

GORDON BOROUGH, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 2021-02

AN ORDINANCE OF GORDON BOROUGH, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROHIBITING THE HOUSING OR KEEPING OF LIVESTOCK OR FOWLS IN GORDON BOROUGH WITHOUT A PERMIT; REQUIRING AN INSPECTION TO ENSURE PROPER HOUSING OR KEEPING OF LIVESTOCK OR FOWLS; PROHIBITING THE RUNNING AT LARGE OF LIVESTOCK OR FOWLS IN GORDON BOROUGH; REQUIRING THE OWNER OR KEEPER OF LIVESTOCK OR FOWLS TO PREVENT THEM FROM WANDERING ONTO OTHER PROPERTIES; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, Section 1202(10) of the Borough Code, 8 Pa.C.S. §1202(10), authorizes a borough to enact an ordinance prohibiting either the keeping or the running at large of livestock and fowls, provided said ordinance does not unreasonably interfere with any agricultural operation;

NOW, THEREFORE, be it ORDAINED as follows:

Section 1. Definitions.

The following words shall have the following meanings when used in this Ordinance, unless the context clearly indicates otherwise. The singular shall include the plural, and the plural shall include the singular.

"Fowls" – poultry, chickens, ducks, geese, swans, turkeys, pheasants, hens, roosters and other birds of either the galliformes or anseriformes orders.

"Livestock" - horses, cattle, sheep, goats, pigs and other animals typically raised in an agricultural setting to produce labor or commodities such as meat, eggs, milk, fur, leather and wool. Dogs and cats are excluded from this definition.

"Person" - any natural person, corporation or any other legal entity capable of owning, possessing or being in control of real property.

Section 2. Prohibitions.

A. No Person who is the owner, either legal or equitable, occupant or otherwise in control of a parcel of real property in Gordon Borough shall allow any Livestock or Fowls to be housed or kept on said property without a Permit. The required Permit can be obtained by completing an Application for a Permit on a form to be approved by Gordon Borough from time to time by Resolution, paying an Application fee to be set by Gordon Borough from time to time by Resolution, allowing an inspection of said property by an official of Gordon Borough to ensure that said property contains the proper facilities to safely house or contain the Livestock or Fowls, and obtaining a Permit in a form to be approved by Gordon Borough from time to time by Resolution to house or keep the Livestock or Fowls. Any Permit granted may be rescinded by Gordon Borough if the facilities used to house or contain the Livestock or Fowls become unsuitable for said purposes.

B. No Person who owns, possesses or controls any Livestock or Fowls in Gordon Borough shall allow any such Livestock or Fowls to run, travel or wander at large in Gordon Borough.

C. Any Person who owns, possesses or controls any Livestock or Fowls in Gordon Borough shall, at all times, keep any such Livestock or Fowls confined within the boundaries of any parcel of real property that said Person either owns, legally or equitably, occupies or controls, or shall keep any such Livestock or Fowls firmly secured and under control by collar, chain or similar device.

Section 3. Enforcement.

A. Any Person violating any provision of this Ordinance is subject to prosecution by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The municipal solicitor may assume charge of the prosecution without the consent of the District Attorney.

B. Any Person found in violation of any provision of this Ordinance, upon conviction, shall pay a fine of not less than \$50.00 nor more than \$1,000.00 per violation, plus court costs, and/or may be imprisoned either for a violation of any provision of this Ordinance or for failure to pay a fine or costs for a term not to exceed 90 days.

C. A separate offense shall exist for each day in which a violation of any provision of this Ordinance exists, and for each Section of this Ordinance that exists.

D. Gordon Borough may enforce the provisions of this Ordinance in equity in the Schuylkill County Court of Common Pleas.

Section 4. Severability.

If any Section, Sub-Section or portion of this Ordinance is declared to be illegal or unenforceable by a court of competent jurisdiction, it is the intention of Gordon Borough that the rest and remainder of this Ordinance shall remain in full force and effect.

Section 5. Repealer.

All prior Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed so as to give effect to the provisions of this Ordinance.


Section 6. Effective Date.

This Ordinance shall be effective immediately upon enactment or on the first day allowed by law thereafter, whichever occurs first.

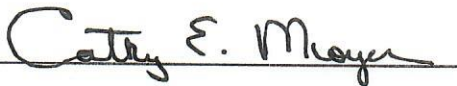
ORDAINED and ENACTED this 1ST day of MARCH, 2021.

BOROUGH OF GORDON
Schuylkill County, Pennsylvania

BY: _____


Council

ATTEST:



APPROVED:



Mayor

GORDON BOROUGH, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

RESOLUTION NO. 2021-02

WHEREAS, Section 2A of Gordon Borough Ordinance No. 2021-02 authorizes Gordon Borough Council to adopt an application form for an applicant to complete in order to request a permit pursuant to said Ordinance; and

WHEREAS, Section 2A of Gordon Borough Ordinance No. 2021-02 authorizes Gordon Borough Council to set an application fee for an applicant to pay in order to request a permit pursuant to said Ordinance;

NOW, THEREFORE, be it RESOLVED:

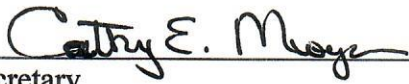
1. The attached Exhibit A is hereby adopted as the Application form for an application for a permit pursuant to Ordinance No. 2021-02.
2. The application fee for an application for a permit pursuant to Ordinance No. 2021-02 is \$50.00, payable to Gordon Borough and deliverable to the Borough Operations Manager or Secretary.

RESOLVED this 1st day of March 2021.



GORDON BOROUGH COUNCIL

ATTEST:



Secretary

**Application to House Livestock and/or Fowl
Borough of Gordon**

Name of Applicant: _____

Address of Applicant: _____

Phone Number of Applicant: _____

Type and Number of Livestock/Fowl: _____

Location of Property Where Livestock/Fowl to be Housed:

What kind of shelter will be provided? (Size and Type)

How will Waste be Disposed of?

Be advised that Gordon Borough, by approving this application and granting a permit, is only approving the structure being proposed to house the livestock or fowls pursuant to its Ordinance **and is not granting zoning approval** to either own any particular type of livestock or fowls at the proposed location, or erect any structure to house the livestock or fowls, **which zoning approval must be separately applied for to the County Zoning Officer.**

By signing below, I hereby state and affirm that all answers provided and statements made above are true and correct and may be relied upon by officials of Gordon Borough in performing their official functions, and are made under penalty of unsworn falsifications to authorities as made punishable in 18 Pa.C.S.A. Section 4904.

Applicant