

Chapter 109

ANIMALS

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[HISTORY: Adopted by the Borough Council of the Borough of East Washington as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Disposal of Dog Feces [Adopted 12-15-1997 by Ord. No. 457]

§ 109-1. Responsibility of owner.

It is the responsibility of every owner or harbinger of a dog in the Borough of East Washington to dispose, in a sanitary way, of the feces of dogs owned or harbored by such individuals when deposited on the sidewalks or streets of the Borough or on the property of any Borough resident. Except to the extent required by any other ordinance, this section shall not impose upon any such owner or harbinger of a dog the responsibility of removing feces deposited on his own property.

§ 109-2. Definitions.

The terms "owner" or "harbinger" of a dog as used in this article include any adult member of a household keeping such animal.

§ 109-3. Violations and penalties.

On the complaint of any citizen, followed by proof sufficient to the satisfaction of a member of the Police Department as to the failure of the owner or harbinger of a dog to properly dispose of dog feces deposited on a sidewalk or street of the Borough or the property of any resident of the Borough, a fine is imposed in the amount of \$100. Except to the extent required by any other ordinance, this article shall not impose upon any such owner or harbinger of a dog the responsibility of removing feces deposited on his own property.

ARTICLE II

Noise Disturbances

[Adopted 12-16-2002 by Ord. No. 471; amended in its entirety 1-21-2008 by Ord. No. 498]

§ 109-4. Intent and purpose.

The Council of the Borough of East Washington, Pennsylvania, finding that excessive levels of sound are detrimental to the physical, mental and social well-being of the people as well as to their comfort, living conditions, general welfare and safety, and being therefore a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive noise and the sources of excessive noise within the Borough.

§ 109-5. Noise disturbance.

It shall be illegal within the Borough for any person or persons to own, possess, harbor, or control any animal or fowl which barks, howls, bays, cries, yelps, squawks, screeches, or makes other such noise continuously for or intermittently during a fifteen-minute period to the annoyance or disturbance of a reasonable person of normal sensitivities any time of the day or night, regardless of whether the animal or fowl is physically situated in or upon private property, said noise being a public nuisance, provided that at the time the animal or fowl is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or fowl is situated nor is there any other legitimate cause which justifiably provoked the animal or fowl.

§ 109-6. Violations and penalties.

Any person, firm or corporation who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$500 or imprisonment for no more than 90 days, or both.

ARTICLE III

Keeping of Exotic Animals

[Adopted 10-15-2007 by Ord. No. 494]

§ 109-7. Definitions.

As used in this article, the following terms shall have the meanings indicated:

EXOTIC ANIMAL — Any animal that is not normally domesticated in the United States or is wild by nature. Exotic animals include, but are not limited to, any or all of the following orders and families, whether bred in the wild or in captivity, and also any or all of their hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or to limit the generality of each group of animals, unless otherwise specified.

A. Nonhuman primates and prosimians (monkeys, chimpanzees, and baboons).

- B. Felidae (lions, tigers, bobcats, cougars, leopards, jaguars, mountain lions and nondomesticated cats).
- C. Canidae (wolves, coyotes, foxes, jackals, and nondomesticated dogs).
- D. Ursidae (all bears).
- E. Reptilia (all venomous snakes and all constricting snakes).
- F. Crocodilia (alligators, crocodiles and caiman).
- G. Proboscidae (elephants).
- H. Hyaenidae (hyenas).
- I. Artiodactyla (hippopotamuses, giraffes, and camels, but not cattle, swine, sheep or goats).
- J. Procyonidae (raccoons, coatis).
- K. Marsupialia (kangaroos, opossums).
- L. Perissodactyla (rhinoceroses and tapirs, but not horses, donkeys or mules).
- M. Edentata (anteaters, sloths and armadillos).
- N. Viverridae (mongooses, civets and genets).

§ 109-8. Keeping of exotic animals prohibited.

- A. It shall be unlawful for any person to own, possess, keep, harbor, bring or have in one's possession an exotic animal(s) within Borough limits.
- B. It shall be unlawful for the owner, tenant, possessor or any other person in control of a lot, tract or parcel of land within Borough limits, or any residence or business premises situated thereon, to knowingly permit any other person to be in possession of an exotic animal upon the property, residence or premises.
- C. No animal located in the Borough prior to the enactment of this article shall be exempt from the provisions of this article.

§ 109-9. Violations and penalties; seizing and injunctive relief.

- A. Any person, firm or corporation who shall violate any provision of this article, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$150 and not more than \$1,000, plus costs and, in default of a payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this article continues, or of each section of this article which shall be found to have been violated, shall constitute a separate offense.

- B. In addition to the foregoing, the Borough may, at its sole discretion, cause to be seized any animal which is located in the Borough in violation of this article. Furthermore, the Borough may seek injunctive relief in the Court of Common Pleas of Washington County requiring any animal located in the Borough in violation of this article to be removed. These remedies available to the Borough are not mutually exclusive, and the Borough may, at its sole discretion, fine any person, cause to be seized any animal, and/or request injunctive relief regarding the same for violations of this article.