

## **ORDINANCE FOR ANIMALS**

### **CHAPTER 2, ANIMALS**

#### **Part 1, Dogs Running at Large**

##### **§101. Definitions.**

As used in this Part, the following terms have the meaning indicated, unless a different meaning clearly appears from the context:

**OWNER** – any person having a right of property in any dog or having custody of any dog, or any person who harbors or permits a dog to remain on or around his or her property.

**RUNNING AT LARGE** – being upon any public highway, street, alley, park, or any other public land, or upon property of another person other than the owner, and not being accompanied by or under the control of the owner or any other person having custody of said dog. (Ord. 57-3, 2/27/1957; as revised by Ord. 1985-2, 8/12/1985)

##### **§102. Unlawful to Allow Dogs to Run at Large.**

It shall be unlawful for the owner of any dog or dogs to allow or permit such dog or dogs to run at large in the Township. (Ord. 57-3, 2/27/1957; as revised by Ord. 1985-2, 8/12/1985)

##### **§103. Seizing of Dogs.**

Any police officer or dog warden may seize any dog found at large in the Township. Such dogs are to be impounded in a licensed kennel. (Ord. 57-3, 2/27/1957; as revised by Ord. 1985-2, 8/12/1985)

##### **§104. Licensed Dogs.**

Owners of licensed dogs are to be notified by registered or certified mail, with return receipt, that the dog is impounded and will be disposed of in five days if not claimed. Five days after the return receipt has been received, and the dog has not been claimed, the dog may be sold or destroyed in accordance with the 1982 Dog Law. (Ord. 57-3, 2/27/1957; as revised by Ord. 1985-2, 8/12/1985)

##### **§105. Unlicensed Dogs.**

Unlicensed dogs that are seized are to be held in such kennel for 48 hours and if not claimed may be destroyed in accordance with the 1982 Dog Law. (Ord. 57-3, 2/27/1957; as revised by Ord. 1985-2, 8/12/1985)

##### **§106. Threatening Dogs.**

Dogs that, in the opinion of any police officer or dog warden, constitute a threat to public health and welfare may be killed by the police or dog warden. (Ord. 57-3, 2/27/1957; as revised by Ord. 1985-2, 8/12/1985)

##### **§107. Penalty.**

1. The first two times a dog is seized, the owner shall pay a fine of twenty-five dollars (\$25.00) to the Township as well as reasonable fees for keeping the animal in a kennel.

2. Any person allowing an animal to run at large a third time in violation of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90)

days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.  
(Ord. 57-3, 2/27/1957; as revised by Ord. 1985-2, 8/12/1985; as amended by Ord. 97-5, 11/19/1997)

**Part 2, Barking Dogs**

§201. Barking Dogs.

1. Nuisance Defined. With respect to dogs, a dog owner shall be presumed to have created or maintained a nuisance if he, she or it shall:

A. Permit the dog to cause annoyance or discomfort to or to disturb the peace of the citizens, residents or other persons lawfully in the Township by barking, yelping, howling or causing any other unseemly noise.

B. Permit the dog to make any loud or harsh noise or disturbance with such frequency as to interfere with or disturb the peace, the quiet, rest, sleep or repose of any person within the Township.

2. Presumptions. Disturbance of the Peace; Annoyance. It shall not be necessary to establish that any occurrence has lasted for any specific period of time in order to find a violation of this Part. However, continuous barking, yelping, howling or the making of any loud or harsh noise by a dog for more than one-half (1/2) hour on any one occasion shall give rise to the presumption that such dog has disturbed the peace and has caused the annoyance and discomfort of persons in the Township.

3. Permission. At the trial or hearing on any charge of violation of this Section, if it shall be determined that a dog has disturbed the peace, quiet, rest, sleep or repose of any person within the Township or has caused the annoyance or discomfort of such persons by barking, yelping, howling or causing any other unseemly noise as hereinbefore set forth, it shall be conclusively presumed that the dog owner has permitted the occurrence to have happened.

4. Notice Required.

A. Prior to the issuance of a citation or the filing of a private criminal action for a violation of this Section, it shall be necessary to serve written notice upon the dog owner in one of the following ways:

(1) By mailing a copy of the notice to the dog owner by any form of mail requiring a receipt signed by the dog owner or agent thereof.

(2) By personal delivery of the notice to the property at which the dog is located.

(3) By handing a copy of the notice at the residence of the dog to an adult member of the family in possession of the premises; but, if no adult member of the family is found, then to an adult person present in the premises.

(4) By fixing a copy of the notice to the door at the entrance of the premises of the violation.

5. Content of Notice. Notice shall set forth the name and address of the dog owner, if known; the nature and extent of the violation or offense; the period or periods of time over which the nuisance has occurred; the identity of the official giving notice; the date and time of sending or posting of notice; the name and address or occupant of the premises if believed to be other than that of the dog owners; and a statement to the effect that a citation may be issued or a private complaint filed if the nuisance is not abated within twenty-four (24) hours of the time of receipt or posting of notice.

6. Duration of Notice. Any notice given pursuant to this Section shall be valid for a period of six (6) months; within six (6) months, no additional notice need be given prior to the issuance of a citation or the filing of any private complaint pertaining to any further violations that occur during the pendency of said notice.

7. Penalty for Violation. Any person found guilty of a violation in this Part before a district magistrate shall pay a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus the costs of prosecution together with any and all court costs and expenses otherwise incurred by the Township including, but not limited to, Solicitor's fees and, in default of payment of such fines, costs and the like, shall be subject to imprisonment for not more than thirty (30) days; additionally, each day's continuance of the violations shall constitute a separate offense.

8. Enforcement. This Part shall be enforced by the Township Zoning Officer, Code Enforcement Officer, Police Department or such person or entity as may be appointed by resolution of the Board of Supervisors. (Ord. 2003-2, 7/14/2003, §1)

#### **§1208. Agriculture – Farm Animals**

Where any of the following uses are authorized by this chapter or legally exist as a nonconforming use (agriculture, as defined herein, conducted on a farm and related activities such as greenhouses, boarding stables, private stables, kennels and riding academies), they shall be subject to the following requirements:

A. Storage of manure or odor- or dust-producing substances shall be located at least 100 feet from any property line.

B. Any building or outdoor area used as a concentrated feed lot shall be located at least 300 feet from any street right-of-way line or property. Any other building used for the shelter, raising or feeding of livestock or poultry shall be located at least 100 feet from any street right-of-way line or property line.

C. Greenhouse heating plants shall be at least 100 feet from any property line. The retail sales area for a greenhouse shall not exceed 1,200 square feet. The growing area shall not be considered sales area.

D. Outdoor kennels and outdoor runs shall be located at least 300 feet from any property line.

E. All grazing and pasture areas shall be adequately fenced to properly enclose the animals and protect adjacent properties.

F. Concentrated feed lots and any other operations that constitute "concentrated animal operations," as defined by State statute, shall comply with all applicable provisions of the Pennsylvania Nutrient Management Act.

G. Where authorized on properties of **at least five acres** but less than 10 acres, the keeping of horses and ponies shall be **limited to a maximum of one animal for the first five acres, plus one animal for each additional acre or portion thereof up to 10 acres**. There shall be no limit on the number of animals kept on properties of 10 acres or more.

(Ord. 2007-2, 5/22/2007)