

ORDINANCE NO. 2017-4

**AN AMENDMENT TO THE TOWNSHIP OF RAPHO, LANCASTER
COUNTY, PENNSYLVANIA, ZONING ORDINANCE
PROVISIONS INVOLVING KENNELS**

Background:

On November 7, 2013, the Board of Supervisors of Rapho Township, Lancaster County, Pennsylvania, adopted a comprehensive zoning ordinance entitled the Township of Rapho, Lancaster County, Pennsylvania, Zoning Ordinance ("Zoning Ordinance"). The Zoning Ordinance includes specific provisions for boarding kennels but not breeding and other kennels. The township desires to specify the zoning requirements for breeding and other types of kennels in the same manner as boarding kennels and also desires to reinforce and clarify certain terms applicable to domestic pets, livestock and other animals.

NOW THEREFORE, be and it is hereby ordained as follows:

SECTION 1. Section 202 of the Zoning Ordinance, dealing with specific terms and definitions, is amended as follows:

A. The term "kennel" is added as a specific defined term as follows:

KENNEL: Any establishment in or through which at least 26 dogs are kept or transferred in a calendar year and which also qualifies as a commercial kennel, dealer kennel, nonprofit kennel or pet shop-kennel under the dog law administered by the Pennsylvania Department of Agriculture, as amended from time to time (see 3 P.S. §459-101, et seq.) The term does not include an establishment engaged only in dog grooming or dog training. For purposes of this Zoning Ordinance, this term includes establishments providing animal rescue and similar emergency treatment care and related services, whether or not they are operated on a commercial basis. For the purpose of this Zoning ordinance, the term "dog" includes all dogs, whether adults or puppies.

B. The term "livestock" is hereby revised to provide as follows:

LIVESTOCK: Animals bred, raised and kept, and typically associated with an agricultural operation or agri-business, including but not limited to the following: horses, donkeys, ponies, mules, cattle, sheep, goats, swine, poultry, bison, deer, alpacas and llamas. The term livestock shall not include dogs, cats, small birds, gerbils, rabbits and other animals which are included within the term "pets, keeping of" as further defined in this Zoning Ordinance.

SECTION 2. Section 301, dealing with uses permitted within the Agricultural and Rural zones, is amended, at Table 3-1.2 to list "kennel" as a use permitted by special exception within the Agricultural zone under the sub-category of Agricultural/Forestry uses with a cross-reference to Section 603 for additional specific use regulations.

SECTION 3. A new subsection F. ("Kennel") is added to Section 603. The new subsection is as follows:

Kennel. Kennels shall be permitted subject to the following regulations:

1. All animal boarding buildings that are not completely enclosed, and any outdoor animal pens, stalls, or runways shall be located within the rear yard.
2. All animal buildings that are not completely enclosed, and any outdoor animal pens, stalls, or runways, including all parts of any structure, shall be setback a minimum of three hundred (300) feet from any lot line.
3. All areas utilized for outdoor exercise of animals and outdoor stalls and/or runways to which animals have access shall be completely enclosed by a six (6) foot high fence to prevent the escape of animals.
4. The applicant shall submit an hours of operation and management plan in accordance with Article 9 of this Zoning Ordinance relating to Hours of Operation and Management Plan in Application for Zoning Permits for Non-Residential Uses in Zoning Permits (S. 902.C.3.) demonstrating how on-site activities are appropriately scheduled, operated, and maintained to protect the existing neighborhood and any nearby residential uses from detrimental noise, disturbance, or interruption.
5. The applicant shall demonstrate that the applicant is or is in the process of becoming lawfully licensed by the Department of Agriculture to operate the type of kennel for which the application is made. Compliance with this requirement and with the requirements of the Department of Agriculture or any other state or federal governmental agency shall be an ongoing requirement for the authority to maintain the kennel. Among any other reasonable conditions imposed for the grant of a special exception, it shall be an ongoing condition of the special exception that the owner or other operator of the kennel be licensed and in good standing under the requirements of the Department of Agriculture or other federal, state or local agency having jurisdiction and that the owner or other occupant shall, at least annually, provide proof to the Township Zoning Officer of the operation being currently licensed and in good standing with the Department of Agriculture or other state agency having jurisdiction over the operation.

SECTION 4. If any provision of this ordinance is deemed illegal or invalid, any such illegality or invalidity shall not affect the validity of the remaining portions of this ordinance and of the Zoning Ordinance.

SECTION 5. This ordinance is intended to be construed as a supplement to the Zoning Ordinance and not as a repeal of the Zoning Ordinance in any respect.

SECTION 6. This ordinance shall be effective five (5) days after adoption.

ORDAINED AND ENACTED this 7th day of September, 2017.



BOARD OF SUPERVISORS OF
RAPHO TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA

By: *Douglas B. [Signature]*
(Vice) Chairman

Attest: *Quane R. [Signature]*
(Asst.) Secretary

I, Duane R. Martin, Secretary of the Board of Supervisors of Rapho 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 Rapho Township held on September 7, 2017, at which meeting a quorum was present and voted in favor thereof.


Duane R. Martin, Secretary

*00937061 / (50050.001)