

**LOWER PAXTON TOWNSHIP**

**BOARD OF SUPERVISORS**

TUESDAY, JUNE 8, 2021 - 7:00 PM,  
425 PRINCE STREET, LOWER PAXTON, PA

CALL TO ORDER - CHAIRMAN HENRY

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

FIRST PRESENTATION OF A RENEWAL TO THE AGREEMENT FOR  
CROSSING GUARD SERVICES *Mr. Gotshall; PS Director Kosheba*

ACTION TO SUSPEND DECLARATION OF DISASTER EMERGENCY #20-01  
*Mr. Gotshall*

FIRST PRESENTATION OF ORDINANCE 21-03; AMENDING CHAPTER 203  
OF THE CODIFIED ORDINANCES, RELATED TO THE KEEPING OF BEES  
AND CHICKENS - *Mr. Gotshall*

SUBDIVISION AND LAND DEVELOPMENT

IMPROVEMENT GUARANTEES

ANNOUNCEMENTS

ADJOURN

**NEXT MEETING OF THE BOARD OF SUPERVISORS (Business Meeting):  
TUESDAY, JUNE 15, 2021; 7:00 P.M.**

**NEXT MEETING OF THE LPT AUTHORITY BOARD:  
TUESDAY, JUNE 22, 2021; 7:00 P.M.**

**LOWER PAXTON TOWNSHIP  
DECLARATION OF DISASTER EMERGENCY**

**DECLARATION 20-01**

**WHEREAS**, on or about **March 18, 2020**, the **Coronavirus (COVID-19) Pandemic** (Disaster) threatens to cause injury, damage, and suffering to the persons and property of the Township of Lower Paxton; and

**WHEREAS**, the Disaster has threatened to endanger the health, safety, and welfare of a substantial number of persons residing in the Township of Lower Paxton, and threatens to create problems greater in scope than the Township of Lower Paxton may be able to resolve through traditional statutory measures; and

**WHEREAS**, emergency management measures are required to reduce the severity of this disaster and to protect the health, safety, and welfare of affected residents of the Township of Lower Paxton and the community at large; and

**WHEREAS**, this Declaration will allow the Township to take advantage of a number of administrative functions that otherwise would be restricted per various Commonwealth statutes; namely, providing an avenue by which the Township may have expenditures related to pandemic response reimbursed by the federal government, the lifting of restrictions on certain bidding requirements, and the easing of certain advertising requirements with regard to special public meetings.

**WHEREAS**, the Board of Supervisors of Lower Paxton Township has, by Chapter 23, Section 6, paragraph 17, of the Codified Ordinance of Lower Paxton Township, authorized the Township Manager to declare a local disaster emergency.

**NOW, THEREFORE**, I, the undersigned Manager of Lower Paxton Township, Dauphin County, Pennsylvania, pursuant to the provisions of Section 7501 of the Pennsylvania Emergency Management Services Code, (35 PA C.S., Section 7501), as amended, and Chapter 23, Section 6, paragraph 17, of the Codified Ordinances of Lower Paxton Township, do hereby declare the existence of a local disaster emergency in the Township of Lower Paxton;


**FURTHER**, I direct the Lower Paxton Township Emergency Management Coordinator and response team to coordinate the activities of the emergency response, to take all appropriate action needed to alleviate the effects of this disaster, to aid in the restoration of essential public services, and to take any other emergency response action deemed necessary to respond to this emergency.

**FURTHER**, I direct Administrative Staff and officials of the Township of Lower Paxton to act as necessary to meet the current exigencies of this emergency, namely Lower Paxton Township Departments may implement emergency assignments without regard to time-consuming procedures and formalities prescribed by law, exempting mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditure of public funds as such actions are necessary to mitigate this emergency.

**FURTHER**, I hereby suspend the provisions of any regulatory ordinance prescribing procedures for the conduct of Lower Paxton Township business, or the orders, rules, and regulations of any Lower Paxton Township Department, if strict compliance therewith would in any way prevent, hinder, or delay necessary actions in coping with this emergency.

This Declaration shall take effect immediately.

**LOWER PAXTON TOWNSHIP**

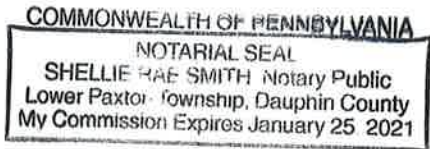
  
\_\_\_\_\_  
**Bradley Gotshall, Township Manager**

3-18-2020  
\_\_\_\_\_  
**Date**

Commonwealth of Pennsylvania  
County of Dauphin

On this 18<sup>th</sup> day of March, 2020, before me, Bradley Gotshall, Township Manager, Lower Paxton Township, personally appeared and swore that the above information was true and correct. In witness whereof, I hereunto set my hand and official seals.

  
\_\_\_\_\_  
**Shellie Smith, Notary Public**



**LOWER PAXTON TOWNSHIP  
TERMINATION OF DECLARATION OF DISASTER EMERGENCY**

**DECLARATION 20-01**

**WHEREAS**, on or about **March 18, 2020**, **the Coronavirus (COVID-19) Pandemic** (Disaster) threatened to cause injury, damage, and suffering to the persons and property of the Township of Lower Paxton; and

**WHEREAS**, the Disaster has threatened to endanger the health, safety, and welfare of a substantial number of persons residing in the Township of Lower Paxton, and has threatened to create problems greater in scope than the Township of Lower Paxton may have been able to resolve through traditional statutory measures; and

**WHEREAS**, emergency management measures were required to reduce the severity of this disaster and to protect the health, safety, and welfare of affected residents of the Township of Lower Paxton and the community at large; and

**WHEREAS**, the Township Manager of Lower Paxton issued Declaration of Disaster Emergency #20-01, effective March 18, 2020; and

**WHEREAS**, the Board of Supervisors of the Township of Lower Paxton ratified the Township Manager's Declaration of Disaster Emergency #20-01 on March 24, 2020; and

**WHEREAS**, the pandemic - through measures of medical science, public administrative policy, and natural occurrences – has receded to a point at which the Township is no longer threatened to the extent necessitating local extraordinary administrative functions; and

**WHEREAS**, the Board of Supervisors of Lower Paxton Township has, by Chapter 23, Section 6, paragraph 17, of the Codified Ordinance of Lower Paxton Township, authorized the Township Manager to declare and suspend a local disaster emergency.

**NOW, THEREFORE**, I, the undersigned Manager of Lower Paxton Township, Dauphin County, Pennsylvania, pursuant to the provisions of Section 7501 of the Pennsylvania Emergency Management Services Code, (35 PA C.S., Section 7501), as amended, and Chapter 23, Section 6, paragraph 17, of the Codified Ordinances of Lower Paxton Township, do hereby suspend the existence of local Declaration of Disaster Emergency # 20-01;

**FURTHER**, with this suspension of Declaration of Disaster Emergency #20-01, all provisions in effect under previous act are hereby suspended.

**LOWER PAXTON TOWNSHIP**

\_\_\_\_\_  
**Bradley Gotshall, Township Manager**

\_\_\_\_\_  
**Date**

Commonwealth of Pennsylvania  
County of Dauphin

On this 8<sup>th</sup> day of June, 2021, before me, Bradley Gotshall, Township Manager, Lower Paxton Township, personally appeared and swore that the above information was true and correct. In witness whereof, I hereunto set my hand and official seals.

\_\_\_\_\_  
**Shellie Smith, Notary Public**

**LOWER PAXTON TOWNSHIP**  
**Dauphin County, Pennsylvania**

**ORDINANCE NO. 21-03**

**AN ORDINANCE OF LOWER PAXTON TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA, AMENDING AND MODIFYING THE CODE OF ORDINANCES, SPECIFICALLY CHAPTER 203, BY REVISING ARTICLE IV, SECTION 403, SUBSECTIONS D-2 “BEES, KEEPING OF.”, D-12 “PETS, KEEPING OF.”, ADDING A NEW SUBSECTION D-4 “CHICKENS, KEEPING OF.”, AND FURTHER RENUMBERING SUBSECTIONS WITHIN ARTICLE IV, SECTION 403.**

**WHEREAS**, the Township of Lower Paxton desires to update and amend its rules and regulations concerning the maintenance of certain wildlife within the Township; and

**WHEREAS**, these amendments modify and amend Chapter 203, Article IV, Section 403, Subsections D-2 “Bees, Keeping Of” and D-12 “Pets, Keeping Of”, and add new Subsection D-4 “Chickens, Keeping Of”; and

**WHEREAS**, the Board of Supervisors finds that these amendments are necessary for the protection of the health, safety, and welfare of the Township residents and consistent with the Code of the Township of Lower Paxton and the Second Class Township Code, Act 69 of 1933, P.L. 103 §607 and 1529; and

**WHEREAS**, the Township demonstrates additions and deletions to the Code by ~~striking~~ out deleted text and underlining added text.

**NOW, THEREFORE**, it is hereby ordained by the Board of Supervisors of Lower Paxton Township, Dauphin County, Pennsylvania that the Lower Paxton Township Codified Ordinances are hereby amended as follows:

**Section 1:** Incorporation by Reference. The above recitals and all referenced documents are incorporated herein by reference as if fully set forth herein.

**Section 2:** Chapter 203, Article IV, Section 403, §D-2 “Bees, Keeping Of.” is revised by adding and deleting text as indicated in Attachment “A”, incorporated herein as if fully set forth.

**Section 3:** Chapter 203, Article IV, Section 403, §D-4 “Chickens, Keeping Of.” is newly added text as indicated in Attachment “A”, incorporated herein as if fully set forth.

**Section 4:** Chapter 203, Article IV, Section 403, §D-12 “Pets, Keeping Of.” is revised by adding and deleting text as indicated in Attachment “A”, incorporated herein as if fully set forth.

**Section 5:** Chapter 203, Article IV, Section 403, §D-4 through §D-19 is revised by adding and deleting text as indicated in Attachment “A”, incorporated herein as if fully set forth.

**Section 6:** Repeal. All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance, are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**Section 7:** Savings and Severability. The provisions of this Ordinance shall be deemed severable and the invalidity or unenforceability of any one provision, part, or clause thereof shall not affect the validity or enforceability of the other provisions, parts, or clauses hereof. If any provision or clause of this Ordinance, or portion thereof, shall be held by any court or other tribunal of competent jurisdiction to be illegal, void, or unenforceable in such jurisdiction, the remainder of such provision shall not be thereby affected and shall be given full effect, without regard to the invalid portion.

**Section 8:** Incorporation Into the Code of Ordinances. By this Ordinance, all provisions adopted herein shall be incorporated into the Township of Lower Paxton Code of Ordinances by incorporating the adopted text, revising any index, appendix, or table of contents, alphabetizing, and numbering each section in accordance and consistent with the construction and format of the codification of ordinances.

**Section 9:** Effective Date. This Ordinance shall become effective five (5) days from the date of adoption by the Board of Supervisors.

**DULY ENACTED AND ORDAINED INTO LAW** as Ordinance No. 21-03  
this \_\_\_\_ day of \_\_\_\_\_, 2021 by the Board of Supervisors of Lower Paxton  
Township.

**ATTEST:**

**BOARD OF SUPERVISORS  
LOWER PAXTON TOWNSHIP**

\_\_\_\_\_  
Chris Judd, Township Secretary

\_\_\_\_\_  
Lowman S. Henry, Chairman

\_\_\_\_\_  
Robin Lindsey, Vice Chairman

\_\_\_\_\_  
Chris Judd, Secretary

\_\_\_\_\_  
Norman C. Zoumas, Treasurer

\_\_\_\_\_  
Paul W. Navarro

**CHAPTER 203  
ZONING**

**ARTICLE IV  
ADDITIONAL REQUIREMENTS FOR SPECIFIC USES**

**§203-403 Additional requirements for accessory uses.**

...

D. Special standards. Each accessory use shall comply with all of the following standards listed for that use:

- (1) **Antenna, Standard** (includes amateur radio antenna).
  - (a) Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
  - (b) Anchoring. An antenna shall be properly anchored to resist high winds.
  
- (2) **Bees, Keeping of.**
  - (a) The applicant shall maintain the bees in a manner that does not create a public nuisance.
  - (b) Bee colonies shall be maintained within hives.
  - (c) Hives shall be located a minimum of 15 feet from any lot line.
  - (d) All hives shall require the installation of a “flyaway barrier” of at least 6 feet in height, and placed within 5 feet of each hive, extending at least 2 feet beyond each side of the hive(s).
  - (e) The approval to keep bees shall be revoked if the use is maintained in a way that results in unprovoked stinging of persons who are located on other lots or on streets or sidewalks.

...

- (4) **Chickens, Keeping of.**
  - (a) The keeping of roosters shall be prohibited.
  - (b) No parcel shall contain at any one time more than four (4) hens over the age of one (1) month.

[1] For example, in the case of two-family dwellings, conversion dwellings, or multi-family dwellings without individually owned backyards, the maximum number of hens allowed shall be four (4) per parcel.
  - (c) Chickens shall be permitted only in the R-1, R-2, R-3, R-C, CO, AR, and IN



zoning districts.

(d) No chickens shall be permitted upon lots of less than one-fourth (1/4) acre.

(e) **Permits.**

[1] No person may own, keep, or harbor any chickens within the Township without first obtaining a permit from the Township Department of Community Development. An application shall be made in writing and on such forms or in such format as established by the Township, and shall be accompanied by the prescribed permit fee in the amount established from time to time by resolution by the Board of Supervisors.

[2] No person shall erect, alter, relocate, or expand a chicken coop without first obtaining a zoning permit from the Township Department of Community Development. The issuance of a zoning permit shall not obviate the necessity for compliance with all other Township Ordinances. Non-property owners that wish to keep chickens on property that the non-property owner is renting must include written, notarized permission from the property owner that explicitly indicates that the non-property owner has permission to own chickens on the subject property. Such written permission shall be supplied to the Township as part of the annual chicken permit application process.

[3] Applicants with one or more unsatisfied nuisance violations within the twenty-four (24) month period prior to initial submission shall not be eligible to receive a permit to house chickens.

(f) **Coops.** All chickens must be kept in a coop, chicken run, or fenced area at all times. During daylight hours, chickens may have access to the outdoors via a chicken run that is enclosed. Chickens may also be allowed in a securely fenced yard if supervised so that they cannot stray beyond the premises on which they are secured. The chickens shall be secured within the coop during non-daylight hours.

[1] Coops and chicken runs shall be located at least fifty (50) feet away from the front property line, twenty-five (25) feet from side and rear property lines, and ten (10) feet from the principal structure.

[2] The minimum coop shall be solid, vermin and predator-proof, and shall provide at least three (3) square feet of area per chicken.

[3] The chicken run shall be adequately enclosed and fenced to contain the chickens on the property and to prevent predators from gaining access to the chicken run.

[4] Coops shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Openings, windows, and vents must be covered with vermin, predator, and bird-proofing wire of one-half (1/2) inch hardware cloth.

[5] Materials used for making a coop shall be uniform for each element of the enclosure such that the walls are made of the same material, the roof has the same shingles or other coverings, and any windows or openings are constructed using the same materials. The use of scrap, waste board, or similar material is prohibited.

[6] The coop shall be painted or stained; the color shall be uniform around the coop and shall be in harmony with the surrounding area.

- (g) **Feed and Water.** Chickens shall be provided with access to feed and clean water at all times. All feed, water, and other such items associated with the keeping of chickens shall be properly stored in a clean and sanitary manner so as to prevent the infestation of rats, mice, or other rodents or vectors.
  - (h) **Veterinary Care.** All chickens shall be afforded veterinary care if known or suspected to be sick or injured. In the case where a chicken is suspected to be sick, the owner shall be responsible for notifying the Township Department of Community Development.
  - (i) **Slaughtering.** There shall be no outdoor slaughtering of chickens permitted within the Township.
  - (j) **Waste Storing and Removal.** A written waste storage and removal plan shall be submitted at the time of application. All stored manure shall be placed within a fully enclosed container prior to disposal. No more than three (3) cubic feet of manure shall be stored at any time. The coop, chicken run, and surrounding area must be kept free from trash and accumulated manure. All deceased chickens shall be disposed of promptly and consistent with applicable disposal regulations of the Township Code of Ordinances, Chapter 110, §13 “Animal Carcasses.”
  - (k) **Sale of Chicken Parts or Eggs.** Any sale of chicken parts or eggs must comply with state and federal laws and regulations. This Article is not intended to address the sale of eggs or animal products.
  - (l) **Permit Revocation.** Any individual found to be in violation of any provision of this Article may face the revocation of their permit. Upon written notice thereof, such individual shall surrender their permit to the Township Department of Community Development. In the case that a permit is revoked, all hens must be removed from the parcel within fifteen (15) days, and the chicken coop and/or run must be removed within thirty (30) days of the revocation.
- (5) **Composting as a principal or accessory use** (other than raising of mushrooms).

...

- (6) **Day-Care, Child** - as accessory to a dwelling.

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(7) **Drive-Through Facilities.**

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(8) **Farm-Related Business.** This use may be approved on an lawful existing lot with a minimum lot area of 25 acres that include a principal agricultural use.

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(9) **Fences and Walls.**

...

(10) **Garage Sale (includes yard sale, moving sale and porch sale).**

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(11) **Home Occupations.**

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(12) **Outdoor Storage and Display** — commercial or industrial as a principal or accessory use.

...

(13) **Pets, Keeping of.**

- (a) This is a permitted by right accessory use in all districts.
- (b) No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.
- (c) A maximum combined total of five dogs and cats shall be permitted to be kept by residents of each dwelling unit on their residential premises.
  - [1] Such limits shall only apply to dogs or cats over six months in age.
  - [2] Any greater number of dogs and/or cats shall need approval as a "kennel."
- (d) Pigeons, ducks, geese and/or similar fowl shall not be kept on a lot of less than

one acre. However, if the total weight of such fowl exceeds 500 pounds, then the requirements shall be met for "raising of livestock or poultry."

- (e) Any keeping of pets shall only be permitted provided it does not create unsanitary conditions or noxious odors for neighbors.
- (f) Horses: Minimum lot area: two acres for first horse or similar animal, plus one acre for each horse or similar animal in excess of one. A maximum of 10 horses or similar animals shall be kept, unless the use is approved as a "nonhousehold stable." Any horse barn, manure storage areas or stable shall be a minimum of 75 feet from any "residential lot line."
- (g) See the definition of "pets" in § **203-202**. Only those pets that are domesticated and are compatible with a residential character shall be permitted as "keeping of pets." Examples of permitted pets include dogs, cats, rabbits, fish, gerbils and lizards.
  - [1] The following and similar animals shall only be allowed to be kept as pets if the Zoning Hearing Board approves a particular number and type of species as a special exception after the applicant proves they will not cause nuisances or hazards: bears, wolves, wolf-dog hybrids, venomous snakes that could be toxic to humans, monkeys, apes, constrictor snakes that could be dangerous to humans, or any "exotic wildlife" as defined by the Pennsylvania Game and Wildlife Code. Exotic wildlife shall also require an exotic wildlife possession permit from the state.
- (h) The keeping of cows, sheep, goats, and hogs shall require a minimum lot area of five acres.

(14) **Recreational Vehicle Parking.** See under "residential accessory structure or use" in this section.

...

(15) **Residential Accessory Structure or Use** (see definition in Article II).

...

(16) **Retail Sales of Agricultural Products as an accessory use.**

...

(17) **Sewage Sludge/Biosolids, Land Application of.**

...

(18) **Stable, Household.** See "pets, keeping of" in this § **203-403**.

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(19) **Swimming Pool, Household** (referred to hereafter as "pool").

...

(20) **Unit for Care of Relative.**

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