### CHAPTER 2

### ANIMALS

### Part 1

**Animals**

 **§101. Title.** This Part shall be known as the Animal Ordinance of the Township of White Deer, Union County, Pennsylvania.

 **§102. Definitions.**

 BOARD – The Board of Supervisors of White Deer Township, Union County, and Pennsylvania.

 OFFICER – Any person employed by the Commonwealth of Pennsylvania or the Township of White Deer, whose duty it is to preserve the peace, make arrests, or enforce the Pennsylvania Dog Law Act of December 1982, P.L. 784, or this Part, its amendments or supplements.

 OWNER OF AN ANIMAL – When applied to the proprietorship of an animal, the term Owner includes every person having a right of property in such animal, and every person who keeps or harbors such animal or has it in his care, and every person who permits such animal to remain on or about any premises occupied or owned by him.

 RUN AT LARGE – The free and unrestricted ability to move about without physical restraint preventing movement greater than six feet (6’) in any direction or (2) except within an enclosure designed and built in such a manner as to prevent escape therefrom.

 **§103. Unlawful for Animals to Run at Large.** It shall be unlawful for any person or persons to permit any dog, cat, or other animal, owned, kept, maintained, or in the custody or control of such person or persons to run at large in White Deer Township, Union County, Pennsylvania.

 **§104. Unlawful to Permit Animal to Befoul Public Property or Property of Others.** It shall be unlawful for any person or persons to cause or permit any dog, cat, or other animal owned, kept, maintained, or in the custody or control of such person or persons to soil, defile, defecate, urinate, or commit any nuisance on any lawn, yard, common thoroughfare, sidewalk, passageway, bypath, play area, park, or any other place where people congregate or walk, whether public or private property, other than the property of such person or persons or of another who consents prior thereto.

 (1) This Section shall not apply to that portion of the street lying between the curb-lines, which may be used to curb such animal.

 (2) The person or persons who so curb such dog, cat or other animal shall immediately remove all feces deposited by such dog, cat or other animal by any sanitary method.

 **§105. Disturbing the Peace or Endangering the Health or Property of Others.**

 (l) It shall be unlawful for any person or persons to own, keep, maintain or control any dog, cat, or other animal which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such character, intensity and duration as to disturb the peace, quiet and good order of any neighborhood.

 (2) It shall be unlawful for any person or persons who own, keep, maintain or control any dog, cat or other animal to permit such dog, cat or other animal to injure, threaten or endanger any human by jumping upon, knocking down, attacking or menacing the said human or to threaten, endanger, harm, destroy or injure the property of other persons.

 (3) It shall be unlawful for any person or persons to own, keep, maintain or control any dog, cat or other animal in such manner as to create offensive odors or unsanitary conditions which are a menace or hazard to the health, comfort or safety of humans.

 (4) Whenever it is established that any dog, cat or other animal has bitten any person or persons, or shows signs of being infected with rabies, the person or persons who own, keep, maintain or control such animal, upon the order of the Pennsylvania Department of Health, or an Officer shall quarantine such animal in a veterinarian’s kennel for a period of ten (10) days at such person’s expense.

 (a) At the end of the quarantine period, such person or persons shall have the animal examined by a veterinarian for signs of rabies. If such animal is found to be rabid, a report shall be made immediately to the Pennsylvania Department of Health, or an Officer, who shall then make whatever arrangements they believe necessary pursuant to law.

 (b) In the event that such person fails to comply with any order issued pursuant to this Section within six (6) hours after such order has been issued and served upon such person, an Officer may take such animal into custody and place the same in quarantine at the expense of the owner or keeper of the animal.

 **§106. Physical Restraint of Animal.** It shall be unlawful for any person or persons owning, keeping, maintaining or controlling an animal to physically restrain and leave unattended the said animal except upon lands owned by the said person or lands which the said person shall have a legal right to possess or occupy.

 **§107. Detention of Animals Found Running at Large.** Any dog, cat, or other animal found running at large as provided in §203 hereof or disturbing the peace or endangering the health or property of others as provided in §205 hereof shall be taken into custody by any Officer who shall, as he deems proper in his sole discretion, either:

 (1) Maintain custody of the animal, if licensed, and return it within twenty-four (24) hours to the person or persons in whose name the license has been procured; or,

 (2) Maintain custody of the animal if licensing of the said animal is not required by law and return it within twenty-four (24) hours to the person or persons owning, keeping, maintaining or controlling the animal if such person be known; or

 (3) If the person or persons owning, keeping, maintaining or controlling the animal are unknown or the animal has been captured on a previous occasion, then in that event the Officer shall remove the animal to a place of detention, and place it in the care and custody of the keeper of the place of detention.

 **§108. Notice to Owners.** If the dog, cat, or other animal so detained, as provided in §207(3) herein, is licensed, then immediate notice shall be given to the person or persons in whose name the license has been procured, if the said dog, cat or animal is unlicensed, then immediate notice shall be given to the person or persons owning, keeping, maintaining or controlling the animal, if known, either personally or by certified mail, that the said animal has been detained and the location of the detention facility.

 **§109. Maintenance of Detained Animals.** Any dog, cat, or other animal so detained shall be properly kept, boarded, fed, and maintained, as follows:

 (l) If unlicensed, and the person or persons owning, keeping, maintaining or controlling the animal is or are unknown, for a period of not less than seventy-two (72) hours, after which time such animal shall be disposed of either by sale or by destruction in some humane manner and the carcass buried or disposed of, other than for the purpose of vivisection, or

 (2) If licensed, or if unlicensed and the person or persons owning, keeping, maintaining or controlling the animals is or are known, then for a period of not less than ten (10) days, after notice of such detention has been given as provided in §208 hereof, after which time such animal shall be disposed of either by sale or by destruction in some humane manner and the carcass buried or disposed of, other than for the purpose of vivisection.

 **§110. Service Charges.** The Officer may impose a service charge in an amount established from time to time by Resolution of the Board of Supervisors of the Township upon any person or persons whose animal may become the subject of capture and is returned to them by the Officer as hereinabove provided. Such person or persons shall pay the said charge to the Township Secretary within forty-eight (48) hours after the return of the animal.

 Any person or persons, whose animal may become the subject of capture and detention as hereinabove provided, may reclaim such animal by paying to the keeper of the place of detention, the sum regularly charged by said keeper for such services plus the service charge provided for above which shall be paid to the Township Secretary within forty-eight (48) hours after the return of the animal. Further, if the animal is of character which requires a license under the laws of the Commonwealth of Pennsylvania and does not bear a license when impounded, proof of proper licensure must be demonstrated to the keeper of the place of detention, prior to redemption by its owner, the animal cannot be reclaimed until such time as the owner has procured a proper license.

 **§111. Penalties.** Any person, partnership, corporation, firm, entity or joint venture who or which has violated or shall violate or permitted or permits the violation of the provisions of this Part shall upon being found liable therefore in a civil enforcement proceeding pay a judgment of not more than ONE THOUSAND AND 00/100 DOLLARS ($1,000.00), plus all court costs and reasonable attorney fees incurred by the Township as a result thereof.

 Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Part shall be paid over to the Township. Nothing in this section shall be construed or interpreted to grant to any person, firm, partnership, entity, corporation or joint venture other than the Board of Supervisors or its duly designated agent the authority to commence or prosecute any action pursuant to this section.

 (Ordinance No. 96-4, adopted June 25, 1996)

 Any animals found by the District Judge to be a danger to the health, safety and/or property of any person or entity may, at the direction of the District Judge, be disposed of by destruction in some humane manner and the remains disposed of in accordance with the law.

 **§112. Obstruction of Officer Prohibited/Penalty.** Any person or entity who or which shall obstruct an Officer of the Township or any other person authorized to enforce the provisions of this Part shall be in violation of this Part.

 **§113. Use of Fines/Charges.** The fines assessed and charges imposed hereunder shall be for the use of the Township.

 **§114. Animal Officer; Office Established.** There is hereby established the office of Animal Officer of the Township whose duties shall consist of enforcing this Part.

 **§115. Authority of Township.** The Supervisors of the Township are hereby authorized and empowered to employ an Animal Officer as provided in §214 hereof to carry out the provisions of this Part, upon such terms and conditions of compensation as may be approved by the Supervisors of the Township, from time to time.

 **§116. Severability.** If any section, paragraph, subdivision, clause, or provision of this Part shall be judged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged, and the remainder of this Part shall be deemed valid and effective.

(Ordinance No. 36, adopted January 25, 2011)