

**YORK HAVEN BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2003 -04

**AN ORDINANCE OF YORK HAVEN BOROUGH, YORK COUNTY, PENNSYLVANIA,
REGULATING THE CONTROL OF DOGS, CATS AND OTHER ANIMALS.**

BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Council of the Borough of York Haven, York County, Pennsylvania, under authority of law as follows:

SECTION 1: PURPOSE AND SCOPE. Uncontrolled dogs and Animals are detrimental to the physical, mental and social well-being of the residents of York Haven Borough. Uncontrolled dogs and Animals disturbing the peace, running at large, harboring disease or causing unsanitary conditions could adversely effect the health of individuals and interferes with their peaceable enjoyment of Property within the Borough. This Ordinance is adopted pursuant to Sections 1202(5), (6), (9), (12), (13), (14) (15) and (20) of the Borough Code. In considering the adoption of this Ordinance, the Borough makes the following findings:

1. There is growing concern in the Borough with the failure of some Property owners and/or some dog or Animal owners to properly control the conduct of their respective dogs or Animals.
2. There is growing concern in the Borough created by a multitude of citizen complaints with the increased noise disturbance created by dogs or other Animals within the Borough, especially concern due to the close proximity of the Properties within the Borough.
3. Borough police records indicate an increasing number of complaints being made by the citizens of the Borough, said complaints including dogs found running at large within the Borough and noise disturbances created by barking dogs.

SECTION 2: DEFINITIONS AND WORD USAGE.

Unless otherwise expressly stated, the following terms shall, for purposes of this Ordinance, have the meanings indicated as follows:

ANIMAL(S) – Dogs, cats, birds, reptile, livestock, fowl, insects, arachnids, and any other creatures utilized by a Person for personal, agricultural, commercial, or business purposes.

ANIMAL CONTROL OFFICER – Duly authorized police officers of the Borough and such other Person or Persons as may be designated by the Borough to enforce this Ordinance.

BOROUGH – The Borough of York Haven, York County, Pennsylvania.

DANGEROUS DOG – Any one of the following:

1. Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic Animal without provocation on public or private property;
2. Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic Animals;
3. Any dog used in the commission of a crime;
4. Any dog which in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks or any public grounds or places; or
5. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

KENNEL – Any establishment wherein dogs or other Animals are kept for the purpose of breeding, hunting, training, renting, buying, boarding, sale, show or any other similar purpose and is so constructed that said dogs or other Animals cannot stray therefrom.

PERSON – A natural individual, unincorporated association, partnership, corporation, estate, trust or any other legally recognized entity, and the members of such partnership and the officers of such corporation.

PROPERTY – Any parcel of real estate within the Borough, including the land all buildings and appurtenant structures.

SECTION 3: NOISE DISTURBANCE. It shall be illegal within Borough for any Person to own, possess or control any dog, cat or other Animal that makes noises continuously or repeatedly either for a period of at least fifteen (15) minutes between the hours of 7:00 a.m. to 10:00 p.m. daily, or for a period of at least five (5) minutes between the hours of 10:00 p.m. to 7:00 a.m. daily, regardless of whether the Animal is physically situated in or upon private Property. Such noises shall be considered a nuisance and shall be illegal provided that none of the exceptions, set forth hereinbelow, are applicable.

The following shall not be considered a violation of this Ordinance and shall constitute exceptions thereto:

1. Noises made by farm animals located on farms that constitute agricultural operations protected from nuisance suits by the Right to Farm Law or any similar legislation now in

force or hereinafter enacted to protect farm operations from legal actions that have the effect of restricting lawful agricultural operations.

2. Barking or other noises made by dogs or other Animals in response to a Person who is trespassing upon private Property in or upon which the Animal is lawfully situated or if the noise is made in response to an unlawful physical assault upon the dog or other Animal or upon a Person lawfully on the Property on which the dog or other Animal is situated. By way of illustration, but not limitation, this exception does not apply to noises made in response to a Person walking, running or being present on a sidewalk intended for the public or within the public right-of-way of any road regardless of whether the Animal may perceive the presence of such Person as being intrusive or alarming.

3. Barking or other noises made by dogs or other Animals located in a licensed kennel, veterinarian's office or other similar lawful place of business, provided that the operator of the facility has adopted and implemented reasonable policies to avoid adverse impacts to the occupants of neighboring properties such as, by way of illustration, but not limitation, installing or constructing buffers between the location of the Animals and affected neighboring properties, the placement of loud Animals indoors or the refusal to accept, on other than an emergency basis, Animals which have previously created noise problems for the operator.

Each day that such noises occur shall constitute a separate violation of this Ordinance; and multiple violations may be cited if such noises occur on different days.

SECTION 4: RESPONSIBILITIES OF DOG OR ANIMAL OWNERS. No Person who owns, maintains, keeps or has custody of a dog, cat or other Animal shall fail to use all reasonable precautions to confine or contain such dog, cat or other Animal to the Property of such Person or the Property which the owner, custodian or keeper has permission to use for such purposes.

SECTION 5: RUNNING AT LARGE AND OTHER NUISANCES. It shall be unlawful for any Person to permit any dog, cat or other Animal to become a nuisance in any way within the Borough. Nuisances shall include, but not be limited to, the following:

1. Permitting any dog, cat or other Animal to run at large within the Borough.
2. Permitting a dog, cat or other Animal to be upon any public or private Property, including sidewalks and streets, within the Borough unless said dog, cat or other Animal is on a leash or upon Property owned by the owner of said dog, cat or other Animal. The Person holding the leash must be of sufficient size and experience to handle the dog or Animal on the leash.
3. Failing to immediately remove the droppings when a dog, cat or other Animal is upon Property other than that of the owner.
4. Placing or otherwise securing any dog, cat or other Animal in any of the streets of the Borough or at any location that allows the dog, cat or Animal to enter any of the streets of the Borough or any other public place.

5. Owning an Animal that acts in such a manner as to cause annoyance or discomfort to a reasonable person of normal sensitivities.

SECTION 6: RESTRICTION ON NUMBER. Due to the close proximity of the Properties located within the Borough and due to the increased number of citizen complaints received by the Borough:

1. It shall be unlawful for any Person to keep or to maintain on any Property of ½ acre or less more than two (2) dogs over six (6) months of age, four (4) cats over six (6) months of age, or a total of eight (8) Animals of any type over six (6) months of age, including both dogs and cats.

2. It shall be unlawful for any Person to keep or to maintain on any Property of ½ acre or greater more than four (4) dogs over six (6) months of age, eight (8) cats over six (6) months of age, or a total of ten (10) Animals of any type of over six (6) months of age, including both dogs and cats.

3. Any Person shall be permitted to make application to the Borough for a permit granting said Person permission under this Ordinance to keep or maintain on any Property dogs, cats or other Animals in a number which exceed the limits as detailed in Paragraphs 6(A) and (B) of this Section. The permit shall be granted by the Borough at the sole discretion of the Borough if the Person demonstrates the following:

1. No adverse impact on adjoining Property owners or residents; and
2. The dogs, cats or other Animals will be kept or maintained in a safe and sanitary manner; and
3. That the keeping and maintaining of the dogs, cats or other Animals shall be done without violating any other Section of this Ordinance; and
4. Adherence with any other conditions as required by the Borough.

SECTION 7: TREATMENT. No Person shall treat a dog, cat, or other Animal in the Borough in a cruel or inhuman manner. Beating, underfeeding, overloading and abandoning Animals shall be considered cruel and inhuman treatment within the meaning of this Section.

SECTION 8: DANGEROUS DOGS. No Person shall permit a Dangerous Dog to run at large within the Borough. In addition, no Person shall keep, maintain, or harbor any Dangerous Dog out of doors unless said Dangerous Dog is secured within a Kennel, or is on a leash held by a Person of sufficient size and experience to handle the Dangerous Dog on the leash. Any Person who keeps, maintains, or harbors any Dangerous Dog shall place a sign upon his or her Property warning all persons of the presence of a Dangerous Dog. The sign shall be conspicuously posted such that any Person entering the Property would be warned of the presence of the Dangerous Dog. Members of the Police Department and the Animal Control Officer are hereby authorized to kill any Dangerous Dog or other Animal of any kind when it is necessary for the protection of Persons or Property.

SECTION 9: DISEASED ANIMALS.

1. No Person shall maintain or expose any dog, cat or other Animal that is afflicted with a contagious or infectious disease whereby the health of humans or other Animals may be affected, nor shall any Person ship any such diseased Animal or remove it from the premises of the owner thereof except under the supervision of the Chief of Police, Animal Control Officer or any other duly authorized officer of the Borough.

2. It is hereby made the duty of the Animal Control Officer or any other duly authorized officer of the Borough to secure such disposition of any diseased Animal and such treatment of affected premises as to prevent the communication or spread of the contagion or infection, except in cases where the State Veterinarian is empowered to act.

SECTION 10: KEEPING OF CERTAIN ANIMALS PROHIBITED.

1. No Person shall keep or maintain out of doors any live swine or pig, chicken, turkey, pigeon or other domestic or wild fowl within the Borough, unless said Person has applied for and obtained a permit from the Borough authorizing the keeping or maintaining of such Animals. A Person may keep or maintain such Animals indoors if the conditions are safe, secure, sanitary and appropriate.

2. No Person shall keep or maintain within the Borough any reptile with an overall length in excess of five (5) feet nor any poisonous arachnid, insect, or reptile regardless of its length or size, unless said Person has applied for and obtained a permit from the Borough authorizing the keeping or maintaining of such Animals.

SECTION 11: REMOVAL AND DISPOSAL OF DEAD ANIMALS. It shall be the duty and obligation of all owners, lessors or occupiers of Property within the Borough to provide for the removal and disposal of any and all dead cats, dogs and other Animals upon such Property.

SECTION 12: CLEANLINESS OF ENCLOSURES. No Person shall cause or allow any stable, house, hut, area or place where any dog, cat or other Animal is or may be kept to become unclean or unwholesome.

SECTION 13: AUTHORIZED ACTION/DUTY OF ANIMAL CONTROL OFFICER. Police Officers or the Animal Control Officer of the Borough are hereby authorized to secure and use, with reasonable precautions, any device or gun that propels an instrument, pellet or drug for the purpose of immobilizing or anesthetizing an Animal for the purpose of securing and impounding such Animal. Further, it shall be the duty of the Animal Control Officer to take into custody any and all dogs, cats or other Animals found in violation of any provision of this Ordinance and not restrained, leashed or secured upon the owner's Property or Property which the owner has permission to use and to convey the same to such shelter or pound as is from time to time

designated by the Borough. A notice of seizure shall be sent to the owner of such dog, cat or other Animal, if known, in accordance with the laws of the Commonwealth of Pennsylvania.

SECTION 14: PENALTIES. Any Person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine as follows:

- A. Fifty (\$50.00) Dollars, plus costs, for the first violation;
- B. One Hundred (\$100.00) Dollars, plus costs, for the second violation;
- C. One Hundred Fifty (\$150.00) Dollars, plus costs, for third violation;
- D. Two Hundred (\$200.00) Dollars, plus costs, for the fourth violation;
- E. Two Hundred Fifty (\$250.00) Dollars, plus costs, for all subsequent violations.

For purposes of this Section, "one (1) year" shall mean three hundred sixty-five (365) days from the first violation.

For purposes of this Section "costs" shall include, but not be limited to, any and all money spent on investigating, mitigating, prosecuting, or otherwise addressing any violation of this Ordinance including, but not limited to, Police Officer and Animal Control Officer charges, and attorneys' fees.

In default of payment of any fine assessed pursuant to this Ordinance, the violator shall be subject to imprisonment for a term not to exceed thirty (30) days.

SECTION 15: REPEALER. All prior Ordinances or parts of Ordinances which focus primarily on barking dogs are hereby repealed. All other prior Ordinances which regulate the keeping or handing of Animals shall remain unaffected by this Ordinance except to the extent that the specific provisions are in conflict with those of this Ordinance in which case this Ordinance shall control.

SECTION 16: 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 Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 17: INTERPRETATION. When interpreting this Ordinance, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

SECTION 18: EFFECTIVE DATE. This Ordinance shall become effective five (5) days after the date of its enactment as provided by law.

SECTION 19: PENNSYLVANIA DOG LAW. This Ordinance seeks to supplement the provisions of the Pennsylvania Dog Law, as codified at 3 P.S. Sec. 459-101, et seq, and this Ordinance shall be interpreted such a manner.

ORDAINED AND ENACTED this 8 day of September, 2003.

ATTEST:

COUNCIL OF YORK HAVEN
BOROUGH

Pamela Bilet
Secretary

By: Bruce S. Keit
President

Approved of this 8 day of September, 2003.

By: Keith G. Rode
Mayor