

**SALEM TOWNSHIP  
ORDINANCE NUMBER 01 OF 2017**

AN ORDINANCE OF SALEM TOWNSHIP, LUZERNE COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE SALEM TOWNSHIP ZONING ORDINANCE OF MARCH 28, 1995, AS AMENDED, BY ADDING DEFINED TERMS AND AMENDING AGRICULTURAL ACTIVITIES IN VARIOUS SECTIONS OF THE ZONING ORDINANCE; AND BY AMENDING SUPPLEMENTAL REGULATIONS FOR AGRICULTURAL ACTIVITIES.

BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Salem Township, Luzerne County, Commonwealth of Pennsylvania, by the authority granted the Board in §601 of the Pennsylvania Municipalities Planning Code, Act of 1968 P.L. 805, No. 247, as amended, that the Zoning Ordinance of Salem Township is hereby amended as follows:

**SECTION 1.**

Article 2, Definitions, Section 202, Definition of Terms, is hereby amended to delete the terms “Animal Feeding Operation” and “Concentrated Animal Feeding Operations” which read as follows:

ANIMAL FEEDING OPERATIONS (AFOs)

An agricultural operation where animals are kept and raised in confined situations and feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland.

CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOs)

An agricultural operation which meets the definition of an Animal Feeding Operation (AFOs) and also meets certain criteria as established under legislation known as the Pennsylvania Nutrient Management Act, as amended

**SECTION 2.**

Article 2, Definitions, Section 202, Definition of Terms, is hereby amended to include the following terms which shall read as follows:

CONCENTRATED ANIMAL OPERATION (CAO)

An agricultural operation with eight or more equivalent units (AEUs) where the density exceeds two AEUs per acre on an annualized basis. 25 Pa. Code § 83.201, .262.

## CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)

A Concentrated Animal Operation 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. 25 Pa. Code § 92a.2.

## ANIMAL EQUIVALENT UNITS (AEU)

An Animal Equivalent Unit is 1000 lbs. of live weight of livestock or poultry animals, on an annualized basis, regardless of the actual number of individual animals comprising the unit.

### **SECTION 3.**

Article 5, Zoning District Regulations, Section 501.3, Conditional Uses in A-1 Districts is hereby amended, to delete the term “Animal Feeding Operation”.

### **SECTION 4.**

Article 5, Zoning District Regulations, Section 501.3, Conditional Uses in A-1 Districts is hereby amended, to include the term “Concentrated Animal Operation”.

### **SECTION 5.**

Article 5, Zoning District Regulations, Section 509.1, Permitted Uses in C-1 Districts is hereby amended, to include the terms “Animal Feeding Operation” and “Concentrated Animal Feeding Operation”.

### **SECTION 6.**

Article 6, Conditional Uses, Section 608.10 (1) is hereby amended to delete “The minimum parcel size shall not be less than one hundred (100) acres”.

### **SECTION 7.**

Article 6, Conditional Uses, Section 608.10 (1) is hereby amended to add “The minimum parcel size shall conform to the Right to Farm Act.”

### **SECTION 8.**

Article 6, Conditional Uses, Section 608.10 (2) is hereby amended to delete “Buildings used for housing of animals shall not be less than two thousand five hundred (2,500) feet from any existing dwelling not located on the applicant’s property. Manure storage facilities shall meet the setbacks established by the Nutrient Management Act”.

## **SECTION 9.**

Article 6, Conditional Uses, Section 608.10 (2) is hereby amended to add “Proof of compliance with siting requirements for Concentrated Animal Operations and Concentrated Animal Feeding Operations under the Nutrient Odor Management Act regulations.”

## **SECTION 10.**

Article 6, Conditional Uses, Section 608.10 (3) is hereby amended to delete “Excluding points of access, a buffer shall be provided consisting of two (2) staggered rows of evergreen trees planted around buildings used for housing of animals and structures for the storage of manure. The spacing distance between said trees shall not be greater than six (6) feet. Said trees shall be not less than eight (8) feet in height at the time of planting. The type of evergreen trees selected for planting shall be subject to the approval of the Board of Supervisors. The applicant shall be responsible to maintain such screening, including the replacement of any trees which are damaged, die, removed by whatever means or otherwise fail to grow.”

## **SECTION 11.**

Article 6, Conditional Uses, Section 608.10 (4) is hereby amended to delete “(4) A complete Nutrient Management Plan approved by the Commonwealth of Pennsylvania shall be submitted, along with all supporting material and/or information that were submitted as part of said Plan.”

## **SECTION 12.**

Article 6, Conditional Uses, Section 608.10 is hereby amended to add “(3) A complete Nutrient Management Plan approved by the State Conservation Commission or Luzerne County Conservation District shall be submitted, along with all supporting material and/or information that were submitted as part of said Plan.”

## **SECTION 13.**

Article 6, Conditional Uses, Section 608.10 is hereby amended to delete “(5) A complete Odor Management Plan approved by the Commonwealth of Pennsylvania shall be submitted, along with all supporting material and/or information that were submitted as part of said Plan.”

## **SECTION 14.**

Article 6, Conditional Uses, Section 608.10 is hereby amended to add “(4) A complete Odor Management Plan approved by the State Conservation Commission or Luzerne County Conservation District shall be submitted, along with all supporting material and/or information that were submitted as part of said Plan.”

**SECTION 15.**

Article 6, Conditional Uses, Section 508.10 (6) is hereby amended to be Article 6, Conditional Uses, Section 508.10 (5).

**SECTION 16.**

Article 6, Conditional Uses, Section 508.10 (7) is hereby amended to be Article 5, Conditional Uses, Section 508.10 (6).

**SECTION 17.**

Article 6, Conditional Uses, Section 508.10 (8) is hereby amended to be Article 6, Conditional Uses, Section 508.10 (7).

**SECTION 18.**

**SEVERABILITY:** If any article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason declared to be invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

**SECTION 19.**

**REPEALING PROVISION:** All other ordinances, or parts thereof, which are in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 20.**

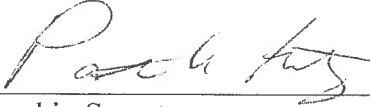
**EFFECTIVE DATE:** This Ordinance shall become effective from the date of its approval and adoption as provided by law.

ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF SALEM TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA, THIS 14<sup>th</sup> DAY OF March, 2017.

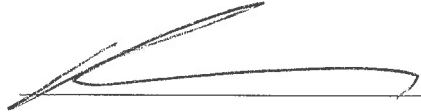
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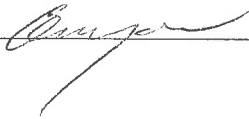
ATTEST:

SUPERVISORS:

  
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Township Secretary

  
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