

ORDINANCE NO. 04-06

**TOWNSHIP OF MORGAN
GREENE COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF
MORGAN, GREENE COUNTY,
PENNSYLVANIA, REGULATING THE
KEEPING OF CERTAIN ANIMALS AND
PRESCRIBING PENALTIES FOR VIOLATION.**

WHEREAS, it is now deemed necessary for the protection of the health, cleanliness, comfort, safety and welfare of the citizens of the Township of Morgan to enact this Ordinance; and

WHEREAS, the Board of Supervisors of the Township of Morgan have received a substantial number of complaints from its residents concerning the inadequate confinement of livestock and the running at large of the same; and

WHEREAS, Section 2701, et seq., of the Second Class Township Code provides authority for the Board of Supervisors to enact ordinances on this matter and procedures thereof; and

NOW THEREFORE, pursuant to the authority conferred upon it by the Pennsylvania Second Class Township Code, the Board of Supervisors of the Township of Morgan, Greene County, Pennsylvania, do hereby ENACT AND ORDAIN following:

SECTION 1. TITLE

This Ordinance shall be known and may be cited as the Township of Morgan, "LIVESTOCK ORDINANCE".

SECTION 2. GENERAL SCOPE

The subject matter of this Ordinance is the regulation of the confinement of livestock and other animals.

SECTION 3. DEFINITIONS

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

ANIMAL - any domestic animal or fowl, any wild animal or any household pet.

DOMESTIC ANIMAL - any animal normally or ordinarily domesticated or raised in this area and climate as livestock or for work or breeding purposes, or normally or ordinarily kept as a household pet.

HOUSEHOLD PET - any dog, cat, or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.

LARGE ANIMAL - any wild or domestic animal of the bovine, equine or sheep family.

PERSON - any individual, firm, partnership, association or corporation.

SMALL ANIMAL - any wild or domestic animal such as a rabbit, hare, guinea pig, rat, mouse, or chinchilla; and any wild or domestic fowl such as a chicken, turkey, goose, duck, or pigeon (excepting homing pigeons).

WILD ANIMAL - any animal, including bird, fowl, or reptile not normally or ordinarily domesticated; not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes; or not capable of being kept as a household pet.

In this Ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

SECTION 4. KEEPING OF ANIMALS REGULATED

It shall be unlawful for any person to keep any domestic animals, except household pets, except as provided in this section as follows:

A. The keeper of every such animal shall confine the same in an enclosure sufficient to prevent such animal from running at large, and such enclosure shall be of a size conducive to good sanitary practices and adequate and sanitary drainage facilities shall be provided.

SECTION 5. HOUSEHOLD PETS

It shall be unlawful for any person to keep any household pet, except as provided in this section:

A. If any such pet shall be kept in a residential dwelling owned or occupied by its owner, such owner shall be required to follow such procedures and practices, as to the number of such pets to be kept there, and as to sanitation, to insure that no public nuisance shall be created or maintained and no threat to the health of persons living elsewhere than in such dwelling shall be created.

B. If any such pet shall be kept in an enclosure outside such residential dwelling, the provisions of section 4 of this Ordinance, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.

SECTION 6. LIVESTOCK TO BE IMPOUNDED

A. If any person, being either the owner or the tenant of any improved lands within the Township, shall discover upon his, her or their improved lands, whether enclosed or not enclosed, any livestock such person may impound the same and shall give notice to the Township or its authorized agent. The Township shall then impound such livestock. The owner of said livestock shall be responsible for all costs incurred by the Township for the aforesaid impoundment.

B. The Township shall then provide written notice to the owner of said impounded livestock of the following:

- i. The location and date where the trespass was committed by the livestock;
- ii. The place of the livestock impoundment; and
- iii. The name and address of the person who suffered injuries by reason of said trespass.

C. The Township shall release the livestock to the owner upon payment of any costs sustained by the Township for said impoundment and payment for the damages sustained by the person as a result of said trespass.

D. If the owner of the livestock fails to satisfy the costs and damages as set forth in Section 6(C), within ten (10) days of notification to the owner of the impoundment, then the Township shall complain to the local District Justice. The District Justice shall then be authorized to follow the procedures as set forth in 3 P.S. §629 et seq. to sell said livestock.

SECTION 7. VIOLATION OF STATE LAW

Any violation of this Ordinance that would also violate any State law shall be prosecuted under that State law and not under this Ordinance.

SECTION 8. PENALTIES

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not exceeding three hundred (\$300.00) dollars, and/or to undergo imprisonment for a term not to exceed ninety (90) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

SECTION 9. REPEALER

Any ordinance containing any provision inconsistent herewith to the extent that such provision is inconsistent, then that provision is also hereby repealed.

SECTION 10. SEVERABILITY

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

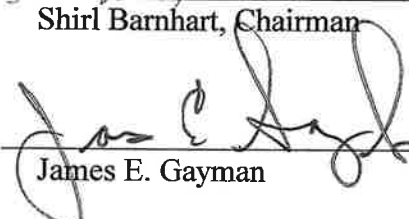
SECTION 11. EFFECTIVE DATE

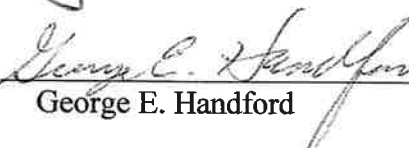
This Ordinance shall become effective immediately upon final enactment.

ORDAINED AND ENACTED INTO LAW by the Board of Supervisors of the Township of Morgan in lawful session assembled this 7th day of July, 2006.

TOWNSHIP OF MORGAN

By: 
Shirl Barnhart, Chairman

By: 
James E. Gayman

By: 
George E. Handford

ATTEST:


Relda K. Litten, Secretary

(SEAL)