

CHAPTER 2

ANIMALS

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PART 1

KEEPING OF ANIMALS

§2-101. Definitions.

The following words and terms, as used in this Part, shall have the meanings ascribed thereto, except where the context clearly indicates a different meaning (the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine):

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

DOMESTIC ANIMAL — any animal as hereinafter defined as a household pet or a small animal.

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.

PERSON — any person, firm, partnership, association or corporation.

SMALL ANIMAL — any domestic animal such as a rabbit, hare, guinea pig, rat, mouse or chinchilla and any domestic fowl such as a chick, turkey, goose, duck or pigeon.

WILD ANIMAL — any animal, 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 normally or ordinarily kept as a household pet.

(Ord. 991, 9/11/2000, §1; as amended by Ord. 1000, 8/13/2001, §1; and by A.O.)

§2-102. Wild Animals.

It shall be unlawful for any person to keep any wild animal at any place within the Borough of Philipsburg, except where the same shall be permitted under the Zoning Ordinance [Chapter 27], in a park, zoological garden or similar establishment for exhibit to the public or to any portion thereof.

(Ord. 991, 9/11/2000; §2; as amended by Ord. 1000, 8/13/2001, §2)

§2-103. Domestic Animals.

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

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- A. Small animals shall be kept confined in quarters no part of which shall be closer than 10 feet from exterior limits of any dwelling or of any property line.
- B. Every keeper of a domestic animal shall cause the litter and droppings therefrom to be collected daily in a container or receptacle of such type that, when closed, it shall be rat-proof and fly-tight and every such collection shall cause such container or receptacle to be kept closed. Such container shall be kept at least 10 feet from the exterior limits of any dwelling or of any property line and deposited in the owner or keeper's garbage or in some other sanitary manner. The deposit shall be properly wrapped, packaged or protected as to prevent unsightly disposal or smell and to prevent interference with the health and safety of the residents of the Borough of Philipsburg. On a weekly basis, every such keeper shall cause all litter and droppings so collected to be disposed of in such manner consistent with the requirements in this Part.
- C. Every keeper of a domestic animal shall cause all feed provided therefor to be stored and kept in a rat-proof and fly-tight building, box, container or receptacle.

(Ord. 991, 9/11/2000, §3; as amended by Ord. 1000, 8/13/2001, §3; and by A.O.)

§2-104. Nuisance.

- 1. No person shall keep or harbor any dog, cat or other animal in the Borough so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public or otherwise permit the commission or existence of a nuisance as defined herein.
- 2. Any dog, cat or other animal which by frequent and habitual barking, howling, screeching, yelping or baying or in any way or manner disturbs the quiet of any person of the community or which disturbs or endangers the comfort, repose or health of persons is hereby declared to be committing a nuisance, provided that at the time the dog, cat or other animal is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the dog, cat or other animal is situated nor is there any other legitimate cause which justifiably provoked the dog, cat or other animal. No owner or person having custody of such animal shall harbor or permit it to commit such a nuisance. For purposes of this Section, frequent and habitual will mean the making of noise continuously and/or incessantly for a period of 10 minutes or making such noise intermittently for 1/2 hour or more to the disturbance of any person any time of the day or night.
- 3. Any dog, cat or other animal which scratches, digs, defiles 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. No person being the owner or in charge or control of any dog, cat or other animal shall permit such animal to commit a nuisance on any school grounds, Borough park or other public property or upon any private property, other than that of the owner or person in charge or control of such dog, cat or other animal without the permission of the owner of such property. Where the owner or person in charge or control of such animal immediately removes all feces deposited by such animal and disposes of the same in a sanitary manner, such type of nuisance shall be considered abated.

(Ord. 991, 9/11/2000, §4; as amended by Ord. 1000, 8/13/2001, §4)

§2-105. Exemptions.

Person with defective eyesight or hearing while relying upon a dog specifically trained for these purposes shall be exempt from compliance with §2-104.

(Ord. 991, 9/11/2000, §5; as amended by Ord. 1000, 8/13/2001, §5)

§2-106. Harboring or Keeping of Animals.

Any person who owns, harbors, keeps or is in charge of any dog, cat or other animal within or frequenting the Borough shall not permit such dog, cat or other animal to be unattended within the Borough and shall require said dog, cat or other animal to be restrained by a leash or other appropriate device of control so that it cannot stray beyond the premises on which it is secured or under reasonable control of some person, which for the purpose of this Part shall be "curbing." Such "curbing" shall be permitted only on the portion of any public street, lying between the street side of the two sidewalks, and on private property with the express permission of the owner of such property. Any person who so curbs a dog, cat or other animal shall immediately remove all dropping by such animal in a sanitary manner and shall be deposited in the owner's garbage or other sanitary manner as set forth in §2-103. The Borough reserves the right to place signs in designated public areas requiring that all animals in those posted areas must be leashed.

(Ord. 991, 9/11/2000, §5; as amended by Ord. 1000, 8/13/2001, §5)

§2-107. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction of a first offense be sentenced to a written warning, also each offender will receive, by registered mail, a complete copy of this Part, for a second offense to pay a fine of not more than \$25 and costs of prosecution thereof, for a third offense to pay a fine of not more than \$50 and costs of prosecution and for a fourth and subsequent offense to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a viola-

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tion of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 991, 9/11/2000, §9; as amended by Ord. 1000, 8/13/2001, §9; and by A.O.

PART 2

NOISY ANIMALS

§2-201. Unlawful to Keep Noisy Animals.

No person shall keep or permit to be kept, harbor or otherwise maintain any animal which shall disturb the quiet of any public street or other public place or of any neighborhood. For purposes of this Section, a noisy animal shall be defined as one or more animals which make noises habitually so as to constitute annoyance to a person of ordinary sensibilities.

(Ord. 893, 6/1/1981, §1)

§2-202. Enforcement.

Prosecution of such violation by the police and/or ordinance officers of the Borough shall be made only after complaint by an inhabitant of the Borough or a user of the public ways and grounds of the Borough and such complainant shall appear at the time of trial for such violation and give testimony relative thereto.

(Ord. 893, 6/1/1981, §2; as amended by A.O.)

§2-203. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced as follows: first, a warning; second, \$25 fine; third, \$50 fine; fourth, \$100 up to \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 893, 6/1/1981, §3; as amended by A.O.)