

ORDINANCE NO. 14-2016

AN ORDINANCE OF THE TOWN OF TRAPPE AMENDING THE TRAPPE ZONING ORDINANCE, TITLE III AND SECTION 2 TO ADD A DEFINITION OF “FARM ANIMAL”; AND TO AMEND TITLE IV, SECTION 12 TO PROHIBIT THE KEEPING OF FARM ANIMALS IN ALL ZONING DISTRICTS OTHER THAN THE AGRICULTURAL (“A”) ZONING DISTRICT AND TO PROHIBIT THE KEEPING AND MAINTAINING OF ANY EXOTIC ANIMALS AS DEFINED BY STATE LAW; AND TO AMEND ARTICLE IV, SECTION 7 TO PERMIT AN ANIMAL SHELTER OR ANIMAL SANCTUARY IN THE “A” AGRICULTURAL DISTRICT BY SPECIAL EXCEPTION

WHEREAS, the Town of Trappe is authorized by the Md. Code Ann. § 4-102 to adopt a comprehensive Zoning Ordinance;

WHEREAS, in accordance with Md. Code Ann. Land Use Article, §4-204, the Town of Trappe is authorized to to amend, supplant or modify the Zoning Ordinance; and

WHEREAS, the Trappe Planning Commission has recommended that the Zoning Ordinance be amended to prohibit farm animals in all zoning districts other than the Agricultural (“A”) District, and to prohibit exotic animals as described by state law, in all zoning districts; and

WHEREAS, the Council of Trappe has determined that it is desirable and in the public interest to amend the Zoning Ordinance as recommended by the Council.

NOW, THEREFORE, be it ordained by the Council of Trappe as follows:

Section 1: Title III, Section 2 of the Trappe Zoning Ordinance is hereby amended to add the following definition:

Farm animal - for the purpose of this Ordinance, shall include, but not be limited to: cows, horses, mules, donkeys, goats, sheep, hogs, lama, chickens, turkeys, ducks, geese and pigeons, or similar fowl or hooved animals.

Section 2: Title IV of the Trappe Zoning Ordinance, Section 12 titled “Supplementary District Regulations”, is hereby amended to include Subsection 12.100 to be titled “Farm Animals and Exotic Animals prohibited”, as follows:

Subsection 12.100 – Farm Animals and Exotic Animals Prohibited.

- 1) The keeping of farm animals is prohibited in any zoning district other in the Agricultural (“A”) District.
- 2) No property owner shall allow any exotic animal described and regulated pursuant to Md. Code Ann. Criminal Law Article § 10-621 to be kept, possessed or maintained in any zoning district.
- 3) Notwithstanding the provisions of 1) and 2) above, nothing set forth in this Subsection 12.100 shall prevent an animal from being treated, kept or maintained in a veterinarian clinic or an animal shelter or animal sanctuary where such use is authorized and permitted under this Zoning Ordinance.

Section 3: Title IV of the Trappe Zoning Ordinance, Section 7, titled “A” Agricultural District, is hereby amended to include the following as a special exception use under Subsection 7.20:

Subsection 7.20 – Special Exceptions. The following principal uses and structures may be permitted by special exception in the “A” district:

.....

15) *Animal Shelter or Animal Sanctuary*

Section 4. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance, which can be given effect without the invalid section, subsection, sentence, clause or phrase, and to that end, all provisions of this Ordinance are hereby declared to be severable.

Section 5. This Ordinance shall become effective on the _____day of _____, 2016.

Norman Fegel

Rosalee Potter

Tonya Pritchett

Robert Diefenderfer, Jr.

C. Donald English

I hereby certify that the foregoing Ordinance Number 14-2016 of the Town of Trappe was duly read and enacted in accordance with the applicable provisions of the Charter of the Town of Trappe.

Attest: _____
Erin Braband, Clerk/Treasurer
Town of Trappe