

Chapter 49, Animals

[Note: This Chapter 49 is already set up in the Westtown Township Code, but is simply left in reserve for the time being. The provisions herein deal only with dogs and are derived from text adopted in West Goshen Township. Additional subsections can be added to deal with other keeping of animal issues at a later date, or such other issues can remain in Chapter 170, Zoning.]

§ 49-1 Definitions.

OWNER - Includes every person having a right of proprietorship or ownership in an animal and every person who keeps or harbors such animal or has it in his care and any person who permits an animal to remain on or about any premises occupied by him.

§ 49-2 Restrictions of Dogs.

- A. The owners of every dog within the Township of Westtown shall at all times keep such dog either:
- (1) Confined within an enclosure from which it cannot escape; or
 - (2) Firmly secured by means of a collar and chain (leash); or
 - (3) Under the reasonable control of some person where posted rules provide for relaxation of options stated in 49-2.A.(1) and 49-2.A.(2).
- B. No person shall permit a dog which is under his or her custody or control, either by leash, restraint, verbal command or otherwise, to deposit feces upon any other person's private property or on any public property, including but not limited to sidewalks, pathways, streets, parking lots, parks, waters or other public property of any kind. All persons exercising custody or control of dogs shall be required to immediately cleanup and remove any animal feces resulting from the dog's presence on any such public or private property, for proper disposal as solid waste.

Deleted: properly dispose of

§ 49-3 Running at Large.

- A. It shall be unlawful for the owner or keeper of any dog to permit such dog to run at large in Westtown Township. Any such dog found to be running at large, whether licensed or unlicensed, shall be subject to seizure, detention and disposition by the Westtown-East Goshen Regional Police Department or agency employed by the Township to carry out such seizure, detention or disposition in accordance with the provisions of the Pennsylvania Dog Law, as amended from time to time.
- B. "Running at large" shall be defined as being upon any public highway, street, alley, park or other public or private land without the express permission of the

landowner, and not being on a leash and accompanied by or under the control of the owner or any other person having custody of said dog.

§ 49-4 Continuous Barking Prohibited.

No person shall own, possess, harbor or control any dog which howls or barks continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for 1/2 hour or more to the disturbance of any person at any time of the day or night, regardless of whether the dog is situated in or upon private property; provided, however, that at the time the dog is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other cause which teased or provoked the dog.

§ 49-5 Issuance of Warnings.

Upon notification that a person is violating § 49-4, the Regional Police, Code Enforcement Officer or Zoning Officer may issue a warning to the owner of the dog. The warning shall be hand-delivered or sent by certified mail, return receipt requested, and shall include a copy of § 49-4 and a notice that a fine will be imposed for the second and all subsequent violations in accordance with § 49-6C.

§ 49-6 Violation and Enforcement Provision.

- A. Any person who violates or permits the violation of any provision of this chapter, except § 49-4, shall, upon being found liable therefor in a civil or criminal enforcement proceeding commenced by the Township before a District Justice, pay a fine for each such violation in an amount not less than \$50 and not more than \$200, plus all court costs, including reasonable attorney fees, incurred by the Township. No judgment shall be imposed until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.
- B. Any person who is found liable for any second or subsequent offense for a violation of any provision of this chapter, except § 49-4, shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a District Justice, pay a fine for each such violation in an amount not less than \$200 and not more than \$600, plus all court costs, including reasonable attorney fees, incurred by the Township. No judgment shall be imposed until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.
- C. Violation of § 49-4.

- (1) Any person who violates or permits the violation of § 49-4 of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a District Justice, pay a fine in the following amounts, plus all court costs, including reasonable attorneys fees, incurred by the Township:
 - (a) First violation: Warning issued.
 - (b) Second violation in any calendar year: fine of \$25.
 - (c) Third violation in any calendar year: fine of \$50.
 - (d) Fourth and subsequent violations in any calendar year: fine of no less than \$100 and no more than \$600.
- (2) Each violation on any single day shall be considered a separate violation from any violation involving the same person on any other day, including consecutive days.
- (3) No judgment shall be imposed until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

[Note: § 170-1516, Keeping of Animals, provides for numbers of agricultural and domestic animals kept, relevant lot sizes, and general standards for shelter and enclosure of animals. It also includes one specific provision in subsection 170-1516.C.(4) related to the number of dogs kept, which I suggest remain in Zoning and is restated below.]

- (4) Any keeping of eight or more dogs age three months or older shall require a minimum lot area of 10 acres, and any pens used for such dogs shall be set back a minimum of 250 feet from any lot line, except in connection with permitted veterinary services or a pet store.

Stormwater, Zoning, & SALDO Proposed Changes w/Status Updates

Created: January 29, 2019

No. (origination year - month)	Ordinance Name	Description of Changes/Status	Source ⁱ	Priority	Approved date (PC)	Approved date (BOS)
2013-10	Bi-Directional Antennas	Twp Solicitor is waiting for Bldg Code update instructions from Bldg Inspector Andy Kirk.	WEGO PD	1		
2020-08	Signs Ordinance Amendment	Add language that was missed when original ordinance was adopted	BOS/PC	1	9/9/2020	247 review authorized 9/8/2020
2020-08	Dogs Amendment	To address dog feces and strengthen language regarding leashing and control of animals	BOS	1		
2017-08.7	170-1605. G. (2). n Major home occupations	Correct reference from 170-1700D to 170-1708.A	PC (EA)	1		
2018-08.8	170-602.D R-1 Residential Area and Bulk Regulations	Residential Cluster per 170-602, which has been deleted (replaced by Flexible Development.) Remove 170-602.D and renumber as necessary.	PC (EA)	1		
2017-09.1	149-910 Street Construction	This section could be revised to remove the reference to "PennDOT Seldom Used Specifications 1983" and more appropriately Reference PennDOT Publication 46.	MT (KM)	1		
2017-09.2	149-910.D Paving - Bituminous Surface Course ID-2A	This section could be revised to remove the reference to Bituminous Surface Course ID-2A. This section should be completely re-written to include a modern specification of the Superior Asphalt Paving System (Superpave).	MT (KM)	1		
2017-09.3	149-803 Stormwater Management in the Land Development Ordinance	This section could be completely removed since the Township Stormwater regulations were installed as a "stand alone - §144" section in 2013.	MT (KM)	1		
2017-09.4	144-301T General Requirements	A typo appears in the code. The ordinance should correctly read "seventy-five" (75), not fifty, which was the original language from the Chester County Model ordinance.	MT (KM)	1		
2017-09.7	Lighting waivers	Remove lighting requirements in residential from the code): 149-602.C.(4).(h)	MT (KM)	1		

2017-08.6	170-1502.B & G, Projections into setbacks and setback exceptions	Safety issue for access for emergency equipment, also swimming pool decks and patios (or other materials) should be required to remain outside of the 25' setback	PC (EA)	1		
2017-08.4	170-1509 Storage	Reword this section to apply to residential situations	PC (EA)	1		
2020-02	Update to Alarms Ordinance	Update language and move fees to fee schedule	WE / JG	2		Feb 2020
2017-09.8	Stormwater	§144-311.B.2 HDPE Pipes to be used in areas not supporting traffic loads. This request has been made on several applications and been granted by the BOS frequently enough to warrant amending the code.	CE (BU); MT (KM)	2		
2017-09.14	Definitions "lot area" and "tract area"	The definition of "Lot Area" and "Tract Area" are treated differently in Zoning	MT (KM); PC (EA)	2		
2017-09.15	Lot Area	The acreage contained within the property lines of a lot, as defined in the deed or as shown on an approved subdivision plan. Such acreage shall be exclusive of the following: A. Any area used for gas, oil, natural gas, electric, or communications transmission facilities, whether below or aboveground, that do not serve the lot or lots traversed. B. Any area within a street or other transportation right-of-way, existing or proposed. C. Any area within a permanent drainage easement. D. Every lot created by subdivision shall have a contiguous and uninterrupted area equal to 75% of the minimum lot area required by the applicable zoning district, which is unencumbered by wetlands, one-hundred-year floodplains, steep slopes and/or stormwater management basins/facilities.	MT (KM)	2		
2017-05	Open Space	When the Flexible Development option was added to the Ordinance, it included an extensive Open Space description - 170-907. It was decided to refer the Open Space requirements in all other districts to this section in order to avoid repetition. While there are requirements for some portion of the Open Space be useable for active recreation, storm water management often occupies a significant area. Revising the open space definition and regulations has been suggested. Establishment of an Open Space fund, clarification of in lieu of fees	PC (EA)	3		

	Revise Floodplain Ordinance	Based on comments received during review in 2017, PC members indicated a desire to make some changes with Beth Uhler' assistance		3		
2001-08.1	Buffers & Screening - MU and R-3 Districts	Present regulations generally require buffers between districts rather than between uses. (Except for commercial vs residential). Possibility for problems in MU and R-3 districts where residential and non-residential uses are permitted. The MU District is presently developed as residential except for one tract (5 acres?) currently industrial, which could be redeveloped for any use permitted in the C1 District.	PC (EA)	3		
2017-08.3	170-900 Flexible Development	170-904.C There are no lot size limits in Flex. For single-family dwellings, the only control of lot size is the requirement that there can be only 4 lots per acre in the area used for single-family dwellings (smallest lots could be just under 11,000 square feet). 170-904. E. (3). (10) Setbacks - The only setback regulations for dwellings in Flex are 30 feet behind the curb line and 30-foot separation between structures. This applies to decks, sheds, and even dwellings. (Not to swimming pools, however.)	PC (EA)	3		
2017-08.5	170-1513.B Interior circulation and streets minimum widths	Consider reducing the minimum paved width of streets on low traffic volume streets.	PC (EA)	3		
2001-08.2	149-915 Driveways	PC has suggested on several occasions that the Board adopt a freestanding driveway ordinance.	MT (KM)	3		
2017-09.9	Proposed Additions to the Code (1)	§170-1600 – Consider adding Drive Thru Regulations Recall Dunkin' Donuts	MT (KM)	3		
2017-09.10	Proposed Additions to the Code (2)	§170-1600 – Consider adding MS4 Assist Regulations Recall the Maneri Property 1126 Kolbe Lane, Rustin and Crebilly CU	MT (KM)	3		
2017-09.11	Proposed Additions to the Code (3)	§149-1514 – Consider adding a Belgian Block Section of Code with detail.	MT (KM)	3		
2017-09.12	Proposed Additions to the Code (4)	§170-1600 – Parking has become popular for compact cars, oversized vehicle, electric vehicle, seniors citizen and new or expecting parents, multi-family, and residential uses. (rideshare parking)	MT (KM)	3		

2017-09.13	Proposed Additions to the Code (5)	§170-1600 – Truck Turning Templates are not required by ordinance and should be added to the preliminary/ final plan set requires. All vehicles for emergency response, delivery, trash, and recycling should be provided to major applications.	MT (KM)	3		
2019-03	Parking Regulations Update	Times, circumstances, streets, locations, rideshare parking locations	Twp (WE)	4		
2015-07	Residential Chicken Ord.	Tabled indefinitely		4		
2018-05	High tunnels or “hoop houses”	No adoption deadline	House Bill No. 1486	4		
2017-06	Conditional Use Posting Requirements	Brought before BOS in summer 2017 (WIP), not scheduled before the PC or BOS		4		
2017-09.5	Administrative Preliminary or Final Waivers	Modern applications contain so much information that the boundary between preliminary and final has become almost negligible as far as engineering detail. Rarely have I seen a request for a waiver from preliminary to prelim/final denied.	MT (KM)	?		
2017-09.6	Landscaping Waivers	<ul style="list-style-type: none"> Westtown Woods: §149-925-I.5 – Street Trees within 5 feet of property and within 10 feet of side lot lines §149-924.D which would require a separate tree protection plan. Fairshare Builders: §149-924.D(12)(b) – Regarding the request to waive the full amount of compensatory trees, the site was formerly a tree nursery. Rustin Residential: §149-925-I.5 – Street Trees within 10 feet of side lot lines. <p><i>-Considering that these requests are handled on a case-by-case basis, I see no reason to make changes to the Code. -KM</i></p>	MT (KM)	?		
	Medical Services (curative amendment)	Adopted by BOS 7/16/2018. PC and BOS noted at the time that Medical Services may be appropriate in more zoning districts than just POC. (R-3, C-1, C-2). Consider amending by-right uses in these zoning districts to allow Medical Services, and to make existing medical services conforming to code.	(Twp) WE	?		
2019-01	Sidewalks	(discussed)	PC	?		
2019-02	Riparian Buffers	Needs contemporary definition	PC	?		
2019-04	Commencement of Development	Add times and days of the week, 149-404?	PC	?		
2019-05	Gross Habitable Area	Add definition: “All usable space within a dwelling unit without	PC	?		

		netting out any space unless it is not capable of being lived in.” (Examples of spaces to exclude: hvac closets, unfinished basements, unfinished attics)				
2019-06	Business or Trade School	Add definition:	WE	?		
2019-07	Accessory Dwelling Units	Gross habitable area definition, proximity to principal dwelling, require water & sewer connection, maximum number of parking spaces, including garages in size restrictions	KF	?		
2019	Definitions	Add definition for “Boardinghome(s)”	PC	1		
2020-03	Sign Ordinance	BOS Authorized Act 247 review at 1/21/2020 mtg	PC (EA)	COMPLETED	4/3/19	1/21/2020
2017-08.1	New Accessory Structure Setbacks	PC refers back to Twp Mgr for resolution of including word “uninhabitable” in language	PC (EA)	COMPLETED	4/17/19	6/3/2019
2017-08.2	Convert Accessory Dwelling Units into Rental Dwelling Units by Special Exception	PC recommends language to BOS for consideration	PC (EA)	COMPLETED	4/17/19	5/6/2019

¹ Source Initials Key:

Board of Supervisors (BOS) and initials

Planning Commission (PC) and initials

Township Staff (Twp) and initials

Cedarville Engineering (CE) and initials

McCormick Taylor (MT) and initials

Al Federico (AF)

Brandywine Conservancy (BC) and initials

William Ethridge (WE)

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