

Chapter 29

ANIMAL CONTROL

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[HISTORY: Adopted by the Borough Council of the Borough of Pennsburg 1-5-1998 by Ord. No. 1-98. Amendments noted where applicable.]

§ 29-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

ANIMAL — All nonhuman vertebrate and invertebrate species, whether wild or domestic, commonly considered to be part of the animal kingdom.

ANIMAL HOUSING — Any property, premises or place where animals are located, but not a place that is defined as a kennel.

AT LARGE — An animal off the premises of the owner not secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands.

BOROUGH — The Borough of Pennsburg, Pennsylvania.

BOROUGH OFFICIAL — That person or persons designated by the Borough Council to enforce the provisions of this chapter. Included in this definition are the Animal Control Officer, all other police officers who shall have the same power to act as the Animal Control Officer and the Borough Code Enforcement Officer.

OWNER — Includes every person, firm, corporation having a right of property in any animal which is kept harbored or cared for within the Borough of Pennsburg for a period of three or more days, as well as every person, firm or corporation occupying any premises within the borough which permits any animal to remain on or about its premises for a period of three or more days.

RESIDENTIAL AREA — Any area of the borough where the predominate land use is the residential dwelling use of human beings and shall include, but not be limited to, the residential zones as defined in Chapter 110 of the borough's Codified Ordinances.

VETERINARIAN — A graduate of a recognized school of veterinary medicine licensed to practice in the State of Pennsylvania.

WILD OR EXOTIC ANIMAL — Any animal of a species prohibited by Title 50, Code of Federal Regulations, or otherwise controlled by the Commonwealth of Pennsylvania.

- A. It shall include any animal which is wild, fierce, dangerous, noxious or naturally inclined to do harm.
- B. Wild animals, however domesticated, shall include, but not be limited to:
- (1) Dog family (Canidae): All except domesticated dogs, including wolf, fox, coyote, dingo, etc.;
 - (2) Cat family (Felidae): All except commonly accepted domestic cats, including lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, wild cats, etc.;
 - (3) Bears (Ursidae): All bears, including grizzly, brown bears, black bears, etc.;
 - (4) Weasels (Mustelidae): All except domesticated mink and ferrets, including weasels, martens, wolverine, badgers, otters, ermine, mongoose, etc.;
 - (5) Raccoons (Procyonidae): All raccoons and civets;
 - (6) Primates (Hominidae): All subhuman primates;
 - (7) Porcupines (Erethizontidae): All porcupines;
 - (8) Skunks: All excepting domesticated skunks;
 - (9) Snakes: All venomous snakes and venomous lizards;
 - (10) Crocodilians: All alligators, caimans, crocodiles, gavials, etc.;
 - (11) Venomous fish and piranha;
 - (12) Venomous invertebrate.

§ 29-2. Animal trespass; at large animals; animal fecal matter.

- A. The owner, possessor or manager of any animal shall not permit the same to trespass upon the premises of another property owner without prior permission or he shall be in violation of this chapter and shall have the burden of proving that permission to maintain his animal on the property on such other.
- B. It shall be unlawful for the owner or person in custody or control of any animal to allow the animal to run at large upon public property or upon the private property of other than the owner or person in custody or control of said animal. It shall be the duty of the Borough Official to seize and detain any animal which is found running at large, either

upon public property or upon the property of other than the owner of such animal, and unaccompanied by the owner or keeper.

- C. No owner of any animal or any person having the care, custody and control of any animal shall permit the same to discharge or deposit any fecal matter upon the property of another without immediately removing such matter and disposing of it in a sanitary manner.
- D. No owner or possessor of real property shall permit animal fecal matter to accumulate on such property, and it shall be the owner's or possessor's responsibility to remove such matter to prevent any such accumulation from becoming a danger to public health.
- E. The owner, possessor or manager of any animal shall not permit the same to make noise, bark, howl or yelp continuously. "Continuously" shall mean for a period of not less than 15 minutes during which the animal in question persists in the noise described even though there is intermittent periods of quiet.

§ 29-3. Reclaiming seized animals; fees; disposition of unclaimed animals.

- A. The Borough Official who has seized an animal under the provisions of this chapter shall see that the same is properly kept and fed.
- B. The owner of an animal so seized and detained may reclaim the same by:
 - (1) Paying all expenses incurred in feeding and boarding the animal at a prevailing rate established by the Humane Society or other similar organization at which the animal is detained.
 - (2) Paying an impoundment fee as established by the borough on annual basis.
 - (3) Providing proof of compliance with such state legislation pertinent to vaccination against rabies.
 - (4) If the Borough Official should seize an animal bearing a license tag or legible tattoo, he shall cause immediate notice of such seizure to be sent by registered or certified mail with return receipt to the person in whose name the license was procured or his agent, to claim such animal within five days of the date of his receipt of such notice. Should the owner not claim his licensed animal in accordance with such notice, that animal can be given to the Human Society or other similar organization or destroyed by the Borough Official in a humane manner.
 - (5) Any unlicensed animal seized and detained by the Borough Official which has not been claimed by its owner within 10 days of the date upon which it was seized can be given to the Humane Society or other similar organization.

§ 29-4. Summary destruction of animals for humane reasons.

When, in the judgment of the Borough Official, it is determined at the scene of an accident that an animal is injured beyond any medical help, such animal may be humanely destroyed.

§ 29-5. Burial or cremation of dead animals and fowl.

The owner of any animal or fowl which has died, when said owner knows of such death, shall forthwith have its body cremated or buried or otherwise disposed of in a manner acceptable to the Borough Official. Should the owner of any dead animal or dead fowl fail to comply with the provisions of this section, and after 48 hours of written notice delivered to such owner by the Borough Official, said Borough Official shall be authorized to cause any dead animal or fowl to be cremated or buried at the expense of said owner.

§ 29-6. Keeping of certain animals prohibited.

- A. Wild or exotic animals prohibited. No person shall keep a wild or exotic animal in any place other than a veterinary hospital or clinic, humane society or circus, sideshow or facility used for educational or scientific purposes, which provides proper cages, fences and other protective devices adequate to prevent such animal from escaping or causing injury to the public.
- B. Sale, exchange, adoption or transfer of wild or exotic animals prohibited. No person shall sell, offer for sale, adoption or transfer, with or without charge, any wild or exotic animal. This section is not intended to apply to persons owning or possessing wild or exotic animals prior to the enactment of this chapter, provided that the person or persons taking possession of such wild or exotic animal following said sale, adoption, exchange or transfer is/are not a resident of the Borough of Pennsburg.
- C. Keeping farm animals prohibited. It shall be unlawful for any person to keep or maintain any cattle, swine, sheep, goats or fowl in the borough.

§ 29-7. Power to promulgate rules and regulations.

The Borough Official, with the approval of Borough Council, may promulgate such written rules and regulations as may be reasonably necessary for the administration of the provisions of this chapter.

§ 29-8. Interference with Borough Official.

Any person interfering with the Borough Official in the enforcement of this chapter shall be guilty of a violation of this chapter.

§ 29-9. Unlawful release of seized animal.

Any person who shall take away or attempt to take away or who shall cut or attempt to cut the leash of any animal from the possession and custody of the Borough Official or any police officer shall be guilty of a violation of this chapter.

§ 29-10. Cruelty to animals.

It shall be unlawful for any person to:

- A. Overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry in a vehicle in an inhumane manner or otherwise mistreat any animal.
- B. Fail to provide any pet or animal with proper food, drink, protection from the weather and veterinary care.
- C. Abandon any pet or animal.
- D. Intentionally poison any pet or animal.
- E. Allow or promote any fight between animals or to allow or permit any such fight in or upon premises in his possession or under his/her control. In the event that the Borough Official or other authorized agency finds an animal in neglected conditions or to be suffering, it shall have the right forthwith to remove or cause to be removed any such animal to a safe place for care at the owner's expense, provided that the owner is properly notified. Return to the owner shall be permitted until the owner has made full payment for expenses incurred. Said payment shall not be considered in lieu of criminal charges which may be filed.

§ 29-11. Severability of provisions.

- A. The provisions of this chapter are severable; and if any provision is held unconstitutional or illegal, the remaining provisions of this chapter shall in no way be affected or impaired.
- B. Should any provision of this chapter be held unenforceable with respect to a particular type of animal because state legislation has been regulating, with respect to that type of animal, the activity herein sought to be regulated with respect to all types of animals, such provision shall remain effective with respect to those types of animals that are not the subject of such state legislation.

§ 29-12. Violations and penalties.

Any person, firm or corporation that shall fail, neglect or refuse to comply with any of the terms or provisions of this chapter or any regulation or requirement promulgated pursuant thereto and authorized thereby shall, upon conviction thereof, be ordered to pay a fine of not less than \$25, nor more than \$1,000, and in default of payment of fine and costs to undergo imprisonment of not more than 90 days. Each day's violation shall constitute a separate offense.