

WEST FALLOWFIELD TOWNSHIP

ORDINANCE NO. 87

AN ORDINANCE OF THE TOWNSHIP OF WEST FALLOWFIELD, CHESTER COUNTY, PENNSYLVANIA, AMENDING SECTION 1302 OF THE WEST FALLOWFIELD TOWNSHIP ZONING ORDINANCE OF 1997, AS AMENDED, RELATED KENNELS, AND SUPERSEDING ANY ORDINANCE OR PARTS OF ORDINANCES THAT ARE INCONSISTENT HEREWITH.

AND NOW, this 18th day of August, 2021, the Board of Supervisors of West Fallowfield Township, Chester County, Pennsylvania, hereby amends the Zoning Ordinance of West Fallowfield Township of 1997 as follows:

SECTION 1. Section 1902 of the Zoning Ordinance, Definitions, is hereby amended to add the following terms:

Kennel - Any establishment in or through which five (5) or more dogs or other nonfarm animals greater than 6 months in age, are kept or transferred in a calendar year.

Private Kennel - A kennel where fewer than 26 dogs are kept or bred by their owner, for the purpose of hunting, tracking and exhibiting in dog shows, performance events or field and obedience trials. Such dogs shall not be for kept for commercial sale or transfer. This definition shall be inclusive of (but not limited by or to) a private kennel as defined by the PA Dog Law.

Commercial Kennel - A kennel that boards, sells/transfers, houses, breeds or whelps dogs. This definition shall be inclusive of (but not limited by or to) a dealer kennel, a pet shop kennel, a rescue network kennel, a commercial kennel, a boarding kennel, and a nonprofit kennel as each are defined by the PA Dog Law.

SECTION 2. Section 303.B.3 of the Zoning Ordinance, Agricultural Zoning District, Uses by Special Exception, is hereby amended as follows:

B.3 Private Kennel, subject to compliance with Section 1308.

SECTION 3. Section 802.A.13 of the Zoning Ordinance, Industrial Zoning District, Uses by Right, is hereby deleted and shall be listed as “[Reserved].”

SECTION 4. Section 802.B of the Zoning Ordinance, Industrial Zoning District, Uses by Special Exception, is hereby amended to add:

B.10 Commercial Kennel, subject to compliance with Section 1308.

SECTION 5. Article XIII is hereby amended to add Section 1308, Supplemental Use Standards, Kennels, as follows:

Section 1308. Kennels. Commercial Kennels and Private Kennels shall comply with the following standards, to be demonstrated through the Special Exception application process:

A. Commercial Kennel Regulations. In addition to the standards set forth in Zoning Ordinance Section 1809, an applicant shall establish compliance with the following regulations to the satisfaction of the Township Zoning Hearing Board:

1. Minimum Acreage:

5-50 dogs/animals: 15 acres
Setbacks: 200 feet from all property lines

51+ dogs: 25 acres (and an additional 1 acre for every 5 dogs in excess of 60 dogs)
Setbacks: 200 feet from all property lines

2. The Kennel shall have all outdoor exercise yards entirely fenced to prevent the animals from leaving the property and to mitigate all noise impacts of the proposed use. Exercise yards and all structures associated with the kennel shall be setback a minimum of two hundred (200) feet from front, side and rear lot lines.

3. The sale of related products shall remain accessory to the commercial kennel and shall occupy no more than twentyfive percent (25%) of the floor area of the building in which it is located.
4. Kennels and outdoor storage of materials for kennels shall be fully screened from adjoining properties in accordance with Section 1112 of this Ordinance.
5. The Applicant shall submit a plan to depict the storage and disposal of deceased animals and animal waste to prevent odors and unsanitary conditions, in compliance with all applicable law.
6. The Applicant shall provide a plan and measures to mitigate noise impacts of kennel, including long-term maintenance thereof.
7. The Applicant shall be licensed by Pennsylvania Department of Agriculture, and shall provide same to the Township.
8. The Pennsylvania Department of Agriculture is responsible for inspecting and licensing kennels and the health and welfare of the animals.
9. The Applicant shall supply to the Township the contact information of operator, including emergency contact information.
10. Parking: 1 space for every employee on shift at same time, plus 3 spaces
11. Dogs must be kept in completely enclosed building, except for daily exercise time (no earlier than 8:00 a.m., and no later than 8:00 p.m.).
12. It shall be a violation of this Ordinance if any dog (or the dogs collectively) shall bark or make noise continuously or incessantly for a period of 15 minutes or more or makes such noise intermittently for 30 minutes or more, observable at the property line, to the disturbance of any person, any time of the day or night, regardless of whether the dog is within or without a building, with the exception of instances where the dog is barking due to a trespasser or other justifiable provocation.

B. Private Kennel Regulations. In addition to the standards set forth in Zoning Ordinance Section 1809, an applicant shall establish compliance with the following regulations through the special exception application and hearing process, to the satisfaction of the Township Zoning Hearing Board

1. Minimum Acreage:

5-15	dogs/animals: 5 acres	Setbacks (front, rear and side): 150 feet
16-26	dogs/animals: 10 acres	Setbacks (front, rear and side): 150 feet

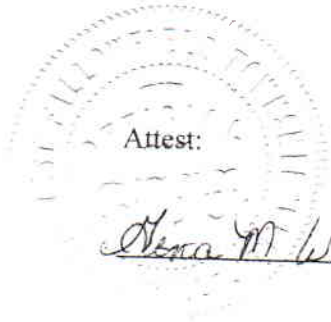
2. Kennels and outdoor storage of materials for kennels shall be fully screened from adjoining properties in accordance with Section 1112 of this Ordinance.
3. The Applicant shall provide plan to depict the storage and disposal of deceased animals and animal waste to prevent odors and unsanitary conditions.
4. The Applicant shall provide a plan and measures to mitigate noise impacts of kennel. It shall be a violation of this Ordinance if any dog (or the dogs collectively) shall bark or make noise continuously or incessantly for a period of 15 minutes or more or makes such noise intermittently for 30 minutes or more, observable at the property line, to the disturbance of any person, any time of the day or night, regardless of whether the dog is within or without a building, with the exception of instances where the dog is barking due to a trespasser or other justifiable provocation.
5. Any outdoor exercise yards or other yard areas for the dogs shall be entirely fenced to prevent the animals from leaving the property and to mitigate all noise impacts of the proposed use. Exercise yards and all structures associated with the kennel shall be setback a minimum of 150 feet from front, side and rear lot lines.
6. The Applicant shall supply to the Township the contact information of operator, including emergency contact information.
7. The Applicant shall supply the Township with all required approvals from the Pennsylvania Department of Agriculture, as applicable, for the use and associated operations.

SECTION 6. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

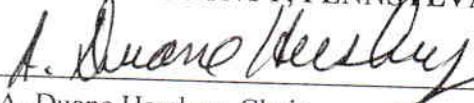
SECTION 7. Repealer. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

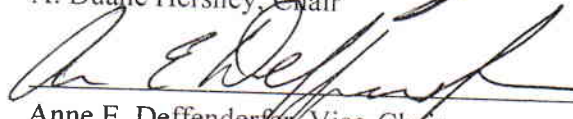
SECTION 8. Effective Date. This Ordinance shall take effect five (5) days after its adoption.


ENACTED AND ORDAINED this 18th day of August, 2021, by the Board of Supervisors of West Fallowfield Township.



**BOARD OF SUPERVISORS
WEST FALLOWFIELD TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**


A. Duane Hershey, Chair


Anne E. Deffenderfer, Vice-Chair


Richard G. Sprenkle, Jr., Member