TOWNSHIP OF EAST HEMPFIELD

Lancaster County, Pennsylvania

ORDINANCE NO. ______

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF EAST HEMPFIELD BY MAKING CERTAIN AMENDMENTS TO THE ZONING ORDINANCE INVOLVING THE DEFINITIONS AND PERMITTED ZONES FOR SEASONAL FARM WORKER AND SEASONAL FARM LABOR HOUSING.

WHEREAS, the Board of Supervisors of East Hempfield Township has enacted the East Hempfield Township Zoning Ordinance of 2014, as set forth at Chapter 270 of the Code of the Township of East Hempfield (the “Code”); and

WHEREAS, the Board of Supervisors desires to make certain amendments to the Zoning Ordinance provisions of the Code;

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of East Hempfield, Lancaster County, Pennsylvania, as follows:

1. Section 270-2.2 of the Code, involving definitions, is amended to include the following, with material which is underlined representing new material and material with strikeouts representing deleted material:

   §270-2.2. Definitions:

Add definition:

SEASONAL FARM LABOR HOUSING

An agricultural accessory use where dwelling or dwellings, as defined by this Chapter, which could include accessory dwellings, mobile homes, modular/industrialized homes, single-family detached dwellings, or two-family conversions maintained directly or indirectly in connection with any work or place where work is being performed by seasonal farm workers, whether or not rent is paid or reserved for use or occupancy.

SEASONAL FARM WORKER

An individual who works with agricultural commodities or farm products on a seasonal or other temporary basis or performs agricultural labor on a seasonal or other temporary basis.

SEASONAL/ TEMPORARY WORK

Work performed for the purpose of agricultural labor at certain seasons or periods of the year and from its nature cannot be continuous or carried on throughout the year and where an individual is employed for less than one (1) year and is occupying living quarters away from his/her domicile.
2. Section 270-3.2 of the Code, dealing with uses permitted within the Agriculture Zone is amended to add the following uses:

§270-3.2 B. (5), Add use to the Agriculture Zone:

Add “Seasonal Farm Labor Housing”.

3. Section 270-5.2 of the Code, dealing with additional use regulations for specific uses is amended as follows with underlined material being added.

§270-5.2 Seasonal Farm Labor Housing

A. Within the A Zone, seasonal farm labor housing shall be permitted by special exception, subject to the following standards:

(1) For each farm, one dwelling unit is permitted for use and occupancy of a farm worker(s) who are employed by the owner of the farm, for such time as the employee works the land of the property owner.

(2) All such units shall maintain the same front yard setback as the principal dwelling and shall further comply with all setback requirements imposed upon principal uses in the A Zone.

(3) The dwelling unit shall comply with all building code requirements and must receive a Certificate of Use and Occupancy issued by the Township Building Code Official and Zoning Officer.

(4) The dwelling unit shall be occupied at least 120 days a year by at least one person who is employed on the farm where the dwelling unit is located, or the dwelling unit shall be removed from the property within 120 days.

(5) The property owner and the occupant(s) of the seasonal farm labor housing shall comply with the Pennsylvania Seasonal Farm Labor Act (Act of 1978, P.L. 537, No. 93) and all other local, state, and federal requirements.

(6) The property owner shall provide the Township with a copy of any state and federal approvals and/or permits granted and/or issued, if required, for the seasonal farm labor housing.

4. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

5. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of East Hempfield as provided by law.
DULY ORDAINED AND ENACTED this ____ day of July 2019, by the Board of Supervisors of the Township of East Hempfield, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF EAST HEMPFIELD  
Lancaster County, Pennsylvania

Attest: ___________________________  
(Assistant) Secretary

By: _______________________________  
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]
I, Cindy A. Schweitzer, Secretary of the Board of Supervisors of East Hempfield Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of East Hempfield Township held on July _____, 2019, at which meeting a quorum was present and voted in favor thereof.

___________________________________
Cindy A. Schweitzer, Secretary