

Chapter 2

Animals

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Part 1**Prohibiting Cats as Nuisances and Running at Large****§2-101. Purpose.**

The purpose of this Part is to provide reasonable regulations for the identification, control, care and maintenance of cats in the Borough of Clarks Green. It is recognized by the Borough Council that cats are generally excellent pets, but they can become a nuisance if not properly maintained. This Part is not intended to impair, restrict or otherwise interfere with the relationship that exists between owners and their pets; however, it is necessary that these owners exercise responsibility in the care and maintenance of their animals so that other residents in the Borough of Clarks Green are not offended or unreasonably inconvenienced.

(Ord. 4-1999, 10/11/1999, §1)

§2-102. Definitions.

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

Cat - any animal of the feline species.

Owner - any person, group of persons, partnership or corporation keeping, harboring or feeding a cat for more than 48 hours. This provision shall not include a person who feeds a cat on behalf of an owner at the owner's request to accommodate the owner's temporary needs.

Person - an individual, firm, partnership, operation or association of persons.

At large - any cat when it is off the property of its owner and not restrained by a competent person.

(Ord. 4-1999, 10/11/1999, §2)

§2-103. Responsibility of Owner.

It shall be the responsibility and duty of every owner of any cat (a) to exercise and maintain such degree of care and control over the cat that it does not become a nuisance, as set forth in this Part, within the confines of the Borough; and (b) to affix an identification tag indicating the cat owner's name, address and telephone number to the cat's collar which must be worn at all times.

(Ord. 4-1999, 10/11/1999, §3)

§2-104. Nuisances.

A cat shall become a nuisance whenever it shall engage in or commit any of the following actions within the Borough:

- A. To run at large upon the public streets of the Borough of Clarks Green or upon the property other than property of the owner or keeper of the cat.
- B. Kill, injure or threaten injury to persons, animals or birds.
- C. Injure property, including lawns, flowers, shrubs and trees.

D. Upset or otherwise interfere with garbage receptacles.

E. Be kept or placed by its owner under cruel, unsanitary or otherwise inhumane conditions, or be abandoned by its owner.

F. Defecate, urinate, dig or otherwise damage property other than the property of the owner of the cat.

G. Engage in loud or habitual crying or whining or conduct itself in such a manner as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such cat.

(*Ord. 4-1999, 10/11/1999, §4*)

§2-105. Apprehension.

Whenever a cat has been apprehended for violations of §2-204 herein, the police or other authorized agency shall notify the owner or owners of such cat of said apprehension, notifying said owner or owners that they have violated the provisions of this Part, and issue a warning for the first offense. After the first offense warning, the police or other authorized agency may issue a citation to such person, charging a violation of this Part as a summary offense.

(*Ord. 4-1999, 10/11/1999, §5*)

§2-106. Violations and Penalties.

An owner of a cat violating any provision of this Part, upon conviction thereof, shall be sentenced 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 violation of this Part continues shall constitute a separate offense.

(*Ord. 4-1999, 10/11/1999, §7; as amended by Ord. 3-2005, 10/10/2005*)

§2-107. Legislative Authority.

This Part is enacted by the Borough Council of the Borough of Clarks Green pursuant to §§1202(6) and (13) of the Borough Code of Pennsylvania, 53 P.S. §46202(6) and (13), 3 P.S. §459-101 *et seq.*, and any other applicable statutes or laws of the Commonwealth of Pennsylvania.

(*Ord. 4-1999, 10/11/1999, §8*)

Part 2**Animal Noise****§2-201. Intent and Purpose.**

The Borough Council of the Borough of Clarks Green, finding that excessive levels of sound are detrimental to the physical, mental and social well-being of the people as well as to their comfort, living conditions, general welfare and safety and well-being and, therefore, a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within the Borough.

(Ord. 3-2005, 10/10/2005)

§2-202. Noise Disturbance.

It shall be illegal within the Borough for any person or persons to own, possess, harbor or control any animal or bird which makes any noise continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for ½ hour or more to the disturbance of any person any time of the day or night regardless of whether the animal or bird is physically situated in or upon private property, said noise being a nuisance; provided, that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated nor is there any other legitimate cause which justifiably provoked the animal or bird.

(Ord. 3-2005, 10/10/2005)

§2-203. Exceptions.

This Part shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from nuisance suits by the Act of June 10, 1982, P.L. 454, No. 133, §1 *et seq.*, 3 P.S. §951 *et seq.*

(Ord. 3-2005, 10/10/2005)

§2-204. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

(Ord. 3-2005, 10/10/2005)

Part 3**Disposal of Animal Feces****§2-301. Animal Defecation on Public and Private Property Restricted.**

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

(Ord. 3-2005, 10/10/2005)

§2-302. Disposal of Animal Feces.

Any person having possession, custody or control of any dog or other animal which commits a nuisance, i.e. defecation or urination, in any area other than the private property of the owner of such dog or other animal, as prohibited in §2-301 shall be required to immediately remove any feces from such surface and either:

A. Carry same away for disposal in a toilet.

B. Place same in a nonleaking container for deposit in a trash or litter receptacle.

(Ord. 3-2005, 10/10/2005)

§2-303. Dogs Accompanying Blind or Handicapped Persons Exempted.

The provisions of §§2-301 and 2-302 hereof shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any other physically handicapped person.

(Ord. 3-2005, 10/10/2005)

§2-304. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced 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.

(Ord. 3-2005, 10/10/2005)

Part 4**Dogs at Large****§2-401. Definitions.**

The following terms, whenever used in this Part, shall have the meanings indicated in this Section, except where the context indicates a different meaning:

At large - any dog or other animal when it is off the property of its owner and not restrained by a competent person.

Dog - any member of the canine genus.

Impound - to apprehend, catch, trap, net or, if necessary, to kill any animal, by the local police department or authorized local agency.

Owner - any person or group of persons, firms or corporations owning, keeping or harboring a dog or dogs or other animals.

Person - any natural person, partnership, corporation or association.

Restraint - occurs when a dog or other animal is controlled by a leash or chain, not exceeding 6 feet in length, and where such chain or leash shall prevent such dog or other animal from terrorizing or attacking persons using sidewalks, etc.

(Ord. 4-1983, 9/12/1983)

§2-402. Running at Large.

It shall be unlawful for any person to allow a dog to run at large, either upon the public streets or highways of the Borough of Clarks Green or upon the property of other than the owner of such dog, and not restrained by the owner or keeper.

(Ord. 4-1983, 9/12/1983)

§2-403. Penalties.

1. The first two times a dog is seized, the owner shall pay a fine of \$15 to the Borough as well as reasonable fees for keeping the animal in a kennel in an amount as established from time to time by resolution of the Borough Council.

2. Any person allowing a dog to run at large a third time in violation of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fines and cost, to a term of imprisonment not to exceed 30 days.

(Ord. 4-1983, 9/12/1983; as amended by Ord. 3-2005, 10/10/2005)

