

Chapter 56

ANIMALS

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[HISTORY: Adopted by the Board of Supervisors of the Township of West Earl as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 124.

Zoning — See Ch. 184.

ARTICLE I Nuisance Animals [Adopted 5-14-2012 by Ord. No. 219¹]

§ 56-1. Short title.

This article shall be known and may be cited as the "West Earl Township Animal Nuisance Ordinance."

§ 56-2. Definitions and word usage.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ANIMAL — Except as otherwise specifically provided herein, animal shall include any creature (other than human) of any type, including but not limited to dogs, cats, fowl, horses and other animals. It shall not include horses while being used for transportation and animals being raised for food as part of a farming operation in a zoning district where farming is permitted.

BOARD OF SUPERVISORS — The governing body of the Township.

1. Editor's Note: This ordinance also repealed former Art. I, Dogs, adopted 4-27-1992 by Ord. No. 92, as amended.

OWNER — Any person who owns, keeps, maintains, handles, harbors, possesses or controls an animal or who has a possessory interest in an animal.

PERSON — Any individual, association, partnership, corporation, or other legal entity. Whenever used in any clause proscribing and imposing a penalty, person includes the individual members, partners, officers, and managers, or any of them, of such partnerships, associations, corporations, or other legal entities.

POLICE DEPARTMENT — Any municipal or multimunicipal police department having jurisdiction within the corporate boundaries of the Township.

TOWNSHIP — The Township of West Earl, Lancaster County, Pennsylvania.

§ 56-3. Animal noise declared public nuisance.

No owner shall possess, harbor, or control any animal which howls, barks, meows, squawks or makes any other sound continuously and/or incessantly that can be heard outside the structure in which it is normally housed for a period of 10 consecutive minutes or makes such noise recurrently for 1/2 or more at any time of the day or night, regardless of whether the animal is situated in or upon private property; provided, however, that the time such animal is making such noise, no person is trespassing or threatening to trespass upon private property upon which the animal is situated or that no other legitimate cause such as teasing or provoking the animal exists.

§ 56-4. Unlawful for owner to permit animal to defile public and/or private property.

It shall be unlawful for the owner of any animal to allow such animal under his or her control to defile or defecate on any sidewalk, walkway or property of another. It shall be the duty of the person in control of an animal which defecates on any sidewalk, walkway or property of another to promptly clean up and remove all feces discharged and to dispose of such feces in a lawful and sanitary manner.

§ 56-5. Dogs running at large.

- A. It shall be unlawful for the owner or keeper of any dog to fail to keep at all times such dog either:
- (1) Confined within the premises of the owner.
 - (2) Firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which the animal is secured; or
 - (3) Under the reasonable control by some person when engaged in lawful hunting, exhibition or field training.
- B. It shall be the duty of the owner of any dog, and the duty of the parent or guardian of any minor owner of any such dog, to keep any dog securely tied or penned in an enclosure in such a manner that the dog cannot break loose and run at large over the streets, alleys, or public grounds of the Township, or upon the property of anyone other

than the owner of such dog or of one from whom specified permission of the owner thereof has been secured.

- C. Any police officer or individual duly appointed by the Township is hereby authorized to seize and impound any dog found running at large unattended in the Township and dispose of the same pursuant to applicable statutes. The owner of any dog seized and impounded shall be liable to the Township for the cost thereof. The Supervisors will set the rates of impounding by resolution.

§ 56-6. Maintenance of animals.

It shall be unlawful for any owner to harbor, care for, shelter or maintain any breed of animal in other than a sanitary condition, free of offensive, obnoxious or foul odors. All animal feces shall be removed and disposed of in a sanitary manner as frequently as necessary so that odors therefrom do not permeate to neighboring properties.

§ 56-7. Enforcement.

The Police Department shall be charged with the responsibility to enforce the provisions under this article and shall perform all other duties which may be prescribed by the Board of Supervisors.

§ 56-8. Violations and penalties.

Any person who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000 and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this article continues shall constitute a separate offense.

§ 56-9. Abatement of nuisance.

In addition to any other remedies provided in this article, any violations of the provisions of this article shall constitute a nuisance and may be abated by the Township by seeking equitable relief from a court of competent jurisdiction.