

WESTTOWN TOWNSHIP

1039 Wilmington Pike
West Chester, PA 19382
610-692-1930

Post Office Box 79
Westtown, PA 19395
FAX 610-692-9651

www.westtownpa.org

AGENDA

Westtown Township Board of Supervisors Virtual Workshop Agenda

**Westtown Township Municipal Building
1039 Wilmington Pike, Westtown**

Monday, January 4, 2021

Start time 6:30 pm

- 1. Executive Session (5:30pm)**
- 2. Review of Draft Dog Ordinance**
- 3. Review of Mission Statement Memo #1**
- 4. Review of Draft EAC Resolution**

ORDINANCE NO. _____ OF 2021

WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF WESTTOWN, SPECIFICALLY, CHAPTER 49, ANIMALS, ESTABLISHING ARTICLE I, DOGS, §49-100, REGARDING THE PURPOSE OF THE ARTICLE; §49-101, REGARDING THE ADDITION OF DEFINITIONS; §49-102, REGARDING RESTRICTIONS OF DOGS; §49-103, REGARDING RUNNING OF DOGS AT LARGE; §49-104, REGARDING THE PROHIBITION OF CONTINUOUS BARKING OF DOGS; §49-105, REGARDING THE ISSUANCE OF WARNINGS; AND §49-106, REGARDING VIOLATIONS AND ENFORCEMENT.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that Part II, General Legislation, Chapter 49, Animals, of the Code of the Township of Westtown shall be amended to establish Article I, Dogs, as follows:

SECTION 1. Part II, General Legislation, Chapter 49, Animals, Article I, Dogs, of the Code is hereby established to include the following sections:

Article I. Dogs.

§ 49-100 Purpose.

The intent of this Article is to establish reasonable regulations governing the keeping of dogs in order to protect human and dog health and reduce the safety and nuisance hazards of straying dogs or incessant noise of dogs. Nothing in this Article shall be construed or enforced in such a way as to conflict with Pennsylvania's Right to Farm Act (RTFA), 3 P.S. § 951 et seq., the Agricultural Area Security Law (AASL), 3 P. S. § 901 et seq., the Agriculture Communities and Rural Environment (ACRE) Law, 3 P.S. § 311 et seq., or other state law or statute which prohibits inconsistent regulation by a local municipality.

§ 49-101 Definitions.

OWNER

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

RUNNING OF DOGS AT LARGE

Shall mean any dog not under immediate control, not on a leash or lead, not at heel, not beside a competent person, not in a vehicle driven or parked, or not confined within the property limits of his owner, except as provided below.

A dog shall not be considered to be "running at large" in the following circumstances:

Dogs Used for Hunting or Tracking. Dogs used for hunting or tracking shall not be deemed to be running at large provided any such dog is wearing a collar with a tag showing the name and telephone number of the owner of the dog and the hunting or tracking is being conducted with the permission of the landowner.

Field trials or training. During field trials or formal obedience, agility, or similar training periods when the dog is accompanied by its owner or custodian.

Fenced dog park or exercise area. When the dog is in a securely fenced or otherwise specifically designated dog park or dog exercise area established by a governmental entity, a homeowner's association, or a community organization, where the park is designed to prevent a dog from escaping.

Service dog; when leashing is not required. When the dog is a service animal whose handler, because of a disability, is unable to use a harness, leash, or other tether, or the use of such a device would interfere with the service dog's safe and effective performance of work or tasks, provided that the service dog is otherwise under the handler's control through voice control, signals, or other effective means.

Public service activities/training (e.g., "K-9"). During search and rescue and similar public service activities and training exercises, when the dog is accompanied by its owner or custodian, or by a qualified handler, provided that during training exercises, the owner, custodian, or handler has the express permission of the owner or occupant of the property on which the dog(s) are being trained.

Farm dogs. When the dog is a working farm dog that is either guarding or herding cows, fowl, goats, sheep, swine, or other domestic animals normally raised on a farm.

§ 49-102 Restrictions of Dogs.

- A. The owners of every dog within the Township of Westtown shall at all times take reasonable care and precaution to prevent the dog from leaving the real property limits of its owner, possessor, or custodian, and ensure that:
 - 1. It is securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition; and that such enclosure is securely locked at any time the animal is left unattended; or
 - 2. It is securely and humanely restrained by an invisible containment system. If using an invisible containment system, a sign must be posted on the property indicating that the system is in place; or
 - 3. It is on a leash or lead and under the control of a competent person; or it is off leash or lead and obedient to and under voice command of a competent person who is in the immediate proximity of the dog any time it is not otherwise restrained.
- B. No person shall permit a dog which is under his or her custody or control, whether by leash or lead, restraint, effective 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, without being required to immediately cleanup and remove any feces resulting from the dog's presence on any such public or private property, for proper disposal as solid waste.

§ 49-103 Running of Dogs at Large.

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.

§ 49-104 Continuous Barking of Dogs Prohibited.

No person shall own, possess, harbor or control any dog which howls or barks continuously 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.

§ 49-105 Issuance of Warnings.

Prior to the issuance of a citation for a violation of § 49-104, a warning shall be issued to the owner of the dog. Upon notification that a person is violating § 49-104, 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 § 49-104 and a notice that a fine will be imposed for the second and all subsequent violations in accordance with § 49-106C.

§ 49-106 Violation and Enforcement Provision.

- A. Any person who violates or permits the violation of any provision of this Article, except § 49-104, shall, upon being found liable therefor in a 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 criminal procedure.
- B. Any person who is found liable for any second or subsequent offense for a violation of any provision of this Article, except § 49-104, shall, upon being found liable therefor in a criminal 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 criminal procedure.

C. Violation of § 49-104.

1. Any person who violates or permits the violation of § 49-104 of this Article 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 in any calendar year: fine of \$25.
 - (b) Second violation in any calendar year: fine of \$50.
 - (c) Third 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 owner 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.

SECTION 2. If any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

SECTION 3. All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed insofar as the same affects this ordinance.

SECTION 4. This amendment shall take effect and be in full force and effect five (5) days from and after the date of its final passage and adoption.

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ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township this ____ day of _____, 2021.

**WESTTOWN TOWNSHIP
BOARD OF SUPERVISORS**

Richard Pomerantz, Chair

Carol DeWolf, Vice Chair

Scott Yaw, Police Commissioner

Attest:

Jon Altshul, Township Manager

MEMO

Date: December 31, 2020
To: Board of Supervisors
From: Jon Altshul, Township Manager
Re: Mission Statement

At the December 21 meeting, I was asked to begin work on drafting a mission statement for Westtown Township. As a first step, I asked Bridget to review the mission statements of other area municipalities. A spreadsheet summarizing her research is attached. As you'll see, many of these are as much "marketing tag lines" as they are traditional "mission statements."

To get the ball rolling, it might be helpful to get feedback from the Board members on what ideas or concepts they'd like to see emphasized in a mission statement. For example, should the emphasis be on:

- Preservation (e.g. history or natural resources)
- Planning (e.g. carefully anticipating future growth)
- Resident-oriented services (e.g. strong customer service)
- Quality of life (e.g. excellent recreation facilities, schools, amenities, etc)
- A specific geographic landmark (e.g. Oakbourne Mansion)
- Anything else?

Municipality	Mission Statement
Atglen Borough	N/A
Avondale Borough	N/A
Birmingham Township	N/A
Caln Township	N/A
Chadds Ford Township (DC)	N/A
Charlestown Township	N/A
Concord Township (DC)	N/A
Downingtown Borough	N/A
East Bradford Township	N/A
East Brandywine Township	N/A
East Caln Township	N/A
East Coventry Township	N/A
East Fallowfield Township	N/A
East Goshen Township	Respecting the Past, Serving the Present, Preparing for the Future
East Marlborough Township	N/A
East Nantmeal Township	N/A
East Nottingham Township	N/A
East Pikeland Township	N/A
East Vincent Township	Your Home Town
East Whiteland Township	The Heart of Great Valley
Easttown Township	N/A
Edgmont Township (DC)	The Emerald of Delaware County
Elk Township	N/A
Elverson Borough	The Greatest Square Mile in Pennsylvania
Franklin Township	N/A
Highland Township	N/A
Honey Brook Borough	N/A
Honeybrook Township	N/A
Kennett Township	N/A
Kennett Square Borough	Our mission is to provide a desirable community through service progress, and preservation to our diverse population.
London Britain Township	N/A
London Grove Township	A beautiful place to discover
Londonderry Township	N/A
Lower Oxford Township	N/A
Malvern Borough	A Great Place to Live, Work, and Play!
New Garden Township	N/A
New London Township	N/A
Newlin Township	A River Runs Through It
Newtown Township (DC)	Full of History. Vibrant Today. Brighter Tomorrow.
North Coventry Township	N/A
Oxford Borough	N/A
Parkesburg Borough	N/A
Penn Township	A great place to live, work and retire
Pennsbury Township	N/A
Phoenixville Borough	N/A
Pocopson Township	A residential, agricultural and historic community located in the heart of Chester County, Pennsylvania
Sadsbury Township	N/A
Schuylkill Township	N/A
South Coatesville Borough	N/A
South Coventry Township	N/A
Thornbury Township	N/A
Thornbury Township (DC)	N/A
Tredyffrin Township	N/A
Upper Oxford Township	N/A
Upper Uwchlan Township	N/A
Uwchlan Township	N/A
Valley Township	N/A
Wallace Township	N/A
Warwick Township	The Heart of Bucks County

West Bradford Township	Between The Brandywine
West Brandywine Township	N/A
West Caln Township	N/A
West Chester Borough	N/A
West Fallowfield Township	N/A
West Goshen Township	N/A
West Grove Borough	N/A
West Marlborough Township	N/A
West Nantmeal Township	N/A
West Nottingham Township	N/A
West Pikeland Township	N/A
West Sadsbury Township	N/A
West Vincent Township	N/A
West Whiteland Township	Exton: The Crossroads of Chester County
Willistown Township	N/A
Manheim Township	A Healthy Community
Norristown Borough	Where You Belong
Mt Lebanon Township	A Community With Character
Radnor Township	The Best Place To Live, Work, Visit, and Do Business on the Main Line

**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION 2021-3

A RESOLUTION ESTABLISHING THE WESTTOWN TOWNSHIP ENVIRONMENTAL ADVISORY COMMISSION, SETTING FORTH THE DUTIES AND RESPONSIBILITIES THEREOF, ESTABLISHING THE MEMBERSHIP THEREOF, AND PROVIDING FOR THE ORGANIZATION AND MEETINGS OF THE COMMISSION

WHEREAS, the Township of Westtown in Chester County, Pennsylvania, is a Township of the Second Class, and,

WHEREAS, the 2019 Westtown Township Comprehensive Plan identified energy conservation and protection of natural resources as priorities for the Township

WHEREAS, the Board of Supervisors of Westtown Township has determined it to be appropriate to establish a Commission to provide advisory support and guidance on these matters to the Board of Supervisors.

NOW THEREFORE BE IT HEREBY RESOLVED that the Township of Westtown hereby establishes an Environmental Advisory Commission, which shall be governed by the rules and regulations set forth, setting forth the duties and responsibilities of the Commission.

Section 1. Name

The name of the body hereby established shall be the “Westtown Township Environmental Advisory Commission”.

Section 2. Mission Statement

To develop, in partnership with the Board of Supervisors, residents, and businesses, a culture of environmental sustainability in Westtown Township by utilizing innovation, education, communication, and comprehensive and strategic planning.

Section 3. Duties and Responsibilities

The Westtown Township Environmental Advisory Commission (hereinafter referred to as “EAC”) shall have the following duties and responsibilities:

1. Promote the public interest in the work of the EAC.
2. Develop and recommend policies and practices related to sustainability, the protection of natural resources and energy conservation for consideration by the Board of Supervisors.

3. Work with the other Commissions on initiatives related to sustainability, the protection of natural resources and energy conservation.
4. Perform such other duties as may be delegated to the EAC from time to time by the Board of Supervisors.

Section 4. Membership and Terms of Office

The EAC shall be composed of up to seven (7) persons, each of whom shall be residents of Westtown Township, and may be a member of an existing ABC, each of whom shall be appointed by the Board of Supervisors. Duly appointed EAC members shall serve at the pleasure of the Board of Supervisors but, unless otherwise removed by the Board of Supervisors, shall serve for terms of three (3) years each, or until their successors are appointed; except that of the up to seven (7) persons initially appointed, three (3) shall be appointed for a one (1) year term, two (2) shall be appointed for a two (2) year term, two (2) shall be appointed to a three (3) year term. All persons appointed shall serve their full terms unless voluntarily resigned or removed by the Board of Supervisors, at the pleasure of the Board. Vacancies in the EAC occurring otherwise than by expiration of the term shall be for the unexpired term, and shall be filled by appointment by the Board of Supervisors.

Section 5. Compensation

Members of the EAC shall receive no compensation for their services, but may be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties and in the conduct of EAC business, when such reimbursement is authorized and approved by the Board of Supervisors.

Section 6. Organization

The members of the EAC shall annually elect their own Chairman and other such officers they shall deem appropriate and, all officers shall serve for a period of one year. Vacancies in any office created by resignation or otherwise, including a vacancy in the office of the Chairman, even if occurring during the first year, shall be filled for the unexpired term by election by the members of the EAC. The EAC shall adopt rules and regulations for the conduct of all business within its jurisdiction.

Section 7. Meetings

Regular public meetings shall be held to conduct the business of the EAC. The EAC shall keep records of its meetings and activities and shall make an annual report to the Board of Supervisors of its activities.

Section 8. Funding

The EAC shall submit a proposed budget to the Board of Supervisors during the regular

Township budget process. Funds for the expenses to be incurred by the EAC shall, at the discretion of the Board of Supervisors, be appropriated by the Board of Supervisors. The EAC may expend monies for such administrative clerical, printing and legal services as may from time to time be required to, but its expenditures shall be limited to the amount of funds appropriated to it by the Board of Supervisors and, at all times, expenditures of the EAC shall be subject to the approval of the Board of Supervisors.

Section 9. Effective Date

This resolution shall take affect upon appointment by the Board of Supervisors of at least four (4) members of the EAC.

ADOPTED, this _____ day of _____ 2021.

ATTEST:

**WESTTOWN TOWNSHIP
BOARD OF SUPERVISORS**

Secretary

