

CHAPTER 2

ANIMALS

Part 1

Dogs, Cats and Other Animals

- §101. Determination of Nuisance**
- §102. Definitions; Word Usage**
- §103. Running at Large Prohibited**
- §104. Duty to Secure Animal**
- §105. Duty to Control Animal**
- §106. Noise**
- §107. Offensive Odors and Other Nuisances**
- §108. Notice of Violation**
- §109. Violations and Penalties**
- §110. Exemptions**

Part 2

Dogs on Mohnton Playground

- §201. Dogs Prohibited**
- §202. Penalties**

Part 1

Dogs, Cats and Other Animals

§101. Determination of Nuisance.

The Borough Council has determined that, when the peace, comfort and enjoyment associated with the usual and common benefits of residing in the Borough are disrupted, disturbed or adversely impacted as a result of any dog or cat or other animal, as herein-after defined, frequently or habitually barking, howling, screeching, yelping, baying, running at large or in any other way or manner disrupting, disturbing or adversely impacting the peace, comfort or enjoyment of any person or resident of the community, such that a person or resident of this Borough 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 living of the person or resident is compromised or 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. 716, 4/12/2006, §1)

§102. Definitions; Word Usage.

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

ANIMAL — includes 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:

- A. Every person having a right of proprietorship or ownership in an animal.
- B. Every person who keeps or harbors an animal or has it in his care or custody.

ANIMALS

- C. Every person who permits an animal to remain on or about any premises occupied by him.
- D. The parents of any child under 18 years of age who owns or has the control and custody of an animal.

NUISANCE — the unreasonable, unwarrantable or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of his reasonable rights of person or property.

OWNER — a person owning, leasing, occupying or having charge of any premises within the Borough.

PERMIT — to suffer, allow, consent or let; to give leave or license, to acquiesce by failure to prevent; or to expressly accept or agree to the doing of any act.

PERSON — any natural person, firm, partnership, association, corporation, company or other legally recognized entity.

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 any dog, cat or similar animal.

- 2. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number, and words in the singular number include the plural number; any personal pronoun shall be construed so as to mean either the masculine, feminine or neuter gender, as the context may require; and the word "shall" is always mandatory.

(Ord. 716, 4/12/2006, §2)

§103. Running at Large Prohibited.

It shall be unlawful for the owner of any dog or cat to allow or permit such dog or cat to run at large in the Borough of Mohnton. It further shall be unlawful for an animal owner to fail to keep at all times such dog or cat or other animal either:

- A. Confined within the premises of the animal owner and maintained in a clean and sanitary condition at all times.
- B. Firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured.
- C. Under the reasonable control of some person or, when engaged in lawful hunting, exhibition or field training, accompanied by an owner or handler.

(Ord. 716, 4/12/2006, §3)

§104. Duty to Secure Animal.

It shall be the duty of all animal owners and the duty of the parent or guardian of any minor owner of any dog, cat or other animal to keep the dog, cat or other animal securely tied or penned in an enclosure in such a manner that the dog, cat or other animal cannot break loose and run at large over the streets, alleys or public grounds in the Borough or 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, cat or other animal upon such person's property.

(Ord. 716, 4/12/2006, §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 Borough of Mohnton, to have the dog or other animal on a leash at all times and to prevent the dog, cat or other animal from entering upon the property of any person or persons in the Borough without the property owner's consent.

(Ord. 716, 4/12/2006, §5)

§106. Noise.

1. It shall be unlawful for any person to harbor, care for, shelter or maintain any dog, dogs, cat or cats or other animal, except sounds made by livestock, 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 ten minutes or more or barking intermittently for one-half hour or more on any one occasion to the disturbance of any person at any time, regardless of whether the dog, cat or other animal is situated on private property, said noise constituting a nuisance.
2. It shall be the responsibility of the person(s) being offended to record the dates 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. Should it become necessary, the complainant shall appear at the District Justice hearing as a witness for the Borough.

(Ord. 716, 4/12/2006, §6)

ANIMALS

§107. Offensive Odors and Other Nuisances.

It shall be unlawful for any person to permit any animal to soil, defile or 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, bypass, 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 of 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 cat or other animal in such a manner so as to disturb or unduly annoy the public through the dog's, cat's or other animal's smell, mischief or other harmful propensities. All pens or other areas in which dogs, cats or other animals are kept shall be maintained in a sanitary condition, free of offensive, obnoxious or foul odors.

(Ord. 716, 4/12/2006, §7)

§108. Notice of Violation.

1. Method of serving notice. Prior to the issuance of a citation for a violation of this Part, it shall be necessary to serve written notice upon the animal owner in one of the following ways:
 - A. By mailing a copy of the notice to the animal owner by certified mail, return receipt requested.
 - B. By personal delivery of the notice to the animal owner. The owner shall sign a copy of the notice to be retained by the Borough.
 - C. By handing a copy of the notice at the residence of the animal owner to an adult member of the family with which the owner resides; but if no adult member of the family is found, then to an adult person in charge of such residence. Said adult shall sign a copy of the notice to be retained by the Borough.
2. Contents of notice. The notice shall set forth:
 - A. The name and address of the animal owner, if known.
 - B. The nature and extent of the violation or offense.
 - C. The period of time over which the nuisance has occurred.
 - D. The identity of the person giving notice.
 - E. The date and time of the sending of the notice.

- F. A statement to the effect that a complaint may be filed with the District Justice if the nuisance is not abated within 24 hours of the time the notice is given to the animal owner.
3. Duration of notice. Any notice given pursuant to this section shall be valid for a period of six months; within six months, no additional notice need be given prior to a complaint being filed with a District Justice.

(Ord. 716, 4/12/2006, §8)

§109. Violations and Penalties.

1. Any person violating the provisions of this Part shall, upon conviction thereof, pursuant to the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of \$50 for the first offense and \$75 for each subsequent offense, plus all court costs, including reasonable attorney's fees incurred by the Borough of Mohnton, provided that such fine and costs shall be in addition to any other expenses for kennel charges.
2. No judgment shall be imposed until the date of the determination of a violation by the District Justice.

(Ord. 716, 4/12/2006, §9)

§110. Exemptions.

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. 716, 4/12/2006, §10)

Part 2

Dogs on Mohnton Playground

§201. Dogs Prohibited.

No dogs shall be allowed anywhere, at anytime, on the Mohnton Playground property.

(Ord. 486, 12/14/1988, §1)

§202. Penalties.

Any person who shall violate this Part shall, upon conviction thereof, be sentenced to pay a fine not more than \$300, and/or to undergo imprisonment for a term not to exceed 90 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 486, 12/14/1988, §2)