

TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2025 - ____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA,
AMENDING THE TULPEHOCKEN TOWNSHIP ZONING ORDINANCE
OF 2013, AS AMENDED, TO ALLOW FOR AND PROVIDE RULES AND
REGULATIONS FOR AGRITAINMENT, AGRITOURISM AND SHORT TERM
RENTALS**

WHEREAS, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§10101 *et seq.*, enables a municipality through its zoning ordinance to regulate the use of property; and

WHEREAS, Tulpehocken Township Board of Supervisors enacted a Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, on April 8, 2013, and has subsequently amended it multiple times; and

WHEREAS, the Township seeks to promote the general health, safety, and welfare of the community by adopting and implementing an amendment to the Tulpehocken Township Zoning Ordinance providing rules and regulations for Agritainment, agritourism and short term rental uses.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Tulpehocken, Berks County, Pennsylvania, pursuant to the authority conferred by the Municipalities Planning Code, that the following be and is hereby adopted:

SECTION 1. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 300 entitled “Definitions”, Section 308 entitled “Definition of Terms” is hereby amended to alphabetically add the following definitions:

AGRITAINMENT. An accessory use not customarily associated with a Principal Agricultural Use, but which retains a nexus to the Agricultural Operation by supporting the property’s Principal Agricultural Use. Agritainment shall be incidental to the principal agricultural operation, and shall be located on the same parcel or an adjacent parcel including associated off-street parking areas on those properties, under the same ownership provided the use is operated by one of the following:

1. Owner of the land
2. Immediate family of the owner (spouse, sibling, child, stepchild, grandchild, parent, or grandparent)
3. Entities (corporations, LLCs, partnerships) controlled by the owner and the owner’s immediate family members,
4. Occupant or resident of the Property with the permission of the owner or

5. Operator of the Principal Agricultural Use on the Property with the permission of the owner.

Activities conducted on an agricultural operation that are offered to the public or invited groups for the primary purpose of providing entertainment and/or recreation experiences. Examples of these activities include, but are not limited to: agricultural seasonal fairs/festivals, children's activities, haunted activities, company picnics, weddings, lawn games, hot-air balloon rides, bounce pillows, bouncy ball, football, basketball, baseball, corn, or other items tossed at targets, yoga and other fitness activities, including distance runs/races, slides, mini-golf, ladder golf, rubber duck races, sand pit, tether ball stationary target paintball, non-motorized vehicles (e.g. pedal carts) and other activities that combine an agricultural setting with entertaining or recreational activities, including Agritourism activities. No overnight activities are permitted.

Notwithstanding the preceding paragraph, Agritainment shall not include automated rides, carnivals, circuses, rodeos, year-round fairs and festivals, games of chance, gasoline powered motorized go-carts or other gasoline powered motorized racing vehicles, off-road vehicle driving areas, guns and firearms shooting ranges, paint ball (excluding target ranges), catering/providing hot or cold meals and/or refreshments for off-site consumption for a fee), air or propane cannons, shooting apples or other fruit, dog parks, flea markets, organized sporting events and tournaments, laser tag, flashlight tag, golf courses, golf driving ranges, zip-lining courses and canopy tours (excluding zip lines of minimal height and distance strictly intended for children), swimming pools, water slides and areas, amusement or theme park activities, ticketed or paid admission live or recorded amplified outdoor music concerts or theatrical performances (excluding strolling characters or "haunted characters"), any drive-through use, or any use similar to these prohibited uses, regardless of any agricultural theming, elements or connections.

AGRITOURISM. An accessory use customarily associated with a Principal Agricultural Use and incidental to it located on the same parcel as the Principal Agriculture Use or an adjacent parcel, including associated off-street parking areas on those properties, under the same ownership provided the use is operated by one of the following:

1. Owner of the land
2. Immediate family of the owner (spouse, sibling, child, stepchild, grandchild, parent, or grandparent)
3. Entities (corporations, LLCs, partnerships) controlled by the owner and the owner's immediate family members,
4. Occupant or resident of the Property with the permission of the owner or
5. Operator of the Principal Agricultural Use on the Property with the permission of the owner.

Activities conducted on an agricultural operation that are offered to the public or invited groups for the purpose of providing direct sales, educational, entertainment and/or recreation experiences. Examples of these activities include, but are not limited to:

- A. Farm markets, Christmas tree farms/cut your own, pick your own/direct commercial sale operations, food and drink sampling, sales and concessions, ice

cream shops/bakeries, farm dining, breweries, cideries, distilleries, wineries, corn and crop mazes, petting zoos, and other activities that directly market agricultural commodities produced by the farmer in their natural or manufactured state and as permitted and protected under the Right to Farm Act. where at least fifty percent (50%) of the crops exhibited or utilized are grown on the property.

- B. Farm tours, seminars, interactive animal displays, youth camps, school tours, farm-related museums, garden/nursery tours, winery, brewery, cidery and distillery tastings; tasting events and tours, agricultural exhibits/tours, rides pulled by a tractor or other farm equipment, including hayrides and wagon rides, crop identification programs, nutritional programs, culinary exhibits, display gardens, cooking contests and other activities that involve bringing people to a farm to provide education about farming, food production and farm life where at least fifty percent (50%) of the crops exhibited or utilized are grown on the property.
- C. Notwithstanding the preceding paragraph, Agritourism shall not include those uses either permitted or prohibited under the definition of Agritainment.
- D. No overnight activities are permitted.

AGRICULTURAL OPERATION. Management and use of land, equipment, and structures for the production of crops, livestock, or poultry, provided, however, that for purposes of administering the regulation of Agritainment and Agritourism uses only.,

AGRICULTURAL USE PRINCIPAL. Property on which the primary focus and use (greater than fifty-five percent (55%) of the land) is on activities related to agriculture and agricultural operations as defined in this Ordinance.

BEDROOM. A room containing a minimum of seventy square feet (70 sq ft) designed and used for sleeping purposes, with two means of egress (one of which may be an approved escape window under the building code), a closet and in close proximity to a bathroom. Space used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility rooms and similar uses are not considered bedrooms. Spaces used or intended for general and informal everyday use such as a living room, den, sitting room or similar room is not to be considered a bedroom.

GUEST. A visitor to the Short-Term Rental Unit who is not an occupant as defined herein.

LOCAL CONTACT PERSON. A person or agent to represent the owner regarding tenant management and supervision of the Short-Term Rental property for purposes of contact and communication with Township Officials and/or First Responders. Local Contact Person must reside within fifteen (15) air miles of the Short-Term Rental dwelling, be an

adult over the age of twenty-five (25) years old and be able to act as the legal agent for the Owner.

OWNER. Any person, agent, operator, housing authority or fiduciary having legal, equitable or other interest in any real property; as recorded in the official records of the state, county or municipality as holding title to the real property; or otherwise having control of the real property, including the guardian of the estate of such person and the executor or administrator of such person's estate. When used in this article in a clause proscribing any activity or imposing a penalty, the term, as applied to partnerships and associations, shall mean each general partner; as applied to corporations, the officers thereof; and as applied to limited liability companies, the members and any managers thereof.

SHORT-TERM RENTAL. The use of a single family detached dwelling in a manner which does not meet the definition of residential occupancy, i.e., the occupancy of the entire dwelling by one family for a period of less than 30 continuous days. The use of a dwelling as an approved bed and breakfast establishment as an accessory use shall not be considered a short-term rental.

SHORT-TERM RENTAL LICENSE. Legal notice issued by the Township Zoning Officer to be posted within the dwelling.

SHORT-TERM RENTAL TENANT. The primary individual(s) listed on the signed agreement with the owner for temporary occupancy of the Short-Term Rental for thirty (30) consecutive calendar days or less.

SECTION 2. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 500 entitled “VC – Village Center District”, Section 541 entitled “Permitted Principal Uses” is hereby amended to add a new Section 541.18 which shall read in its entirety as follows:

541.18 Short Term Rental, in accordance with Section 1039-A

SECTION 3. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 500 entitled “VC – Village Center District”, Section 543 entitled “Special Exception Uses” is hereby amended to add a new Section 543.16 which shall read in its entirety as follows:

543.16 Short Term Rental with maximum occupancy of more than twelve (12) overnight guests, in accordance with Section 1039-A

SECTION 4. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 600 entitled Rural Residential District, Section 640 entitled “RR – Rural Residential District”, Section 641 entitled “Permitted Principal Uses” is amended to add a new Section 641.12 which shall read in its entirety as follows:

641.1 Short Term Rental, in accordance with Section 1039-A

SECTION 5. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 600 entitled Rural Residential District, Section 640 entitled “RR – Rural Residential District”, Section 642 entitled “Permitted Accessory Use” is amended to add new Section 642.08 which shall read in its entirety as follows:

642.08 Agritourism in accordance with Section 1039-B.

SECTION 6. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 600 entitled Rural Residential District, Section 640 entitled “RR – Rural Residential District”, Section 643 entitled “Special Exception Uses” is amended to add new Sections 643.09 and 643.10 which shall read in their entirety as follows:

643.09 Agritainment as an Accessory Use-in accordance with Section 1063.

643.10 Short Term Rental with maximum occupancy of more than twelve (12) overnight guests, in accordance with Section 1039-A

SECTION 7. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 700 entitled “IC – Industrial-Commercial District”, Section 741 entitled “Permitted Principal Uses” is hereby amended to add a new Section 741.32 which shall read in its entirety as follows:

741.32 Short Term Rental, in accordance with Section 1039-A.

SECTION 8. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 700 entitled “IC – Industrial-Commercial District”, Section 743 entitled “Special Exception Uses” is hereby amended to add a new Section 743.12 which shall read in its entirety as follows:

743.12 Short Term Rental with maximum occupancy of more than twelve (12) overnight guests, in accordance with Section 1039-A.

SECTION 9. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 800 entitled “EAP - Effective Agricultural Preservation District”, Section 831 entitled “Permitted Principal Uses” is hereby amended to add a new Section 831.10 which shall read in its entirety as follows:

831.10 Short Term Rental, in accordance with Section 1039-A

SECTION 10. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 800 entitled “EAP - Effective

Agricultural Preservation District”, Section 832 entitled “Permitted Accessory Uses” is hereby amended to add a new Section 832.09 which shall read in its entirety as follows:

832.09 Agritourism in accordance with Section 1039-B.

SECTION 11. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 800 entitled “EAP - Effective Agricultural Preservation District”, Section 834 entitled “Special Exception Uses” is hereby amended to add new Sections 834.11 and 843.12 which shall read in their entirety as follows:

834.11 Agritainment, in accordance with Section 1063.

834.12 Short Term Rental with maximum occupancy of more than twelve (12) overnight guests, in accordance with Section 1039-A

SECTION 12. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 1000 entitled “Supplementary Regulations”, Section 1020 entitled “Regulations Applying to Certain Uses and Districts” is hereby amended to add a new Section 1039-A to be entitled “Short Term Rentals” which shall read in its entirety as follows

1039-A SHORT TERM RENTALS

Short Term Rental Units are subject to the following regulations:

1. Zoning Permit Required.

- A. A single-family detached dwelling shall require a zoning permit and inspection from the Zoning Officer in order to obtain a Short-Term Rental License in districts where such use is permitted prior to placing it in operation. The permit and inspection fee shall be set by Resolution of the Township Board of Supervisors.
- B. The owner(s) shall allow the Zoning Officer to inspect the dwelling prior to approval and issuance of the Short-Term Rental License.
- C. The Short-Term Rental License shall be good for a period of one year from the date of issuance and shall be renewed annually. The initial and annual renewal fee shall be set by Resolution of the Township Board of Supervisors.
- D. The Owner shall obtain a Zoning Permit for a Short Term Rental and renew it annually. Operation of a Short-Term Rental without a current license is considered a violation of the Zoning Ordinance.

- E. Application for a permit shall be on a form provided by the Township and shall at a minimum include:
- (1) Name, address, 24-hour phone number, email address, and signature of the owner.
 - (2) Proof of ownership.
 - (3) Name, address, 24-hour phone number, email address, and signature of the local contact person who will be responsible for handling any problems that arise with the property.
 - (4) Detailed site plan showing the location and number of parking spaces reserved for use by renters.
 - (5) Proof of current Berks County Hotel Tax Identification Certificate and copy of current Pennsylvania Sales and Use Tax Permit.
 - (6) Proof of general liability insurance in the amount of \$500,000.00 on the Short-Term Rental listing Tulpehocken Township as an additional Certificate Holder for the full duration of the initial and any renewed Rental License.
 - (7) A copy of the notification letter to the homeowners' association or equivalent community board, if applicable.
 - (8) If access is not off of a public street, provide proof that parties to the easement or shared driveway have authorized use of the easement or shared driveway for Short Term Rental use.
 - (9) Signatures of all owners and the local contact person.
 - (10) Explanation of the provisions for trash collection, storage, and disposal.
 - (11) If the premises is not served by Public Sewer, documentation that the on-lot septic system has been inspected and is in working condition, and the tank was pumped within the last three (3) years. The Owner shall maintain the septic system on a pumping schedule of not more than every three (3) years, and provide the Township written proof of compliance upon request, or upon renewal of the Short-Term Rental License.
 - (12) The owner and/or local contact person shall notify the Township of any change of contact information or contact person including but

not limited to 24-hour phone number, address, and email, within seven (7) days of change.

(13) Language indemnifying, defending, and releasing the Township from liability related to the use of a Short Term Rental.

(14) Floor plan showing number of permitted bedrooms.

(15) Aerial image showing required parking areas

F. The Short-Term Rental Unit shall be inspected on an annual basis during the renewal of the Short-Term Rental License.

G. The permit / license is nontransferable. Upon change of ownership in any manner, the permit / license issued to the original owner shall become null and void. The new owner shall be required to submit an application for a permit / license in their name in accordance with this Ordinance.

2. Short Term Rental Standards.

A. A Short-Term Rental shall be permitted only in a single family detached dwelling. Individual room rentals shall not be permitted as Short-Term Rentals. Rooming houses, boarding houses, apartments, and lodges shall not be permitted as Short-Term Rental. Short Term Rentals shall not be permitted as a home occupation or home premise business.

B Short-Term Rental Unit shall not have any outside appearance indicating a change of use from the surrounding residential uses.

C. Overnight occupancy for a short-term rental shall not exceed two (2) persons per bedroom, plus two (2) additional persons per property, up to a maximum of twelve (12) persons, excluding children under three (3) years of age. Space used or intended for general and informal everyday use such as a living room, den, and sitting room or similar shall not be considered a bedroom.

E. The maximum number of day guests allowed at any one time shall be 100% of the overnight occupancy, in addition to the overnight occupants.

F. One off street parking space shall be provided for every bedroom. All parking must be in approved, all-weather spaces. All-weather means 2-A stone compacted or paving. No parking on vegetative areas.

G. At least one functioning smoke alarm shall be provided on each floor, including any basement, and in each bedroom and outside the bedrooms in the hallway. In dwellings with attached garage, fossil burning appliances and/or heating systems, a carbon monoxide detector shall be located near

the heating equipment and on the main floor. At least one functioning 5 lb. ABC-classed fire extinguisher shall be provided on each floor of the dwelling. A fire escape ladder shall be provided in each bedroom located on each floor above grade.

- H. Dryer exhaust vented to the outside.
- I. Emergency lighting such as electric flashlights or lanterns, with rechargeable batteries or extra non rechargeable batteries, shall be provided in each bedroom and kitchen and shall be relocated after use to the place identified on the posted rental license. No open flames shall be permitted nor provided as source of emergency lighting.
- J. All windows shall be capable of opening and remaining open with at least one window in each bedroom opening to an area of twenty-nine inches (29").
- K. Within six feet (6') of a water source a GFI outlet is required.
- L. The 911 street address of the property shall be clearly marked and visible from the street with four inches (4") high printed numbers in contrasting color. The standard green reflective markers are preferred.
- M. No campers or trailers are permitted on site where Short Term Rental is located.
- N. Include Short Term Rental Permit Number on any advertised listing of Short Term Rental with property description.
- O. The owner(s) shall use best efforts to ensure that the occupants or guests of the short-term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate provisions of the Tulpehocken Township Ordinances or any state law pertaining to noise or disorderly conduct including, but not limited to, notifying the occupants of the rules regarding Short Term Rentals.
- P. Upon notification by a Township Official that a tenant, occupant(s) or guest(s) of the Short-Term Rental has / have created unreasonable noise or disturbances, engaged in disorderly conduct or otherwise violated provisions of the Tulpehocken Township Code or state law pertaining to noise or disorderly conduct, the owner(s) or local contact shall, immediately terminate the lease agreement and prohibit future occupancy of the Short-Term Rental by that same tenant.
- Q. All Short-Term Rental Licenses shall be posted within the dwelling unit on or adjacent to the front door containing:
 - (1) Unit address.

- (2) Name and 24-hour phone number of the owner(s) and local contact.
 - (3) Maximum occupancy.
 - (4) Plan or location of emergency fire escape ladder and fire extinguishers.
 - (5) Location of emergency lighting.
 - (6) Maximum number of vehicles permitted and allowable parking locations.
 - (7) Trash storage and disposal instructions and pick-up day information.
 - (8) Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of the Tulpehocken Township Code or State Law.
 - (9) Notification that Short-Term Rental occupants and guests are required to make the dwelling unit available for inspection by the Enforcement Officer upon request.
 - (10) Checklist of Short Term Rental requirements.
 - (11) Copy of Short Term Rental License.
3. Violations. The Zoning Officer shall enforce these provisions. Violations may result in revocation of the Short-Term Rental License. Other legal remedies and enforcement actions allowed by law including but not limited to those provided for in the Zoning Ordinance of Tulpehocken Township, including civil and equitable actions.
4. Minimum standards. The regulations contained herein are the minimum standards established for short term rental units. Deed restrictions and covenants, and/or Home Owner Association (HOA) rules and regulations may also apply. In the case of a discrepancy or conflict between these zoning district regulations and deed restrictions and covenants or HOA rules and regulations, the most restrictive regulations shall apply.
5. Prior Use. An owner of a Short Term Rental use that has engaged in Short Term Rental activities upon properties which can be identified as existing prior to the date of enactment of this Ordinance may continue to engage in those Short Term Rental activities subject to the limitations applicable to non-conforming uses.

SECTION 13. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 1000 entitled “Supplementary Regulations”,

Section 1020 entitled “Regulations Applying to Certain Uses and Districts” is hereby amended to add a new Section 1039-B to be entitled “Agritourism” which shall read in its entirety as follows:

1039-B AGRITOURISM AS A PERMITTED ACCESSORY USE

- (1) Use.** The use(s) shall, individually and in the aggregate, be purely accessory and incidental to an Agriculture use, and shall not become the primary use of the parcel(s).
- (2) Prior Use.** An operator of an Agritourism use that has engaged in Agritourism activities upon properties which can be identified as existing prior to the date of enactment of this Ordinance may continue to engage in those Agritourism activities subject to the limitations applicable to non-conforming uses.
- (3) Site Plan.** A site plan shall be submitted to the Zoning Officer that identifies the location of Agritourism activities, farm buildings, dwellings, existing and proposed driveways, access drives, parking areas, and vehicle turnaround areas shall be provided.
- (4) Authorized Operator.** The Agritourism use(s) shall be operated by the owner of the property or a member of his/her immediate family (spouse, sibling, child, stepchild, grandchild, parent, or grandparent), or as otherwise provided under the definition of Agritourism.
- (5) Sanitization.** If and when farm animals are used for any Agritourism activity, such animals shall be in good health, well nourished, fully vaccinated, and otherwise compliant with the mandates and/or recommendations of the Pennsylvania Department of Agriculture. Further, if any such animals are permitted to come in contact with any member of the general public, the operator shall provide readily accessible and functioning hand-washing or sanitizing stations compliant with the recommendations of the Centers for Disease Control and Prevention (CDC) or Commonwealth of Pennsylvania Department of Agriculture or Health as applicable.
- (6) Setbacks**

 - (a)** Agritourism activities that involve patrons harvesting fruits, vegetables or other crops in their natural state are not required to be set back from property lines.
 - (b)** Agritourism activities occurring within a crop area that provides a natural buffer, such as a corn field, orchard trees or grape vines, shall be located not less than twenty-five (25) feet from any residential property line.

- (c) Agritourism activities that occur in buildings shall be set back in accordance with applicable setbacks for accessory use buildings in the District.
 - (d) Parking for any agritourism use shall be setback at least twenty-five feet (25') from any property line.
 - (e) Driveways for any agritourism use shall be setback at least ten feet (10') from any property line and in accordance with other applicable Township Ordinances and regulations.
- (7) **No Subdivision.** No portion of the site containing Agritourism shall be subdivided from the parent tract.
- (8) **Soil Identification.** Prime Agricultural Soils shall be identified by the Applicant. No areas of prime agricultural soil shall be occupied by an activity in a way that renders the land incapable of being converted to Agriculture use, nor otherwise diminishes the productive capacity of such agricultural soils.
- (9) **Hours.** With the exception of direct commercial sales of agricultural commodities as defined in the Right to Farm Act [Title 3 P.S. § 953(b)], Agritourism activities shall not begin before 8:00 a.m. and shall terminate no later than 10:00 p.m. prevailing time and attendees of the activity shall vacate the premises within one (1) hour of termination of activity.
- (10) **Minimum Parcel Size.** Agritourism shall be conducted on agricultural operations having at least ten (10) acres.
- (11) **Lighting.** Pole-mounted overhead lights shall not exceed twenty-five feet (25') in height and shall be shielded and directed towards the interior of the site. Lights shall be shut off within one (1) hour after termination of activity and no later than 11:00 PM. Emergency security building lighting is excluded from termination time.
- (12) **Exterior Storage.** All exterior storage of items related to the Agritourism use that are located within one hundred feet (100') of the lot line of a residential use shall be screened in accordance with screening standards set forth in the Subdivision and Land Development Ordinance.
- (13) **Conversions.** All structures constructed for the Agritourism use shall be of the nature that they can reasonably be converted to accommodate a permitted agriculture use or shall be removed upon the close of the activity.

- (14) **Temporary Structures.** Any structures that are temporary in nature and are used in conjunction with the Agritourism activities shall be removed not later than twenty-eight (28) days after the last scheduled date of the activity or event. As an alternative to removal of said structures, said structures may be relocated to a designated and screened storage area on another portion of the parcel. This provision shall not apply to utilities and fences. Tents shall be taken down and stored between events.
- (15) **Inspections.** The operator shall demonstrate to the Township Building Code Official that structures to be occupied by the public shall not pose any danger to life or safety due to fire, collapse, panic, or similar danger. Life and Safety Inspections of grounds and structures are required annually.
- (16) **Permits.** The operator shall apply for and obtain all permits and approvals determined to be required by the Township Building Code Official for alterations of any areas or structures to be occupied by the public.
- (17) **Parking.** In addition to all off-street parking spaces required in connection with the primary Agriculture uses, the property shall provide at least one (1) off-street parking space for every two (2) persons anticipated to be present in connection with Agritourism uses at that time in a calendar year when the number of such persons is greatest. Provided the proposed area can accommodate the required number of parking spaces, grass areas may be utilized for parking. Handicap accessible parking shall be provided in accordance with Township Ordinances and applicable codes.
- (18) **Entrance Paving.** The Township may require in accordance with the Township Driveway Ordinance a paved apron or a gravel scraping area at any or all entrances/exits to prevent tracking of mud or debris onto any public roadway, and shall so require a paved apron or a gravel scraping area whenever the Agritourism uses attract more than three hundred (300) vehicles per day on three (3) or more occasions during a calendar year. A highway occupancy permit shall be required if found to be necessary by the Commonwealth of Pennsylvania Department of Transportation. Operator shall be responsible for ensuring removal of any mud or debris from vehicles before entering Township roadways or streets.
- (19) **Shared Driveway.** If access is not off of a public street, provide proof parties to the easement or shared driveway have authorized use of easement or shared driveway for Agritainment use.
- (20) **Collection of Admission or Parking Fees.** Any booth or other structure used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees (e.g., roaming parking lot attendants) shall be

accomplished in a manner to prevent vehicle back-ups on adjoining roads.

- (21) **Retail Sales.** The total area allocated to retail sales or the sale of non-farm produced or related goods and merchandise such as souvenirs, gifts, trinkets and accessory items shall not exceed one thousand (1,000) square feet of total gross floor area, excluding storage areas and other areas not accessible by the general public. Retail Sales shall not include the direct commercial sale of Agricultural Commodities, as defined and to the extent permitted in and under the Right to Farm Act [Title 3 P.S. § 952 and Title 3 P.S. § 953(b)].
- (22) **Traffic.** The Township may require the Applicant to prepare a plan for controlling traffic and circulation on the site at the expense of the Applicant. The Township may also require that Applicant provide qualified traffic- control personnel at the expense of the Applicant.
- (23) **Control of Litter.** The Township may require the Applicant to prepare a plan for the removal of litter (on-site and off-site).
- (24) **Contingency Plan.** The owner or operator of an Agritourism use shall maintain a current emergency contingency plan and provide the plan to the Township.
- (25) **Liability Insurance.** Unless otherwise exempt, the owner or operator of an Agritourism use shall maintain general commercial liability insurance of at least \$500,000.00 per incident and \$2 million aggregate coverage. Such insurance coverage may be on an annual or an event basis. Owner shall provide proof of such insurance to the Township on an annual or event basis as the case may be.
- (26) **Restroom Facilities.** The owner or operator of an Agritourism use shall provide adequate restroom facilities for all attendees at all times as determined by the Township Building Code Official or approved by the Township Board of Supervisors.
- (27) **Other Ordinances.** Owner or operator shall comply with all other applicable state laws and regulations and Township Ordinances including but not limited to Subdivision and Land Development Ordinance, Building, Stormwater and Sewage.
- (28) **Signs.** Any signage to be installed related to Agritourism shall comply with the sign provisions of this Ordinance.
- (29) **Remain on Property.** The owner or operator shall be at least 25 years of age and shall remain on the Property during Agritourism activities. The owner or operator shall ensure guests and visitors remain on the Property.

- (30) **Authorization.** If the operator of the agritourism is not the owner, the operator shall have the owner sign the applicable or demonstrate owner's authorization for use of Property for agritourism purposes.
- (31) **Agricultural Conservation Easements.** The operation of an Agritourism use pursuant to this Section does not supersede any restrictions, limitations, or obligations of an owner or operator pursuant to any agricultural conservation easement that may apply to the parcel or parcels where the Agritourism use is occurring.
- (32) **Violations.** The Zoning Officer shall enforce these provisions. Violations may result in revocation of the Permit. Other legal remedies and enforcement actions allowed by law including but not limited to those provided for in the Zoning Ordinance of Tulpehocken Township, including civil and equitable actions.

SECTION 14. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, Section 1000 entitled "Supplementary Regulations", Section 1060 entitled "Requirements for Special Exception Uses" is hereby amended to add a new Section 1063 to be entitled "Agritainment" which shall read in its entirety as follows:

1063 AGRITAINMENT

- (1) **Use.** The use(s) shall, individually and in the aggregate, be purely accessory and incidental to an Agriculture use, and shall not become the primary use of the parcel(s).
- (2) **Prior Use.** An operator of a Principal Agricultural Use that has engaged in Agritainment activities upon properties which can be identified as existing prior to the date of enactment of this Ordinance may continue to engage in those Agritainment activities subject to the limitations applicable to non-conforming uses.
- (3) **Site Plan.** A site plan shall be submitted to the Zoning Officer that identifies the location of Agritainment activities, farm buildings, dwellings, existing and proposed driveways, access drives, parking areas, and vehicle turnaround areas shall be provided.
- (4) **Authorized Operator.** The Agritainment use(s) shall be operated by the owner of the property or a member of his/her immediate family (spouse, sibling, child, stepchild, grandchild, parent, or grandparent), or as Agritainment is defined herein.
- (5) **Sanitization.** If and when farm animals are used for any Agritainment activity, such animals shall be in good health, well nourished, fully vaccinated, and otherwise compliant with the mandates and/or recommendations of the Pennsylvania Department of Agriculture. Further, if any such animals are

permitted to come in contact with any member of the general public, the operator shall provide readily accessible and functioning hand-washing or sanitizing stations compliant with the recommendations of the Centers for Disease Control and Prevention (CDC) or Commonwealth of Pennsylvania Department of Agriculture or Health as applicable.

- (6) **Food.** Any prepared food available must be prepared in accordance with applicable federal, state, and local regulations. Any alcohol served shall be in accordance with applicable state and/or local regulations with a license or bartender certificate for bring your own bottles (BYOB).

(7) **Setbacks**

- (a) Agritainment activities occurring within a crop area that provides a natural buffer, such as orchard trees or grape vines, shall be located not less than twenty-five feet (25') from any residential property line. This requirement shall be increased to a distance of three hundred feet (300') for any "haunted" activities or those that involve man-made or special effects creating noise, light, or smoke.
 - (b) Agritainment activities that occur in buildings shall be set back at least fifty feet (50') from any property line unless the adjacent property is under common ownership in which case setbacks otherwise applicable in the zoning district shall apply.
 - (c) Parking for any agritainment use shall be setback at least twenty-five feet (25') from any property line.
 - (d) Driveways for any agritainment use shall be set back at least ten feet (10') from any property line and in accordance with other applicable driveway regulations in applicable Township Ordinances.
 - (e) Buffering in accordance with this Ordinance shall be provided adjacent to any property on which primary use is residential.
 - (f) Agritainment activities occurring outside a building shall comply with applicable agricultural setbacks in zoning district where the use is located.
- (8) **No Subdivision.** No portion of the site containing Agritainment shall be subdivided from the parent tract.
- (9) **Soil Identification.** Prime Agricultural Soils shall be identified by the Applicant. No areas of prime agricultural soil shall be occupied by an activity in a way that renders the land incapable of being converted to Agriculture use, nor otherwise diminishes the productive capacity of such agricultural soils.

- (10) **Hours.** With the exception of direct commercial sales of agricultural commodities as defined in the Right to Farm Act [Title 3 P.S. § 953(b)], Agritourism activities shall not begin before 8:00 a.m. and shall terminate no later than 10:00 p.m. prevailing time and attendees of the activity shall vacate within one (1) hour of termination of activity.
- (11) **Minimum Parcel Size.** Agritainment shall be conducted on agricultural operations having at least ten (10) acres.
- (12) **Lighting.** Pole-mounted overhead lights shall not exceed twenty-five (25) feet in height and shall be shielded and directed towards the interior of the site. Lights shall be shut off within one (1) hour after termination of activity and no later than 11:00 PM. Emergency security building lighting is excluded from termination time.
- (13) **Exterior Storage.** All exterior storage of items related to the Agritainment use that are located within one hundred feet (100') of the lot line of a residential use shall be screened in accordance with this Ordinance.
- (14) **Conversions.** All structures constructed for the Agritainment use shall be of the nature that they can reasonably be converted to accommodate a permitted agriculture use or shall be removed upon the cessation of the Agritainment activity.
- (15) **Temporary Structures.** Any structures that are temporary in nature and are used in conjunction with the Agritainment activities shall be removed not later than twenty-eight (28) days after the last scheduled date of the activity or event. As an alternative to removal of said structures, said structures may be relocated to a designated and screened storage area on another portion of the parcel. This provision shall not apply to utilities and fences. Tents shall be taken down and stored between events.
- (16) **Inspections.** The operator shall demonstrate to the Township Building Code Official that structures to be occupied by the public shall not pose any danger to life or safety due to fire, collapse, panic, or similar danger. Life and Safety Inspections of grounds and structures are required annually.
- (17) **Permits.** The operator shall apply for and obtain all permits and approvals determined to be required by the Township Building Code Official for alterations of any areas or structures to be occupied by the public.
- (18) **Parking.** In addition to all off-street parking spaces required in connection with the primary Agriculture uses, the property shall provide at least one (1) off-street parking space for every two (2) persons anticipated to be present in connection with Agritainment uses at the time in a calendar year when the

number of such persons is greatest or as determined by any applicable maximum occupancy regulation, the greater of the two. Provided the proposed area can accommodate the required number of parking spaces, grass areas may be utilized for parking. Handicap accessible parking shall be provided in accordance with Township Ordinances and applicable codes.

- (19) **Entrance Paving.** The Township may require in accordance with the Township Driveway Ordinance a paved apron or a gravel scraping area at any or all entrances/exits to prevent tracking of mud or debris onto any public roadway, and shall so require a paved apron or a gravel scraping area whenever the Agritainment uses attract more than three hundred (300) vehicles per day on three (3) or more occasions during a calendar year. A highway occupancy permit shall be required if found to be necessary by the Commonwealth of Pennsylvania Department of Transportation. Operator shall be responsible for ensuring removal of any mud or debris from vehicles before entering Township roadways or streets.
- (20) **Shared Driveway.** If access is not off of a public street, provide proof parties to the easement or shared driveway have authorized use of the easement or shared driveway for Agritainment use.
- (21) **Collection of Admission or Parking Fees.** Any booth or other structure used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees (e.g., roaming parking lot attendants) shall be accomplished in a manner to prevent vehicle back-ups on adjoining roads.
- (22) **Retail Sales.** The total area allocated to retail sales or the sale of non-farm produced or related goods and merchandise such as souvenirs, gifts, trinkets and accessory items shall not exceed one thousand (1,000) square feet of total gross floor area, excluding storage areas and other areas not accessible by the general public. Retail Sales shall not include the direct commercial sale of Agricultural Commodities, as defined and to the extent permitted in and under the Right to Farm Act [Title 3 P.S. § 952 and Title 3 P.S. § 953(b)].
- (23) **Traffic.** The Township may require the Applicant to prepare a plan for controlling traffic and circulation on the site at the expense of the Applicant. The Township may also require that Applicant provide qualified traffic- control personnel at the expense of the Applicant.
- (24) **Control of Litter.** The Township may require the Applicant to prepare a plan for the removal of litter (on-site and off-site).
- (25) **Contingency Plan.** The owner or operator of an Agritainment use shall maintain a current emergency contingency plan and provide the plan to the Township.

- (26) **Liability Insurance.** Unless otherwise exempt, the owner or operator of an Agritainment use shall maintain general commercial liability insurance of at least \$500,000.00 per incident and \$2 million aggregate coverage. Such insurance coverage may be on an annual or an event basis. Owner shall provide proof of such insurance to the Township on an annual or event basis as the case may be.
- (27) **Restroom Facilities.** The owner or operator of an Agritourism use shall provide adequate restroom facilities for all attendees at all times as determined by the Township Building Code Official or approved by the Township Board of Supervisors.
- (28) **Other Ordinances.** Owner or operator shall comply with all other applicable state laws and regulations and Township Ordinances including but not limited to Subdivision and Land Development Ordinance, Building, Stormwater and Sewage.
- (29) **Stormwater.** If the Township or its consultant determines that there is additional run-off resulting from additional traffic that causes continual complaints, the Township reserves the right to require a stormwater plan or facilities.
- (30) **Signs.** Any signage to be installed related to Agritainment shall comply with the sign provisions of this Ordinance.
- (31) **Remain on Property.** The owner or operator shall be at least 25 years of age and shall remain on the Property during Agritainment activities. Owner or operator shall ensure the guests remain on the Property at all times of the activity.
- (32) **Authorization.** If the operator of the agritourism is not the owner, the operator shall have the owner sign the application or demonstrate owner's authorization for use of Property for agritourism purposes.
- (33) **Number of Events.** No more than twenty-four (24) events per calendar year
- (34) **Agricultural Conservation Easements.** The operation of an Agritainment use pursuant to this Section does not supersede any restrictions, limitations, or obligations of an owner or operator pursuant to any agricultural conservation easement that may apply to the parcel or parcels where the Agritainment use is occurring.
- (35) **Violations.** The Zoning Officer shall enforce these provisions. Violations may result in revocation of the Permit. Other legal remedies and enforcement actions allowed by law including but not limited to those provided for in the Zoning Ordinance of Tulpehocken Township, including civil and equitable actions.

SECTION 15. The Tulpehocken Township Zoning Ordinance of 2013, Ordinance Number 2013-4, enacted April 8, 2013, as amended, shall be, and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of the Zoning Ordinance upon enactment.

SECTION 16. Repeal of Ordinances. Any ordinance or parts of any ordinance conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provision.

SECTION 17. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect nor impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of the Township of Tulpehocken, Berks County, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or words that may have been declared illegal, unconstitutional or invalid.

SECTION 18. Effective Date. This Ordinance shall become effective at the earliest date permitted by law.

ENACTED AND ORDAINED this _____ day of _____, 2025.

BOARD OF SUPERVISORS OF TULPEHOCKEN
TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA

BY: _____
Chairman

Member

Member

ATTEST: _____
Secretary

CERTIFICATE OF ENACTMENT

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____ of Tulpehocken Township, Berks County, Pennsylvania, which was adopted by the Board of Supervisors of said Township at a regular meeting held pursuant to notice as required by law on _____, 2025.

WITNESS my hand and seal this _____ day of _____, 2025.

Secretary, Tulpehocken Township

