

TYRONE TOWNSHIP
Adams County, Pennsylvania

ORDINANCE NO. 2022-01

**AN ORDINANCE AMENDING SECTIONS 12-200, 12-201, 12-403 AND 12-503 OF THE
TYRONE TOWNSHIP ZONING ORDINANCE WITH REGARD TO DEFINITIONS,
USES NOT REGULATED AND CONDITIONAL USES**

BE IT ORDAINED by the Board of Supervisors of the Tyrone Township, Adams County, Pennsylvania, as follows:

SECTION 1: Section 12-200 of the Tyrone Township Zoning Ordinance is hereby amended to read as follows:

Section 12-200. Interpretation and Uses not Regulated.

A. Minimum requirements. As used in this Chapter, words expressed in their singular include their plural meanings. The word “person” includes a corporation, unincorporated association, and a partnership, as well as an individual. The word “may” is permissive; the words “shall” and “must” are mandatory. Words used in the present include the future tense.

B. Uses not specifically regulated. If a use is clearly not permitted by right or as a conditional use by this chapter within any zoning district, the Board of Supervisors may permit such use as a conditional use if the applicant specifically proves to the clear satisfaction of the Board of Supervisors that all of the following conditions would be met:

1. The proposed use would be no more intensive with respect to external impacts and nuisances than uses that are permitted in the district.
2. The proposed use would be closely similar in impacts and character to uses permitted in the district.
3. The use is not specifically prohibited in that district.

SECTION 2: Section 12-201 of the Tyrone Township Zoning Ordinance (the “Zoning Ordinance”) is hereby amended to add the following definitions:

ANIMAL HOSPITAL – Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include overnight boarding of animals actively being treated at the hospital.

ANIMAL SHELTER – A facility used to house or contain stray, homeless, abandoned, or unwanted animals that is owned, operated, or maintained by a municipality or nonprofit organization devoted to the welfare, protection and humane treatment of animals.

KENNEL – The use of land or structure to board, raise, breed, train, groom or sell dogs, cats or other similar small domestic animals, not including animals under six months of age, for a fee or other form of compensation. The term Kennel shall be all encompassing for all uses related to small domestic animals not explicitly listed within the Kennel use or otherwise defined within this Section.

VETERINARIAN’S OFFICE – A building or portion thereof, used primarily for the treatment of small domestic animals such as dogs, cats, rabbits and birds or fowl by a licensed veterinarian. With the exception of animals actively being treated, this excludes the outdoor boarding or keeping of animals.

SECTION 3: Section 12-403 of the Zoning Ordinance is hereby amended to add the following uses as Conditional Uses in the Agricultural Preservation 1 (AP-1) District:

I. Animal Hospitals

1. The primary use shall be the medical attention and professional care of small domestic animals.
2. Boarding is permitted for animals who are actively being treated. All boarding facilities shall be within a completely enclosed structure.
3. All outside runs shall be located at least 200 feet from all lot lines. Animals shall be allowed in outside runs during daylight hours only.
4. Emergency entrances shall be located on a building wall facing away from adjoining residential uses or residentially zoned property.
5. The accumulation of and storage of manure or other odor producing substances shall not be permitted.
6. The applicant shall demonstrate proof of an approved means of disposal of all solid, medical and hazardous wastes.
7. The applicant for a zoning permit for the use must furnish to the Township a plan for the storage and/or disposal of deceased animals within 24 hours of an animal’s death. On-lot composting of animal carcasses is not permitted.

J. Veterinarian’s Office

1. The primary use shall be the medical attention and professional care of small domestic animals.

2. Boarding is permitted for animals who are actively being treated. All boarding facilities shall be within a completely enclosed structure.
3. All outside runs shall be located at least 200 feet from all lot lines. Animals shall be allowed in outside runs during daylight hours only.
4. Emergency entrances shall be located on a building wall facing away from adjoining residential uses or residentially zoned property.
5. The accumulation of and storage of manure or other odor producing substances shall not be permitted.
6. The applicant shall demonstrate proof of an approved means of disposal of all solid, medical and hazardous wastes.
7. The applicant for a zoning permit for the use must furnish to the Township a plan for the storage and/or disposal of deceased animals within 24 hours of an animal's death. On-lot composting of animal carcasses is not permitted.

K. Animal Shelter

1. The owner/operator shall demonstrate that the proposed use complies with the regulatory controls of the Pennsylvania Department of Agriculture under the Pennsylvania Dog Law, 3 P.S. §459-101 *et seq.*, 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. The maximum number of animals shall be determined by the Board of Supervisors in accordance with the type of animals to be housed, guidelines of recognized organizations concerned with prevention of cruelty to animals, and the nature and character of the surrounding neighborhood. In no event shall the maximum number of animals exceed 100 animals, including puppies.
3. Each animal shelter shall apply for an annual license from the Township to ensure compliance with the operational requirements of this section. Each license application shall be accompanied by an administrative fee, which amount shall be set by and may be amended from time to time by resolution of the Board of Supervisors. A license may be revoked at any time if standards are not being met, provided the owner has been given a written warning and reasonable opportunity to correct any deficiencies.
4. The following are the required minimum lot sizes for an animal shelter based upon the number of animals kept:

<u>Type and Number of Animals Kept</u>	<u>Minimum Required Lot Area</u>
1 dog to a maximum of 25 dogs	3 acres
26 dogs to a maximum of 50 dogs	5 acres
51 dogs to a maximum of 100 dogs	15 acres

5. An animal shelter shall comply with the following setback requirements:

<u>Setback From*</u>	<u>Fully Enclosed Facility</u>	<u>Unenclosed or Partially Enclosed Facility</u>
Lot lines within the Same zoning district	60 feet	100 feet
Lot lines adjacent to an unimproved lot in a residential zoning district	100 feet	300 feet
Dwellings other than on The animal shelter lot	200 feet	350 feet

* The setback requirements shall apply to a building, structure, outdoor exercise area, dog run and waste disposal area.

6. An animal shelter shall be operated to prevent the barking of dogs at such levels as to be unreasonably annoying to the residents of neighboring lots. If complaints are received by the Zoning Officer and such complaints are determined to be well-founded, the Zoning Officer may require that the animal shelter be modified to provide a fully enclosed structure and that animals be housed in such structure or to provide other such appropriate physical improvements reasonably designed to resolve barking complaints. It shall be unlawful to own, harbor or keep in custody any dog that disturbs the peace by barking between the hours of 6:00 a.m. and 10:00 p.m. continuously for more than fifteen minutes or for periods of five or more minutes more than five times a day. Such behavior shall be deemed to disturb the peace and create a nuisance by causing the annoyance and discomfort of persons of the Township. It shall be unlawful to own, harbor or keep in custody any dog that disturbs the peace by barking between the hours of 10:00 p.m. and 6:00 a.m. Such behavior shall be deemed to disturb the peace and create a nuisance by causing annoyance of persons in the Township.

7. An animal shelter shall be adequately sound-proofed so that sound generated within a structure cannot be perceived at the lot lines.

8. Outdoor exercise or running areas shall be fenced and the fencing shall be of a material and height suitable to contain the animals.
9. The applicant for a zoning permit for the use must furnish to the Township a plan for the storage and disposal of animal waste. All animal waste shall be regularly removed from areas used to house or exercise the animals and disposed of in accordance with current Pennsylvania law. On-lot disposal shall meet the current setback requirements of subsection K.5.
10. The applicant for a zoning permit for the use must furnish to the Township a plan for the storage and/or disposal of deceased animals within 24 hours of an animal's death. On-lot composting of animal carcasses is not permitted.
11. No animal shelter shall be operated which lacks a full-time resident manager authorized to address noise or other impacts on adjacent lots and unsecured animals. The applicant must publish and maintain a 24 hours a day, seven days a week, means of contact for the manager on call/duty.
12. The owner of the lot and the owner/operator of the animal shelter shall be jointly and severally liable for the exercise of suitable control over the animals and shall not allow a nuisance condition to be created in terms of noise, waste or odor.
13. The applicant shall, as a part of the application for a zoning permit and in writing, set forth those measures that will ensure that the proposed use will comply with the safeguards and requirements in this section.

L. Kennel

1. The owner/operator shall demonstrate that the proposed use complies with the regulatory controls of the Pennsylvania Department of Agriculture under the Pennsylvania Dog Law, 3 P.S. §459-101 *et seq.*, 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. The maximum number of animals shall be determined by the Board of Supervisors in accordance with the type of animals to be housed or bred, guidelines of recognized organizations concerned with the breeding of animals and the prevention of cruelty to animals, and the nature and character of the surrounding neighborhood. In no event shall the maximum number of animals exceed 100 animals, including puppies.
3. Each kennel shall apply for an annual license from the Township to ensure compliance with the operational requirements of this section. Each license application shall be accompanied by an administrative fee, which amount shall be set by and may be amended from time to time by resolution of the Board of Supervisors. A license may be

revoked at any time if standards are not being met, provided the owner has been given a written warning and reasonable opportunity to correct any deficiencies.

4. The following are the required minimum lot sizes for a kennel based upon the number of animals kept:

<u>Type and Number of Animals Kept</u>	<u>Minimum Required Lot Area</u>
1 dog to a maximum of 25 dogs	3 acres
26 dogs to a maximum of 50 dogs	5 acres
51 dogs to a maximum of 100 dogs	15 acres

5. A kennel shall comply with the following setback requirements:

<u>Setback From*</u>	<u>Fully Enclosed Facility</u>	<u>Unenclosed or Partially Enclosed Facility</u>
Lot lines within the Same zoning district	60 feet	100 feet
Lot lines adjacent to an unimproved lot in a residential zoning district	100 feet	300 feet
Dwellings other than on The kennel lot	200 feet	350 feet

* The setback requirements shall apply to a building, structure, outdoor exercise area, dog run and waste disposal area.

6. A kennel shall be operated to prevent the barking of dogs at such levels as to be unreasonably annoying to the residents of neighboring lots. If complaints are received by the Zoning Officer and such complaints are determined to be well-founded, the Zoning Officer may require that the kennel be modified to provide a fully enclosed structure and that animals be housed in such structure or to provide other such appropriate physical improvements reasonably designed to resolve barking complaints. It shall be unlawful to own, harbor or keep in custody any dog that disturbs the peace by barking between the hours of 6:00 a.m. and 10:00 p.m. continuously for more than fifteen minutes or for periods of five or more minutes more than five times a day. Such behavior shall be deemed to disturb the peace and create a nuisance by causing the annoyance and discomfort of persons of the Township. It shall be unlawful to own, harbor or keep in

custody any dog that disturbs the peace by barking between the hours of 10:00 p.m. and 6:00 a.m. Such behavior shall be deemed to disturb the peace and create a nuisance by causing annoyance of persons in the Township.

7. A kennel shall be adequately sound-proofed so that sound generated within a structure cannot be perceived at the lot lines.
8. Outdoor exercise or running areas shall be fenced and the fencing shall be of a material and height suitable to contain the animals.
9. The applicant for a zoning permit for the use must furnish to the Township a plan for the storage and disposal of animal waste. All animal waste shall be regularly removed from areas used to house or exercise the animals and disposed of in accordance with current Pennsylvania law. On-lot disposal shall meet the current setback requirements of subsection K.5.
10. The applicant for a zoning permit for the use must furnish to the Township a plan for the storage and/or disposal of deceased animals within 24 hours of an animal's death. On-lot composting of animal carcasses is not permitted.
11. No kennel shall be operated which lacks a full-time resident manager authorized to address noise or other impacts on adjacent lots and unsecured animals. The applicant must publish and maintain 24 hours a day, seven days a week, a means of contact for the manager on call/duty.
12. The owner of the lot and the owner/operator of the kennel shall be jointly and severally liable for the exercise of suitable control over the animals and shall not allow a nuisance condition to be created in terms of noise, waste or odor.
13. The applicant shall, as a part of the application for a zoning permit and in writing, set forth those measures that will ensure that the proposed use will comply with the safeguards and requirements in this section.

SECTION 4: Section 12-503 of the Zoning Ordinance is hereby amended to add the following uses as Conditional Uses in the Agricultural Preservation 2 (AP-2) District:

K. Animal Hospitals

1. The primary use shall be the medial attention and professional care of small domestic animals.
2. Boarding is permitted for animals who are actively being treated. All boarding facilities shall be within a completely enclosed structure.

3. All outside runs shall be located at least 200 feet from all lot lines. Animals shall be allowed in outside runs during daylight hours only.
4. Emergency entrances shall be located on a building wall facing away from adjoining residential uses or residentially zoned property.
5. The accumulation of and storage of manure or other odor producing substances shall not be permitted.
6. The applicant shall demonstrate proof of an approved means of disposal of all solid, medical and hazardous wastes.
7. The applicant for a zoning permit for the use must furnish to the Township a plan for the storage and/or disposal of deceased animals within 24 hours of an animal's death. On-lot composting of animal carcasses is not permitted.

L. Veterinarian's Office

1. The primary use shall be the medical attention and professional care of small domestic animals.
2. Boarding is permitted for animals who are actively being treated. All boarding facilities shall be within a completely enclosed structure.
3. All outside runs shall be located at least 200 feet from all lot lines. Animals shall be allowed in outside runs during daylight hours only.
4. Emergency entrances shall be located on a building wall facing away from adjoining residential uses or residentially zoned property.
5. The accumulation of and storage of manure or other odor producing substances shall not be permitted.
6. The applicant shall demonstrate proof of an approved means of disposal of all solid, medical and hazardous wastes.
7. The applicant for a zoning permit for the use must furnish to the Township a plan for the storage and/or disposal of deceased animals within 24 hours of an animal's death. On-lot composting of animal carcasses is not permitted.

M. Animal Shelter

1. The owner/operator shall demonstrate that the proposed use complies with the regulatory controls of the Pennsylvania Department of Agriculture under the Pennsylvania Dog Law, 3 P.S. §459-101 *et seq.*, 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. The maximum number of animals shall be determined by the Board of Supervisors in accordance with the type of animals to be housed, guidelines of recognized organizations concerned with prevention of cruelty to animals, and the nature and character of the surrounding neighborhood. In no event shall the maximum number of animals exceed 100 animals, including puppies.

3. Each animal shelter shall apply for an annual license from the Township to ensure compliance with the operational requirements of this section. Each license application shall be accompanied by an administrative fee, which amount shall be set by and may be amended from time to time by resolution of the Board of Supervisors. A license may be revoked at any time if standards are not being met, provided the owner has been given a written warning and reasonable opportunity to correct any deficiencies.

4. The following are the required minimum lot sizes for an animal shelter based upon the number of animals kept:

<u>Type and Number of Animals Kept</u>	<u>Minimum Required Lot Area</u>
1 dog to a maximum of 25 dogs	3 acres
26 dogs to a maximum of 50 dogs	5 acres
51 dogs to a maximum of 100 dogs	15 acres

5. An animal shelter shall comply with the following setback requirements:

<u>Setback From*</u>	<u>Fully Enclosed Facility</u>	<u>Unenclosed or Partially Enclosed Facility</u>
Lot lines within the Same zoning district	60 feet	100 feet
Lot lines adjacent to an unimproved lot in a residential zoning district	100 feet	300 feet
Dwellings other than on The animal shelter lot	200 feet	350 feet

* The setback requirements shall apply to a building, structure, outdoor exercise area, dog run and waste disposal area.

6. An animal shelter shall be operated to prevent the barking of dogs at such levels as to be unreasonably annoying to the residents of neighboring lots. If complaints are received by the Zoning Officer and such complaints are determined to be well-founded, the Zoning Officer may require that the animal shelter be modified to provide a fully enclosed structure and that animals be housed in such structure or to provide other such appropriate physical improvements reasonably designed to resolve barking complaints. It shall be unlawful to own, harbor or keep in custody any dog that disturbs the peace by barking between the hours of 6:00 a.m. and 10:00 p.m. continuously for more than fifteen minutes or for periods of five or more minutes more than five times a day. Such behavior shall be deemed to disturb the peace and create a nuisance by causing the annoyance and discomfort of persons of the Township. It shall be unlawful to own, harbor or keep in custody any dog that disturbs the peace by barking between the hours of 10:00 p.m. and 6:00 a.m. Such behavior shall be deemed to disturb the peace and create a nuisance by causing annoyance of persons in the Township.

7. An animal shelter shall be adequately sound-proofed so that sound generated within a structure cannot be perceived at the lot lines.

8. Outdoor exercise or running areas shall be fenced and the fencing shall be of a material and height suitable to contain the animals.

9. The applicant for a zoning permit for the use must furnish to the Township a plan for the storage and disposal of animal waste. All animal waste shall be regularly removed from areas used to house or exercise the animals and disposed of in accordance with current Pennsylvania law. On-lot disposal shall meet the current setback requirements of subsection K.5.

10. The applicant for a zoning permit for the use must furnish to the Township a plan for the storage and/or disposal of deceased animals within 24 hours of an animal's death. On-lot composting of animal carcasses is not permitted.

11. No animal shelter shall be operated which lacks a full-time resident manager authorized to address noise or other impacts on adjacent lots and unsecured animals. The applicant must publish and maintain a 24 hours a day, seven days a week, means of contact for the manager on call/duty.

12. The owner of the lot and the owner/operator of the animal shelter shall be jointly and severally liable for the exercise of suitable control over the animals and shall not allow a nuisance condition to be created in terms of noise, waste or odor.

13. The applicant shall, as a part of the application for a zoning permit and in writing, set forth those measures that will ensure that the proposed use will comply with the safeguards and requirements in this section.

N. Kennel

1. The owner/operator shall demonstrate that the proposed use complies with the regulatory controls of the Pennsylvania Department of Agriculture under the Pennsylvania Dog Law, 3 P.S. §459-101 *et seq.*, 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. The maximum number of animals shall be determined by the Board of Supervisors in accordance with the type of animals to be housed or bred, guidelines of recognized organizations concerned with the breeding of animals and the prevention of cruelty to animals, and the nature and character of the surrounding neighborhood. In no event shall the maximum number of animals exceed 100 animals, including puppies.

3. Each kennel shall apply for an annual license from the Township to ensure compliance with the operational requirements of this section. Each license application shall be accompanied by an administrative fee, which amount shall be set by and may be amended from time to time by resolution of the Board of Supervisors. A license may be revoked at any time if standards are not being met, provided the owner has been given a written warning and reasonable opportunity to correct any deficiencies.

4. The following are the required minimum lot sizes for a kennel based upon the number of animals kept:

<u>Type and Number of Animals Kept</u>	<u>Minimum Required Lot Area</u>
1 dog to a maximum of 25 dogs	3 acres
26 dogs to a maximum of 50 dogs	5 acres
51 dogs to a maximum of 100 dogs	15 acres

5. A kennel shall comply with the following setback requirements:

<u>Setback From*</u>	<u>Fully Enclosed Facility</u>	<u>Unenclosed or Partially Enclosed Facility</u>
Lot lines within the Same zoning district	60 feet	100 feet
Lot lines adjacent to an unimproved lot in a residential zoning district	100 feet	300 feet

Dwellings other than on The kennel lot	200 feet	350 feet
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* The setback requirements shall apply to a building, structure, outdoor exercise area, dog run and waste disposal area.

6. A kennel shall be operated to prevent the barking of dogs at such levels as to be unreasonably annoying to the residents of neighboring lots. If complaints are received by the Zoning Officer and such complaints are determined to be well-founded, the Zoning Officer may require that the kennel be modified to provide a fully enclosed structure and that animals be housed in such structure or to provide other such appropriate physical improvements reasonably designed to resolve barking complaints. It shall be unlawful to own, harbor or keep in custody any dog that disturbs the peace by barking between the hours of 6:00 a.m. and 10:00 p.m. continuously for more than fifteen minutes or for periods of five or more minutes more than five times a day. Such behavior shall be deemed to disturb the peace and create a nuisance by causing the annoyance and discomfort of persons of the Township. It shall be unlawful to own, harbor or keep in custody any dog that disturbs the peace by barking between the hours of 10:00 p.m. and 6:00 a.m. Such behavior shall be deemed to disturb the peace and create a nuisance by causing annoyance of persons in the Township.

7. A kennel shall be adequately sound-proofed so that sound generated within a structure cannot be perceived at the lot lines.

8. Outdoor exercise or running areas shall be fenced and the fencing shall be of a material and height suitable to contain the animals.

9. The applicant for a zoning permit for the use must furnish to the Township a plan for the storage and disposal of animal waste. All animal waste shall be regularly removed from areas used to house or exercise the animals and disposed of in accordance with current Pennsylvania law. On-lot disposal shall meet the current setback requirements of subsection K.5.

10. The applicant for a zoning permit for the use must furnish to the Township a plan for the storage and/or disposal of deceased animals within 24 hours of an animal's death. On-lot composting of animal carcasses is not permitted.

11. No kennel shall be operated which lacks a full-time resident manager authorized to address noise or other impacts on adjacent lots and unsecured animals. The applicant must publish and maintain 24 hours a day, seven days a week, a means of contact for the manager on call/duty.

12. The owner of the lot and the owner/operator of the kennel shall be jointly and severally liable for the exercise of suitable control over the animals and shall not allow a nuisance condition to be created in terms of noise, waste or odor.

13. The applicant shall, as a part of the application for a zoning permit and in writing, set forth those measures that will ensure that the proposed use will comply with the safeguards and requirements in this section.

SECTION 5: In all other respects, the Zoning Ordinance shall remain as heretofore enacted, ordained and amended.

SECTION 6: The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the validity of any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted and enacted as if such unconstitutional, illegal or invalid provision had not been included therein.

SECTION 7: Any ordinances or parts of ordinance inconsistent herewith are hereby repealed.

SECTION 8: This Ordinance shall become effective five (5) days after enactment.

DULY ENACTED AND ORDAINED INTO LAW as Ordinance No. 2022-01 this 25th day of May, 2022 by the Board of Supervisors of Tyrone Township.

ATTEST:

BOARD OF SUPERVISORS
TYRONE TOWNSHIP



Township Secretary

By: Russell L. Raub

Chairman

