

*Please reply to:*

October 14, 2026

Mr. Robert Willig, Esq.  
Senior Deputy Attorney General  
Office of Attorney General Commonwealth of Pennsylvania  
1251 Waterfront Place  
Pittsburgh, PA 15222  
via mail and email to [REDACTED]

**RE: ACRE Request for Review – Mount Joy Township Adams County and [REDACTED]**

Dear Senior Deputy Attorney General Willig:

I write as solicitor for Mount Joy Township, Adams County (the “Township”) in response to your September 17, 2026 letter. You requested Mount Joy Township respond in writing to an ACRE request for review you received from [REDACTED] regarding a proposed structure on his property within the Township. The Township appreciates the opportunity to provide its perspective.

At the outset, this correspondence is intended to provide background and contextual information useful to the Office of the Attorney General (“OAG”) in its initial review of the matter. As such, the Township reserves all rights and waives none in any subsequent proceedings regarding this matter.

The Township understands [REDACTED] to be alleging that the Township is “holding up permits” for an “ag building” he wishes to build on his property. The Township rejects this interpretation of the matter insofar as [REDACTED] was previously granted a zoning permit for an agricultural building. The Township’s Zoning Officer, however, subsequently suspended that permit due to the Township’s discovery that [REDACTED] did not actually intend to build the agricultural building as stated. Rather, he intended to build a second residential dwelling on the same site in violation of applicable zoning laws. [REDACTED] subsequently withdrew all of his prior requests for permits and submitted yet another permit application to construct an agricultural building on the same property. Because the plans for that building are the same as his prior submissions, the Township is still evaluating the zoning permit application and is attempting to reach a resolution with [REDACTED]. The Township neither maintains nor is applying any ordinance in contravention of ACRE.

A factual background of material events is helpful to understand the current status of this matter and supports the Township's position. On or about September 16, 2025, the Township received a proposed subdivision plan, which proposed to create several single-family lots from [REDACTED] property, including one in the location of the supposed "Ag building." [REDACTED] withdrew the subdivision plan on or about March 11, 2026 following several time extensions. Less than a week later, [REDACTED] submitted a zoning permit application to the Township for a 30'x60' "Ag building." The Township issued the original zoning permit for a 30'x60' pole Ag building on or about April 14, 2026.

Despite the fact that his original submission included an agricultural building exemption form related to building permits and inspections [REDACTED] came to the Township office on June 2, 2026, seeking a building permit and to have the footers inspected on the building he was already constructing. It should be noted that construction of the building was already underway at this point. During that visit, [REDACTED] showed the Township's Zoning Officer plans labeled [REDACTED] Residence." This plan included interior descriptions of typical residential rooms of the same 30'x60' size as the "Ag building" the Township's zoning officer previously permitted, and also included a wrap-around porch. The zoning officer directed [REDACTED] to submit plans that matched his zoning permit. The next day, on or about June 3, 2026, [REDACTED] again came into the office and submitted plans for the 36'x60' building with a wrap-around porch but removed labeling of "Residence" and interior layout and walls. These plans still included one sheet which showed a bathroom. Around this time, the Township also discovered that [REDACTED] (wife) had made several social media posts about construction of their new home, which included pictures of the same location as the "Ag building" [REDACTED] planned to build. On at least one of those posts [REDACTED] comments publicly to state the exact location of the proposed home near the pond on their farm. These social media postings are attached hereto as Exhibit A.

On or about July 15, 2026 the Township Zoning Officer suspended the zoning permit due to belief that the structure was intended to be a second single-family dwelling on the lot. This document is attached hereto as Exhibit B. The Notice of Suspension was issued under Section 110-1406.D.(1) of the Mount Joy Township Zoning Ordinance (the "Zoning Ordinance") which provides states that the Zoning Officer shall revoke, withhold, or suspend a permit in the case of "Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based" and where "Any work being accomplished or use of land or structures in such a way that does not comply with this chapter or an approved site plan or approved zoning permit." Under a plain reading of the Zoning Ordinance, the Zoning Officer is *required* to suspend a permit in such instances.

The Notice of Suspension further outlined the technical defects which provided a basis for the suspension in that the intended use differed from that for which the permit was issued. This included three primary defects. First, a bathroom was depicted on one of the Build Plan A3 sheets, which was not on [REDACTED] zoning permit application and which requires a Septic Permit be

issued *prior to approval and construction of a building*. Second, the total square footage of the structure submitted in the plan did not match the total square footage of the “Ag building” reporting on the application and zoning permit. Third, the building plan did not include an office or area for feed and seed storage as [REDACTED] represented in his prior Agricultural Building Exemption form. The Zoning Officer also informed [REDACTED] of potential penalties and directed [REDACTED] to reply by July 22, 2026.

After these events transpired [REDACTED] withdrew all prior permits and refiled again for a zoning permit for an agricultural building. The Township’s Zoning Officer asked him, given the history, whether he would agree to provide the Township assurances in the form of a recordable instrument confirming his intent to build only an agricultural building and committing that this building will not be used for a second dwelling, residential use or commercial use without future permits to change the use. He first agreed but then declined to go forward once a draft document was given to him. Following his refusal to sign the draft document, the Township received your letter dated September 17, 2026, in which you inform the Township of [REDACTED] ACRE request for review.

As you have outlined in your letter, OAG is required to review a local ordinance for compliance with ACRE upon receipt of a request from an agricultural owner or operator. OAG may, within its discretion, file a lawsuit if it believes an ordinance unlawfully prohibits or limits a normal agricultural operation. The statutory framework focuses on whether the challenged municipal ordinance prohibits or limits a normal agricultural operation without appropriate authority. It does not, however, eliminate the authority of municipalities to enforce otherwise valid land-use regulations against nonagricultural uses or to require the appropriate permits for a proposed use. An unauthorized ordinance under ACRE is “one that prohibits or limits a normal agricultural operation absent authority of state law.” *Commonwealth Office of Attorney General ex. Rel Corbett v. Locust Township*, 49 A.3d 502, 516 (Pa. Cmwlth. 2012). The threshold question in any ACRE case is whether an ordinance prohibits or limits a “normal agricultural operation.” *Id*

It appears that [REDACTED] is challenging the fact that the Township has not completed processing his latest zoning permit application. But he does not raise any issues alleging an ordinance restricts normal agricultural use. [REDACTED] has identified no specific provision or ordinance which limits a normal agricultural operation. Consequently, ACRE is not the appropriate avenue for [REDACTED] complaint. OAG therefore should decline to take further action in this matter. [REDACTED] has statutory remedies that he might pursue with the aid of his private counsel in the event he desires to do so. Respectfully, his relief does not lie with the OAG.

Additionally, the Township’s Notice of Suspension and all of its conduct in relation to each permit application [REDACTED] submitted were issued or taken as a result of [REDACTED] apparent intended **residential use** of the structure at issue and not the agricultural use. Notably, the Township issued the permit for the “Ag building” and has maintained that [REDACTED] could

proceed with the construction of the “Ag building” if [REDACTED] actually intended to follow through with those plans as he represented in his permit application. Despite evidence that [REDACTED] does not intend to use the site for agricultural purposes, the Township informed [REDACTED] that a new permit would issue if he were willing to sign a recorded instrument stating that the building would be used for agricultural purposes. This is a reasonable request by the Township’s Zoning Officer under the circumstances.

In summary, this dispute principally involves a question of a zoning officer’s application of an otherwise valid ordinance. [REDACTED] dispute is with the zoning officer’s decision and not with the ordinance itself. Thus [REDACTED] has adequate remedies through the Municipalities Planning Code (MPC). The Commonwealth Court agreed in a case where an entity sought to utilize ACRE where it did not allege an “unauthorized local ordinance.” *Keith Valley Associates, LLC v. Horsham Township*, No. 151 M.D. 2025, 2026 WL 1784771 (Pa. Cmwlth. June 22, 2026) (unpublished). The court held that where an entity’s challenge is with a township zoning officer’s order and determination and “not directed at any purported deficiency” with an ordinance, the zoning hearing board has exclusive jurisdiction to hear and render a final adjudication. *Id.* at 4, 5.

ACRE places meaningful limitations on local regulation of normal agricultural operations. Yet, an agricultural owner or operator acts against the spirit of this protection when attempting to use this statute as a cudgel to compel the Township to overlook misrepresentations about an applicant’s true intentions in seeking a permit. The Township respectfully requests that OAG conclude that the circumstances presented do not establish an ACRE violation. The Township has not sought to prohibit or improperly restrict [REDACTED] agricultural operation—in fact, it seeks to protect it.

The Township remains willing to provide OAG with any additional documents or information that may assist in its review. Please do not hesitate to contact me with any questions concerning the Township’s position.

Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]

# EXHIBIT A

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Yesterday at 11:15 AM · A simple kind of day · kirinmuse

After a month of stand still zoning and permit shenanigans were up and runnin again on acres



43

16 comments

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16 comments

 Like

 Comment

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All comments.

22h by Author

Yay, before you know it, you will be moved in

ly 

14h by Author

Great news, congrats! Keep us posted on the progress with pictures

👍 🗨 Reply 🔔



10

bewusstheit

[REDACTED]

so awesome can't wait to see your new place

[REDACTED]

So wonderful to hear! You don't have

So wonderful to hear! You don't have too much longer until you are in your beautiful new home! God is so, so faithful!

Write a comment








Brenda's Post

- So awesome can't wait to see your new place
- by Author  
So wonderful to hear! You don't have too much longer until you are in your beautiful new home! God is so, so faithful
- Hallelujah! Praise the Lord!
- by Author  
Praise the Lord  
That's great news!
- by Author  
Fantastic!!!
- Reply  
23h  
Amen hallelujah!
- Reply  
23h  
Congratulations on the ground breaking
- Nice
- Reply



Write a comment



Brenda's Post

x

- [Profile] Reply 18h by Author  
Fantastic!!
- [Profile] Reply 23h  
Amen hallelujah!
- [Profile] 25h  
Congratulations on the ground breaking
- [Profile] Reply  
NICE
- [Profile] Reply



- [Profile] 21h by Author  
Thank you Jesus
- [Profile] Reply  
Awesome

Write a comment  
[Icons]

## June 25, 2025 Facebook Story:



Jun 25, 2025 •

Follow



Future site of the [redacted] homestead...

Isaiah 43:19

"Behold, I am doing a new thing; now it springs forth,  
do you not perceive it? I will make a way in the  
wilderness and rivers in the desert."

God is so so good....

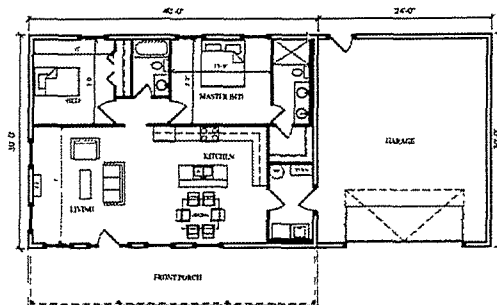
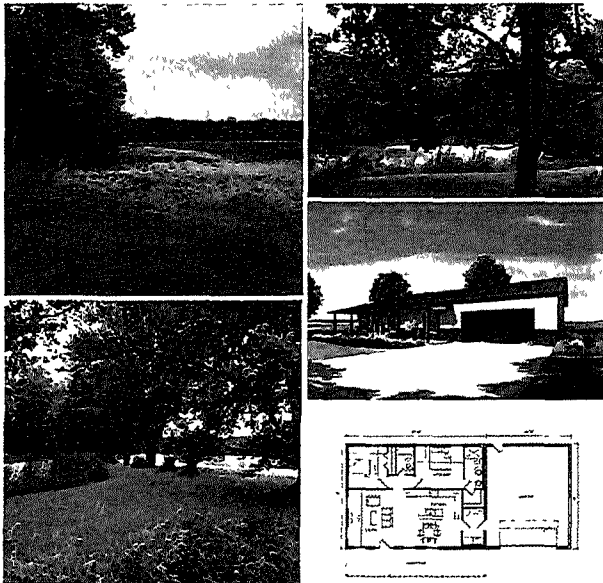


Now what way to face the porch,  
*towards the west to watch the sunset or towards the*  
beautiful pond that my ducks are gonna love . .

Decisions

Decisions

.....



< Replies



[Redacted]  
Congratulations! Where is the new place going to be?

1y Like Reply 1



[Redacted] littlestown, on the farm

1y Like Reply



[Redacted] south west of the pond

1y Like Reply



[Redacted]  
oh that's great! Will be so good to see you guys there Can't wait to see it come together.

1y Like Reply

< Replies



[Redacted]  
Sure .. fine just leave the neighborhood.. not like I wanted ya to live that close to me anyway 😊

1y Like Reply 1



[Redacted] u kno well still go to the club... besides its gonna be a year with permits and building...I want outta dodge b4 the next flood, also the new neighbors in the A frame are makin my life miserable. .

1y Like Reply



Write a reply ..



Write a reply...



# **EXHIBIT B**

CHRISTINE DEMAS, CHAIR  
TODD MCCAUSLIN, VICE CHAIR  
MICHAEL GEARHART  
SANDY YERGER  
CHAD YINGLING

BOS@MTJOYTWP.US



902 HOFFMAN HOME ROAD

GETTYSBURG, PA 17325

SHERI MOYER, SECRETARY  
MELINDA JONES, TREASURER  
KIM LIVELSBERGER, ZONING & CODE  
ENFORCEMENT OFFICER  
MIKE GOLDEN, ROADMASTER

ISAAC WAKEFIELD, SOLICITOR

OFFICE: (717) 359-4500

WWW.MTJOYTWP.US

## NOTICE OF SUSPENSION OF ZONING PERMIT No. 260069

July 15, 2026

Via Certified mail and First class mail and email to: [REDACTED]

Mailing Address: [REDACTED]

Re: Notice of Suspension of Zoning Permit No. 260069 issued 4/14/2026 for AG USE 30'x60' Pole building

Property Address: [REDACTED]

Parcel #: [REDACTED]

Owner: [REDACTED]

Mailing Address: [REDACTED]

Dear [REDACTED]

As the owner of the property with the address and Parcel ID Number listed above, has been brought to my attention as the Code Enforcement Officer and Zoning Officer of Mount Joy Township (Township) that you have started construction at [REDACTED] in the location area of a structure listed on Zoning Permit #260069. On 6/2/2026, you submitted a Building Permit, and came back on 6/3/26 with the building plan. On 6/3/26, you were told that because a proposed bathroom was added to the plan after the Zoning Permit was issued for an Agriculture Use only structure, you will need to submit a Septic Permit before a Building Permit could be obtained, and that no construction could commence until the Septic Permit and Building Permit was issued. No Septic Permit or Building Permit for this project was obtained. Additionally, based upon several discrepancies in the materials you have submitted to my office, I believe that your construction activities are designed to construct a residential structure rather than the agricultural building for which Zoning Permit #260069 was issued.

This letter serves to inform you that the Zoning Permit #260069 issued on 4/14/2026 to construct a "pole building 30'x60' for Agriculture Use only, to be 60 FT from Centerline of [REDACTED] and 50 FT south of the existing pond **is suspended and all construction activities must immediately cease** as per:

*§ 110-1406.D (1) The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the chapter in case of one or more of the following:*

*(a) Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties);*

\* \* \*

*(c) Any work being accomplished or use of land or structures in such a way that does not comply with this chapter or an approved site plan or approved zoning permit*

Initially, it is critical to note that you are not authorized to commence construction without the issuance of a Building Permit, which you have applied for and not yet received. In addition, I have observed that the dimensions of the proposed structure on the Zoning Permit application for Zoning Permit #260069 are different from the dimensions and interior build of the proposed structure on the Building Permit application and site plan that you recently submitted to my office. Finally, it is apparent that the intended use of the building is different than the use for which Zoning Permit #260069 was issued. For example:

1. A bathroom is depicted on one of the Build Plan A3 sheets (three A3 sheets were submitted).
  - a. A bathroom was NOT on the Zoning Permit #260069 application, nor listed on the Agriculture Building Permit Exemption form associated with Zoning Permit #260069. Zoning Permit #260069 would NOT have been issued if the bathroom was disclosed, as there is currently no septic present on this portion of the lot, and the current house and septic is on the other side of [REDACTED]
  - b. The addition of a bathroom requires a Septic Permit be issued prior to approval and construction of a building. No Septic Permit has been issued, nor has a Septic Permit application been submitted to the Septic Enforcement Officer (SEO) or Township as of 7/14/26.
  - c. On 6/3/26, you represented to me that you had completed perk tests and should have the Septic Permit within the week. I told you that I could not submit the Building Permit Application to M.D.I.A. without an approved Septic Permit since a bathroom was proposed on the Build Plans.
  - d. On 7/14/26, I called to find out the status of the Septic Permit. You represented to me that you were having Septic Plans drawn up and should have the Septic Permit within the week. Per the SEO on 6/3/26 and again on 7/14/26, no Septic Permit application has been submitted, nor has the DEP approved the placement of a new septic on this lot.
2. The total SQ FT of the structure as depicted on the plan for your latest Building Permit application does NOT match the total SQ FT of the "Ag building" reported on the SWM application and Zoning Permit #260069.
  - a. The build plan depicts a wrap around covered porch on 2 sides of the 30'x60' building. This is an additional 38'12" x9'2" wide, 38'12" x9'2" wide impervious surface that was not accounted for on the Zoning Permit and the approved SWM plan.
  - b. Since the SWM level 3 required an Operation & Maintenance Agreement and SWM plan to be recorded at the Adams County Recorder of Deeds, this additional impervious surface needs to be added to the plan and the SWM mitigation be reevaluated.
3. The actual intended use of the structure appears to be different than the Agriculture Use only proposal you submitted to obtain Zoning Permit #260069:
  - a. The Build Plan does not depict an "office," or "storage areas for feed and seed storage" as you represented on the application for Zoning Permit #260069 and the associated AG Exemption form.
  - b. Additionally, the "[REDACTED] Residence" Build Plans originally attempted to be submitted on 6/2/26 depicted the construction of a Single Family Home residential structure with a wrap-around porch and bathroom. A revised build plan called "Proposed New Building The [REDACTED] Property" was submitted on 6/3/26 depicting the same structure and construction build with a wrap-around porch and bathroom as depicted on the prior build plans, except that the interior walls and kitchen area construction plans were removed, and the term "Residence" was removed from all plan sheets..
  - c. Finally, in addition to the technical concerns outlined above, comments evidently made on social media indicate that the intent of this building is to be a single family residence. A

second residence on this lot is not permitted as per § 110-108.A. *Except where otherwise provided in this chapter, only one principal use and one principal structure shall be permitted on a single lot.*

THIS LISTING OF VIOLATION(S) MAY NOT REPRESENT ALL VIOLATION(S) PRESENTLY OCCURRING ON THE PROPERTY. OTHER VIOLATION(S) MAY APPEAR UPON APPLICATION FOR REQUIRED PERMITS OR UPON FURTHER INVESTIGATION, AND THE TOWNSHIP RESERVES ITS RIGHT TO TAKE ANY AND ALL ACTION AUTHORIZED TO ENFORCE ITS ZONING ORDINANCE AS TO ALL VIOLATION(S).

THIS LIST REPRESENTS ONLY VIOLATION(S) OF THE MOUNT JOY TOWNSHIP ZONING ORDINANCE. VIOLATION(S) OF OTHER ORDINANCES, INCLUDING MOUNT JOY TOWNSHIP, MAY HAVE OCCURRED AND THE TOWNSHIP RESERVES ITS RIGHTS TO ENFORCE THESE AND ANY OTHER ORDINANCES.

### **Actions Needed:**

1. **You must immediately cease and desist the unpermitted construction of the structure. Given the suspension of Zoning Permit #260069, you have no Zoning Permit for the project. Likewise, the Township has not issued a Building Permit or a Septic Permit for this project to date.**
2. **You must submit revised applications and plans of the SWM Application, Zoning Permit Application and Building Permit Application and obtain a Septic Permit.**
3. **You must obtain approval and issuance of a corrected Zoning Permit and Building Permit.**
4. **You must respond to this letter in writing by July 22, 2026 indicating receipt of this letter and your intention to comply or to appeal against this enforcement notice.**

If you wish to appeal this enforcement notice, you have the right to appeal to the Mount Joy Zoning Hearing Board pursuant to **§110-110. C. Appeals from the determination of the Zoning Officer and §616.1 of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. §10616.1**. If you choose to do so, that Appeal must be filed **no more than thirty (30) days** from the date of this Notice on a form provided by Mount Joy Township. Applications for zoning hearings are available at the municipal office and require a \$1000 filing fee.

Failure to comply with the notice of violation within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation and is subject to enforcement.

### **Potential Penalties:**

**§ 110-1404.B Enforcement penalties.** Any person, partnership or corporation who, or which, has violated or permitted the violation of the provisions of this chapter shall, **upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$100 for the first violation, \$250 for the second violation and \$500 for the third and any subsequent violations, plus all court costs, including reasonable attorney fees and any administrative enforcement expenses (allowed to be recovered by law) incurred by the Township as a result thereof.** No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Justice. If the defendant neither pays, nor timely appeals the judgment, the Township may enforce the judgment. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation, until the fifth day following the date of the determination of a violation by the Magisterial District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorneys' fees collected for the violation of the chapter shall be paid over to the Township.

**C. Remedies in law and equity.** In case any structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this chapter without a zoning permit or in a manner that does not comply with a zoning permit or condition attached to grant of a variance or approval of a conditional use or special exception, the governing body or, with the approval of the governing body, an officer of the municipality, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such structure or use of land constituting a violation.

**§ 35-15.B Penalties.** Any person who fails to comply with any or all of the requirements or provisions of this chapter or who fails or refuses to comply with any notice, order of direction of the Building Permit Officer or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the Township of not less than \$25 nor more than \$600 plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed 10 days. Each day during which any violation of this chapter continues shall constitute a separate offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this chapter shall not excuse the violation or noncompliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and noncompliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this chapter may be declared by the Board to be a public nuisance and abatable as such.

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**Please submit to Mount Joy Township in writing your intended action steps in this matter within 5 days of receipt of this letter. Deadline for compliance for this matter is set at July 22, 2026. If you do not intend to comply, you should take this notice to your attorney at once.**

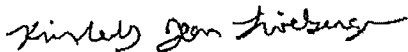
**Please direct all questions related to this warning letter to the Zoning Officer at 717-359-4500 Ext. 2 or via email at [zoning@mtjoytp.us](mailto:zoning@mtjoytp.us).**

Failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

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If you have any questions, feel free to call me at 717-359-4500 x 2.

Sincerely,



Kimberly Livelsberger  
Zoning & Code Enforcement Officer  
Mt Joy Township

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Signature of Acknowledgement of receipt: \_\_\_\_\_ Date Received: \_\_\_\_\_

Print name: \_\_\_\_\_

Title: \_\_\_\_\_