

ORDINANCE NO. 112

**AN ORDINANCE OF THE TOWNSHIP OF CAERNARVON,
LANCASTER COUNTY, PENNSYLVANIA, AMENDING ITS
ZONING ORDINANCE WITH RESPECT TO
REQUIREMENTS FOR KENNELS.**

WHEREAS, the Township has previously adopted the Caernarvon Township Zoning Ordinance, known as the Caernarvon Township Zoning Ordinance of 1991, which has been amended from time to time; and

WHEREAS, the Board of Supervisors desires to further amend the ordinance, particularly with respect to the definition of and the approval process for kennels.

NOW, THEREFORE, be and it is hereby enacted and ordained that the Caernarvon Township Zoning Ordinance of 1991 is further amended in the following respects:

Section 1. Article II, Definitions, Section 201., Terms is amended by deleting the last sentence within the definition of "Kennel," and replacing it with the following sentence: "*A dog kennel is any establishment in or through which at least 26 dogs are kept or transferred in a calendar year, or a boarding kennel as defined in the Pennsylvania Dog Law, Act 119 of October 8, 2008, as amended or as licensed by the Commonwealth of Pennsylvania.*"

Section 2. Article IV, Section 401, Permitted Uses Within the AG - Agricultural District, is amended by deleting Section 401.M. in its entirety and renumbering the remaining sections accordingly.

Section 3. Article IV, Section 402, Special Exceptions, is amended by adding Section 402.Q. to indicate "*Kennels, including commercial animal breeding operations.*"

Section 4. Article XXI, Special Exceptions, is amended by adding Section 2104.GGG. as follows:

GGG. KENNELS, INCLUDING COMMERCIAL ANIMAL BREEDING OPERATIONS:

- (1) *The applicant shall demonstrate that the proposal complies with the regulatory controls of the Pennsylvania Department of Agriculture under the Pennsylvania Dog Law and any other laws which are applicable from*

- time to time and which are administered in whole or in part by the Pennsylvania Department of Agriculture.*
- (2) Animal boarding buildings that are not wholly enclosed and any outdoor animal pens, stalls or runways shall be located within the rear yard.*
 - (3) No portion of any kennel operation shall be closer than 250 feet from any property line or street right-of-way line.*
 - (4) No portion of any kennel operation shall be closer than 500 feet from any lot lines adjacent to R-1 and R-2.*
 - (5) No portion of any kennel operation shall be within five hundred (500) feet of a dwelling on an abutting property.*
 - (6) Outdoor running areas shall be fenced in a manner which restricts access and provides for a full enclosure.*
 - (7) All animal wastes shall be regularly removed and disposed of in accordance with State law.*
 - (8) The owner/operator of the kennel shall be responsible to exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt or odor.*
 - (9) As to new kennel operations or kennel operations which are expanded after the effective date of this amendment to this Part, all animals in the new or expanded facility shall be housed in an enclosed all-weather protective structure between the hours of 8:00 p.m. and 7:00 a.m. each night.*
 - (10) All such new or expanded facilities shall require permit approvals pursuant to this Ordinance and the Township's building code.*
 - (11) All new kennel facilities shall be operated so as to prevent the barking of dogs between the hours of 8:00 p.m. and 7:00 a.m. each night at such levels as to be unreasonably annoying to the residents of neighboring properties. If complaints are received by the Zoning Officer or other Township official or staff and such complaints are determined to be founded, the Zoning Officer may require that the kennel facility be modified to provide an enclosed all-weather protective structure and that such animals be housed in such structure between the hours of 8:00 p.m. and 7:00 a.m. each night or to provide such other appropriate physical improvements reasonably designed to solve the barking problem. Any determination of the Zoning Officer under this provision may be appealed to the Zoning Hearing Board in the same manner as any other zoning enforcement notice.*


Section 5. Should any section of this ordinance be declared invalid, such decision shall not affect the validity of the balance of this ordinance or of the Zoning Ordinance as a whole.


Section 6. All ordinance or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby expressly repealed to the extent of such inconsistency.

Section 7. This Ordinance shall become effective five (5) days after its adoption by the Board of Supervisors of the Township of Caernarvon, Lancaster County, Pennsylvania.

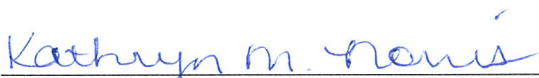
ENACTED AND ORDAINED this 10th day of July, 2017, at a duly advertised public meeting of the Board of Supervisors of the Township of Caernarvon, Lancaster County, Pennsylvania at which a quorum of the members of the Board was present and voted in favor thereof.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF CAERNARVON

By: 
Terry L. Martin, Chairman

Attest: 
Kathryn M. Norris, Secretary

I, Kathryn M. Norris, Secretary of the Board of Supervisors of Caernarvon 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 Caernarvon Township held on July 10th, 2017, at which meeting a quorum was present and voted in favor thereof.


Kathryn M. Norris, Secretary