

## **CHAPTER 2**

### **ANIMALS**

#### **PART 1**

#### **ANIMAL CONTROL**

- §101. Definitions
- §102. Number of Pets Allowed in a Household
- §103. Animal Control Officer
- §104. Dogs, Cats or Other Animals, Including Strays, Running at Large
- §105. Voiding Animal Excrement
- §106. Noise Disturbance
- §107. Regulation of Cats
- §108. Animals
- §109. Animal Control Procedures
- §110. Fines; Penalties; and Costs



**PART 1**

**ANIMAL CONTROL**

**§101. DEFINITIONS.**

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

**ALLOW OR PERMIT** - by being the owner; provider; or caregiver or anyone having control or custody of any dog, cat or other animal, or by the failure or neglect or control, a person is presumed to allow or permit a violation.

**ANIMALS** - wild or domesticated animals of all species, including dogs, cats and other household pets.

**ANIMAL CONTROL OFFICER** - an agent of the Township employed solely for the control of domestic and wild animals in residential areas for the control of domestic animals in rural or nonresidential areas of the Township.

**AUTHORITY** - being an agent for the State; County; or local authority who would have the powers to enforce the ordinances of the Township, including a police officer and the Animal Control Officer employed by the Township.

**DOMESTIC ANIMAL** - those animals that are considered to be, by their nature, suitable for keeping in captivity and regulated by law to be maintained in a residential zoning area, that is deemed to be owned or cared for by a responsible party and that would not be considered to be of a nuisance in such area. [Ord. 8/10/2009]

**HOUSEHOLD PET** - domesticated animals, including dogs, cats and other similar animals that are housed in a private residence as personal companions. [Ord. 8/10/2009]

**OWNER** - when applied to the proprietorship of a dog or other animal, includes every person having a right of property in such dog, cat or other animal and every person who keeps or harbors such dog, cat or other animal or has it in his care, and every person who permits such dog, cat or other animal to remain on or about any premises occupied by him. Owner, keeper, or walker as hereinbefore set forth shall include the parents of any offender of the provisions hereof who shall be under the age of 18 years.

**PET** - an animal that is tamed or domesticated and kept as a companion or treated with kindness.

**RESIDENTIAL AREA** - that area that is zoned by local authority to be residential including areas within Rural Residential District, Suburban Residential District, Village District and Open Space Residential Developments. [Ord. 8/10/2009]

## ANIMALS

**RUNNING AT LARGE** - any domestic animal being upon any public highway, street, alley, park or any other public land, or upon property of another person other than the owner's property, and not being under physical control, i.e., tethered or confined.

(Ord. 3/10/2008, §I; as amended by Ord. 8/10/2009)

### **§102. NUMBER OF PETS ALLOWED IN A HOUSEHOLD.**

It shall be a violation of this Part for any owner; lessee; renter or anyone in charge of, or having responsibility of real property in the Township to allow or permit a number of animals (household pets) to exceed six in a residential area.

(Ord. 3/10/2008, §I)

### **§103. ANIMAL CONTROL OFFICER.**

An Animal Control Officer shall be appointed by the Board of Supervisors or hired pursuant to a contract approved by the Board of Supervisors to serve at the pleasure of the Board or for the term of said contract. Such Animal Control Officer, along with the North Centre Township Police Department, shall have concurrent responsibility for the enforcement of this Part and of the Pennsylvania Dog Law, 3 P.S. §459-101 et seq.

(Ord. 3/10/2008, §II)

### **§104. DOGS, CATS OR OTHER ANIMALS, INCLUDING STRAYS, RUNNING AT LARGE.**

It shall be unlawful for the owner of any dog(s), cat(s) or other animals(s), to allow or permit such dog(s), cat(s) or other animal(s), to run at large in North Centre Township.

(Ord. 3/10/2008, §III)

### **§105. VOIDING ANIMAL EXCREMENT.**

No person, having possession, custody or control of any animal or the owner of an animal over which no person exercises possession, custody or control, shall allow or permit any dog, cat or other animal, including strays, to void urine or excrement on any public or private property other than the property of the owner of such dog, cat or other animal.

- A. Offense Defined. Any person having ownership, possession, custody or control of any dog, cat or other animal which commits a nuisance as defined in this Section, shall be required to immediately remove said feces from such surface and either:

- (1) Carry same away for disposal in a toilet.
  - (2) Place same in a non-leaking container for deposit in a trash or litter receptacle.
- B. Exception. The provisions of this Section shall not apply to a guide dog accompanying any blind person, or to a dog used to assist any physically handicapped person, or to animals used in any police or fire activities of the Township.

(Ord. 3/10/2008, §IV)

#### **§106. NOISE DISTURBANCE.**

It shall be illegal within the Township of North Centre 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 minutes or makes such noise intermittently for one-half 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.

- A. Subsequent Violations. Any owner, keeper, or person having control over any animal violating this Section who is cited for this Section and who fails to control the disturbance, shall be cited under the Crimes Code, 18 Pa.C.S.A. §101 et seq., for the appropriate section to control the disturbance.
- B. Exception. This Part shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from nuisance suits by Act No. 1982-133, 3 P.S. §951 et seq.

(Ord. 3/10/2008, §V)

#### **§107. REGULATION OF CATS.**

1. Unlawful to Allow Cats to Run at Large. Cats are "running at large" when the animal is in any public street, alley, park, or other public ground, or upon property of another person other than the owner, or when off the premises of the owner or person who has custody of said cat.
2. Impounding of Cat. The Animal Control Officer of the Township of North Centre may seize any cat found to be running at large in the Township of North Centre, in which case such cat shall be impounded.

## ANIMALS

3. Unlawful to Allow Cats to Defile Property. It shall be unlawful for the owner of any cat to allow or permit such animal to defile, corrupt or otherwise desecrate any sidewalk, walkway, public property or property of another.
4. Petitions for Complaining of Nuisance Cats.
  - A. Whenever any person shall complain to the Police Department or Animal Control Officer that a cat which habitually cries or howls or is otherwise being a nuisance is being kept by any person in the Township, the Police Department or Animal Control Officer shall notify the owner of said cat that a complaint has been received and the person should take whatever steps are necessary to alleviate the nuisance animal.
  - B. If the warning given to the person alleged to be keeping such a cat is ineffective, then a verified complaint of at least two persons not from the same family may be presented to the Police Department or Animal Control Officer, alleging that a cat which is a nuisance is being kept by any person within the Township. The police department or Animal Control Officer shall inform the owner of such cat that said petition has been received and shall cite the owner of the cat for the violation alleged in said petition.

(Ord. 3/10/2008, §VI)

### §108. ANIMALS. [Ord. 8/10/2009]

1. Residential Areas. It shall be a violation of this Part for anyone to possess or have under their control for the purpose of maintaining an animal in an area not permitted by the Township's Zoning Ordinance [Chapter 27]. [Ord. 8/10/2009]
  - A. Exceptions. Any animal transported through a residential area or used for police or fire use; for a parade; special event or a fund raiser which is previously approved by the Board of Supervisors or for any emergency which may exist.
  - B. Liability. Any action pursuant from this Part shall not affect any civil litigation or aggravate or mitigate any disposition from any civil process for any damage to a person(s) property or waters.

(Ord. 3/10/2008, §VII; as amended by Ord. 8/10/2009)

### §109. ANIMAL CONTROL PROCEDURES.

1. Call to Duty. The Animal Control Officer shall respond within a reasonable time and may be called to duty at the discretion of the Chief of Police or officer in charge in North Centre Township.

2. Transportation of Animals. If it is determined that the transportation of an animal is necessary, the Animal Control Officer shall transport said animal in his/her vehicle if appropriate. If not equipped or appropriate, the Animal Control Officer may arrange transportation of said animal(s) as deemed necessary and any fees shall be charged to the owner of the animal if appropriate.
3. Seizure of Animals. The Animal Control Officer may seize any animal and cause that animal to be held as required pursuant to the provisions of this Part, If unable to transport an animal due to circumstances, the police or Animal Control Officer shall secure said animal until an owner or keeper of the animal can be located.
  - A. Nothing in this Section shall put liability on the police or Animal Control Officer, providing this Section is carried out in good faith.
4. Injured or Dead Animals. Upon the report of injured or dead animals in North Centre Township, if the owner is unable to be located, the Animal Control Officer will be notified and ordered to report to the scene and assume responsibility for the animal. If it is determined that charges should be placed for incidences of injury, death or mistreatment of an animal, the police department or Animal Control Officer may file a citation. Dead animals located on Township property, where the owner of the animal is unavailable, will normally be removed at the owner's expense after notification by the Animal Control Officer. PennDot will be notified to remove dead animals from State highways.
5. Dangerous or Vicious Animals. Upon report to the police of a vicious animal, the Animal Control Officer will be notified to report to the scene. If the owner of the animal is unavailable or unknown, the Animal Control Officer may utilize an approved or appropriate method to subdue the animal and/or take appropriate action to insure the safety of the North Centre Township residents. A dog determined to be dangerous under §502(a), shall be restrained or otherwise kept in accordance with Article VI-A of the Pennsylvania Dog Law, 3 P.S. §459-501(a) et seq. Dogs may be killed only in accordance with the requirements of §501 of the Pennsylvania Dog Law, 3 P.S. §459-501, and otherwise, said dogs must be retained and delivered to the police or State or County Dog Warden. While detained, said dog must be treated in a humane manner.
6. Suspected Rabid Animals. Upon complaints of suspected rabid animals the Police shall notify the Animal Control Officer. If the Animal Control Officer determines that the destruction of a suspected rabid animal is necessary, such destruction must be accomplished in the least public manner possible. The head of the animal shall be preserved for analysis to confirm rabies.
7. Release to SPCA. When any domestic animal is detained by the Animal Control Officer, the Animal Control Officer may, at his/her discretion, keep the animal up to three days and place an ad in a local newspaper for any animal where the owner is not known. After three days, if the owner or keeper of the animal does not claim the animal, it will be released to the SPCA or other approved shelter.

## ANIMALS

8. Wild Animals. For complaints involving wild animals and protected animals, the Animal Control Officer shall be notified and respond to the complaint. The Animal Control Officer may determine that a State Game Official is better suited to respond to the complaint, and the Animal Control Officer will notify such an official.

(Ord. 3/10/2008, §VIII)

### **§110. FINES; PENALTIES; AND COSTS.**

1. Fines; Penalties; and Costs.
  - A. For the first violation of any Section of this Part, the fine shall be \$50.
  - B. A second violation shall be subject to a fine of \$200.
  - C. A third or subsequent violation shall be subject to a fine of \$500 and/or imprisonment for a term not to exceed 30 days.
2. The North Centre Township Board of Supervisors may charge any owner; keeper an appropriate cost and any charges for handling or care of such animal. The cost shall be paid directly to the North Centre Township Supervisors.

(Ord. 3/10/2008, §IX)