

**BOROUGH OF SHARON HILL
COUNTY OF DELAWARE
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO.: 2015 - 1384

**AN ORDINANCE AMENDING THE ZONING CODE OF THE BOROUGH OF
SHARON HILL TO ADD A PROVISION CONCERNING ANIMAL KENNELS**

WHEREAS, the Borough of Sharon Hill is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, including but not limited to the Borough Code; and,

WHEREAS, the Legislature of the Commonwealth vests the Borough of Sharon Hill with the power and authority to make and adopt all such ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as is expedient or necessary for the proper management, care and control of, inter alia, the borough's finances, the maintenance of peace, good government, safety and welfare of the borough, its trade, commerce and manufacturers; and,

WHEREAS, after reviewing the existing ordinances, it is in the best interest of the efficient operation of government, good government, and public safety to adopt and implement an Ordinance regulating the location and operation of animal kennels; and,

NOW, THEREFORE, BE IT ORDAINED and ENACTED:

SECTION I. Section 702 of the Sharon Hill Zoning Code shall be amended to allow for an "Animal Kennel" to be permitted by special exception in the LI Light Industrial District only.

SECTION II. The Sharon Hill Zoning Code is further Amended to provide as follows:

A. The definitional section of the Sharon Hill Zoning Ordinance is amended to include "Animal Kennel" which shall be as follows:

Animal Kennel - A non-residential use involving any structure, pen or area set aside for the breeding, boarding, show, grooming or keeping of dogs, cats or similar domestic animals. For purposes of this Ordinance, the keeping of two (2) or more such animals for economic gain shall be deemed a commercial animal kennel.

B. The Zoning Ordinance Section on Special Exceptions shall be amended to provide:

Where permitted in this Zoning Ordinance as a Special Exception, an "Animal Kennel" shall also comply with the following standards:

1) Any building or structure used for an animal kennel or related use, and any

- unenclosed outdoor structures, runways, pens, stalls, or exercise yards, shall be a minimum of 300 feet from any property line and 1000 feet from any property line of any residential zone.
- 2) Minimum lot area for any Animal Kennel shall be at least 3 acres.
 - 3) The number of different breeding females at any Animal Kennel in any one calendar year may not exceed 4.
 - 4) Any exercise yards for any Animal Kennel shall be surrounded by an eight-foot, non-see-through fence.
 - 5) The applicant seeking special exception for an Animal Kennel must, on an annual basis, submit a written plan to explain all measures to be used to ensure all animal wastes shall be regularly cleaned-up and properly disposed of to prevent odors and unsanitary conditions, which plan will be kept on file at the Borough.
 - 6) The applicant seeking special exception for an Animal Kennel must, on an annual basis, submit a written plan for the storage and disposal of deceased animals, which disposal shall occur within 24 hours of an animal's death, and which plan will be kept on file at the Borough.
 - 7) The applicant seeking special exception for an Animal Kennel must, as applicable, demonstrate compliance with the Pennsylvania Dog Law and the regulations promulgated thereunder (Act 119 of 2008 (3 P.S. §455-101 et seq.); 7 Pa Code Chapter 21) or any successor law or regulations regulating kennels; submit to quarterly inspections by the Borough Health Officer, Fire Marshall, and Code Officer/Building Inspector, and pay all reasonable fees associated with those inspections.

SECTION III: All Borough elected and appointed officials are authorized to take all action necessary to ensure the implementation and effect the purpose hereof.

SECTION IV: Any and all Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of their inconsistency. The Borough Council may from time to time amend, supplement, change, modify or repeal this ordinance pursuant to the provisions of Federal, State and Local Laws.

SECTION V: The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered. It is hereby declared the intent of the Borough Council that this ordinance would have been adopted if such illegal, invalid, or unconstitutional clause, sentence, subsection, or section had not been included therein.

SECTION VI: This is effective immediately upon enactment according to law, and shall remain in effect hereafter until revised, amended, or revoked by action of the Borough of Sharon Hill.

ADOPTED by the Borough Council this 12 day of November, 2015.

Scott MacNeil
Council President

APPROVED by the Mayor, this 12 day of NOVEMBER, 2015.

[Signature]
Mayor

ENACTED this 12 day of November, 2015.

[Signature]
Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Ordinance duly adopted at a meeting of Borough Council held on the 12 day of November, 2015.

[Signature]
Secretary

AMENDMENT TO ORDINANCE No. 1172

THIS AMENDMENT is made as of the 18th day of February, 2016 between DELAWARE COUNTY SOLID WASTE AUTHORITY ("SWA"), a Pennsylvania Municipal Authority, and MUNICIPALITY OF SHARON HILL BOROUGH ("Municipality").

RECITALS:

WHEREAS, SWA and Municipality entered into that certain Ordinance Regulating the Disposal of Municipal Solid Waste from the Municipality; Requiring Disposal at Approved Site; Providing for Licensing of Solid Waste Collectors; Providing for Regulations and Penalties; Entering into a Joint Cooperation Agreement With The County of Delaware, Pennsylvania; and Adopting the Delaware County Solid Waste Management Plan dated July 9, 1987 (the "1987 Ordinance");

WHEREAS, SWA and Municipality desire to amend certain provisions of the 1987 Ordinance and agree hereby to do so;

WHEREAS, the parties hereto desire to reaffirm all other provisions of the 1987 Ordinance not specifically amended hereby.

NOW, THEREFORE, with the foregoing recitals made part hereof and incorporated herein, the parties hereto, intending to be legally bound, hereby agree as follows:

1. Paragraph (11), Section (e), Line 1 of the 1987 Ordinance shall be amended by deletion of the existing paragraph (11), section (e), line 1 of the 1987 Ordinance and replacement thereof with the following new paragraph (11), section (e), line 1, which hereafter shall be part of the 1987 Ordinance and which shall read as follows:

"The term of this Agreement shall be for a period of twenty five (25) years, and said term shall commence on January 1, 2017."

2. All other provisions, terms and conditions of the 1987 Ordinance not specifically amended hereby shall remain in full force and effect. SW A and Municipality hereby reaffirm the 1987 Ordinance as amended hereby.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to Ordinance for Regulating Disposal of Municipal Solid Waste from the Municipality, dated July 9, 1987 to be executed as of the date and year first written above by their respective duly authorized officers and their respective seals to be hereunto fixed.

By: Michael Fennegan
PRESIDENT, SHARON HILL BOROUGH

Attest: Roman Letty
Secretary

By: _____
CHAIRMAN
DELAWARE COUNTY SOLID WASTE AUTHORITY

Attest: _____
Secretary