

CHAPTER 2

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Part 1

Prohibiting Dogs Running at Large

§101. Definitions. As used in this Part, the following terms shall 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. 140, 1/14/1957, §1; as revised by Ord. 288, 8/8/1994)

§102. Appointment and Duties of Dog Warden. A Dog Warden shall be appointed by the Borough Council to serve during its pleasure. Such dog warden along with the police officers and Code Enforcement Officer shall have concurrent responsibility for the enforcement of this Part and of the Dog Law of 1982, (3 P.S. §459-101 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania); provided, that he shall not have the power to make arrests under this Act of Assembly or any other Act of Assembly or ordinance of the Borough. (Ord. 140, 1/14/1974; as revised by Ord. 288, 8/8/1994; and as amended by Ord. 325, 11/12/2007, §1)

§103. 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 Borough. (Ord. 140, 1/14/1957; as revised by Ord. 288, 8/8/1994)

§104. Seizing of Dogs. The dog warden or any police officer or constable may seize any dog found at large in the Borough. Such dogs are to be impounded in a licensed kennel. (Ord. 140, 1/14/1957; as revised by Ord. 288, 8/8/1994)

§105. Licensed Dogs. The Chief of Police shall notify the owner of a licensed dog by registered or certified mail, with return receipt, that the dog is impounded and will be disposed of in five (5) days if not claimed. Five (5) 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. 140, 1/14/1957; as revised by Ord. 288, 8/8/1994)

§106. Unlicensed Dogs. Unlicensed dogs that are seized shall be held in such kennel for forty-eight (48) hours and if not claimed may be destroyed in accordance with the 1982 Dog Law. (Ord. 140, 1/14/1957; as revised by Ord. 288, 8/8/1994)

§107. 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. 140, 1/14/1957; as revised by Ord. 288, 8/8/1994)

§108. Penalties. The first two times a dog is seized, the owner shall pay a fine of fifteen (\$15.00) dollars to the Borough, as well as reasonable fees for keeping the animal in a kennel as fixed pursuant to a resolution of the Borough Council. Any person allowing a dog to run at large a third time in violation of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars plus costs and, in default of payment, to imprisonment for a term not to exceed thirty (30) days. (Ord. 140, 1/14/1957; as revised by Ord. 288, 8/8/1994)

Part 2

Control of Animal Defecation

§201. Animal Defecation on Public and Private Property Restricted.

No person, having possession, custody or control of any animal, shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e. defecation or urination, upon any gutter, street, driveway, alley, curb or sidewalk in the Borough, or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park, or upon the grounds of any public park or public area, or upon any private property other than the property of the owner of such animal. (Ord. 277, 9/10/1990; as revised by Ord. 288, 8/8/1994)

§202. Disposal of Animal Feces. Any person having possession, custody or control of any dog or other animal which commits a nuisance, i.e. defecation or urination, in any area other than the private property of the owner of such dog or other animal, as prohibited in §201 shall be required to immediately remove any feces from such surface and either:

- A. Carry same away for disposal in a toilet; or,
- B. Place same in a nonleaking container for deposit in a trash or litter receptacle.

(Ord. 277, 9/10/1990; as revised by Ord. 288, 8/8/1994)

§203. Dogs Accompanying Blind or Handicapped Persons Exempted. The provisions of §§201 and 202 hereof shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any other physically handicapped person. (Ord. 277, 9/10/1990; as revised by Ord. 288, 8/8/1994)

§204. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars plus costs and, in default of payment thereof, to imprisonment for a term not to exceed thirty (30) days. (Ord. 277, 9/10/1990; as revised by Ord. 288, 8/8/1994)

Part 3

Animal Noise Control

§301. Intent and Purpose. The Borough Council of the Borough of Elizabethville, finding that excessive levels of sound are detrimental to the physical, mental and social wellbeing of the people as well as to their comfort, living conditions, general welfare and safety and being therefore a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within the Borough. (Ord. 288, 8/8/1994)

§302. Noise Disturbance. It shall be illegal within the Borough for any person or persons to own, possess, harbor, or control any animal or bird which makes any noise continuously and/or incessantly for a period of ten (10) minutes or makes such noise intermittently for one-half (1/2) hour or more to the disturbance of any person any time of the day or night regardless of whether the animal or bird is physically situated in or upon private property, said noise being a nuisance; provided, that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated nor is there any other legitimate cause which justifiably provoked the animal or bird. (Ord. 288, 8/8/1994)

§303. Exceptions. This Part shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from nuisance suits by Act No. 1982-133. (Ord. 288, 8/8/1994)

§304. Penalties. Any person, firm or corporation who shall violate any provision of this Part, shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment thereof, to imprisonment for a term not to exceed thirty (30) days. (Ord. 288, 8/8/1994)

Part 4
Keeping of Animals

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

DOMESTIC ANIMAL - any equine animal or bovine animal, sheep, goat, pig, dog, cat, poultry, bird, fowl, or any wild or semiwild animal held in captivity; and shall be taken to include the singular or plural as may be necessary in any given case.

WILD OR SEMIWILD ANIMAL - a domestic animal which is now or historically has been found in the wild, including, but not limited to, bison, deer, elk, llamas or any species of foreign or domestic cattle, such as ankole, gayal and yak.

(Ord. 316, 7/14/2003)

§402. Running at Large. No domestic animal shall be allowed or permitted to run at large in this Borough, either upon the public streets or highways, or upon property other than that of the owner of such domestic animal. (Ord. 316, 7/14/2003)

§403. Violations and Penalties. Any person who shall violate any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars and all costs of prosecution for each and every offense and, in the default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. Each day's violation of any of the provisions of this Part constitute a separate offense. (Ord. 316, 7/14/2003)

