

BOROUGH OF DONORA
WASHINGTON COUNTY, PENNSYLVANIA
ORDINANCE NO. _____ OF 2026

AN ORDINANCE AMENDING THE BOROUGH OF DONORA ZONING ORDINANCE (1034) TO ESTABLISH LIMITED NON-COMMERCIAL RESIDENTIAL ANIMAL KEEPING AS A SPECIFIC ACCESSORY USE; AUTHORIZING SUCH USE IN THE R1-B AND R1-C ONE-FAMILY RESIDENCE DISTRICTS SUBJECT TO SPECIFIC LIMITATIONS AND CONDITIONS; EXPRESSLY PROHIBITING SUCH USE IN THE R2 TWO-FAMILY AND R3 MULTIPLE-FAMILY RESIDENCE DISTRICTS UNLESS OTHERWISE AUTHORIZED; ESTABLISHING DEFINITIONS, ANIMAL LIMITATIONS, SETBACK AND STRUCTURAL REQUIREMENTS, AND RELATIONSHIP TO THE BOROUGH'S ANIMAL, POULTRY, LIVESTOCK AND ANIMAL NUISANCE ORDINANCE; AND PROVIDING FOR SEVERABILITY, REPEAL AND EFFECTIVE DATE.

WHEREAS The Borough of Donora has adopted a Zoning Ordinance regulating the use of land and structures within the Borough and establishing various zoning districts; and

WHEREAS The existing Zoning Ordinance establishes the **R1-B One-Family Residence District**, the **R1-C One-Family Residence District**, the **R2 Two-Family Residence District**, and the **R3 Multiple-Family Residence District** as residential zoning classifications.

WHEREAS The existing R1-B District permits one-family dwellings, general gardening and growing of trees and nursery stock, certain public and conditional uses, and accessory uses or structures.

WHEREAS The existing R1-C District provides that its permitted uses are the same as those permitted in the R1-B District.

WHEREAS The Borough Council recognizes that certain residents may desire to maintain a limited number of domesticated poultry or small domesticated animals for personal, household, educational or recreational purposes; and

WHEREAS The Borough Council further recognizes that such animal keeping, if conducted without reasonable standards, may result in excessive noise, odors, animal waste, vermin, escaped animals, unsanitary conditions and other conditions affecting neighboring properties; and

WHEREAS The Borough Council desires to provide a clear and narrowly defined zoning authorization for limited residential animal keeping rather than leave such activity subject solely to the general accessory-use provisions of the existing Zoning Ordinance; and

WHEREAS The Borough Council intends that Limited Non-Commercial Residential Animal Keeping remain subordinate and incidental to the principal residential use of the property and shall not constitute a commercial agricultural operation, commercial livestock operation, farm or other independent principal use; and

WHEREAS The Borough Council recognizes that the existing **S Conservancy District** separately permits agricultural uses, including field crops, truck gardening, tree crops, nurseries, orchards, aviaries and apiaries.

WHEREAS Nothing contained in this amendment is intended to amend, restrict or otherwise alter the agricultural uses currently authorized or protected by applicable law within the S Conservancy District; and

WHEREAS The Pennsylvania Borough Code authorizes boroughs to regulate the keeping or running at large of livestock and fowl and other animals, while expressly providing that such ordinances shall not unreasonably interfere with agricultural operations to the extent prohibited by Pennsylvania law.

WHEREAS The Pennsylvania Municipalities Planning Code establishes the procedure by which zoning ordinance amendments are considered and enacted, including public hearing, planning-agency review and county planning-agency submission requirements.

WHEREAS The Borough Council intends this amendment to regulate limited residential animal keeping without unlawfully prohibiting or interfering with a normal agricultural operation protected by Pennsylvania law, including protections applicable under Pennsylvania's Agriculture, Communities and Rural Environment law.

WHEREAS The Borough Council finds that the amendment is consistent with the public health, safety and general welfare of the Borough and is necessary to provide clear and enforceable standards concerning limited residential animal keeping;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Donora, Washington County, Pennsylvania, and it is hereby ordained and enacted as follows:

ARTICLE I

AMENDMENT TO ARTICLE II — DEFINITIONS

SECTION 1. Amendment to Section 202 — Definitions.

The Borough of Donora Zoning Ordinance is hereby amended to add the following definition to **Section 202 — Definitions**:

LIMITED NON-COMMERCIAL RESIDENTIAL ANIMAL KEEPING A subordinate accessory use to a lawful one-family dwelling consisting of the keeping of a limited number of permitted domesticated poultry and/or small domesticated animals for personal, household, educational, recreational or similar non-commercial purposes, subject to all applicable provisions of this Ordinance and the Borough's Animal, Poultry, Livestock and Animal Nuisance Ordinance.

Limited Non-Commercial Residential Animal Keeping shall not include:

- A. Commercial farming;
- B. Commercial livestock production;
- C. Commercial poultry production;
- D. Commercial breeding;
- E. Commercial animal boarding;
- F. A kennel;
- G. A hatchery operated for commercial purposes;
- H. A slaughtering or animal-processing operation;
- I. A feedlot;
- J. The keeping of large livestock as a principal or commercial use;
- K. A farm or agricultural operation conducted as a business; or
- L. Any animal use prohibited by federal or Pennsylvania law.

ARTICLE II

AMENDMENT TO ARTICLE II — ACCESSORY USE

SECTION 2. Accessory Use Clarification.

The existing definition and provisions governing accessory uses shall remain in full force and effect.

For purposes of clarity, **Limited Non-Commercial Residential Animal Keeping shall constitute a specifically authorized accessory use only in those zoning districts where expressly permitted by this Ordinance.**

No person shall rely upon the general accessory-use provisions of the Zoning Ordinance to establish an animal-keeping use that is otherwise prohibited by this amendment.

ARTICLE III

AMENDMENT TO ARTICLE V — R1-B ONE-FAMILY RESIDENCE DISTRICT

SECTION 3. Amendment to Section 501 — Use.

Section 501 of the Borough Zoning Ordinance is hereby amended by adding a new subsection immediately following §501-7:

§501-7A. Limited Non-Commercial Residential Animal Keeping.

Limited Non-Commercial Residential Animal Keeping is hereby established as a **permitted accessory use** to a lawful one-family dwelling in the R1-B One-Family Residence District, subject to all requirements of this Section and the Borough's Animal, Poultry, Livestock and Animal Nuisance Ordinance.

§501-7A(1). Permitted Poultry.

Subject to all requirements of this Ordinance, a property may maintain:

- A. Hens** - A maximum of **four (4) hens**.
- B. Ducks** - A maximum of **two (2) domesticated ducks**.
- C. Roosters** - **Roosters are expressly prohibited.**

No rooster shall be considered a permitted accessory animal under this Section.

§501-7A(2). Permitted Goats.

A maximum of two (2) miniature, pygmy, or Nigerian Dwarf goats may be maintained on a residential property as part of the permitted accessory use. Full-size goats shall not be permitted under this residential accessory-use authorization.

Notwithstanding the foregoing, the keeping or maintenance of goats shall not be permitted where prohibited or otherwise restricted by any valid deed restriction, restrictive covenant, easement, declaration, or other legally enforceable private property restriction contained within or established through the property's Chain of Title, including any covenant that runs with the land and is binding upon the subject property and its successors in title.

§501-7A(3). Other Domesticated Animals.

Other small domesticated animals may be permitted where:

- A. The animal is expressly authorized by the Borough's Animal, Poultry, Livestock and Animal Nuisance Ordinance;
 - B. The animal is not otherwise prohibited by federal or Pennsylvania law;
 - C. The animal is compatible with residential use;
 - D. The animal does not constitute a commercial operation; and
 - E. The animal does not create a nuisance or violate any other Borough ordinance.
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ARTICLE IV

R1-B ANIMAL-KEEPING CONDITIONS

SECTION 4. General Conditions.

Limited Non-Commercial Residential Animal Keeping shall comply with all of the following:

A. Principal Residence Required. The animal-keeping use shall be accessory to a lawful one-family dwelling located on the same zoning lot.

B. Non-Commercial Use. - Animals shall be maintained primarily for personal, household, educational or recreational purposes.

The animal-keeping use shall not constitute a commercial business.

C. No Slaughtering. - No commercial slaughtering, processing or preparation of animals shall occur on the premises.

D. No Commercial Breeding. - Commercial breeding of animals or poultry is prohibited.

E. No Boarding. - The keeping or boarding of animals belonging to persons other than the property owner or lawful resident is prohibited unless otherwise authorized by the Zoning Ordinance.

ARTICLE V

ANIMAL ENCLOSURES AND STRUCTURES

SECTION 5. Animal Enclosures.

Animal coops, shelters, pens, runs, hutches and similar structures shall comply with all applicable provisions of the Borough Zoning Ordinance.

§5-1. Accessory Structure Requirements.

Any animal shelter, coop, pen or other structure that constitutes a structure under the Zoning Ordinance shall comply with applicable:

- A. Setback requirements;
 - B. Height limitations;
 - C. Lot-coverage requirements;
 - D. Building-code requirements;
 - E. Permit requirements;
 - F. Yard requirements; and
 - G. Other applicable zoning regulations.
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§5-2. Location.

Animal enclosures shall be located entirely upon the owner's zoning lot and shall not extend into:

- A. A public right-of-way;
- B. A public alley;
- C. A required front yard, unless otherwise permitted by this Ordinance;
- D. Another person's property; or
- E. Any area where the structure is otherwise prohibited.

§5-3. Fencing.

Where fencing is required to contain animals, the fencing shall be sufficient to reasonably prevent the animals from escaping.

ARTICLE VI

SANITATION AND NUISANCE REQUIREMENTS

SECTION 6. Compliance With Animal Ordinance.

All animal keeping authorized under this amendment shall comply with the Borough's **Animal, Poultry, Livestock and Animal Nuisance Ordinance**, as amended from time to time.

That Ordinance shall govern matters including:

- A. Animal care;
- B. Sanitation;
- C. Waste;
- D. Odor;
- E. Noise;
- F. Animal health;
- G. Vaccination and inoculation requirements;
- H. Disease prevention;
- I. Poultry banding;
- J. Animals running at large; and
- K. Enforcement and penalties.

ARTICLE VII

ROOSTER PROHIBITION

SECTION 7. Roosters Prohibited.

Notwithstanding any other provision of the Borough Zoning Ordinance, **roosters are prohibited as part of Limited Non-Commercial Residential Animal Keeping.**

No person shall use the provisions of this amendment to establish, maintain or continue a rooster on property where the only authority for keeping such animal is this residential accessory-use provision.

This provision shall not be construed to unlawfully regulate a normal agricultural operation protected by Pennsylvania law.

ARTICLE VIII NOISE

SECTION 8. Animal Noise.

Limited Non-Commercial Residential Animal Keeping shall be conducted in a manner that does not create unreasonable, excessive, continuous or repeated animal noise that materially interferes with the reasonable use and enjoyment of neighboring property.

The Borough may enforce violations pursuant to the Animal, Poultry, Livestock and Animal Nuisance Ordinance and any other applicable Borough ordinance.

ARTICLE IX ODOR AND WASTE

SECTION 9. Animal Waste and Manure Management.

A. General Requirement.

Animal waste, manure, bedding, feathers, feed waste and other animal-related waste generated by animals maintained pursuant to this amendment shall be collected, handled, stored, transported and disposed of in a manner that complies with the Borough's Animal, Poultry, Livestock and Animal Nuisance Ordinance and all applicable federal and Pennsylvania laws and regulations.

B. Manure Management Plan.

To the extent required by applicable Pennsylvania law, any person maintaining animals pursuant to this amendment who engages in the land application of animal manure or agricultural process wastewater shall develop, maintain and implement a written Manure Management Plan ("MMP") in accordance with 25 Pa. Code § 91.36(b), as amended from time to time, and the Pennsylvania Department of Environmental Protection's current Manure Management Manual.

C. Implementation.

Where a Manure Management Plan is required, all manure and agricultural process wastewater shall be managed and land applied in accordance with the applicable plan, including applicable requirements concerning nutrient management, soil and manure testing, application rates and methods, setbacks, buffers, and measures necessary to prevent pollution of surface water and groundwater.

D. Alternative Authorization.

The requirements of subsection B shall not apply where the land application activity is otherwise conducted pursuant to a DEP permit or approval, an approved Nutrient Management Plan, CAFO permit, or other plan or authorization recognized by Pennsylvania law as satisfying the requirements of 25 Pa. Code § 91.36(b).

E. Records.

Where required by Pennsylvania law or DEP, the property owner or operator shall maintain records demonstrating compliance with the applicable Manure Management Plan and shall provide such records to the appropriate governmental authority upon lawful request.

F. Nuisance and Runoff Prohibited.

Regardless of whether a Manure Management Plan is required, animal waste shall not be allowed to accumulate in a manner that:

1. Creates an unreasonable odor;
2. Attracts rodents or vermin;
3. Creates a fly infestation;
4. Creates a public-health nuisance;
5. Runs onto adjoining property;
6. Enters a public street, drainage facility or stormwater system;
7. Causes or contributes to pollution of surface water or groundwater; or
8. Otherwise materially interferes with neighboring property.

G. State Law Controls.

Nothing in this Section shall be interpreted to supersede or replace any requirement of the Pennsylvania Department of Environmental Protection, Pennsylvania Department of Agriculture, State Conservation Commission, county conservation district, or other governmental agency having lawful jurisdiction. Where applicable Pennsylvania law establishes a more stringent requirement, the more stringent requirement shall control.

ARTICLE X

ANIMAL HEALTH AND DISEASE CONTROL

SECTION 10. State and Federal Requirements.

Nothing in this zoning amendment shall supersede or replace any applicable:

- A. Pennsylvania Department of Agriculture requirement;
 - B. Pennsylvania Department of Health requirement;
 - C. Pennsylvania Game Commission requirement;
 - D. Pennsylvania Fish and Boat Commission requirement;
 - E. Pennsylvania Department of Conservation and Natural Resources requirement;
 - F. United States Department of Agriculture requirement;
 - G. United States Fish and Wildlife Service requirement; or
 - H. Other applicable federal or state requirement.
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§10-1. Vaccination and Inoculation.

Animals maintained pursuant to this amendment shall comply with all vaccination, inoculation, testing, quarantine and disease-control requirements imposed by applicable federal or Pennsylvania law.

§10-2. Disease Prevention.

Animal owners shall comply with the Borough's Animal, Poultry, Livestock and Animal Nuisance Ordinance concerning sanitation, biosecurity and disease prevention.

ARTICLE XI POULTRY IDENTIFICATION

SECTION 11. Poultry Banding.

All chickens, hens and ducks maintained under this accessory use shall comply with the poultry identification and banding requirements established by the Borough's Animal, Poultry, Livestock and Animal Nuisance Ordinance.

The zoning authorization granted by this amendment shall not be construed as authorization to keep unregistered or improperly identified poultry.

ARTICLE XII RUNNING AT LARGE

SECTION 12. Animals at Large.

Animals maintained under this accessory use shall not be permitted to run at large.

The owner shall maintain reasonable fencing, enclosure or other means of control sufficient to prevent animals from leaving the property.

ARTICLE XIII NUMBER OF ANIMALS

SECTION 13. Maximum Number.

The maximum number of animals permitted under Limited Non-Commercial Residential Animal Keeping shall be cumulative and shall not be increased by combining multiple dwelling units, residents, occupants or owners on the same zoning lot.

For a qualifying zoning lot:

Animal	Maximum
Hens	4
Ducks	2
Roosters	0
Miniature/Pygmy/Nigerian Dwarf Goats	2

The Borough Council may amend these limitations by subsequent zoning ordinance amendment.

ARTICLE XIV

R1-C ONE-FAMILY RESIDENCE DISTRICT

SECTION 14. Amendment to Section 601.

Section 601 of the Borough Zoning Ordinance currently provides:

"Same as in the 'R1-B' District, Section 501."

To eliminate ambiguity concerning the residential animal-keeping use, Section 601 shall be amended to expressly provide:

§601-1. Limited Non-Commercial Residential Animal Keeping.

Limited Non-Commercial Residential Animal Keeping, as authorized by §501-7A and §§4 through 13 of this amendment, shall be a permitted accessory use to a lawful one-family dwelling in the R1-C One-Family Residence District.

All limitations and requirements applicable in the R1-B District shall apply equally in the R1-C District.

ARTICLE XV

R2 TWO-FAMILY RESIDENCE DISTRICT

SECTION 15. Express Exclusion.

Notwithstanding any provision of the Borough Zoning Ordinance incorporating uses from another residential district, **Limited Non-Commercial Residential Animal Keeping shall not be a permitted accessory use in the R2 Two-Family Residence District under this amendment.**

No person shall establish such use in an R2 District based solely upon the fact that certain R1-B uses may otherwise be incorporated into the R2 District.

ARTICLE XVI

R3 MULTIPLE-FAMILY RESIDENCE DISTRICT

SECTION 16. Express Exclusion.

Notwithstanding any provision of the Borough Zoning Ordinance incorporating uses from another residential district, **Limited Non-Commercial Residential Animal Keeping shall not be a permitted accessory use in the R3 Multiple-Family Residence District under this amendment.**

No person shall establish such use in an R3 District based solely upon an incorporation or reference to uses permitted in another residential district.

ARTICLE XVII

COMMERCIAL AND INDUSTRIAL DISTRICTS

SECTION 17. No Authorization Created.

Nothing in this amendment shall authorize Limited Non-Commercial Residential Animal Keeping in:

- A. C1 Neighborhood Shopping District;
- B. C3 Community Business District;
- C. M1 Planned Light Industrial District; or
- D. M3 Heavy Industrial District,

unless the use is independently authorized under the applicable provisions of the Borough Zoning Ordinance.

ARTICLE XVIII

S CONSERVANCY DISTRICT

SECTION 18. Existing Agricultural Provisions Preserved.

Nothing in this amendment shall amend, repeal, restrict or otherwise alter §401 or any other provision of the S Conservancy District.

The existing Zoning Ordinance expressly permits agricultural uses in the S District, including field crops, truck gardening, berry or bush crops, tree crops, flower gardening, nurseries, orchards, aviaries and apiaries.

Any agricultural operation otherwise permitted or protected by applicable Pennsylvania law shall remain governed by the existing Zoning Ordinance and applicable state and federal law.

ARTICLE XIX

AGRICULTURAL OPERATIONS

SECTION 19. Protection of Agricultural Operations.

Nothing contained in this amendment shall be interpreted to prohibit, restrict or regulate a normal agricultural operation in a manner prohibited by Pennsylvania law.

The Borough Council specifically recognizes that the Pennsylvania Borough Code provides authority to regulate livestock and fowl while expressly limiting that authority where the regulation would unreasonably interfere with an agricultural operation contrary to state law.

The Borough Council further recognizes Pennsylvania's ACRE law, under which the Pennsylvania Attorney General may review local ordinances that unlawfully restrict normal agricultural operations.

ARTICLE XX NONCONFORMING ANIMAL USES

SECTION 20. Existing Uses.

Nothing in this amendment shall automatically establish an otherwise unlawful animal use as a lawful nonconforming use.

Any claim of lawful nonconforming status shall be determined in accordance with the Borough Zoning Ordinance and applicable Pennsylvania law.

ARTICLE XXI ENFORCEMENT

SECTION 21. Enforcement.

Violations of this amendment shall be enforced pursuant to the enforcement provisions of the Borough Zoning Ordinance and applicable Pennsylvania law.

Violations concerning animal care, sanitation, noise, odor, disease prevention, poultry banding or running at large may additionally be enforced under the Borough's Animal, Poultry, Livestock and Animal Nuisance Ordinance.

ARTICLE XXII ZONING PERMIT

SECTION 22. Zoning Approval.

Prior to construction of any coop, shelter, pen, run, enclosure or other structure requiring zoning or building approval, the property owner shall obtain all required permits or approvals. The Borough may require submission of a site plan showing:

- A. Property lines;
 - B. Existing structures;
 - C. Proposed animal enclosure;
 - D. Dimensions;
 - E. Setbacks;
 - F. Fencing;
 - G. Access;
 - H. Drainage; and
 - I. Other information reasonably necessary to determine compliance.
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ARTICLE XXIII

NO COMMERCIAL USE

SECTION 23. Commercial Activity Prohibited.

The authorization created by this amendment shall not be interpreted to authorize:

- A. Commercial egg production;
- B. Commercial poultry sales;
- C. Commercial animal breeding;
- D. Commercial livestock production;
- E. Commercial animal boarding;
- F. Commercial animal processing;
- G. Commercial slaughtering;
- H. Commercial hatcheries; or
- I. Any other commercial animal enterprise.

Incidental household production, including the personal use of eggs or other animal products, shall not by itself constitute a commercial animal operation.

ARTICLE XXIV

PUBLIC HEALTH, SAFETY AND WELFARE

SECTION 24. Nuisance Conditions.

Nothing in this amendment shall prevent the Borough from enforcing generally applicable laws and ordinances concerning:

- A. Public health;
 - B. Sanitation;
 - C. Odor;
 - D. Noise;
 - E. Rodents;
 - F. Insects;
 - G. Waste;
 - H. Stormwater;
 - I. Property maintenance;
 - J. Animal cruelty;
 - K. Dangerous conditions; or
 - L. Other conditions constituting a lawful public nuisance.
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ARTICLE XXV SEVERABILITY

SECTION 25. Severability.

If any section, subsection, paragraph, sentence, clause or provision of this amendment is declared invalid, unconstitutional or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining provisions.

The Borough Council declares that it would have enacted the remaining provisions notwithstanding the invalidity of any particular provision.

ARTICLE XXVI REPEAL

SECTION 26. Repealer.

All ordinances or portions of ordinances inconsistent with this amendment are hereby repealed only to the extent of such inconsistency.

All other provisions of the Borough of Donora Zoning Ordinance shall remain in full force and effect.

ARTICLE XXVII CODIFICATION

SECTION 27. Codification.

This amendment shall be incorporated into the Borough of Donora Zoning Ordinance and Code of Ordinances.

The Borough Secretary, Borough Solicitor and/or codifier are authorized to make such non-substantive numbering, grammatical, formatting and editorial changes as may be necessary for codification.

ARTICLE XXVIII EFFECTIVE DATE

SECTION 28. Effective Date.

This Ordinance shall become effective in accordance with the Pennsylvania Municipalities Planning Code and applicable Pennsylvania law following enactment, publication and completion of all required procedures.

ENACTMENT

ENACTED AND ORDAINED by the Borough Council of the Borough of Donora, Washington County, Pennsylvania, **this** _____ **day of** _____, **2026.**

BOROUGH OF DONORA
BOROUGH COUNCIL

Casey J. Perrotta
President of Council

Date: _____, 2026

ATTEST:

Michael J. Thornton
Borough Secretary

Date: _____, 2026

APPROVED:

Donald E. Pavelko
Mayor, Borough of Donora

Date: _____, 2026

ATTORNEY REVIEW:

I have reviewed the foregoing Ordinance for form and legality.

Steven M. Toprani
Borough Solicitor

Date: _____, 2026