

CHAPTER 2

ANIMALS

Part 1

Animals

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Part 1

Animals

§101. Definitions. As used in this Part, singular words shall include the plural, masculine words shall include the feminine and neuter, and the following terms shall mean as follows:

ANIMAL - a dog; cat; bird; fowl; poultry; fish; reptile; hare; rabbit; mink; pet; members of the equine, bovine, ovine, and porcine species; and wild, exotic, domesticated, undomesticated, farm, barn yard, and any other type of animal.

BOROUGH - the Borough of New Holland, in Lancaster County, Pennsylvania.

DOMESTICATED ANIMAL - an animal typically domesticated by man so as to live and breed in a tame condition, especially by generations of breeding to live in close association with humans as a pet or work animal and usually creating a dependency so that the animal loses its ability to live in the wild.

FARM OR BARN YARD ANIMAL - an animal typically held, kept, or maintained by farmers as a work animal or for raising, slaughtering, or some other farm function other than a pet or domesticated animal.

OWNER - when applied to the proprietorship of an animal, shall include every person having a right of property in such animal; every person who keeps or harbors such animal or has it in his care; every person who permits such animal to remain on or about any premises occupied by such person; and in the case of a minor, the parent or guardian of any such minor owner.

PERSON - an individual or entity of any kind including, but not limited to, corporations; limited liability companies; partnerships; associations; officers, employees, and members of all entities; and in the case of a minor individual, the parent or guardian of any such minor individual.

POLICE - any police officer of the New Holland Police Department, State dog wardens, State or New Holland Borough animal control officers, and any other police officer authorized to enforce laws, ordinances, statutes, rules, and regulations in the Borough of New Holland.

"WILD ANIMAL," "EXOTIC ANIMAL," OR "WILD OR EXOTIC ANIMAL" - any animal of a species prohibited by Title 50, Code of Federal Regulations, or otherwise controlled by the Commonwealth of Pennsylvania including, but not limited to, any animal that is wild, fierce, dangerous, noxious, or naturally inclined to do harm. "Wild animals," however domesticated, also shall include (but not be limited to) the following:

(1) Dog family (Canidea): all except domesticated dogs, including (but not limited to) wolf, fox, coyote, dingo, wolf hybrids, etc.

(2) Cat family (Felidea): all except commonly accepted domestic cats, including (but not limited to) lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, wild cats, etc.

(3) Bears (Ursidae): all bears, including (but not limited to) grizzly bears, brown bears, black bears, etc.

(4) Weasels (Mustelidea): all, including (but not limited to) weasels, martens, mink, wolverine, badgers, otters, ermine, mongoose, etc.; BUT excluding ferrets.

(5) Raccoons (Procyonidae): all raccoons and civets.

(6) Porcupine (Erethizontidae): all porcupines.

(7) Skunks.

(8) Snakes: all venomous and constricting snakes.

(9) Venomous lizards.

(10) Crocodillians: all alligators, caimans, crocodiles, gavials, etc.

(11) Venomous fish and piranha.

(12) Venomous invertebrates.

(Ord. 555, 8/7/2012, §1)

§102. Duty to Control Animals at Large.

1. It shall be the duty of the owner, custodian, or keeper of any animal, and the duty of the parent or guardian of any minor owner, custodian, or keeper of any animal, to keep the animal securely tied or penned in a yard or enclosure in such a manner that the animal cannot break loose and run at large over the streets, alleys, sidewalks, or public grounds in the Borough of New Holland, or upon the property of any person other than the owner, custodian, or keeper of such animal. It shall be unlawful for any owner, custodian, or keeper of any animal, and the parent or guardian of any minor owner, custodian, or keeper of any animal, to allow or permit such animal, whether due to failure to adequately secure such animal or otherwise, to run at large upon the public streets of the Borough, upon the private property of any person, or upon property other than the property belonging to any owner of such animal, or the person under whose supervision, control, or custody such animal is being kept.

2. It also shall be the duty of the owner, custodian, or keeper of any animal, and the parent or guardian of any minor owner, custodian, or keeper of any animal, at all times while traveling on the streets, alleys, or public grounds in the Borough, to have the animal on a leash not greater than six (6) feet in length, and to prevent the animal from entering upon the property of any person without the consent of the owner of such property.

A. Impounding of Animals Running at Large. The police are hereby authorized to impound any animal as set forth in §102 of this Part. In the event such animal is licensed, the police shall notify the owner of such animal as indicated by any such license. If any such animal is not claimed by its owner within three (3) days, custody and control of said animal shall be relinquished by the police and transferred to the State Dog Warden, or any other person with similar powers to deal with stray or lost animals.

B. Payment for Care of Animal in Addition to Fine. Any person owning or having supervision, control or custody over any animal that is running at large in violation of §102 of this Part shall, in addition to the fine as hereinafter provided, be liable to the Borough of New Holland for all costs incurred in the care of said animal during the term of its retention by the Borough of New Holland or its police, such costs being set in the amount of twenty-five dollars (\$25.00) per day.

(Ord. 555, 8/7/2012, §1)

§103. Habitual Noise from Animals Declared Public Nuisance. It shall be unlawful for any person to keep or harbor any animal that habitually barks, howls, yelps, cries, or otherwise makes noise in such a manner as to materially disturb or annoy any person in the surrounding neighborhood, and such animal exhibiting the aforementioned behavior is hereby declared to be a public nuisance.

A. "Habitually" as used in this Part is hereby defined to include (but not be limited to) for more than any one-half (1/2) hour time period from 8:00 a.m. to 8:00 p.m.; or for more than fifteen (15) minutes after 8:00 p.m. or before 8:00 a.m. on weekdays or after 8:00 p.m. or before 9:00 a.m. on weekends and holidays, which periods occur on two (2) or more consecutive days or nights, or which occur three (3) or more days or nights in any seven (7) day period.

B. Whenever any person shall complain to the police that an animal habitually barks, howls, yelps, cries, or otherwise makes disturbing noise in the Borough, the police shall:

(1) Notify the owner, handler, custodian, or keeper of such animal that a complaint has been received and that such person shall take necessary action to alleviate (in a humane manner) the barking, howling, yelping, or crying of such animal.

(2) If the warning given as described above to the person alleged to be keeping any such animal is ineffective, then a sworn complaint of at least two (2) persons not from the same family may be presented to the police alleging that the animal that habitually barks, howls, yelps, or cries is being kept by the person first complained about. If said complaint is found to be true, the police shall inform the owner, handler, custodian, or keeper of said animal that said complaint has been received and shall prosecute that person for a violation of this Part.

(3) A violation of this Section shall be deemed to have occurred after delivery of the first warning and upon a second or subsequent violation.

(Ord. 555, 8/7/2012, §1)

§104. Defecation by Animals Others' Property. It shall be unlawful for the owner, handler, custodian, or keeper of any animal (except for horses or mules lawfully traveling on public roads or streets) to allow any such animal under such person's control to defile or defecate on any sidewalk, walkway, roadway, street, or property of another person. It shall be the duty of such owner, handler, custodian, or keeper of any animal (except for horses or mules lawfully traveling on public roads or streets) that defecates on any

sidewalk, walkway, roadway, street, or property of another to promptly clean up and remove all feces discharged and to dispose of such feces in a lawful and sanitary manner.

(Ord. 555, 8/7/2012, §1)

§105. Keeping of Farm or Barnyard Animals Prohibited. Except as otherwise permitted by the Borough's applicable zoning ordinance provisions, no person shall keep any chicken, fowl, sheep, cow, goat, or any other farm or barnyard animal that is not normally domesticated, at any place within the Borough. (Ord. 555, 8/7/2012, §1)

§106. Keeping of Vicious, Dangerous, Carnivorous, or Wild or Exotic Animals Prohibited. It shall be unlawful for any person to keep, maintain, own, or have in such person's possession or control within the Borough (A) any vicious, dangerous, or carnivorous animal, or (B) any wild animal or exotic animal; provided, however, that any of the foregoing described animals may be held, kept, or maintained by any police, zoological park, veterinary hospital or clinic, humane society, circus, sideshow, amusement show, or facility used for educational or scientific purposes, but only provided that such persons utilize proper cages, fences, and other protective devices adequate to prevent such animals from escaping or injuring the public are utilized by such persons or entities. (Ord. 555, 8/7/2012, §1)

§107. Number of Animals Limited. In addition to and concurrent with any other prohibition in this Part, it shall be unlawful for any person within the Borough to keep more than five (5) animals within the Borough, with the exception that an excess of five (5) animals shall be permitted for a period not exceeding six (6) months after the birth of newborn animals. For purposes of this Section, the term "animals" shall not include fish. The keeping of more than five (5) animals, however, shall be permitted under the following circumstances: Animals kept or maintained on more than five (5) acres of ground, which ground is held under common ownership; animals held, kept or maintained for the purpose of public auction; animals held, kept, or maintained by a retail pet store for the purpose of retail sales; or animals held, kept, or maintained in accordance with the Borough's applicable zoning ordinance provisions. (Ord. 555, 8/7/2012, §1)

§108. Abandonment. It shall be unlawful for any person to abandon or attempt to abandon any animal within the Borough. (Ord. 555, 8/7/2012, §1)

§109. Odors and Infestations. Except as otherwise protected or permitted pursuant to Pennsylvania's Right to Farm Law, 3 P.S. §951 *et seq.*, or other applicable law, it shall be unlawful for any person to hold, keep, or maintain any animal in any fashion that odor or insect infestation from or caused by such animal can be detected outside the property on which such animal is held, kept, or maintained. Any person violating this Section shall only be warned for the first violation, but may be prosecuted for a second or any subsequent violation. (Ord. 555, 8/7/2012, §1)

§110. Enforcement. The police shall be charged with the responsibility to enforce the provisions of this Part, and shall perform all other duties that may be prescribed by the Borough Council with respect to this Part. Any

violators of this Part may be prosecuted before any magisterial district justice or any other court of competent jurisdiction. In addition to and concurrent with any and all other enforcement remedies in this Part or otherwise, the Borough may bring civil actions at law, equity, or otherwise to enforce this Part, in which case the violator of this Part shall pay all attorney fees, costs, and expenses incurred by said Borough to enforce this Part. (Ord. 555, 8/7/2012, §1)

§111. Fines and Penalties.

1. In the event of a violation of §102, 103, 104, 105, or 107 of this Part, OR in the event that the animal that is the subject of the violation is licensed, then the police shall first issue a warning directed to the owner, keeper, handler, or custodian of such licensed animal. Any subsequent violation regarding the same animal within a three (3) month period after the issuance of such warning, and subsequent conviction for such violation, shall be punishable by the imposition of a fine in the amount of fifty dollars (\$50.00) and costs of prosecution for the first such subsequent offense within such three (3) month period, one hundred dollars (\$100.00) and costs of prosecution for any second subsequent violation within a three (3) month period, and two hundred dollars (\$200.00) and costs of prosecution for any subsequent violation within said three (3) month period. Each day's continuance of the offense following notice thereof shall constitute a violation, and be liable for prosecution at an additional amount of one hundred dollars (\$100.00) per day, following the third day.

2. In the event of a violation of any Section OTHER than §102, 103, 104, 105, or 107, OR in the event that the animal that is the subject of the violation is NOT licensed, then any person, upon conviction thereof, shall be sentenced to pay a fine of one hundred dollars (\$100.00) and costs of prosecution for the first offense, two hundred dollars (\$200.00) and costs of prosecution for the second offense, and five hundred dollars (\$500.00) and costs of prosecution for each subsequent offense. Each day's continuance of the offense following notice thereof shall constitute another violation, and be liable for prosecution at an additional amount of one hundred dollars (\$100.00) per day, after the third day.

3. In default of payment of any foregoing fine or costs described in this Section, the convicted person shall be subject to imprisonment for not more than thirty (30) days.

(Ord. 555, 8/7/2012, §1)

§112. Violation Constitutes Public Nuisance. In addition to any other remedies provided in this Part, any violation of the provisions of this Part shall constitute a nuisance, and may be ceased and abated by the Borough by seeking equitable or other relief from a Court of competent jurisdiction. (Ord. 555, 8/7/2012, §1)

