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Part 1

Animal Nuisances

§101. Purpose. The Board of Commissioners has determined that when the peace, comfort and enjoyment associated with the usual and common benefits of residing in the Township are disrupted, disturbed or adversely impacted as a result of any dog or cat or other animal, as hereinafter defined, by frequent or habitual barking, howling, screeching, yelping, baying or in any other way or manner disrupts, disturbs or adversely impacts the peace, comfort or enjoyment of any person or resident of the community, such that a person or resident of this Township has no other reasonable option but to "close" all windows of his/her residence in contradiction to the desire of the person in an effort to maintain some level of peace, comfort or enjoyment or when the peace, comfort or enjoyment is disrupted, disturbed or adversely impacted to the point that the normal pattern of sleep of the person or resident is compromised such that the health, safety and welfare of the person or resident is endangered or the comfort, repose or health of person(s) is adversely impacted, it is hereby declared that such disruption, disturbance or adverse impact is an unreasonable interference with a right to the general public and therefore constitutes a nuisance. (Ord. 549, 9/16/1997, §1)

§102. Definitions.

1. For purposes of this Part, the following terms, phrases, words and their derivations shall have the meanings given herein:

ANIMAL - any animal or bird maintained as a domestic pet including, but not limited to, dogs, cats, rabbits, hamsters and birds. "Animal" shall also include chickens, goats, pigs or other animals when maintained upon a residential lot as an accessory use to the principal use of the lot for residential purposes. "Animal" shall not include livestock or poultry being raised upon a working farm(s) and shall not include horses which are the principal method of transportation for the occupants of a dwelling.

ANIMAL OWNER - includes, regardless of whether any such animal is licensed or unlicensed:

(1) Every person having a right of proprietorship or ownership in an animal.

(2) Every person who keeps or harbors an animal or has it in his care or custody.

(3) Every person who permits an animal to remain on or about any premises occupied by him.

(4) The parents of any child under eighteen (18) years of age who owns or has the control and custody of an animal.

and run at large over the streets, alleys or public grounds in the Township upon the property of anyone other than the animal owner or the property of another who has granted permission to the animal owner to allow the dog or other animal upon such person's property. (Ord. 549, 9/16/1997, §4)

§105. Duty to Control Animal. It shall be the duty of all animal owners, while traveling on the streets, alleys or public grounds in the Township of Cumru, to have the dog or other animal on a leash at all times and to prevent the dog or other animal from entering upon the property of any person or persons in the Township without the property owner's consent. (Ord. 549, 9/16/1997, §5)

§106. Noise.

1. It shall be unlawful for any person to harbor, care for, shelter or maintain any breed of dog or dogs or other animal which makes any noise including, but not limited to, barking, yelping, howling or the making of any loud noise by an animal continuously and/or incessantly for more than one-half (½) hour on any one (1) occasion to the disturbance of any person at any time, regardless of whether the dog or other animal is situated on private property, said noise constituting a nuisance.

2. It shall be the responsibility of the persons being offended to record the date and times of the noise, along with the location of the offending animal and the type of offending animal. This record shall be signed and dated by the complainant and provided to the Police Department prior to issuing a notice of violation under §108(1). Should it become necessary, the complainant shall appear at the district justice hearing as a witness for the Township.

(Ord. 549, 9/16/1997, §6)

§107. Offensive Odors and Other Nuisances Prohibited. It shall be unlawful for any person to permit any animal to soil, defile, defecate under circumstances or to a degree which will have the effect of creating noxious odors to the annoyance of others upon any common thoroughfare, sidewalk, passageway, by-pass, play area, park or any place where people congregate or walk or upon public property whatsoever or upon any private property without the express permission of the owner or occupier of such property, unless such person shall immediately remove all feces deposited by said animal and dispose the same upon his own property or by any other sanitary method. Furthermore, it shall be unlawful for any person to harbor, care for, shelter or maintain any breed of dog or dogs or other animal in such a manner so as to disturb or unduly annoy the public through the dog's or other animal's smell, mischief or other harmful propensities. All pens or other areas in which dogs or other animals are kept shall be maintained in a sanitary condition, free of offensive, obnoxious or foul odors. (Ord. 549, 9/16/1997, §7)

§110. Remedies. In addition to any other remedies provided in this Part, any violation of the provisions of this Part shall constitute a nuisance and may be abated by the Township by seeking appropriate relief from a court of competent jurisdiction. Any action relative to whether or not this Part should be enforced in a particular instance shall be decided by the Board of Commissioners, exclusively, on a case by case basis. It is specifically not the intent of the Board of Commissioners to in any way alter, hinder, modify or infringe upon the right of a person to bring a private nuisance action against an alleged violator. Furthermore, the Township reserves the right to file a municipal claim or any other action pursuant to law pursuant to this Part. (Ord. 549, 9/16/1997, §10)

§111. Dog Accompanying Blind or Handicapped Persons Exempted. The provisions of this Part shall not apply to a guide dog accompanying any blind person(s) or to a dog used to assist any other physically handicapped person(s). (Ord. 549, 9/16/1997, §12)

Part 2

Prohibiting Dogs Running At Large

§201. Definitions. As used in this Part 2, the following terms have the meaning indicated, unless a different meaning clearly appears from the context:

OWNER - any person having a right of property in any dog or having custody of any dog, or any person who harbors or permits a dog to remain on or around his or her property.

RUNNING AT LARGE - being upon any public highway, street, alley, park, or any other public land, or upon property of another person other than the owner, and not being accompanied by or under the control of the owner or any other person having custody of said dog.

(Ord. 251, 5/11/1971; as revised by Ord. 467, 4/3/1990)

§202. [Reserved.] (Ord. 251, 5/11/1971; as revised by Ord. 467, 4/3/1990; and repealed by Ord. 549, 9/16/1997, §13)

§203. Seizing of Dogs. Any police officer or dog warden may seize any dog found at large in the Township of Cumru. Such dogs are to be impounded in a licensed kennel. (Ord. 251, 5/11/1971; as revised by Ord. 467, 4/3/1990)

§204. Licensed Dogs. Owners of licensed dogs are to be notified by registered or certified mail, with return receipt, that the dog is impounded and will be disposed of in five days if not claimed. Five days after the return receipt has been received, and the dog has not been claimed, the dog may be sold or destroyed in accordance with the 1982 Dog Law. (Ord. 251, 5/11/1971; as revised by Ord. 467, 4/3/1990)

§205. Unlicensed Dogs. Unlicensed dogs that are seized are to be held in such kennel for 48 hours and if not claimed may be destroyed in accordance with the 1982 Dog Law. (Ord. 251, 5/11/1971; as revised by Ord. 467, 4/3/1990)

§206. Threatening Dogs. Dogs that, in the opinion of any police officer or dog warden, constitutes a threat to public health and welfare may be killed by the police or dog warden. (Ord. 251, 5/11/1971; as revised by Ord. 467, 4/3/1990)

§207. Penalty. Any person allowing an animal to run at large will be in violation of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine not less than sixty dollars (\$60.00), and not exceeding six hundred dollars (\$600.00) and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. (Ord. 251, 5/11/1971; as revised by Ord. 467, 4/3/1990)