

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

November 7th, 2025

[REDACTED]
[REDACTED]

Luzerne County GIS/Planning & Zoning Department
200 North River Street
Wilkes-Barre, PA 18711

RE: Notice of Violation dated October 22, 2025 – [REDACTED]

[REDACTED]

We are writing regarding the Notice of Violation issued to us dated October 22, 2025, alleging operation of a “commercial poultry farm” in violation of § 502(C) of the Luzerne County Zoning Ordinance, Raising of Livestock or Poultry. Specifically, the notice asserts that we are not permitted to own more than 50 chickens on the basis we own 24.73 acres vs. the 25 required by 502(C) of county code. After reviewing the facts and applicable Pennsylvania law, we have concluded that the Notice unlawfully conflicts with the Pennsylvania Right-to-Farm Act and Act 38 of 2005 (ACRE).

Prior to this violation being issued, on October 20, 2025, at approximately 4:00 p.m. [REDACTED] spoke by phone with [REDACTED] of the Luzerne County Zoning Office regarding a small agritourism event the farm planned to hold on-site from October 30 to November 1. During that discussion [REDACTED] asserted that the event was a commercial activity requiring county approval. When [REDACTED] explained that the event was agritourism directly associated with the farm and therefore a permitted use under both county code and state law, he became extremely agitated. He further insisted the event “was absolutely not” agritourism and was not permitted without prior approval from the county. When [REDACTED] suggested he review the Pennsylvania Right-to-Farm Act and ACRE guidance, he refused and responded that “the Attorney General’s Office can contact us if they want to discuss it.”

At approximately 3:25 p.m. on Thursday, November 6, 2025, [REDACTED] spoke again with [REDACTED] via phone regarding the October 22 Notice. After [REDACTED] explained that the violation is

not valid because it conflicts with the Pennsylvania Right-to-Farm Act. [REDACTED] stated that county code supersedes state law, that he “doesn’t need to know” what the Right-to-Farm Act says, and that the County intends to enforce its ordinance regardless of any inference of state protections. These statements reflect a misunderstanding and unwillingness to understand the County’s obligations under Pennsylvania law.

These two incidents demonstrate a pattern of the County issuing and threatening enforcement without first verifying its legal authority or reviewing the controlling state statutes. Instead, the County appears to be acting solely on unvetted “anonymous” complaints, in direct conflict with the Pennsylvania Right-to-Farm Act and ACRE.

The Right-to-Farm Act (3 P.S. § 951 et seq.) expressly preempts local ordinances that restrict “normal agricultural operations.” [REDACTED] and our associated property openly qualifies; it is an active, USDA registered farm engaged in the production of poultry, livestock, and eggs as agricultural commodities—activities explicitly protected under the statute. Such production is an agricultural, not commercial or industrial, use.

Further, Act 38 of 2005 (ACRE) grants the Attorney General authority to review and invalidate municipal ordinances that improperly regulate agriculture. Multiple ACRE opinions (ex. OAG ACRE-2009-01 (Middletown Twp.), OAG ACRE-2015-01 (Northampton Twp.), OAG ACRE 2010-05 (Richmond Twp.)) confirm that municipalities may not impose arbitrary minimum acreage requirements to support normal agricultural activity. The county can also not rewrite or narrow the state’s definition of agriculture. Limiting animal numbers is an attempt to effectively redefine agriculture. Luzerne County’s reliance on § 502(C) of its ordinance is therefore preempted by state law.

The County’s Notice of Violation is void and of no legal effect. Any attempt to pursue enforcement under this invalid interpretation constitutes an unauthorized action against a protected agricultural operation.

This correspondence serves as formal notice that we are forwarding the October 22 Notice of Violation and documentation of the October 20 and relevant conversations to Robert Willig, Senior Deputy Attorney General, Agriculture & Rural Affairs Section (ACRE Program) for investigation. We request that Luzerne county defer any enforcement or fines associated with this notice pending the attorney general’s review under Act 38.

Sincerely,

[REDACTED]

Cc:

Robert Willig, Senior Deputy Attorney General (ACRE Program)
PA Office of Attorney General
Attn: ACRE
15th Floor, Strawberry Square
Harrisburg, PA 17120

[REDACTED]
[REDACTED]
[REDACTED]

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

LUZERNE COUNTY
GIS/Planning and Zoning Department
Daniel G. Reese,
Executive Director
Email: daniel.reese@luzernecounty.org
Phone: 570-825-1566 Fax: 570-825-6362



COUNTY OF LUZERNE
PENNSYLVANIA
ESTABLISHED 1786

LUZERNE COUNTY
COUNTY MANAGER
ROMILDA P. CROCAMO, ESQ.

NOTICE OF VIOLATION

October 22, 2025

Matthew Bonsall
299 Swamp Road
Hunlock Creek, PA, 18621

RE: Property 299 Swamp Road, Hunlock Creek, PA 18621

PIN #: 29-15-00A-06E

Zoning Designation: AG, Agricultural District

Dear Mr. Bonsall:

Your property, located at 299 Swamp Road, is in violation of the Luzerne County Zoning Ordinance – Section 502 C (Raising of Livestock or Poultry). Per section 502 C of the Ordinance, “the minimum lot size for the raising of livestock or poultry shall be five acres, and the raising of more than 50 animals shall require a minimum lot size of 25 acres.” A complaint was made to our office on October 20, 2025, regarding the unpermitted commercial poultry farm being conducted on the property. This use in an AG (Agricultural District) is only permitted upon approval of a SPECIAL EXCEPTION to the County Ordinance by the Zoning Hearing Board.

Corrective Action Required: An application to Luzerne County Zoning Hearing Board, to authorize a SPECIAL EXCEPTION to operate a commercial poultry farm and associated commercial activities at the property, must be completed within thirty (30) days of the date of this correspondence. Please contact this office to begin the application process.

Right of Appeal: Please note that you may appeal this notice of violation to the Luzerne County Zoning Office within thirty (30) days of receipt of this notice.

Failure to Comply: Failure to comply with this notice or to timely appeal to the Luzerne County Zoning Department within the time specified will subject you to legal action which can result in possible fines of \$500 per day.

Your prompt cooperation in addressing this notice will be appreciated. If questions or concerns arise, please contact the Luzerne County Zoning Department at (570)-825-1589/1567.

Sincerely,

Daniel G. Reese
Executive Director

Luzerne County GIS/Planning & Zoning Department