

EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

RESOLUTION NO. 2015-126

A RESOLUTION OF THE EAST GOSHEN TOWNSHIP BOARD OF SUPERVISORS ADOPTED PURSUANT TO SECTION 609.2 OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, 53 P.S. § 10609.2, FOR MUNICIPAL CURE OF SECTION 240-32.A(1) OF THE EAST GOSHEN TOWNSHIP ZONING ORDINANCE OF 1997, AS AMENDED, PERTAINING TO KEEPING OF SMALL ANIMALS AND HOUSEHOLD PETS.

WHEREAS, in accordance with the procedures established and mandated by Section 609.2 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10609.2 ("PaMPC"), on February 17, 2015, the Board of Supervisors of East Goshen Township (the "Board") adopted a Formal Declaration to initiate the required procedures for a municipal cure of Section 240-32.A(1) of the East Goshen Township Zoning Ordinance of 1997, as amended (the "Zoning Ordinance") pertaining to the number of small animals or household pets that may be kept on a lot as an accessory use; and

WHEREAS, Section 609.2 of the PaMPC requires that within thirty (30) days after adoption of the aforesaid Formal Declaration, the Board must adopt a resolution making specific findings setting forth the declared invalidity of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED AND ADOPTED AS FOLLOWS:

1. The Board finds that Section 240-32.A(1) of the Zoning Ordinance may be substantively invalid because it fails to articulate legitimate public health, safety and welfare goals that the Zoning Ordinance seeks to enforce by restricting the number of small animals and household pets that may be kept on a lot as an accessory use.

2. The Board finds that Section 240-32.A(1) of the Zoning Ordinance may be substantively invalid because it does not articulate the legitimate goals sought to be advanced by the adoption of the ordinance of preventing public nuisances and protecting the health, safety and welfare of neighboring property owners.

3. The Board finds that Section 240-32.A(1) of the Zoning Ordinance may be substantively invalid as it establishes an arbitrary limit on the number of small animals and household pets a person can maintain on a lot as an accessory use without consideration of the size of a lot.

4. The Board directs the preparation and consideration by Township staff, consultants and the Township Solicitor, as necessary, of a municipal curative amendment to Section 240-32.A(1) of the Zoning Ordinance to correct the declared invalidity in accordance with the procedures and time required by Section 609.2 of the PaMPC.


RESOLVED, APPROVED AND ADOPTED by the Board of Supervisors of East Goshen Township this 17th day of MARCH, 2015.

ATTEST:

**BOARD OF SUPERVISORS
EAST GOSHEN TOWNSHIP**



Louis F. Smith, Secretary



E. Martin Shane, Chairman

Senya D. Isayeff, Vice-Chairman



Carmen R. Battavio, Member

Charles W. Proctor III

Charles W. Proctor, III, Esquire, Member

Janet L. Emanuel

Janet L. Emanuel, Member