

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY,
BUCKS COUNTY, PENNSYLVANIA, AMENDING THE
SOLEBURY TOWNSHIP ZONING ORDINANCE
REGARDING DOG DAYCARE USES**

WHEREAS, Section 1516 (53 P.S. § 66516) of the Pennsylvania Second Class Township Code provides that the corporate powers of the Board of Supervisors of Solebury Township (the “Board of Supervisors”) include the ability to plan for the development of the Township through Zoning, Subdivision, and Land Development Regulations under the Act of July 13, 1968 (P.L. 805, No. 247), known as the “Pennsylvania Municipalities Planning Code”;

WHEREAS, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinances in which general or specific powers of the Township may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. § 66601);

WHEREAS, the proposed amendments are geared toward fulfilling the Township’s obligations under Article I, Section 27 of the Pennsylvania Constitution, and of protecting the public health, safety, and welfare of Township citizens; and

WHEREAS, the proposed amendments have been advertised, considered, and reviewed in accordance with Municipalities Planning Code Section 609 (53 P.S. § 10609);

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Solebury Township, Bucks County, Pennsylvania, as follows:

I. Chapter 27 of the Township Code of Ordinances is hereby **AMENDED** as follows:

A. ADD the following to the definition of “dog daycare”:

This use does not include occasional or infrequent dogsitting on behalf of a neighbor or friend who choose to compensate the person for caring for their dog(s).

B. ADD the following to **Section 27-402.1.C.(14)**:

(accessory use only)

C. ADD the following to **Section 27-602.1.C.(16)**:

(accessory use only)

D. ADD a new **Section 27-404.1.C.(9)** as follows:

(9) Dog Daycare.

(a) Minimum lot area: 2 acres

(b) See Section 2601.1.MM for additional requirements

E. ADD a new **Section 27-604.1.C.(10)** as follows:

(10) Dog Daycare.

(a) Minimum lot area: 2 acres

(b) See Section 2601.1.MM for additional requirements

F. ADD the following to **Section 27-2602.1.MM** regarding use standards for dog daycare facilities:

6. For the purposes of these use regulations for dog daycare facilities, “inside” shall mean within a building with enclosing walls and a roof.

7. No dog daycare or runway shall be located closer than 200 feet from a property boundary, and 350 feet from any building, other than that of the operator.

8. Any storage of manure shall be located at least 150 feet from any property line or street line.

9. All dogs shall be confined so that they cannot run free or leave the property.

10. A condition of any Township zoning approval for a dog daycare in the RA and RB District shall be that the facility obtain an annual renewal from the Zoning Officer. As part of considering whether to grant a renewal, the Zoning Officer may consider: a) the number, if any, of complaints relative to the facility made in the year preceding the renewal application; b) whether the Township found any of such complaint(s) to be valid; c) any notices of violation or other enforcement action taken by the Township against the facility within the year preceding the renewal application; and d) after the facility’s second year of operation, a comparison of the facility’s compliance record in the year preceding the renewal to prior years of operation. The Zoning Officer may deny the renewal for willful or reckless failure to comply with the Township’s ordinances, including failing to correct any violations within a timely manner and failing to be proactive to prevent future noncompliance or other reason in accord with § 27-2909.

G. ADD the following language to **Section 2602.1.MM(4)** after the word “district”:

, unless otherwise specified in the area and bulk regulations pertaining to the district.

H. STRIKE Section 2602.1.MM.(5) and **REPLACE** it with the following:

(5) All dogs must be housed inside from the hours of 8:00 p.m. to 7:00 a.m.

- I. **STRIKE Section 2602.1.H.(5) and REPLACE** it with the following:
 (5) All dogs must be housed inside from the hours of 8:00 p.m. to 7:00 a.m.
- J. **STRIKE Section 27-2602.1.H.(7) and REPLACE** it with the following:
 (7) For the purposes of these use regulations for kennels, “inside” shall mean within a building with enclosing walls and a roof.
- K. **ADD** the following to Section 27-1604.1.A. immediately after “except private recreational facilities”:
 , and dog daycares.
- L. **REVISE** all references to “dog day care” in the codified ordinances to “dog daycare,” consistent with the terms used in this Ordinance and in Ordinance No. 2018-004.

II. Partial Repealer

All other provisions of the Ordinances of Solebury Township, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Ordinance inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

III. Severability

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

IV. Effective Date

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

ORDAINED AND ENACTED this ____ day of _____, 2018.

BOARD OF SUPERVISORS OF SOLEBURY
 TOWNSHIP, BUCKS COUNTY,
 PENNSYLVANIA

Mark Baum Baicker, Chair

Kevin Morrissey, Vice Chair

Noel Barrett, Member

John Francis, Member

Robert McEwan, Member

Attest:

Catherine Cataldi, Township Secretary