

CHAPTER 2

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## Part 1

## Dogs Running at Large

§101. Definitions. As used in this Part, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

OWNER - any person having a right of property in any dog or having custody of any dog, or any person who harbors or permits a dog to remain on or around his or her property.

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 accompanied by or under the control of the owner or any other person having custody of said dog.

(Ord. 263, 4/7/1992)

§102. Appointment and Duties of Dog Warden. A Dog Warden shall be appointed by the Borough Council to serve during its pleasure. Such dog warden along with the police officers shall have concurrent responsibility for the enforcement of this Part and of the Dog Law of 1982, (3 P.S. §459-101 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania); provided, that he shall not have the power to make arrests under this Act of Assembly or any other Act of Assembly or ordinance of the Borough. (Ord. 263, 4/7/1992)

§103. Unlawful to Allow Dogs to Run at Large. It shall be unlawful for the owner of any dog or dogs to allow or permit such dog or dogs to run at large in the Borough. (Ord. 263, 4/7/1992)

§104. Seizing of Dogs. The dog warden or any police officer or constable may seize any dog found at large in the Borough. Such dogs are to be impounded in a licensed kennel. (Ord. 263, 4/7/1992)

§105. Licensed Dogs. The Chief of Police of the municipality with which the Borough has contracted shall notify the owner of a licensed dog by registered or certified mail, with return receipt, that the dog is impounded and will be disposed of in five (5) days if not claimed. Five (5) days after the return receipt has been received, and the dog has not been claimed, the dog may be sold or destroyed in accordance with the 1982 Dog Law. (Ord. 263, 4/7/1992)

§106. Unlicensed Dogs. Unlicensed dogs that are seized shall be held in such kennel for forty-eight (48) hours and if not claimed may be destroyed in accordance with the 1982 Dog Law. (Ord. 263, 4/7/1992)

§107. Threatening Dogs. Dogs that, in the opinion of any police officer or dog warden, constitute a threat to public health and welfare may be killed by the police or dog warden. (Ord. 263, 4/7/1992)

§108. Penalties. The first two (2) times a dog is seized, the owner shall pay a fine of fifteen dollars (\$15.00) to the Borough as well as reasonable fees for keeping the animal in a kennel as fixed pursuant to a resolution of the Borough Council. Any person allowing a dog to run at

large a third time in violation of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment, to imprisonment for a term not to exceed thirty (30) days. (Ord. 263, 4/7/1992)

## Part 2

## Animal Noise Control

§201. Intent and Purpose. The Borough Council of the Borough of East Rochester, 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 sound and the sources of excessive sound within the Borough. (Ord. 263, 4/7/1992)

§202. Noise Disturbance. It shall be illegal within the Borough 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 (10) minutes or makes such noise intermittently for one-half (1/2) 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. (Ord. 263, 4/7/1992)

§203. Exceptions. This Part shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from nuisance suits by Act No. 1982-133. (Ord. 263, 4/7/1992)

§204. Penalties. Any person, firm or corporation who shall violate any provision of this Part, shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment thereof, to imprisonment for a term not to exceed thirty (30) days. (Ord. 263, 4/7/1992)

Annual Report

The Board of Directors of the Corporation has the honor to acknowledge the cooperation and assistance of the various departments of the Government in the preparation of this report. The information furnished by the various departments has been most helpful and has enabled the Board to present a more complete and accurate picture of the Corporation's activities during the year.

The Corporation's activities during the year have been characterized by a steady increase in the volume of work and by the successful completion of many important projects. The Corporation has continued to expand its operations and to improve its methods of work. The Corporation's financial position has remained strong and sound throughout the year. The Corporation's activities have been conducted in accordance with the principles of economy and efficiency. The Corporation's activities have been conducted in a manner which has brought credit to the Corporation and to the Government.

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## Part 3

## Control of Animal Defecation

§301. Animal Defecation on Public and Private Property Restricted. No person, having possession, custody or control of any animal, shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e. defecation or urination, upon any gutter, street, driveway, alley, curb or sidewalk in the Borough, or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park, or upon the grounds of any public park or public area, or upon any private property other than the property of the owner of such animal. (Ord. 263, 4/7/1992)

§302. Disposal of Animal Feces. Any person having possession, custody or control of any dog or other animal which commits a nuisance, i.e. defecation or urination, in any area other than the private property of the owner of such dog or other animal, as prohibited in §301 shall be required to immediately remove any feces from such surface and either:

A. Carry same away for disposal in a toilet; or

B. Place same in a nonleaking container for deposit in a trash or litter receptacle.

(Ord. 263, 4/7/1992)

§303. Dogs Accompanying Blind or Handicapped Persons Exempted. The provisions of §§301 and 302 hereof shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any other physically handicapped person. (Ord. 263, 4/7/1992)

§304. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment thereof, to imprisonment for a term not to exceed thirty (30) days. (Ord. 263, 4/7/1992)

MEMORANDUM FOR THE RECORD

On 10/10/84, the following information was received from the [redacted] regarding the [redacted] of the [redacted] in the [redacted] area. The [redacted] is currently [redacted] and is expected to be [redacted] by [redacted] on [redacted]. The [redacted] is currently [redacted] and is expected to be [redacted] by [redacted] on [redacted].

The [redacted] is currently [redacted] and is expected to be [redacted] by [redacted] on [redacted]. The [redacted] is currently [redacted] and is expected to be [redacted] by [redacted] on [redacted].

It is noted that the [redacted] is currently [redacted] and is expected to be [redacted] by [redacted] on [redacted]. The [redacted] is currently [redacted] and is expected to be [redacted] by [redacted] on [redacted].

The [redacted] is currently [redacted] and is expected to be [redacted] by [redacted] on [redacted]. The [redacted] is currently [redacted] and is expected to be [redacted] by [redacted] on [redacted].

The [redacted] is currently [redacted] and is expected to be [redacted] by [redacted] on [redacted]. The [redacted] is currently [redacted] and is expected to be [redacted] by [redacted] on [redacted].



Part 4

Regulating Keeping of Certain Animals

§401. Definitions. As used in this Part, the following terms, shall have the meanings indicated, unless a different meaning clearly appears from the context:

ANIMAL - any domestic animal or fowl, any wild animal or any household pet.

DOMESTIC ANIMAL - any animal normally or ordinarily domesticated or raised in this area and climate as livestock or for work or breeding purposes, or normally or ordinarily kept as a household pet.

HOUSEHOLD PET - any dog, cat, or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.

LARGE ANIMAL - any wild or domestic animal of the bovine, equine or sheep family.

PERSON - any person, firm, partnership, association, or corporation.

SMALL ANIMAL - any wild or domestic animal such as a rabbit, hare, guinea pig, rat, mouse, or chinchilla; and any wild or domestic fowl such as a chicken, turkey, goose, duck, or pigeon (excepting homing pigeons).

WILD ANIMAL - any animal, including bird, fowl, or reptile not normally or ordinarily domesticated; not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes; or not capable of being kept as a household pet.

In this Part, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

(Ord. 263, 4/7/1992)

§402. Certain Animals Prohibited. It shall be unlawful for any person to keep any pigs, hogs or swine at any place within the Borough. (Ord. 263, 4/7/1992)

§403. Keeping of Animals Regulated. It shall be unlawful for any person to keep any domestic animals, except household pets, except as provided in this Section:

1. Large animals shall be confined in quarters no part of which shall be closer than one hundred (100) feet from the exterior limits of any dwelling or of any property line.
2. Small animals shall be kept confined in quarters no part of which shall be closer than twenty-five (25) feet from the exterior limits of any dwelling or of any property line.

3. The keeper of every such animal shall confine the same in an enclosure sufficient to prevent such animal from running at large, and such enclosure shall be of a size and construction conducive to the animal's health, and adequate sanitary drainage facilities shall be provided.

4. Every keeper of any animal shall cause the litter and droppings therefrom to be collected daily in a container or receptacle that when closed shall be rat-proof and fly-tight, and after every such collection shall cause such container or receptacle to be kept closed. At least twice a week, every such keeper shall cause all litter and droppings so collected to be disposed of in such manner as not to permit the presence of fly larvae.

5. Every keeper of any animal shall cause all feed provided therefor to be stored and kept in a rat-proof and fly-tight building, box, container, or receptacle.

(Ord. 263, 4/7/1992)

§404. Household Pets. It shall be unlawful for any person to keep any household pet, except as provided in this Section:

1. If any such pet shall be kept in a dwelling owned or occupied by its owner, such owner shall be required to follow such procedures and practices, as to the number of such pets to be kept there and as to sanitation, to insure that no public nuisance shall be created or maintained and no threat to the health of persons living elsewhere than in such dwelling shall be created.

2. If any such pet shall be kept in an enclosure outside such dwelling, the provisions of §403 of this Part, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.

3. The number of household pets shall be limited to not more than three (3) household pets per household.

(Ord. 263, 4/7/1992)

§405. Violation of State Law. Any violation of this Part that would also violate any State law shall be prosecuted under that State law and not under this Part. (Ord. 263, 4/7/1992)

§406. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding six hundred dollars (\$600.00) plus costs and, in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 263, 4/7/1992)