

OFFICIAL
GORDON BOROUGH
SCHUYLKILL COUNTY, PENNSYLVANIA
ORDINANCE NO. 2, 1989

An Ordinance of the Borough of Gordon, Schuylkill County, Pennsylvania amending Ordinance No. 181 enacted and ordained as a Borough Ordinance on August 7, 1972, which provides for the regulation of dogs within the Borough of Gordon limits and providing for penalties for the violation of the same.

BE IT ORDAINED AND ENACTED BY THE AUTHORITY OF GORDON BOROUGH PURSUANT TO THE PENNSYLVANIA BOROUGH CODE AS FOLLOWS:

Section One

For the purpose of this Ordinance, the following terms shall be construed in this Ordinance to have the following meanings, except in those instances where the context clearly indicates otherwise:

The word "Owner" as used in this Ordinance shall include every person having a right of proprietorship or ownership in a dog, and every person who keeps or harbors a dog or has it in his care, and every person who permits a dog to remain on or about any premises occupied by him.

Section Two

The Borough Council of the Borough of Gordon is authorized and empowered pursuant to Section 1202 of the Borough Code to regulate any noxious and offensive businesses and to make and adopt all such ordinances, by-laws, rules and regulations which are necessary for the proper management, care and control of the peace, safety and welfare of the citizens of the Borough of Gordon, and it has hereby been determined by the Borough Council that it is necessary to regulate all persons owning or keeping a dog within the Borough limits.

Section Three

It shall be unlawful for the owner of any dog to permit such dog, whether licensed or not, to run at large in the Borough of Gordon, County of Schuylkill, Commonwealth of Pennsylvania.

Section Four

It shall be unlawful for the owner of any dog to permit such dog to remain in the open and to howl or bark for extended periods of time.

Section Five

It shall be unlawful for the owner of any dog to permit said dog to

cause annoyance to the citizens, residents or other persons lawfully in the Borough of Gordon, by barking, yelping, howling, or causing any other unseemly noise.

Section Six

It shall be unlawful for the owner of any dog to permit said dog to injure any human being by biting, jumping on, knocking down, or by attacking said human being.

Section Seven

It shall be unlawful for the owner of any dog to permit such dog to damage or injure personal property, real estate, shrubs, hedges, flowers, or any growing thing by running over or running across the said property, or by urinating thereon or defiling the same, or by causing excrement to be placed thereon.

Section Eight

Absolutely no dog kennels shall be permitted to exist within the Borough of Gordon limits in that the Borough of Gordon is essentially a residential community.

Section Nine

All owners are hereby prohibited from keeping or maintaining any more than six (6) dogs within the Borough of Gordon within any 24 hour period.

Section Ten

Any owner who owns in excess of six (6) dogs upon the effective date of this Ordinance shall be allowed to continue to keep and maintain said dogs in excess of ~~five (5)~~ ⁶ provided that the owner does not purchase any additional dogs so that as any dog is sold or expires, that owner will eventually reduce the dog limit to the six (6) dog limitation as set forth above; provided further, that said owner must comply with the other laws of the Commonwealth of Pennsylvania, particularly with regard to the Nuisance Law and/or Zoning Regulations.

Section Eleven

Any owner convicted of any violation of this Ordinance in a summary proceeding before a district magistrate shall be sentenced to pay a fine of not less than Fifty (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars for each violation and the cost of prosecution, and in default of the payment of the fine and costs, shall be sentenced to imprisonment in the County Prison for a period not exceeding thirty (30) days.

Section Twelve

It is the intention of Council that each separate provision of this Ordinance shall be independent of all other provisions, and it is the intention of Council if any of the provisions of this Ordinance be declared invalid, that all other provisions shall remain valid and enforced.

Section Thirteen

All other ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

ENACTED AND ORDAINED THIS 6th day of November, 1989.

Signed:

Ellen R. Snyder
Ellen Snyder, Borough President

Charles M. Miller Borough
Secretary

Witnessed:

Paul L. Snyder
Paul L. Snyder, Borough Secretary

Barbara A. Leim
Barbara A. Leim, Mayor

not apply to such vehicles customarily stored as part of an auto repair garage or auto service station while they await imminent repairs or after recent damage.

- B. Junk vehicles stored within a completely enclosed building for business purposes shall be considered a warehouse.

Note - A municipality may have a more restrictive junk or junkyard ordinance.

~~Kennel~~ The keeping for commercial purposes of 11 or more dogs age 6 months or older. An allowed kennel may also include the keeping of other household pets.

Landowner. The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase; a person leasing the property (if authorized under the lease to exercise the right of the landowner) and if such lease is for a remaining period of at least 12 months; authorized officers of a partnership or corporation that is a "landowner"; or other person having a proprietary interest in land. A person who has clearly received formal notarized powers of attorney relating to a landowner may act in the capacity of the landowner, if legally authorized.

Lighting, Diffused. Illumination that passes from the source through a translucent cover or shade.

Livestock or Poultry, Raising of. The raising and keeping of livestock, poultry or insects beyond which is customarily accessory to a principal "crop farming" use. Raising of livestock or poultry shall not include a slaughterhouse nor a stockyard used for the housing of animals from other farms that are awaiting slaughter.

- A. Livestock or Poultry, Intensive Raising of. A type of Raising of Livestock or Poultry use that involves an average of more than 5 "animal equivalent units" per acre as calculated in State Nutrient Management regulations.

Lot. A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use or uses, accessory or incidental to the operation thereof, together with such open spaces as required by this Ordinance.

Lot, Corner. A lot abutting on 2 or more intersecting streets.

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, the following shall be excluded:

- A. Areas within the "existing" legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve more than one lot, unless another sections of this Ordinance, such as for Townhouse Development, specifically permits proposed streets to be included in determining density for a specific use.
- B. Areas that are currently or will be required to be dedicated as common or preserved open space on a separate lot, unless another section of this Ordinance specifically permits proposed common open spaces to be included in determining density for a specific use.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.

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to its citizens or customers or within the boundaries of any publicly owned recreation facility.

- h. Any storage of junk shall be maintained a minimum distance of 100 feet from the centerline of any waterway, and shall be kept out of a drainage swale.
- i. Where an aspect of a Junkyard is regulated by both this Ordinance and an ordinance of the Borough/Township, the provision that is more restrictive upon the Junkyard use shall apply.

27. Kennel

- a. All buildings in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 150 feet from all "residential lot lines." This 150 feet setback shall be increased to 200 feet if more than 20 dogs are kept overnight on the lot, and be increased to 250 feet if more than 50 dogs are kept overnight on the lot.
- b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
- c. No animal shall be permitted to use outdoor runs from 9 p.m. to 8 a.m. that are within 250 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
- d. Minimum lot area - 5 acres, unless a larger lot area is required by another section of this Ordinance.

28. Livestock and Poultry Intensive, Raising of.

- a. Minimum lot area - 25 acres shall apply for an "Intensive Raising of Livestock or Poultry" use.
- b. For an Intensive Raising of Livestock or Poultry use, any building used for the keeping of livestock or poultry shall be located a minimum of: 1) 400 feet from a lot in a R-2 or R-3 district, 2) 200 feet from an existing dwelling that is not within a residential district, and 3) 50 feet from all other exterior lot lines.
- c. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this Section where the applicant proves that there is no reasonable and feasible alternative and where the applicant proves that the lesser distance would not be detrimental to public health or safety or create significant hazards or nuisances, or where the applicant proves that a particular provision is preempted under State law.
- d. The setbacks from property lines provided in this section for this use shall not apply from dwellings or lots owned by: 1) the operator or owner of the livestock use, or 2) affected property-owners providing a written notarized letter waiving such setback.
- e. The following additional requirements shall apply to an Intensive Raising of Livestock or Poultry use:
 - (1) The applicant shall describe in writing or on site plans methods that will be used to address water pollution and insect and odor nuisances. Applicants should consider the applicable sections of the Pennsylvania Soil and Water Conservation Technical Guide as published by the U.S. Department of Agriculture and the State Department of Environmental Protection's Manure Management Manual for

State Dog Warden
Rick Hine

610-909-5723