

CHAPTER 2

ANIMALS

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Part 1
Keeping of Animals

§101. Definitions. As used in this Part 1, the following terms shall have the meanings 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 or 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.

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

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).

WILD ANIMAL - any animal, including bird, fowl or reptile not normally or ordinarily domesticated; nor 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.

(Ord. 151, 11/12/1984)

§102. Certain Animals Prohibited. It shall be unlawful for any person to keep any pigs, hogs or swine at any place within the Borough of Millheim.

(Ord. 151, 11/12/1984)

§103. 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 feet (100') from the exterior limits of any dwelling or of any property line.

2. No more than six (6) 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. [Ord. 239]

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 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.

(Ord. 151, 11/12/1984; as amended by Ord. 239, 12/8/2009, §1)

§104. 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 such pets to be kept there, and as to sanitation, to insure that no public nuisance shall be created or maintained and no threat to the health of person living elsewhere that in such dwelling shall be created.

2. If any such pet shall be kept in an enclosure outside such dwelling, the provisions of §103 of this Part 1, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.

(Ord. 151, 11/12/1984)

§105. Violation of State Law. Any violation of this Part 1 that would also violate any state law shall be prosecuted under that state law and not under this Part 1. (Ord. 151, 11/12/1984)

§106. Penalty. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 151, 11/12/1984; as amended by Ord. 189, 6/1/1999)

Part 2

Animal Noises

§201. Noise Disturbance. It shall be illegal within the Borough of Millheim for any person or persons to own, possess, harbor, or control any animal or bird which makes any noise continuously and/or incessantly for a period of ten (10) minutes or make such noise intermittently for one-half (1/2) hour or more to the disturbance of any person any time of the day or night regardless of whether the animal or bird is physically situated in or upon private property, said noise being a nuisance; provided, that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated nor is there any other legitimate cause which justifiably provoked the animal or bird. (Ord. 151, 11/12/1984)

§202. Penalty. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 151, 11/12/1984; as amended by Ord. 189, 6/1/1999)

