

Chapter 2

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Part 1**Prohibited Animals****A. Pigs.****§2-101. Keeping of Pigs, Maintenance of Pig Pens Unlawful.**

No person, firm or corporation shall keep any pig or hog at any place within the Borough of Shillington, nor shall any person, firm or corporation maintain any pig pen or hog pen at any place therein.

(*Ord. 539, 7/17/1970, §1; as amended by Ord. 1025, 10/14/2004*)

§2-102. Penalty.

Any person, firm or corporation who shall violate 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. 539, 7/17/1970; as added by Ord. 1025, 10/14/2004*)

B. Bees.**§2-111. Definitions Applicable to Provisions on Bee Keeping.**

For the purpose of construing this Part, the following definitions shall be applied:

Apiary - any place where one or more colonies or nuclei of bees are kept.

Bees - any stage of the common hive or honey bee.

Hive - frame hive, box hive, box, barrel, log or any other receptacle or container, natural or artificial, or any part thereof, which may be used or employed as a domicile for bees.

Person - includes all corporations, partnerships, unincorporated associations, societies, individuals, and any group or combination of individuals.

(*Ord. 217, 6/2/1939, §1*)

§2-112. Unlawful to Keep Bees or Maintain Bee Hives or Apiaries.

No person shall keep bees or maintain hives or apiaries with bees therein within the limits of the Borough of Shillington.

(*Ord. 217, 6/2/1939, §2*)

§2-113. Keeping of Bees and Maintenance of Hives or Apiaries Constitutes Public Nuisance.

The keeping of bees or the maintaining of hives or apiaries with bees therein is hereby declared to be a public nuisance and a menace to the health, convenience and comfort of the Borough.

(*Ord. 217, 6/2/1939, §3*)

§2-114. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000 and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 217, 6/2/1939, §4; as amended by Ord. 509, 7/17/1970, §1; by Ord. 539, 7/17/1970; and by Ord. 1025, 10/14/2004*)

Part 2**Animal Nuisances****§2-201. Purpose.**

The Borough Council has determined that when 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 hereinafter defined, by frequent or habitual barking, howling, screeching, yelping, baying, running at large, 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 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 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 of the general public and therefore constitutes a nuisance.

(Ord. 1031, 3/10/2005, §1)

§2-202. Definitions.

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:

- (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/her care or custody.
- (3) Every person who permits an animal to remain on or about any premises occupied by him/her.
- (4) 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; 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 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. 1031, 3/10/2005, §2)

§2-203. 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 Shillington. 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. 1031, 3/10/2005, §3)

§2-204. 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, 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. 1031, 3/10/2005, §4)

§2-205. Duty to Control Animal.

1. It shall be the duty of all animal owners, while traveling on the streets, alleys or public grounds in the Borough of Shillington 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.

2. It shall be the duty of any and all animal owners, or individuals temporarily in charge of any animal, to have the dog or other animal on a leash not extending more than 10 feet in length while in the Shillington Memorial Park. [Ord. 1095]

(Ord. 1031, 3/10/2005, §5; as amended by Ord. 1095, 2/12/2009, §1)

§2-206. 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 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 ½ hour 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 under §2-208.1. Should it become necessary, the complainant shall appear at the district justice hearing as a witness for the Borough.

(Ord. 1031, 3/10/2005, §6)

§2-207. 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 other place where people congregate or walk, or upon public property whatsoever or upon any private property without 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 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. 1031, 3/10/2005, §7)

§2-208. 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. *Content 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 of the 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 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 6 months; within 6 months, no additional notice need be given prior to a complaint being filed with a district justice.

(Ord. 1031, 3/10/2005, §8)

§2-209. 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 not more than \$600 plus all court costs, including reasonable attorney fees incurred by the Borough of Shillington, provided 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. 1031, 3/10/2005, §9)

§2-210. 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 Borough by seeking appropriate relief from a court of competent jurisdiction. Any action relative to whether or not this Part shall be enforced in a particular instance shall be decided by the Borough Council, exclusively, on a case by case basis. It is specifically not the intent of the Borough Council 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 Borough reserves the right to file a municipal claim or any other action pursuant to law pursuant to this Part.

(Ord. 1031, 3/10/2005, §10)

§2-211. 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. 1031, 3/10/2005, §12*)

Part 3**Horseback Riding****§2-301. Horseback Riding Restricted.**

No person shall ride on the back of or lead or drive a horse anywhere in the Borough of Shillington, including Memorial Park, except it be in a public street, public alley, or a public path or bridle path, set aside for the exclusive use of horseback riding, or on private property except by permission of the owner of said private property.

(Ord. 560, 4/8/1971, §1)

§2-302. Penalty for Violation.

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

(Ord. 560, 4/8/1971, §2; as amended by Ord. 1025, 10/14/2004)

