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Part 1

Definitions

§101. Definitions. As used in this Chapter, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

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.

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 and under the control of the owner or any other person having custody of said dog.

(Ord. 1-2002, 3/4/2002, §101)

Part 2

Prohibiting Dogs and Animals Running at Large

§201. Unlawful to Allow Dogs, Cats and Household Pets to Run at Large. It shall be the duty of the owner, custodian or keeper of any dog, and the duty of the parent or guardian of any minor owner of any dog, to keep the dog securely tied or penned in a yard or enclosure in such a manner that the dog cannot break loose and run at large over the streets, alleys, sidewalks or public grounds in the Township or upon the property of any person other than the owner, custodian or keeper of such dog. It shall be unlawful for the owner of any dog, cat or household pet to allow or permit such dog, cat or household pet to run at large in Earl Township. (Ord. 1-2002, 3/4/2002, §201)

§202. Leashing of Dogs. It shall be unlawful for the owner or custodian of any dog, while traveling on the streets, alleys or public grounds, to fail to have the dog on a leash at all times, and to prevent the dog from entering upon the property of another, without the property owner's consent. (Ord. 1-2002, 3/4/2002, §202)

§203. Seizing of Dogs. Any police officer may seize any dog found at large in the Township of Earl. Such dogs are to be impounded in a licensed kennel. (Ord. 1-2002, 3/4/2002, §203)

§204. Licensed Dogs. The police department that seizes any licensed dog shall notify the owner that the dog is impounded and will be transferred to the Lancaster County Humane League Kennel or to a similar animal protection agency, if not claimed within three (3) days of notice of seizure. (Ord. 1-2002, 3/4/2002, §204)

§205. Unlicensed Dogs. Unlicensed dogs, or licensed dogs whose owner cannot be contacted at the address and phone listed on the license information, shall be transferred to the kennel listed in §204, at the convenience of the police department. (Ord. 1-2002, 3/4/2002, §205)

§206. Household Pets. If a household pet is kept in an enclosure outside of such dwelling the keeper of such household pet shall confine the same in an enclosure sufficient to prevent such household pet from running at large, and such enclosure shall be of a size and construction conducive to the household pet's health. An adequate sanitary facility shall be provided and maintained. (Ord. 1-2002, 3/4/2002, §206)

§207. Penalties. The first two (2) times a dog is seized, the owner shall pay a fine of fifteen dollars (\$15.00) to the Earl Township as well as reasonable fees for keeping the animal in a kennel as fixed pursuant to a resolution of the Earl Township. Any person allowing a dog to run at large a third time in violation of this Part shall, upon conviction thereof, be

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sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment, to imprisonment for a term not to exceed thirty (30) days. (Ord. 1-2002, 3/4/2002, §207)

§208. Threatening Dogs. Dogs that, in the opinion of any police officer, constitute a threat to public health and welfare may be killed by the police. (Ord. 1-2002, 3/4/2002, §208)

Part 3

Animal Noise Control

§301. Intent and Purpose. The Board of Supervisors of Earl Township, 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 being 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 Earl Township. (Ord. 1-2002, 3/4/2002, §301)

§302. Habitual Noise from Animals Declared a Public Nuisance. It shall be unlawful for any owner, handler, custodian or keeper to keep or harbor any dog, cat or other domestic animal which habitually barks, howls, yelps, cries or otherwise makes noise in such a manner as to materially disturb or annoy persons in the surrounding neighborhood and such dogs, cats or other domestic animals exhibiting the aforementioned behavior are hereby declared to be a public nuisance. Whenever a person shall complain to the Township Police Department that a dog, cat or other domestic animal which habitually barks, howls, yelps, cries or otherwise make disturbing noise is being kept by a person in the Township, the police department shall:

A. Notify that owner, handler, custodian or keeper of such dog, cat or other domestic animal that a complaint has been received and that the person should take necessary action to alleviate in a humane manner the barking, howling, yelping or crying.

B. If the warning given pursuant to subsection (A), above, to the person alleged to be keeping any such dog, cat or other domestic animal is ineffective, then a verified complaint of at least two (2) citizens not from the same family may be presented to the police department alleging that the dog, cat or other domestic animal which habitually barks, howls, yelps or cries is being kept by the person first complained about. If said complaint is found to be true, the police department shall inform the owner, handler, custodian or keep of said dog, cat or other domestic animal that said petition has been received and shall prosecute that person for a violation of this Part.

C. "Habitually" is hereby defined to include, by way of illustration and not limitation, two (2) or more hours out of four (4) in any twenty-four (24) hour period, or in excess of one-half (1/2) hour at the same time each day for three (3) or more consecutive days.

(Ord. 1-2002, 3/4/2002, §302)

§303. Penalties. The first two (2) times any person, firm or corporation violates §302 of this Part, they shall pay a fine of fifteen dollars (\$15.00) to the Township of Earl. Any person, firm or corporation violating §302 a third time (and any subsequent violations) shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars

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(\$600.00), and in default of payment, to imprisonment for a term not to exceed thirty (30) days. (Ord. 1-2002, 3/4/2002, §303)

Part 4

Care and Cleaning of Animals

§401. Dog's Living Area. It shall be unlawful for the owner, handler, custodian or keeper of any dog to fail to keep the dog and dog's living area clean at all times and free of odor, flies and rodents. (Ord. 1-2002, 3/4/2002, §401)

§402. Proper Shelter and Feeding of Dogs. It shall be unlawful for any owner, handler, custodian or keeper of any dog to fail to reasonably provide for proper food and water for a dog, or to fail to keep any dog properly warm in the winter or fail to provide a shaded area for any dog in the summer. (Ord. 1-2002, 3/4/2002, §402)

§403. 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 Township of Earl, 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. 1-2002, 3/4/2002, §403)

§404. 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 §403, 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 non-leaking container for deposit in a trash or litter receptacle.

(Ord. 1-2002, 3/4/2002, §404)

§405. Dogs Accompanying Blind or Handicapped Persons Exempted. The provisions of §§403 and 404 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. 1-2002, 3/4/2002, §405)

§406. Penalties. The first two (2) times any person, firm or corporation violates the provisions of Part 4 of this Chapter they shall pay a fine of fifteen dollars (\$15.00) to the Township of Earl. Any person, firm or corporation who shall violate any provision of this Part a third time (and any subsequent violation) shall, upon conviction thereof, be sentenced to pay

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a fine of not more than six hundred dollars (\$600.00) and, in default of payment thereof, to imprisonment for a term not to exceed thirty (30) days.
(Ord. 1-2002, 3/4/2002, §406)

Part 5

General Prohibitions and Provisions

§501. Keeping of Wild Animals Prohibited. It shall be unlawful for any person or persons to keep, maintain, own or have in his, her or their possession or under his, her or their control within the Township of Earl any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous nature. (Ord. 1-2002, 3/4/2002, §501)

§502. Enforcement by Township Police Department. The New Holland Borough Police Department shall be charged with the responsibility to enforce the provisions under this Part and shall perform all other duties which may be prescribed by the Township or the Dog Law of 1982. (Ord. 1-2002, 3/4/2002, §502)

§503. Violation Constitutes Public Nuisance. 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 ceased and abated by the Township of Earl by seeking equitable relief from a court of competent jurisdiction. (Ord. 1-2002, 3/4/2002, §503)

§504. Public Nuisance or Threat to Health and Safety of Residents. If any household pet is kept in a dwelling owned and occupied by its owner, such owner shall ensure that no public nuisance shall be created or maintained and no threat to the health of persons living elsewhere than such dwelling shall be created. (Ord. 1-2002, 3/4/2002, §504)

§505. Penalties. The first two (2) times any person, firm or corporation violates the provisions of this Part they shall pay a fine of fifteen dollars (\$15.00) to the Township of Earl. Any person, firm or corporation who shall violate any provision of this Part a third time (and any subsequent violation) shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) and, in default of payment thereof, to imprisonment for a term not to exceed thirty (30) days. (Ord. 1-2002, 3/4/2002, §505)