

ORDINANCE NO. 98-2

AN ORDINANCE OF EAST BETHLEHEM TOWNSHIP
REGULATING THE KEEPING OF ANIMALS AND PROVIDING
FOR VIOLATION OF SAID ORDINANCE

WHEREAS, the Commissioners of East Bethlehem Township are desirous of regulating the keeping of animals within the Township of East Bethlehem in order to insure specifically, the safety and well-being of the residents of East Bethlehem Township and to eliminate nuisances as a result of the keeping of animals in an inappropriate manner:

NOW THEREFORE, the Board of Commissioners of East Bethlehem Township ordain and enact the following:

SECTION 1 - DEFINITIONS

As used in this Part 1, the following terms have the meaning indicated, unless a different meaning clearly appears from the context:

ANIMAL - any domestic animal or fowl, any wild animal or any household pet.

DOMESTIC ANIMAL - any animal normally ordinarily domesticated or raised in this area and climate as livestock or for work or breeding purposes, or normally or ordinarily kept as a household pet.

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.

LARGE ANIMAL - any wild or domestic animal of the bovine, equine or sheep family.

OWNER - any person having a right of property in any animal or having custody of any animal, or any person who harbors or permits an animal to remain on or around his or her property.

PERSON - any person, firm, partnership, association, or corporation.

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 the animal.

SMALL ANIMAL - any wild or domestic animal such as a rabbit, hare, guinea pig, rat, mouse or chinchilla; and any wild or domestic fowl such as a chicken, turkey, goose, duck, or pigeon (excepting homing pigeons).

TOWNSHIP - East Bethlehem Township

VACCINATION - the practice of inoculations with a vaccine to afford protection from rabies, as required by the Pennsylvania Department of Environmental Resources or other agency or Department of the Commonwealth.

WILD ANIMAL - any animal, including bird, fowl, or reptile not normally or ordinarily domesticated; not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes; or not capable of being kept as a household pet.

In this part, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

SECTION 2 - UNLAWFUL TO ALLOW DOGS TO RUN AT LARGE

It shall be unlawful for the owner of any dog or dogs to allow or permit such dog or dogs to run at large in the Township.

SECTION 3 - SEIZING OF DOGS

Any police officer or dog warden may seize any dog found in the Township. Such dogs are to be impounded in a licensed kennel.

SECTION 4 - LICENSED DOGS

Owners of licensed dogs are to be notified by registered or certified mail, with return receipt, that the dog is impounded and will be disposed of in five (5) days if not claimed. Five days after the return receipt has been received, and the dog has not

been claimed, the dog may be sold or destroyed in accordance with the 1982 Dog Law.

SECTION 5 - UNLICENSED DOGS

Unlicensed dogs that are seized are to be held in such kennel for 48 hours and if not claimed, may be destroyed in accordance with the 1982 Dog Law.

SECTION 6 - THREATENING DOGS

Dogs that, in the opinion of any police officer or dog warden, constitutes a threat to public health and welfare may be killed by the police or dog warden.

SECTION 7 - CERTAIN ANIMALS PROHIBITED

It shall be unlawful for any person to keep any pigs, hogs or swine at any place within the Township.

SECTION 8 - KEEPING OF ANIMALS REGULATED

It shall be unlawful for any person to keep any domestic animals, except household pets, except as provided in this section:

1. Large animals shall be confined in quarters no part of which shall be closer than one hundred (100') feet from the exterior limits of any dwelling or of any property line.

2. Small animals shall be kept confined in quarters no part of which shall be closer than twenty-five (25') feet from the exterior limits of any dwelling or of any property line.

3. The keeper of every such animal shall confine the same in an enclosure sufficient to prevent such animal from running at large, and such enclosure shall be of a size conducive to good sanitary practices and adequate and sanitary drainage facilities shall be provided.

4. Every keeper of any animal shall cause the litter and droppings therefrom to be collected daily in a container or receptacle that when closed shall be rat-proof and fly-tight, and after every such collection shall cause such container or receptacle to be kept closed. At least twice a

week, every such keeper shall cause all litter and droppings so collected to be disposed of in such a manner as not to permit the presence of fly larvae.

5. Every keeper of any animal shall cause all feed provided therefor to be stored and kept in a rat-proof and fly-tight building, box, container or receptacle.

SECTION 9 - HOUSEHOLD PETS

It shall be unlawful for any person to keep any household pet, except as provided in this section:

1. If any such pet shall be kept in a dwelling owned or occupied by its owner, such owner shall be required to follow such procedures and practices, as to the number of pets to be kept there, and as to sanitation, to insure that no public nuisance shall be created or maintained and not threat to the health of persons living elsewhere than in such dwelling shall be created.

2. If any such pet shall be kept in an enclosure outside such dwelling, the provisions of Section 8 of this Ordinance, insofar as the same applies to small animals, shall be applicable to the keeping of such household pets.

SECTION 10 - VIOLATION OF STATE LAW

Any violation of this Ordinance that would also violate any state law shall be prosecuted under the state law and not under this Part.

SECTION 11 - NUISANCES, RESPONSIBILITIES OF OWNERS KEEPING ANIMALS

1. It shall be unlawful for any owner to have any animal that becomes a nuisance in the Township. Acts of nuisance shall include, but are expressly not restricted to, the following:

A. Noise disturbance.

B. Viciousness.

C. Digging into flower beds, lawns, children's sandboxes, gardens or the damaging of shrubbery, trees, lawns, personal property not belonging to the owner of the animal, or the depositing of feces on public or private property.

2. No owner shall permit a animal to enter upon any area in any publicly owned park or playground.

3. Any owner of an animal shall comply with, and be current with rabies vaccination requirements of the laws of the Commonwealth of Pennsylvania with regard to animals.

SECTION 12 - LIMIT ON NUMBER OF ANIMALS

Only that number of animals which shall not constitute a nuisance or a risk to the public health or safety shall be kept, maintained or harbored on or about any property.

SECTION 13 - AUTHORITY TO REMEDY NONCOMPLIANCE

If the owner of animals in violation of this Part does not comply with a notice to abate the violation which constitutes a nuisance or health hazard, within the time period described, the Township shall have the authority to take measures to correct the conditions and collect the cost of such correction plus ten (10%) percent of all costs. The Township, in such event and pursuant to the statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing. The enforcement authority of this provision shall contain the right to use all other enforcement provisions in this Part.

SECTION 14 - LICENSING AND REGISTRATION

In order for the Township to distinguish between stray animals or owned animals, the Township requires the licensing of all animals as required by state law. Licenses shall be obtained through the County of Washington offices or otherwise designated by the Commonwealth of Pennsylvania. Any animal requiring licensing, the licenses must be affixed to the animal's collar, which must be worn by the animal at all times.

SECTION 15 - VIOLATIONS AND PENALTIES

It shall be unlawful for any person to own, keep, feed or harbor any animal which has been found to violate the provisions of this Part. Any person found to violate the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars and/or imprisonment for a term not to exceed ninety (90) days.

SECTION 16 - SAVINGS CLAUSE

If any provision of this Part is adjusted to be invalid or unconstitutional, such adjudication shall not affect the validity of this Ordinance or Part as a whole or any part or provision not adjudged to be invalid or unconstitutional. All penalties or

assessments imposed under this Part shall be paid to the Township or as otherwise designated by the Commonwealth of Pennsylvania.


SECTION 17 -

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

ATTEST:



SECRETARY



CHAIRMAN
BOARD OF COMMISSIONERS

DATE: 4-15-98