

Ordinance Number 01-02

An ordinance for comprehensive animal control within Hamiltonban Township: prohibiting animals from running at large; prohibiting the keeping of animals making disturbing noise; controlling animals from creating nuisances; controlling animal defecation on public or private property; providing for setback requirements for dwelling for animals; prohibiting cruelty to animals; and providing for the penalties for violation and enforcement remedies

BE IT ENACTED AND ORDAINED, the Supervisors of Hamiltonban Township, Adams County, Pennsylvania, and its is hereby enacted and ordained by the authority of the same, as follows:

Section 1 DEFINITIONS: WORD USAGE

A. DEFINITION As used in this chapter, the following term shall have the meanings indicated, unless a different meaning clearly appears from the context of the chapter:

ANIMAL Any domestic animal or fowl, any wild animal or any household pet

CAT Any member of the animal species Felis Catus six (6) months or more in age

Dog Any member of the animal species Canis Familiars six (6) months or more of age

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

FARM An area of land in excess of 25 acres where crops are grown and/or animals are reared for sale, for commercial purposes, and from which \$1,000 or more of agriculture products were sold or would normally be sold during the year

HOUSEHOLD PET A dog, cat, or other domestic animal normally and ordinarily kept in or permitted to be a large in the dwelling of its owner

OWNER Any person having a right of property in any animal of having custody of any animal, or any person who harbors an animal

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 animal

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

LIVESTOCK Any domestic animal except a house pet

In this Ordinance, the singular shall include the plural, the plural shall include the singular, and masculine shall include the feminine

Section 2. RUNNING AT LARGE

It shall be unlawful for the owner of any animal to allow or permit such animal to run at large within Hamiltonban Township

Section 3. ANIMAL NUISANCE

It shall be unlawful for the owner of any animal to fail to exercise care and control of his or her animal to prevents aid animal from becoming a public nuisance. Any animal doing any of the following is a nuisance: excessive, continuous or untimely noise; molesting passers by, biting or attacking any person without provocation on one or more occasions; chasing vehicles, attacking other animals; trespassing upon school grounds or trespassing upon private property; repeatedly running at large

Section 4. NUISNACE PROHIBIED

A. It shall be lawful for the owner or harborer of any dog, cat, or other animal to cause or permit such animal to perform, create or engage in any nuisance as defined by Section 3. Any animal found acting in any way forbidden by this Ordinance, in the determination of the Chief of Police or any other police officer of the Township, or any agent or enforcement officer

designated by Hamiltonban Township shall hereby be declared a nuisance and its owner or harbinger shall be subject to citation filed on a non-traffic citation in the District Justice Office. This citation may be filed by the Chief of Police, or any other police officer of Hamiltonban Township, or any agent of Hamiltonban Township authorized to issue citations or enforce its ordinances, provided, however, that if the citation is filed by anyone other than the Chief of Police or a member of the Hamiltonban Township Police Force, the citation must first be reviewed and approved by the Chief of Police, the Township's Supervisors, or the solicitor for the Hamiltonban Township.

Section 5. NOISE DISTURBANCE

A. It shall be unlawful for the owner of any animal to permit any animal to cause annoyance, alarm, or noise or knowingly to keep or harbor any dog which habitually barks, howls or yelps or any cat which habitually cries or howls or any animal that causes annoyance, alarm, or which can be heard beyond the boundary of the owner's property and in such a manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs, cats, and animals are hereby declared to be a public nuisance

B. When ever any person shall complain to the Hamiltonban Township Police Department that a dog which habitually barks, howls or yelps, or any cat which habitually cries or howls or any animal that causes annoyance, alarm, or noise disturbance is being kept by any person in Hamiltonban Township, the Hamiltonban Township Police Department shall notify the owner of the said dog, cat, or animal that a complaint has been received and that the person shall take whatever steps necessary to alleviate said animal noise nuisance. The owner of said animal shall be provided a copy of this Ordinance by the officer issuing the warning either by hand delivery at the time of said warning or by certified mail. No person shall be issued a citation for violation of this Ordinance until provided a copy of this Ordinance. When an officer hand delivers a copy of this Ordinance the owner shall sign an Acknowledge of Receipt. If the owner refuses to sign the Acknowledgment the officer shall write "refused to sign", the date, and the time on the Acknowledgement of receipt, and any subsequent violation after this the owner may be subject to a citation.

C. If the warning given to the person alleged to be keeping a dog, cat or animal as set forth in this Ordinance is ineffective, then a verified complaint of a least two citizens not from the same family or residence may presented to

the Hamiltonban Township Police Department alleging that a dog which habitually barks, howls, or yelps, or any cat which habitually cries or howls or any animal the causes annoyance, alarm, or noise disturbance is being kept by any person within Hamiltonban Township. The Chief of Police, or any police officer of the Township, shall hereby declare such animal a nuisance and its owner or harbinger shall be subject to citation filed on a non-traffic citation in the District Justice Office. This citation may be filed by the Chief of Police, any police officer of Hamiltonban Township or the Hamiltonban Township Enforcement Officer, provided, however, the if anyone other than the Chief of Police or a police officer of the Township, or the Hamiltonban Township Enforcement Officer, provided, however, that if anyone other than the Chief of Police or police officer of the Township issues the citation, the citation must first be approved by the Chief of Police, or the Board of supervisors, or the Townships' Solicitor.

Section 6. REMOVAL OF DOG AND OTHER ANINMALS DEFECATION FROM PUBLIC AND PRIVATE PROPERTIES

A. An owner or person having custody of any dog, cat, or any other animal shall not permit said dog, cat, or any other animal to defecate on any school ground, public street, alley, sidewalk, treebank, park or any other public grounds or private property within Hamiltonban Township other than that of the owner or person having custody of said dog, cat, or other animal unless said defecation is removed immediately.

B. Section 6. (A) Shall not apply to any work dog trained for and actively engaged in rescue, law enforcement, war work, or as a guide dog for the blind, deaf, or handicapped

C. Any animal found acting in any way forbidden by this Ordinance, in the determine of the Chief of Police, or any other police officer of Hamiltonban Township or the Hamiltonban Township Enforcement Officer shall hereby be declared a nuisance and its owner or harbinger shall be subject to citation filed on the non-traffic citation in the District Justice Office. This citation may be filed by the Chief of Police, any police officer of Hamiltonban Township, or the Hamiltonban Township Enforcement Officer, provided, however, the if anyone other than the Chief of Police or a police officer, or the Board of Supervisors, or the Township's Solicitor.

Section 7. SETBACK REQUIREMENTS AND REGULATIONS:

- A. The primary dwelling for horses, ponies, cows, or pigs must be at least 25 feet from the lot line and 100 feet from any neighboring house
- B. The primary dwelling for sheep or goats must be at least 50 feet away from any neighboring house
- C. The primary dwelling for fowl and rabbits must be at least 35 feet from any neighboring house
- D. Fencing for the keeping of livestock shall not be closer than 25 feet from the lot line
- E. Fencing for any livestock must be constructed in such a manner that animals may not reach legs, necks, wings, or any body parts onto neighbor's property, or to any shrub or plant growing on the neighbor's property
- F. Fencing must be secured to hold livestock and in good repair
- G. Manure shall not be allowed accumulating or creating an odor nuisance and must be cleaned up on regular basis
- H. Every kennel, barn, pen, run, or any used to house dogs, cats, or livestock shall be kept in a sanitary condition and shall be free and clear from decaying food and filth of any kind
- 1. Any farm that is located in an Agriculture District as per the Hamiltonban Township Zoning Ordinance shall exempt from Section 8. Subsection (A), (B), (C), (D), (E) of this Ordinance and shall strictly follow any regulations for the Agricultural District as listed in the Hamiltonban Township Zoning Ordinance.

Section 8. CRUELTY TO ANIMALS PROHIBITED

A. It shall be unlawful for any person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by an act, omission or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. Any unwanted domestic animals should be delivered to the Humane Society for proper disposal.

B. It shall be unlawful for any person in charge of any animal to fail, refuse or neglect to provide such animal with food, potable water, shade, shelter, or to cruelly or unnecessary expose any animal in hot, stormy, cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel to inhumane manner.

C. Nothing in this Ordinance shall be interpreted as prohibiting actions necessary to lawful hunting or fishing activity or commonly accept farming practices.

D. Any person acting in such a manner shall be subject to citation filed on a non-traffic citation in the District Justice Office. This citation may be filed by the Chief of Police, any police officer of Hamiltonban Township, or the Hamiltonban Township Enforcement Officer, provide, however, that if anyone other than the Chief of Police or police officer of the Township issues the citation, the citation must first be approved by the Chief of Police, or the Board of Supervisors, or the Township's Solicitor.

Section 9. NOTICE TO COMPLY

A. The Chief of Police, or any other police officer of the Township, or the Township's Enforcement Officer is hereby empowered to inspect ground to determine if there are violations of this Ordinance.

B. If noncompliance with the provisions of this Ordinance constitutes a nuisance, or if any dog, cat or any animal posed a threat to the health, safety or welfare of the public, said individual mentioned in Subsection A. shall issue a written notice either by hand delivery at the time of said warning, or by certified mail, upon the owner of said dog, cat, or animal instructing him to take steps to abate the nuisance.

C. If the owner of ground on which such dog, cat, or any animal resides does not comply with the notice to abate such dog, cat, animal and/or the conditions of its environment within the time limit prescribed, the Township shall have the authority to take measures necessary to correct the conditions and collect the cost of such corrections plus ten percent (10%) of all cost. The Township, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish foregoing.

Section 10 VIOLATION AND PENALTIES

A. Any person who shall violate any provisions of the Ordinance shall, upon conviction thereof, before a District Magistrate, be sentenced to pay a fine of not more than five hundred dollars (\$500) and/or to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

Section 11 ADDITIONAL REMEDIES

In addition to such other remedies as shall be provided for herein, the Township shall have the right to institute proceedings in law or in equity in a court of appropriate jurisdiction to enforce the provisions hereof. The remedies provide herein for the enforcement of this Ordinance or any remedies provided by law shall not deem mutually exclusive; rather in remedies may be employed simultaneously or consecutively.

Section 12 SEVERABILITY

A. The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional or illegal, such decision shall be affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional or illegal provision not been included herein.

DULY ENACTED AND ORDIANED this 5th day of June, 2001 by the Board of Supervisors of Hamiltonban Township, Adams County, Pennsylvania.

ATTEST:
Penny D. Sample
Secretary

Hamiltonban Township
Board of Supervisors
Stephen W. Jacobs, Chairman
William C. Shriner, Jr.
Jay Edward Deardorff