

ORDINANCE NO. 796 -2017

**AN ORDINANCE OF THE TOWNSHIP OF EAST PENNSBORO, CUMBERLAND COUNTY, PENNSYLVANIA; PROVIDING FOR THE AMENDMENT AND REVISION OF ORDINANCE §757-2009, CHAPTER 2 OF THE CODE OF ORDINANCES REGARDING THE ANIMAL CONTROL ORDINANCE AND PROVIDING FOR ADDITIONAL DEFINITIONS; ESTABLISHING CERTAIN GENERAL AND SPECIFIC STANDARDS RELATING TO THE KEEPING, CARE, AND CONTROL OF ANIMALS AND DISPOSITION OF ANIMAL NUISANCES, TO INCLUDE FERAL CATS AND STRAY CATS AND PERMITTING TRAP, NEUTER AND RETURN (“TNR”) PROGRAMS FOR FERAL CATS WITH THE ESTABLISHMENT OF REGULATIONS OF TNR PROGRAMS, AND REPEALING AND RENUMBERING CERTAIN SECTIONS OF THE ORIGINAL ORDINANCE AND AMENDING THE ENFORCEMENT AND FINES IMPOSED FOR VIOLATIONS OF ANIMAL CONTROL REGULATIONS.**

IT IS HEREBY ENACTED AND ORDAINED by the Board of Commissioners of East Pennsboro, Cumberland County, Pennsylvania, the following amendments to the Code of Ordinances of the Township of East Pennsboro regarding the Animal Control and Animal Nuisances Ordinance as follows:

SECTION 1: It is declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township and the following definitions are hereby inserted, in proper alphabetical sequence, into Section 2-102 [List of Definitions] of Part I [Animal Control Ordinance] of Chapter 2 [Animals] of the Code of Ordinances of the Township of East Pennsboro:

**BOARD OF COMMISSIONERS – The Board of Commissioners of East Pennsboro Township, Cumberland County, Pennsylvania.**

**BOARD OF HEALTH** – The Board of Health of East Pennsboro Township, Cumberland County, Pennsylvania.

**CAREGIVER** - any person who provides care, including food, water, shelter and/or veterinarian care to feral cats, and in accordance with the program approved by the Township to trap, neuter, vaccinate, ear-tip, and return feral cats to the location at which they were trapped.

**FERAL CAT** - An unowned free-roaming cat that is partially socialized or unsocialized to humans and tends to resist contact with humans.

**OWNER** - any person having a right of property in any animal or having custody of any animal, or any person who harbors or permits any animal to remain on or around his or her property, excluding feral cat caregivers as defined herein.

**OFFICER** - Any police officer of East Pennsboro Township, the Animal Enforcement Officer, or Health Officer as designated from time to time by the Board of Commissioners of East Pennsboro Township.

**DWELLING** – A house, apartment building or other building, including a mobile home, designed or used primarily for human habitation. The word “dwelling” shall not include boardinghouses or rooming houses, hotels, motels, tents, trailers, or any structure designed or used for transient business.

**NUISANCE** - Any animal that habitually trespasses upon or damages either private or public property or annoys or harms lawful users or occupants thereof.

**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 firmly secured by means of a collar and chain or other device so that it cannot stray or not being accompanied by or under the reasonable contact of some person.

**SPONSOR** - any eligible animal welfare organization appointed by the Township to run a TNR program in the Township.

**STRAY CAT** - any cat whose owner or keeper from time to time allows the cat to run free off of the property of the owner or keeper.

**TOWNSHIP** - East Pennsboro Township, Cumberland County, Pennsylvania.

**TRAP, NEUTER AND RETURN ("TNR")** - a non-lethal approach to feral cat population control where feral cats are humanely trapped, sterilized, vaccinated, ear-tipped, and then returned to the location where they were originally trapped.

Further, **PET SHOP** as defined in this Section 102 is vacated, rescinded, and repealed in its entirety

**SECTION 2:** Section 2-103 [Permitted Animals] of Part 1 [Animal Control Ordinance] of Chapter 2 [Animals] of the Code of Ordinances of the Township of East Pennsboro is hereby amended to state as follows:

**§2-103. Permitted Animals**

Any person is permitted to maintain, keep or possess within certain zoning classifications of the Township, any of the following animal(s) which classification shall be strictly construed:

A. In an area which has a zoning classification other than A-1 Agricultural:

1. Cage birds (the term includes parakeets, parrots, canaries, finches, love birds, myna birds and other birds ordinarily kept in cages in households; it excludes wild birds captured or rescued and kept in cages).
2. Dogs
3. Cats
4. Frogs and Toads
5. Gerbils
6. Goldfish, Carp, and Tropical fish (limited to those customarily maintained in a household aquarium, except piranhas)
7. Guinea pigs
8. Hamsters
9. Lizards (except those listed under animals prohibited in the Township)
10. Mice and Rats
11. Rabbits
12. Salamanders (including any tailed amphibian)
13. Snakes (non-poisonous and native to the Township)
14. Turtles

B. In an area which has a zoning classification of A-1 Agricultural:

1. All animals noted in Section A, above and;
2. Cows, (beef and dairy)
3. Goats
4. Horses and Ponies
5. Poultry (ducks, swans, geese, turkeys, guinea fowl, pheasants, pea fowl, and pigeons)
6. Sheep

**SECTION 3: Section 2-104 [Prohibited Animals] of Part 1 [Animal Control Ordinance] of Chapter 2 [Animals] of the Code of Ordinances of the Township of East Pennsboro is hereby amended to state as follows:**

**§2-104. Prohibited Animals**

No person is permitted to maintain, keep or possess any of the following animal(s), which classifications shall be broadly construed:

1. Poisonous Animals
2. Apes, Baboons, Chimpanzees, Gibbons, Gorillas, Orangutans, Monkeys
3. Barracuda
4. Bear
5. Bison
6. Cheetahs
7. Coati
8. Coyotes
9. Crocodilians
10. Deer
11. Elephants
12. Foxes
13. Game Cocks
14. Hippopotamuses
15. Hyenas
16. Jaguars
17. Kinkajous
18. Leopards
19. Lions
20. Lynxes
21. Margays
22. Ocelots

23. Ostriches
24. Otters
25. Pumas (also known as cougars, mountain lions, and panthers)
26. Raccoons
27. Rhinoceroses
28. Sharks
29. Skunks
30. Snow Leopards
31. Swine
32. Tigers
33. Wolves

All other animals not specifically enumerated in Section 2-103.

SECTION 4. Section 2-105 [Unlawful to Allow Permitted Animals to Run at Large] of Part 1 [Animal Control Ordinance] of Chapter 2 [Animals] of the Code of Ordinances of the Township of East Pennsboro is hereby amended to state as follows:

**§2-105. Unlawful to Allow Permitted Animals to Run at Large**

- A. It shall be unlawful for the owner, custodian or keeper of any permitted animal, to allow such animal to run at large at any time, either upon any of the streets, alleys, highways, or public grounds in the Township, or upon the private property of another person unless accompanied by such owner, custodian or keeper. An animal must be firmly secured by means of a collar and chain or other device so that it cannot run at large.
- B. Any officer is hereby authorized and empowered to go upon any premise and enter any building to seize and detain any animal, which has been found running at large unaccompanied by the owner, custodian or keeper, when such officer is in immediate pursuit of any animal.

SECTION 5. Section 2-106 [Unlawful to Allow Permitted Animals to Run at Large] of Part 1 [Animal Control Ordinance] of Chapter 2 [Animals] of the Code of Ordinances of the Township of East Pennsboro is hereby amended to state as follows:

**§2-106. Seizure and Detention of Animals at Large; Notice Thereof; Penalty and Expenses of Detention**

Any police officer of the Township or the Animal Enforcement Officer, as designated from time to time by the Board of Commissioners, is hereby authorized to seize and detain any permitted animal running at large in violation of §2-105 of this Part, or any animal concerning which information shall have been received that such animal is or has been running at large. Any animal so seized shall be conveyed to the place designated by the Board of Commissioners. Notice of such seizure, either personally or by certified mail, shall be given to the person, in whose name the license, if any, was procured, or his agent, to claim such animal within three (3) days. In the event that the animal does not bear a proper license tag, immediate notice, either personally or by certified mail, shall be given by the officer, or his agent, if such owner is known. The owner of an animal so detained shall pay a penalty in an amount as established from time to time by resolution of the Board of Commissioners, together with a boarding fee in an amount as established from time to time by the Board of Commissioners for each day of additional boarding. Such payment may be in addition to any fines and costs which may be related to prosecution and may further be in addition to any fees claimed by other animal control agencies.

SECTION 6. Section 2-107 [Disposition of Unclaimed Animals] of Part 1 [Animal Control Ordinance] of Chapter 2 [Animals] of the Code of Ordinances of the Township of East Pennsboro is hereby amended to state as follows:

**§2-107. Disposition of Unclaimed Animals**

If, after three (3) days notice, as set forth in §2-106, such animal has not been claimed, the animal shall then be transported to the Harrisburg Area Humane Society (or other agency designated by the Board of Commissioners) as set forth in the yearly Municipal Domestic Animal Protective Services Agreement.

SECTION 7. Section 2-108 [Transportation of Animals] of Part 1 [Animal Control Ordinance] of Chapter 2 [Animals] of the Code of Ordinances of the Township of East Pennsboro is hereby amended to state as follows:

**§2-108. Transportation of Animals**

No person, other than a person actually working a dog or other animal for agricultural purposes, shall transport or carry on any public highway, street, road or alley such dog or other animal, unless such dog or other animal is safely enclosed within the motor vehicle or protected by a container, cage, cross tether or other device to prevent the dog or other animal from falling from, being thrown from or out of or jumping from said motor vehicle.

SECTION 8. Section 2-109 [Unattended Animal] of Part 1 [Animal Control Ordinance] of Chapter 2 [Animals] of the Code of Ordinances of the East Pennsboro Township is hereby amended to state as follows:

**§2-109. Unattended Animal**

No person shall leave a dog or other animal in any unattended motor vehicle without adequate ventilation, sanitary conditions or in such a manner as to subject the dog or other animal to extreme temperature which adversely affects the health or safety of the dog or other animal.

SECTION 9. Section 2-20 [Disturbing or Loud Noise] of Part 2 [Animal Nuisances] of Chapter 2 [Animals] of the Code of Ordinances of the East Pennsboro Township is hereby amended to state as follows:

**§2-201. Disturbing or Loud Noise**

No person shall allow any animal to make any loud or harsh noise or disturbance continuously or incessantly for a period of ten (10) minutes or to make such noise intermittently for thirty (30) minutes or more to the disturbance of any person at any time of the day or night which shall interfere with or deprive the peace, quiet, rest or sleep of any person within the Township; provided, however, that at the time such animal is making

such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal is situated or for any other legitimate cause which teased or provoked the animal.

SECTION 10. Section 2-202 [Sanitation Nuisance] of Part 2 [Animal Nuisances] of Chapter 2 [Animals] of the Code of Ordinances of the East Pennsboro Township is hereby amended to state as follows:

**§2-202. Sanitation Nuisance**

1. No person owning, harboring, keeping or in charge of any animal shall cause, suffer or allow such animal to soil, defile, defecate on or commit any nuisance on any sidewalk, play area, park or any place where people congregate or walk on any public property whatsoever or on any private property without the permission of the owner of said property. The restriction in this section shall not apply to that portion of the street lying between the curb lines in any common thoroughfare, passageway or bypath, which shall be used to curb such animal under the following conditions:
  - A. The person who so curbs such animal shall immediately remove all feces deposited by such animal by any sanitary and reasonable manner, and
  - B. The feces removed from the aforementioned designated area shall be disposed of in a sanitary manner by the person owning, harboring, keeping or in charge of any animal curbed in accordance with the provisions hereof.

SECTION 11. Section 2-203 [Responsibilities of Cat Owner Regarding Stray Cats] of Part 2 [Animal Nuisances] of Chapter 2 [Animals] of the Code of Ordinances of the Township of East Pennsboro is hereby amended to state as follows:

**§2-203. Responsibilities of Cat Owner Regarding Stray Cats**

It shall be unlawful for any owner of any cat to permit such cat to run free outside the residence of its owner or keeper unless said cat has been:

- A. Neutered or spayed to prevent the cat from procreating;



- B. Immunized against rabies in compliance with Pennsylvania law; and
- C. Appropriately 'tipped' on the left ear to signify that it has been neutered/spayed and immunized.

**SECTION 12.** Section 2-204 [Feeding of Stray or Feral Cats] of Part 2 [Animal Nuisances] of Chapter 2 [Animals] of the Code of Ordinances of the Township of East Pennsboro is hereby amended to state as follows:

**§2-204. Feeding of Stray or Feral Cats**

It shall be unlawful for any person to continue to feed stray or feral cats, where such feeding causes a nuisance to neighbors or creates a condition contrary to the health, safety and welfare of the community, unless that person participates in a TNR program managed by the Township or a sponsor of the Township.

**SECTION 13.** Section 2-205 [Responsibilities of TNR Program Sponsors] of Part 2 [Animal Nuisances] of Chapter 2 [Animals] of the Code of Ordinances of the East Pennsboro Township is hereby amended to state as follows:

**§2-205. Responsibilities of TNR Program Sponsors**

Animal welfare organizations may make application to the Township to serve as the sponsor of a TNR program. Sponsors appointed by the Township shall have the following responsibilities:

- A. Register with the Township each feral cat colony that the organization is managing within the Township. Information submitted to the Township shall include general location (neighborhood), number of cats in the colony, and number of caretakers working with the colony,
- B. Record and report to the Township, on an annual basis, the intake and disposition of each feral cat brought to their organization.
- C. Record and report to the Township, on an annual basis, the total number of non-sterilized cats and number of sterilized cats of each feral cat colony within the Township for which the organization has implemented a TNR program,

- D. Record and report to the Township, on an annual basis, the number of kittens born into each feral cat colony within the Township for which the organization has implemented a TNR program, and
- E. Address complaints received by the Township regarding caretaker behavior and serve as an intermediary with the Township and residents to address and, where possible, remediate the behavior within a reasonable period of time as determined by the Township.

SECTION 14. Section 2-206 [Penalty for Violation] of Part 2 [Animal Nuisances] of Chapter 2 [Animals] of the Code of Ordinances of the Township of East Pennsboro is hereby amended to state as follows:

**§2-206. Penalty for Violation**

Any person who shall violate the provisions of this Ordinance shall be subject to a summary criminal proceeding before the magisterial district justice as provided by the Pennsylvania Rules of Criminal Procedure, as may be amended from time to time. Upon a finding of a violation, a fine of not less than \$500, nor more than \$1,000, plus court costs and reasonable attorney fees incurred by the Township in prosecution of the violation, shall be imposed, and such person may be subject to imprisonment of up to Fifteen (15) days in the event such fines and costs are unpaid. Each day that such violation continues shall constitute a separate violation of this article.

SECTION 15. Section 2-207 [Additional Enforcement Remedies] of Part 2 [Animal Nuisances] of Chapter 2 [Animals] of the Code of Ordinances of the Township of East Pennsboro is hereby amended to state as follows:

**§2-207. Additional Enforcement Remedies**

In addition, the officer may institute any appropriate action or proceeding, whether by legal process or otherwise, to restrain, correct or abate a continuing violation of any provision of this Part or any rules and regulations made pursuant hereto.

SECTION 16. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed. In all other respects, Chapter 2 [Animals] of the Code of Ordinances of the Township of East Pennsboro shall remain as heretofore enacted, ordained and amended, which said Chapter, as amended, is hereby re-enacted in its entirety herein.

SECTION 17. SEVERABILITY. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of the amendments to this Chapter invalid.

SECTION 18. In all other respects, Chapter 2 [Animals] of the Code of Ordinances of the Township of East Pennsboro shall remain as heretofore enacted, ordained and amended, which said Chapter, as amended, is hereby re-enacted in its entirety herein.

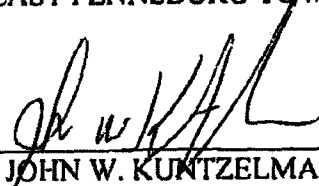
SECTION 19. Effective Date. This Ordinance shall become effective upon enactment by the Board of Commissioners of East Pennsboro Township.

ENACTED AND ORDAINED this 13<sup>th</sup> day of October, 2017.

ATTEST:

  
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Secretary

BOARD OF COMMISSIONERS OF  
EAST PENNSBORO TOWNSHIP:

  
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JOHN W. KUNTZELMAN, President