

Chapter 94

ANIMALS

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[HISTORY: Adopted by the Borough Council of the Borough of Beech Creek at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

ARTICLE I

Control of Dogs and Other Animals

§ 94-1. Animal nuisances.

Any animal which scratches, digs or defecates upon any lawn, tree, shrub, plant, building or any other public or private property, other than the property of the owner or person in charge or control of such animal, is hereby declared to be a nuisance.

§ 94-2. Responsibility of owner or custodian.

No person having possession, custody or control of any animal shall knowingly or negligently permit any dog or other animal to commit any nuisance upon any gutter, street, driveway, 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 tenants, or upon the outside walls, walkways, driveways, 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.

§ 94-3. Cleanup of pet waste.

Any person having possession, custody or control of any dog or other animal which commits a nuisance in any area other than on the private property of the owner of such dog or other animal, as prohibited in § 94-2, shall be required to immediately remove the feces from such surface into a plastic bag or other appropriate container and shall thereafter dispose of such dog feces in a sanitary manner.

§ 94-4. Public property.

It shall be unlawful to permit any dog waste/feces to be deposited on any public property owned or controlled by the Borough.

§ 94-5. Animal noise disturbances.

It shall be illegal within the Borough for any person or persons to own, possess, harbor or control any animal, including dogs, which makes any noise continuously and/or incessantly for a period of 30 minutes or makes such noise intermittently for 60 minutes or more so that such barking can be heard by persons outside of the property of the owner of the animal at any time of the day or night, regardless of whether the animal, including a dog, is physically situated in or upon private property, said noise being a nuisance; provided, however, that noise from an animal due to someone threatening to trespass or trespassing upon the property upon which the animal is located or caused by teasing or mistreatment of the animal by someone other than the owner, handler or custodian or keeper of the animal shall not be considered a violation of this section.

§ 94-6. Leash required.

Dogs or other domesticated animals are not permitted at any time, except when on a leash or under the control of the owner or other person having such animals in charge, to be upon any public property or private property other than the property of the owner of such animal. It shall be unlawful for any dog, whether licensed or unlicensed, to be upon any street or highway or other public place within the Borough, either in daytime or nighttime, without being held on a leash or under the control of the owner or attendant. Any dog so found shall be seized by the police or other officer duly authorized for such purpose and promptly taken into custody and held in a proper place for a minimum of five days to permit the owner or other person entitled to its custody to redeem said dog upon the payment of all costs; provided, however, that in the case where any dog so seized shall wear no collar, harness or license tag, the same shall be held in custody for a minimum period of 48 hours to permit the owner or other person entitled to custody to redeem it upon payment of all costs as in other cases.

§ 94-7. Applicability to service animals.

The provisions of §§ 94-1, 94-2 and 94-3 shall not apply to a guide dog accompanying any visually impaired person or to a dog or other animal used to assist any other physically handicapped person.

§ 94-8. Violations and penalties.

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be

sentenced and committed to the county correctional facility for a period not exceeding 90 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Clinton County.

ARTICLE II

Keeping of Exotic or Dangerous Animals

§ 94-9. Keeping of exotic and wild animals prohibited.

- A. Except with the prior written approval of the Borough Council, it shall be a violation of this article for any person to maintain, keep, possess or permit at large any exotic or wild animal in the Borough of Beech Creek.
- B. The Borough Council has found and determined that the keeping of wild or exotic animals within the Borough is detrimental to the public health, safety and welfare of the citizens and property owners of the Borough and constitutes a public nuisance because such animals are not suited to the close residential confines of the Borough.

§ 94-10. Definitions.

As used in this article, the following terms shall have the meanings indicated:

EXOTIC ANIMAL — Any live monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, potentially dangerous snake, member of the feline species other than domestic cat (*Felis domesticus*), member of the canine species other than domestic dog (*Canis familiaris*) or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops.

WILD ANIMAL — Any live monkey, nonhuman primate, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal that can normally be found in the wild state. The term "wild animal" does not include domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents indigenous to the United States, any hybrid animal that is part wild, and captive-bred species of common cage birds.

§ 94-11. Violations and penalties.

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 90 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu

of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Clinton County.