hazard is created by such use and operation and/or any danger is posed to the occupants therein or the neighboring buildings and/or occupants.
- D. If the smoke, ashes and/or smell emitting to the outside atmosphere from the chimney, stove pipe or flue are, objectionable or offensive to the general public, the operation of such fireplace, wood burning, coal stove or solid fuel heater shall be suspended by the AHJ.

ARTICLE VI. INCINERATORS

6.01 It shall be lawful to burn combustible rubbish and materials within Exeter Township by means of an enclosed outdoor or indoor incinerator operated by chemical or thermal means, provided the incinerator is attached to a proper stack or chimney and complies with the current Exeter Township ICC Codes, and provided the following regulations are adhered to:

- A. The incinerator shall be the type approved by an authorized representative of the Pennsylvania Department of health AND the Pennsylvania Department of Environmental Protection. Both of the above departments shall give evidence of approval in written certification of inspection, and approval.
- B. All owners of property within Exeter Township on or in which there exists an incinerator shall, advise the Township Office of such incinerator and the location of the same.
- C. The AHJ may terminate the use of any incinerator when found to be faulty or for the reasons stated in Article II, Section 2.02, Subsections A and B of this Ordinance.

ARTICLE VII. HANDLING OF ASHES AND COMBUSTIBLE RUBBISH

7.01 Ashes, smoldering coals, wood and embers or other material liable to spontaneous ignite, shall not be deposited or allowed to remain within ten (10) feet of any combustible materials, but shall be deposited in non-combustible containers. Rubbish of any kind shall not be allowed to accumulate.

ARTICLE VIII. PERMITS

8.01 All permits required under any provisions of this Ordinance, shall be issued in accordance with Section 105 of the International Fire Code adopted by Exeter Township with the following provisions.

- A. A Fire Prevention "Operational" Permit shall be obtained from the Township Office a minimum of 48 hours prior to burning. The

applicant shall provide name, address, phone number, the purpose for the permit and attach a drawing of the proposed burning site.

- B. Permits to burn the first full weekend of the month may be obtained for a single month or for an entire calendar year. Other Operational permits must be obtained for each Special Event (ie: bonfires, campfires and cookouts).
- C. Before the permit is issued, an inspection may be made by the AHJ to assure that the use of the permit complies with the provisions of the Ordinance and the International Fire Code.
- D. Any permit issued may be revoked for the protection of life or property or to prevent or abate the nuisances caused by such burning. (A nuisance would be defined as ash fallout or smoke accumulation in the area of residential occupancies.)
- E. If a person starts a fire without a permit or if a permit holder fails to comply with any term or condition of the permit, and as a result of that failure the fire department is required to suppress a fire, the person or permit holder is liable for the cost of fire suppression and subject to fines in District Court
- F. Permit Fees will be set from time to time by a duly adopted resolution of the Board of Supervisors.

ARTICLE IX. PENALTIES

- 9.01 Any person violating any of the provisions of this Ordinance or neglecting to comply with any order or notice issued pursuant hereto for violation of any section hereto, shall upon conviction before any District Justice, be subject to the payment of a fine of not less than three hundred dollars (\$300.00) or more than one thousand dollars (\$1,000.00) and the payment of costs of prosecution for each offense, or shall be subject to imprisonment for a period not exceeding thirty days (30) days. Each day's continuance of any violation of this Ordinance shall constitute a separate offense, punishable by a like fine and imprisonment in default of payment thereof.

ARTICLE X. SEVERANCE CLAUSE


- 10.01 Should a court of competent jurisdiction declare any section, paragraph, clause or phrase of this Ordinance unconstitutional or invalid, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.

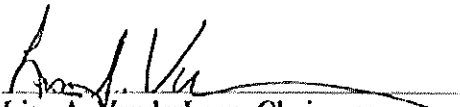
ARTICLE XI. REPEALER CLAUSE

11.01 All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ENACTED AND ORDAINED into an Ordinance this 10th day of September, 2018.

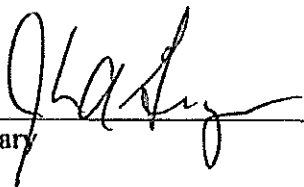
**EXETER TOWNSHIP
BOARD OF SUPERVISORS**





Lisa A. VanderLaan, Chairperson

Attest:



Secretary

Chapter 136. Burning, Open

§ 136-2. Open fires and outdoor fires.

- A. It shall be unlawful for any person to open burn any material, including the following at any time in any zone within Exeter Township: household trash, books, magazines, newspapers, cardboard and/or any items that are required to be recycled in Exeter Township under the Pennsylvania Act 101,^[1] including leaf waste and scrap lumber or any vegetation, plywood, drywall, plastic products, insulation material, upholstered furniture, garbage, dead animals, human and animal excrement, human and animal hair, rubber products including tires, hydrocarbon products or flammable liquids, asphalt or tar shingles or roofing materials, bedding, foam rubber, nylon, rayon, cotton, wool, polyester or other synthetic material, insulation from copper or other wiring, solid waste and/or construction waste as defined by the Pennsylvania Solid Waste Management Act^[2] and 25 Pa. Code § 271.1, except where fire or burning operations result from:
- (1) Any fire set for the purpose of training and instructing authorized personnel in firefighting, and training of persons in the use of portable fire extinguishers (permit required).
 - (2) Any campfire or bonfire solely for organized recreational or ceremonial purposes (permit required).
 - (3) Any fire set for the prevention and/or control of disease of pests, rats, snakes, bees, etc. (permit required).
 - (4) The burning of only brush, exclusively for agricultural management and conservation practices and protection, and provided burning is located 100 feet or more from any building or structure. Brush must originate from the same property (first full weekend of the month, permit required).
 - (a) Burning is permitted from 6:00 a.m. to 6:00 p.m. on Saturday and Sunday. No burning or smoldering shall occur outside of the above-stated hours.
- [1] *Editor's Note: See 53 P.S. § 4000.101 et seq.*
[2] *Editor's Note: See 35 P.S. § 6018.101 et seq.*
- B. The AHJ may suspend the above regulations at any time when the following conditions exist:
- (1) When smoke and/or ash emission are or may be objectionable, offensive or deleterious to human or animal health or permeate or crosses neighboring properties, and/or falls on buildings, vehicles or vegetation.
 - (2) When extreme dry conditions or drought warrant a ban on all burning.

A sign, including freestanding signs such as billboards, which direct attention to a business, commodity, service or entertainment, conducted, sold, or offered elsewhere than upon the premises where the sign is displayed.

[Amended 6-13-2011 by Ord. No. 713]

AGRICULTURAL SIGN

A sign advertising the sale of farm products, including edible farm products, plant nursery products, or livestock produced or raised on the premises. Agricultural signs shall also include those signs that indicated a landowner's membership in agricultural associations or cooperatives or specialization in a particular breed of animal or strain of plant.

[Added 6-13-2011 by Ord. No. 713]

AGRICULTURE

- A. The cultivation of the soil and the raising and harvesting of the products of the soil, including plant nursery and horticulture but excluding forestry;
- B. Animal husbandry, poultry farming and dairy farming, excluding kennels.

AGRICULTURE (INTENSIVE)

Specialized agricultural activities, including, but not limited to, mushroom production, certain concentrated animal feeding operations (CAFO), and certain concentrated animal operations (CAO), which due to the intensity of the production necessitate special control of operation, raw material storage and processing, and the disposal of liquid and solid wastes. The specific thresholds for an operation to be considered an intensive agriculture are contained in § 390-32B.

AGRICULTURE OPERATION

An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term include an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AGRICULTURE, PASSIVE

The cultivation of the soil and the raising and harvesting of the products of the soil, including plant nursery and horticulture, but excluding forestry. Such uses shall not be permitted within 75 feet of any property line. Passive agricultural uses shall not include the raising of livestock or other animals. The sale of produce shall not be permitted on the premises of the passive agricultural use, except to the extent that the same is permitted as an accessory use (as a roadside stand for the sale of farm products grown on the premises) in the applicable zoning district and subject to compliance with § 390-32A(8).

[Added 6-13-2011 by Ord. No. 713]

ALLEY

See "service street (alley)."

ALTERATION, STRUCTURAL

Any enlargement of a building or structure; the moving of a building or structure from one location to another; any change in or addition to the structural parts of a building or structure; any change in the means of egress from or access to a building or structure.

AMUSEMENT PARK

A recreational use involving permanent structures or buildings where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows or entertainment.

A tax-supported school (K-12 or subset thereof) established by a charter between the state and an outside group which operates the school so as to achieve set goals.

CHURCH

A building used for public worship by a congregation, excluding buildings used primarily for residential, educational, burial, recreational or other uses not normally associated with worship.

CLINICAL REGISTRANT

An entity that:

[Added 2-25-2019 by Ord. No. 823]

- A. Is approved by the DOH as a clinical registrant; and
- B. Has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances; and
- C. Is approved by the DOH to hold a permit as both a grower/processor and a dispensary.

CLUB or LODGE

An association of persons for some common nonprofit activity, not including groups organized primarily to render a service, which is customarily carried on as a business.

COGENERATION ELECTRIC POWER PRODUCTION

An electric power production facility or other facility that uses energy or produces a service as waste disposal that creates or converts to a usable energy, which is intended for sale to the public or for sale back to the electrical distribution system or utility provider.

COMMERCIAL SCHOOL

A school for the teaching of a trade or skill, carried on as a business.

COMMON OPEN SPACE

A parcel or parcels of land or an area of water, or a combination of land and water, within the development site designed and intended for use or enjoyment of all residents of the development in which it is located. Land included within the right-of-way lines of streets shall not be classified as common open space. For the purpose of apartment or townhouse developments, common open spaces shall not include required open areas between buildings and between buildings and street rights-of-way, driveways, parking areas unless directly associated with the open space and property lines of the development. No dwelling unit, residential accessory buildings or parking areas may be located within common open spaces (unless directly associated with the open space).

COMMON PARKING AREA

A parking facility other than those provided within the lot lines of a lot on which one single-family detached dwelling, one single-family semidetached dwelling, or one townhouse is located.

COMMON WALL

A wall used or adopted for joint service between two buildings or parts thereof.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)

An animal feeding operation where 250 or more animal equivalent units (AEU) are housed inside buildings or in confined feedlots.

CONCENTRATED ANIMAL OPERATION (CAO)

An operation owned or managed by a farmer where animal density exceeds two animal equivalent units (AEU) per acre of land suitable and available for manure application on an annualized basis. The calculation on AEU per acre involves determining the number of AEU of production animals on the farm and then adjusting that for the actual number of days (out of 365) that manure is

typically produced. To determine the number of AEU's on a farm, the following formula can be used: Total AEU's for each type of animal = [number of animals (average on a typical production day) x animal weight (pounds) ÷ 1,000] x [number of production days per year ÷ 365].

CONDITIONAL USE

A use that shall only be permitted by the Township Supervisors pursuant to the provisions of this chapter.

CONSTRUCTION SITE

The total necessary land required for all buildings or uses within a unified development.

CONTRACTOR SIGN

A temporary sign of a contractor, architect, plumber, electrician, roofer, builder, engineer and the like.

[Added 6-13-2011 by Ord. No. 713]

CONVALESCENT HOME

An establishment providing nursing, dietary and other similar personal services to convalescents, invalids or aged persons, but excluding mental cases, cases of contagious or communicable disease, surgery or other treatments which are customarily provided in sanitariums and hospitals.

CONVENIENCE STORE

A retail store generally containing less than 2,500 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers. It is designed to attract a large volume of stop-and-go traffic.

[Added 7-9-2018 by Ord. No. 794]

CONVENTIONAL DEVELOPMENT

A residential use of land that includes the division of property into building lots based upon the standard provisions within the zoning district for lot area, width, building coverage and minimum yard requirements. This definition does not include open space/conservation development.

CORNER LOT

A lot abutting two or more intersecting public or private streets, or a lot situated at the point of abrupt change or direction of a single street (having an interior angle of less than 135°). Upon presentation of an application for establishment of a use on a corner lot, the Township Zoning Officer shall designate which yard abutting a street will be considered the front yard. The yard opposite that yard shall meet the rear yard requirements of the applicable zoning district. Any yard adjoining a street which was not designated the front yard must meet the front yard requirements of the applicable zoning district, and the yard opposite that yard shall meet the side yard requirements of the applicable zoning district. In the case of a building to be placed on a corner lot such that the front of the building will not be parallel to a street line, yards shall be provided so that no building will be placed closer to a street than the front yard requirement of the applicable zoning district, so that no portion of the rear of the building will be placed closer to a lot line than the rear yard requirement of the applicable zoning district, and so that no portion of a side of the building will be placed closer to a lot line than the side yard requirement of the applicable zoning district.

CORRECTIONAL FACILITY

A publicly or privately operated facility housing persons (either juvenile or adult) awaiting criminal trial or adjudication, and/or serving a sentence after being found guilty of a criminal offense or being adjudicated delinquent. The term shall include, but not be limited to, jails, prisons, work release centers, prerelease centers, treatment centers and all other similar facilities. The term shall not include a group institution or a group home.

[Added 6-13-2011 by Ord. No. 713]

DENSITY (RESIDENTIAL)

Chapter 390. Zoning

Article IV. Conservation and Residential Zoning Districts

§ 390-12. AP — Agricultural Preservation District.

[Amended 8-26-2013 by Ord. No. 744]

A. Specific intent. The intent of the Agricultural Preservation District is as follows:

- (1) To protect and promote the continuation of agriculture in areas with primary agricultural lands, per the Governor's executive order of March 20, 2003. Those areas being preserved are farmland, farmland in agricultural security areas, farmland enrolled in Act 319 of 1974, as amended (clean and green) or Act 515 of 1996, as amended, and land capability classes I, II, III and IV and other soils of statewide importance as defined by the Natural Resources Conservation Service.
- (2) To support the Governor's executive order regarding the irreversible conversion of primary agricultural land to uses that result in its loss as an environmental and essential food and fiber resource across the Commonwealth of Pennsylvania.
- (3) To strengthen and preserve strong agricultural activity where farming is a viable component of the local economy.
- (4) To promote agricultural land uses and activities and other uses and activities which act in direct support of agriculture.
- (5) To protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses detrimental to agriculture enterprises, and to limit development which requires highway and other public facilities in excess of those required by agricultural uses.
- (6) To maintain, protect and stabilize agriculture as an ongoing economic activity by permitting only those land uses and activities which are either agricultural in nature or act in direct support of agriculture.
- (7) To enhance the economic viability of agricultural operations by allowing compatible low-impact businesses as supplemental uses on properties.
- (8) To maintain the land resource base, that is, agricultural parcels or farms in sizes which will permit efficient, profitable agricultural operations.
- (9) To keep separate agricultural land use and activities from incompatible residential, commercial and industrial development, and public facilities.
- (10) The regulations set forth in this section seek to achieve the protection of land for agricultural purposes, which is a legitimate zoning objective under the Municipalities Planning Code.^[1]
[1] *Editor's Note: See 53 P.S. § 10101 et seq.*
- (11) To further §§ 603(b) (5) and 604(3)^[2] of the Municipalities Planning Code, which direct that zoning ordinance contain provisions designed to "preserve prime agriculture and farmland

considering topography, soil type and classification, and present use."

[2] *Editor's Note: See 53 P.S. §§ 10603 and 10604.*

(12) To fully recognize that farming and agriculture activities are the highest best and a fully developed land use.

(13) To put into action the goals of the Joint Comprehensive Plan for Amity Township, Exeter Township and St. Lawrence Borough that contains the intent to preserve agriculture and farmlands.

B. Permitted by right. Land and buildings in an AP District may be used for the following purposes and no others unless a special exception as provided for in Subsection C or conditional use per Subsection D is granted:

(1) All forms of agriculture, horticulture, animal husbandry and dairy farming, except intensive agricultural activities as defined in § 390-6, subject to § 390-32.

(2) Nurseries and greenhouses.

(3) Forestry activities, including but not limited to timber harvesting per § 390-56.

(4) Farm dwelling, subject to:

(a) Farm dwellings shall be limited to single-family detached dwellings. No more than two dwelling units shall be permitted per 40 acres of farm. The total number of dwellings shall not exceed two.

(b) If constructed, a farm dwelling shall be constructed on a farm which is a minimum of 40 acres in size; however, if a farm less than 40 acres in size existed at the time of the enactment of the Exeter Township Zoning Ordinance of 2010, a farm dwelling shall be permitted on that farm.

(c) Subsequent to the construction of a farm dwelling, the farm dwelling shall remain in the same ownership as the farm on which it was constructed.

(5) A single-family detached dwelling on an existing lot (i.e., existing as of the date of the enactment of the Exeter Township Zoning Ordinance of 2010 that is less than 10 acres).

(6) Roadside stands for the sale of farm products grown on the premises per § 390-32A(8).

(7) No-impact home-based business subject to § 390-39.

(8) Farm-related business necessary to the conduct of agricultural activities, such as the sale of seed and fertilizer and the sale and repair of farm and garden machinery, subject to:

(a) The conduct of the business on a farm shall be secondary to the use of the farm for agricultural activities.

(9) Processing of farm products, where such use is accessory to the raising or growing of such products and is located on the farm property.

(10) Office of veterinarian.

(11) Woodland or game preserves, wildlife sanctuary or similar conservation use.

(12) Municipal use.

(13) Accessory uses and structures to the above permitted uses, when on the same lot as the permitted use, per §§ 390-29 and 390-30.

(14) Yard sale per § 390-64.

(15) Home occupation subject to § 390-40.

(16) Boarding kennel (short-term) subject to § **390-71.1**

(17) Rural business as listed below:

(a) Winery.

(b) Equine facilities, riding stable, riding school, commercial boarding stable, include accessory uses, such as arenas, corrals, and exercise tracks.

(c) Rural farm market, grocery stores and agricultural-related sales (sales area less than or equal to 2,000 square feet unless the structure existed prior to enactment of this chapter).

(d) Pet grooming facility.

(e) Rural sawmill or planing mill or retail firewood operation.

(f) Blacksmith shops, farrier, harness making.

(g) Wood craftsmanship.

(h) Agritainment activities such as corn mazes and hayrides pursuant to temporary permits issued by the Zoning Officer.

(18) Non-tower wireless communications facilities, provided the collocation, modification, or replacement does not result in a substantial change, and per § **390-71.8** regulations.
[Added 8-10-2020 by Ord. No. 835]

(19) Small wireless communications facilities, per § **390-71.8** regulations.
[Added 8-10-2020 by Ord. No. 835]

C. Uses permitted by special exception. The following uses are permitted when special exceptions are granted by the Zoning Hearing Board in accordance with § **390-96H**:

(1) Intensive agricultural activities, subject to the applicable requirements of § **390-32**.

(2) Repurposed buildings (existing agricultural structure converted to residence).

(3) Accessory uses and structures to the above permitted uses when on the same lot as the permitted use per §§ **390-29** and **390-30**.

D. Uses permitted by conditional use. The following uses are permitted when a conditional use is approved by the Board of Supervisors in accordance with § **390-90**:

(1) Bed-and-breakfast per § **390-63**.

(2) Seasonal outdoor recreational activities subject to § **390-33**.

(3) Outdoor recreation uses including parks (except amusement parks), playgrounds, picnic grounds, horse riding trails and academies, golf courses (except miniature golf courses and driving ranges), hiking trails, trails for nonmotorized bicycles, fishing, shooting and hunting clubs and areas, and camps (except campgrounds), subject to § **390-33**.

(4) Kennel; boarding kennel.

(5) Rural farm market, grocery stores, and agricultural-related retail sales (sales areas over 2,000 square feet are permitted, provided that it is in an existing structure that existed prior to enactment of this chapter).

(6) Accessory uses and structures to the above uses when on the same lot as the permitted use per §§ **390-29** and **390-30**.

(7) Non-tower wireless communications facilities when the collocation, modification, or replacement results in a substantial change and per § **390-71.8** regulations.

[Added 8-10-2020 by Ord. No. 835]

- E. Area, yard and height regulations.
[Amended 11-26-2018 by Ord. No. 812]

Agricultural Preservation District

	Maximum Permitted
Building height – principal building	
Farm buildings and structures (nonresidential)	No restriction*
Residential buildings	40 feet*
All other buildings and structures	65 feet*
Maximum impervious coverage	20%
	Minimum Requirements
Lot area	40 acres
Lot width	
At street line	400 feet
At setback line	400 feet
	Minimum Requirements
Building setback	75 feet
Rear yard	75 feet
Side yard	
	Maximum Permitted
Total	100 feet
One side	50 feet
Open area	80%

*NOTE: May be further limited by International Building Code, Table 503.

- F. Performance standards. All uses permitted in the AP District shall provide off-street parking; however, they are exempt from the requirements as outlined in § 390-37.

Chapter 390. Zoning

Article VI. General Regulations

§ 390-32. Agricultural use regulations.

A. General agricultural standards.

- (1) Agricultural uses shall be conducted on a farm which shall be a minimum of three acres in size.
- (2) General agricultural uses shall be limited to a maximum of 2.0 animal equivalent units per acre of land suitable and available on the farm for manure application on an annualized basis. Uses exceeding 2.0 animal equivalent units per acre are classified as intensive agricultural uses and are subject to the intensive agricultural standards of Subsection **B**. Animals not defined in the AEU table of § **390-6** shall be limited to one per acre.
- (3) No farm or any other outbuilding other than a dwelling shall be constructed closer than 75 feet to any property line.
- (4) All grazing or pasture areas utilized for this purpose shall be fenced.
- (5) No slaughter area or manure storage shall be established closer than 200 feet to any property line.
- (6) Except as noted in the AP Zoning District, no more than one single-family detached dwelling shall be permitted for each farm.
- (7) To control erosion and pollution, a buffer zone of 12 feet or as required by the Exeter Township Floodplain Ordinance,^[1] whichever is greater, shall be established from the edge of all streams, which shall be kept in an all-season ground cover.
[1] *Editor's Note: See Ch. 126, Building Permit; Floodplain and Riparian Buffer Area Management.*
- (8) The sale of farm products is subject to:
 - (a) Signs shall be subject to the provisions of § **390-69**.
 - (b) At least 50% of such products shall have been produced on the property on which they are offered for sale.
 - (c) Parking spaces for at least three cars shall be provided behind the street line.
 - (d) Sale of farm products shall be conducted from a portable stand, removed at the end of the growing season, or from a permanent building located no closer to the street than the applicable building setback line.

B. Intensive agricultural standards.

- (1) Intensive agricultural activities shall include the following:

- (a) A concentrated animal operation (CAO) in excess of 2.0 animal equivalent units per acre of land suitable and available on the farm for manure application on an annualized basis.
 - (b) A concentrated animal feeding operation (CAFO) where 250 or more animal equivalent units (AEU) are housed inside buildings or in confined feedlots.
- (2) No structure used for an intensive agricultural activity shall be located within 400 feet of any lot line unless a lesser distance is permitted by Act 6 or any other applicable state law.
 - (3) All lots for such uses shall have a minimum size of 25 acres, unless a larger lot size is required elsewhere in this chapter.
 - (4) All open storage shall be screened in such a manner that it shall not be visible from any point on the lot lines.
 - (5) No more than three persons not related to the family operating the use shall be housed on the lot.
 - (6) All buildings and structures designated for the use of any regulated activity shall be painted and maintained in good condition.
 - (7) A fence shall be maintained around all areas in which animals are kept outside of buildings.
 - (8) Solid and liquid waste shall be disposed of in a manner to avoid creating insect or rodent problems, a public health problem or a public nuisance. Noxious, unpleasant gases or odors of any kind shall not be emitted in such quantities as to be detectable outside the lot lines of the tract occupied by an intensive agricultural operation.
 - (9) A nutrient management plan shall be prepared for all proposed intensive agricultural uses. The nutrient management plan shall be submitted to the Township and shall be reviewed and approved by the Berks County Conservation District.
 - (10) All aspects of mushroom production shall be in accordance with best practices for environmental protection in the mushroom farm community, prepared under the authority of the Solid Waste Management Act (35 P.S. § 6018.101 et seq.) and regulations at 25 Pa. Code Chapter 289, effective date December 12, 1997. The commercial production, processing, or cultivation of mushrooms shall be construed as an intensive agricultural activity and therefore shall comply with the applicable requirements of Subsection **B**.
 - (11) No discharge of liquid waste and/or sewage shall be permitted into a reservoir, sewage or storm disposal system, holding pond, stream or other open body of water, or into the ground unless treated so that the discharge is in total compliance with the standards approved by the appropriate local, state and federal regulatory bodies and/or agencies.
 - (12) All on-site composting shall be performed under roof in a partially enclosed structure having impervious flooring with drainage and suitable protection so as to insure that there is no runoff from said structure onto surrounding lands.
 - (13) All organic materials to be used in on-site composting shall be stored under roof in a totally enclosed structure having impervious flooring with drainage and suitable protection so as to insure that there is no runoff from said structure onto surrounding lands.

Chapter 390. Zoning

Article VI. General Regulations

§ 390-35. Environmental performance standards for uses in all zoning districts.

The Township Supervisors shall require safeguards to assure compliance with the following performance standards. Upon request of the Township, a landowner shall furnish proof at his own expense that he is in compliance with the following standards. No use shall be operated in such a manner as to constitute a danger to the residents and inhabitants of Exeter Township.

A. Air management.

- (1) Open burning is not permitted except by permit issued by the Exeter Township Fire Marshal.
- (2) No gases, vapors or fumes shall be emitted in concentrations which are harmful to persons, property, animals or vegetation (per EPA standards) beyond the lot lines of the lot on which such gases, vapors or fumes originate. No toxic or corrosive gases, vapors or fumes exceeding EPA standards shall be released into the atmosphere.
- (3) No use shall emit odorous gases or other odorous matter into the atmosphere in quantities sufficient to be offensive. The guide for determining such quantities of offensive odors shall be the fifty-percent response level of Table 1, "Odor Thresholds in Air" contained in the publication Research on Chemical Odors: Part 1, Odor Thresholds for 53 Commercial Chemicals, October 1968, Manufacturing Chemists Association, Inc., Washington, D.C. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained.
- (4) The uses shall comply with the regulations of the Pennsylvania Department of Environmental Protection for fugitive emissions, particulate matter emissions, sulfur compound emissions, standards for sources, sources of volatile organic compounds, emissions of hazardous air pollutants and ambient air quality sources.
- (5) Drive-throughs. Land development plans with drive-throughs must submit plans demonstrating how they will manage the flow of vehicles in order to minimize vehicular emissions.
[Amended 11-26-2018 by Ord. No. 815]

B. Wastewater management.

- (1) Effluent must meet all standards established by the Township or Township Authority or DEP.
- (2) In no case shall untreated, potentially dangerous, or contaminating effluent or waste from plant operations be discharged.
- (3) In commercial and industrial districts on-site water supply or sewage disposal systems shall only be permitted only by special exception. The applicant shall demonstrate compliance with Subsection F below and submit a hydrogeologic study.

- C. Solid waste management. No storage of waste material on the lot shall be permitted in excess of 30 days. All waste materials awaiting transport shall be concealed from view from all adjacent properties and streets and kept in enclosed containers.
- D. Noise and vibration. Noise shall not exceed the limits stated in Chapter **257**.
- E. Heat. Any operation producing heat shall be conducted in such a manner as to prevent any effects from the heat beyond the lot lines of the lot on which the operation is located.
- F. Groundwater supplies. No activity shall endanger groundwater levels and quality in the area of the use, nor adversely affect groundwater supplies of nearby properties. When required by the Township, a hydrogeologic study which shall indicate the impact of the use on groundwater supplies and quality in the area of the use shall be submitted to the Township.
- G. Electromagnetic and radioactive radiation. All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission, provided that no electromagnetic radiation which interferes with radio or television reception or the operation of other equipment beyond the lot lines shall be produced. No injurious, electromagnetic radiation, or radioactive emission shall be produced, and all radioactive emissions shall meet the federal and state standards. No high-tension electrical transmission lines or equipment shall be located within 75 feet of any portion of a residential building or vice versa.
- H. Outdoor storage: commercial/industrial. All outdoor storage of materials or products shall be screened from view from all adjacent properties and streets.
- I. Explosives. No possession, discharge, production or storage of any material designed for use as an explosive shall be permitted unless the required state/local permits have been issued.