

ORDINANCE NO. 2 OF 2020

Chapter 124

Animals

[HISTORY: Adopted by the Borough Council of the Borough of Larksville 7-28-1982 by Ord. No. 4-1982 (Ch. 84 of the 1987 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Noise — See Ch. 326.

Article I

Title; Terminology

§ 124-1 Title.

This chapter shall be known and cited as the "Larksville Borough Animal Control Law of 1982."

§ 124-2 Definitions; word usage.

A. Words defined. As used in this chapter, the following terms shall have the meanings indicated:

ANIMAL

Includes dogs, cats, domestic fowl, poultry, domesticated hares, rabbits, mink and members of the equine, bovine, and porcupine species.

BOROUGH

Borough of Larksville.

CAREGIVER

Any person who provides care, including food, water, shelter and in some cases, medical care to feral animals.

FERAL CAT

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

DOMESTIC ANIMAL

Includes every animal domesticated by man so as to live and breed in a tame condition.

DOMESTICATED

To adapt an animal to a life of intimate association with and to the advantage or pleasure of man.

NUISANCE

An animal shall be considered a nuisance if it habitually trespasses upon or damages either private or public property or annoys or harms lawful users or occupants thereof.

OWNER

When applied to the proprietorship of an animal, shall include every person having a right of property in such animal and every person who keeps or harbors such animal or has it in his care and every person who permits such animal to remain on or about any premises occupied by him.

PERSONS

Includes state and local officers or employees, individuals, corporations, co-partnerships and associations.

POLICE OFFICER

Any person employed or elected by the Commonwealth of Pennsylvania or by any municipality, county or township, and whose duty it is to preserve peace, to make arrests or to enforce state and local health ordinances and laws.

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.

STRAY ANIMAL

Any animal whose owner or keeper from time to time allows the animal to run free off of the property of the owner or keeper.

B. Word usage. Singular words shall include the plural. Masculine words shall include the feminine and neuter.

Article II

Animals Running at Large; Disturbance of the Peace

§ 124-3 Animals at large unlawful; seizure.

It shall be unlawful for any person who owns or keeps any animal to permit such animal to run at large in any area within the boundaries of this borough. Any animal running at large in violation of this chapter shall be subject to seizure, detention and disposal as provided herein.

§ 124-4 Animals disturbing peace and quiet.

It shall be unlawful to own, harbor or keep in custody any animal which disturbs the peace by

barking, howling or making other loud noises to the annoyance and discomfort of any person in the Borough of Larksville. Continuous barking, howling or the making of other loud noises by such animal for more than any one-hour time period or continuous barking for periods of less than one hour but more than 1/2-hour, which periods occur on two or more consecutive days or nights, shall be deemed to disturb the peace and to cause the annoyance and discomfort of persons in the Borough of Larksville.

- A. Any Borough resident may request the Borough Police Department to warn any person who shall own, harbor or keep in custody any animal which disturbs the peace by barking, howling or making other loud noise to the annoyance and discomfort of persons in the Borough of Larksville.
- B. Any such request shall be in writing and shall identify and specify the residence of the owner, keeper or custodian of the animal and shall identify and specify the residence of the person making the request. Upon receipt of such request, the Borough Police Chief or his designated agent can mail, by certified mail, or hand deliver a copy of this chapter to the person identified as the owner, keeper or custodian of the animal. **[Amended 5-14-2002 by Ord. No. 1-2002]**
- C. A violation of this chapter shall be deemed to have occurred after delivery of the first warning and upon a second or subsequent violation of this section.

Article III Injury to Humans

§ 124-5 **Injury to humans or property.**

It shall be unlawful for the owner of any animal to permit said animal to injure any human being by, but not limited to biting, jumping on, knocking down or attacking said human being. An exception to this section will be when the animal is reasonably protecting the owner or the owner's property from an unlawful invasion of the person or property, respectively.

Article IV Nuisances

§ 124-6 **Defiling and defecating considered nuisances.**

No person owning, harboring, keeping or in charge of any animal shall cause, suffer or allow any such animal to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypass, play area, park or any place where people congregate or walk, or on any public property whatsoever, nor on any private property without 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 line and sidewalk, which shall be

used to curb such animals under the following conditions:

- A. The person who so curbs such animal shall immediately remove all feces deposited by such animal by any sanitary method approved by the Board of Health.
- B. A person who allows an animal to defecate on his property shall immediately remove all feces deposited by such animal by any sanitary method approved by the Board of Health.
- C. The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or in charge of any animal curbed in accordance with the provisions of this chapter in a sanitary manner approved by the Board of Health.

Article V Number Restrictions

§ 124-7 **Restriction.**

It shall be unlawful to keep more than four animals, six months of age or over, on any premises, regardless of the number of owners; provided, however, that this section shall not apply to any premises for which a kennel license has been obtained pursuant to the Dog Law of 1965.

Article VI Duties of Police

§ 124-8 **Seizure and detention of dogs.**

- A. It shall be the privilege of every police officer to kill any animal which is found running at large and which is deemed, after due consideration by the police officer, to constitute a threat to the public health and welfare.
- B. **§ 124-9** Enforcement regulations.
 - A. It shall be unlawful for any police officer to fail or refuse to perform his duties under the provisions of this chapter and to refuse to assist in the enforcement of this chapter.
 - B. It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this chapter.
 - C. It shall be unlawful for any person to forcibly cut the leash or take an animal away from such officer or agent having it in his possession when found running at large unaccompanied by the owner or keeper.
 - D. It shall be unlawful for any person to whom a license certificate has been issued to fail or refuse to produce the license certificate for such animal upon demand of any police officer or agent of the Department.

Article VII
Injury to Animals

§ 124-10 Killing, injuring or abandoning animals.

- A. It shall be unlawful for any person, except a police officer or agent, to kill, injure or attempt to kill or injure any animal which bears a license tag for the current year. The exception to the preceding sentence will be when any person sees an animal in the act of attacking human beings, whether or not such animal bears the license tag required by the licensing laws of this commonwealth. There shall be no liability on such persons, in damages or otherwise, for such killing.
- B. It shall be unlawful for any person to abandon or attempt to abandon any animal within the Borough of Larksville.

§ 124-11 Unattended animals

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

Article VIII
Caregiving to Stray or Feral Animals

§ 124-12 Responsibilities of animal owners regarding stray animals

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

- A. Neutered/spayed to prevent 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.

§ 124-13 Feeding of feral animals

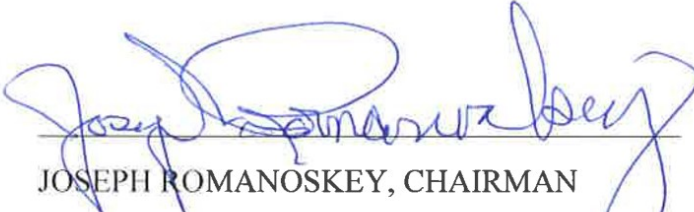
It shall be unlawful for any person to continue to feed feral animals, where such feeding causes a nuisance to neighbors or creates a condition contrary to the health, safety and welfare of the community.

Article VIII
Violations and Penalties

§ 124-14 Violations and penalties.

Any person who shall be convicted of violating or failing to comply with the provisions of this chapter before any Magisterial District Judge shall be punishable by a fine of not more than \$300, together with costs of prosecution, and in default of payment of such fines and costs, the violator shall be subject to imprisonment in the county jail for a term not to exceed 30 days. The continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of a violation may be punished as provided above for each separate offense.

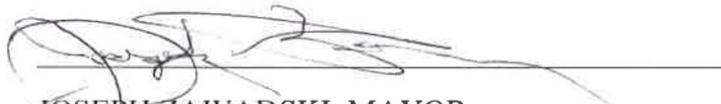
ORDAINED and ENACTED at a regular meeting of Larksville Borough Council, this 20 day
of October, 2020.



JOSEPH ROMANOSKEY, CHAIRMAN
LARKSVILLE BOROUGH COUNCIL

ATTEST:

Melissa Adams
BOROUGH SECRETARY



JOSEPH ZAWADSKI, MAYOR
LARKSVILLE BOROUGH