

CHAPTER 3

ANIMALS

Part 1

Animal Noise Control

- §101. Noise Disturbance**
- §102. Penalties**

Part 2

Animal Control

- §201. General**
- §202. Definitions**
- §203. Animal Control Officer**
- §204. Running of Animals**
- §205. Cleanup of Animal Fecal Matter**
- §206. Maintaining the Possession of Animals**
- §207. Condition of Confinement of Animals**
- §208. Impoundment**
- §209. Redemption**
- §210. Suspicion of Infection**
- §211. Prohibitions**
- §212. Penalty**

Part 3

Police Dogs

- §301. Short Title**
- §302. Teasing, Striking, Injuring, or Killing of Police Dogs**
- §303. Interference with Use of Police Dogs**
- §304. Penalty**

Part 1

Animal Noise Control

§101. Noise Disturbance.

Owning, possessing, harboring or controlling any animal or bird which barks, bays, cries, squawks, or makes any other noise continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for 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; provided, however, 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 or for any other legitimate cause which teased or provoked the animal or bird. (Ordinance 337, January 7, 1980, §1)

§102. Penalties.

Any person violating any provisions of this ordinance shall, upon conviction thereof, in a summary proceeding, be sentenced to pay a fine of not more than \$300 for each and every offense, to be collected as other fines and costs are by law collectible, or shall be imprisoned for not more than one day for each \$10 of the unpaid balance of fine and costs. Each day during which any person violates any provision of this ordinance shall constitute a separate offense. (Ordinance 337, January 7, 1980 §2)

Part 2

Animal Control

§201. General.

This Part is enacted to regulate the maintenance, keeping and possession of animals within the Borough in order to promote the health, safety and general welfare of the residents of the Borough. (Ordinance 349, March 22, 1982, §1)

§202. Definitions.

As used in this Part, these terms are to be defined as follows:

ANIMAL — All non-human vertebrate and invertebrate species wild or domestic to include, but not be limited to, birds, fish, reptiles, insects, livestock, pets and fowl.

BOROUGH — The Borough of Fountain Hill, Pennsylvania.

CAGE — A box or enclosure, shaped in any particular form, having as its purpose the storing, housing or confining of animals. The purpose may be either temporary or permanent.

(Ordinance 349, March 22, 1982, §2)

§203. Animal Control Officer.

An Animal Control Officer shall be appointed by the Borough Council for such term and shall be paid such compensation as they deem appropriate. Such officer shall be assigned such duties and responsibilities as are necessary to carry out the terms of this Part. He shall have the authority to inspect the premises of any place where animals are kept or located at a reasonable time and in a reasonable manner for the purpose of enforcing this Part. (Ordinance 349, March 22, 1982, §3)

§204. Running of Animals.

It shall be unlawful for the owner, custodian or keeper of any animal to allow such animal to run at large, at any time, either upon any of the streets or public grounds of the Borough, or upon the private property of anyone other than the owner, custodian or keeper at all times, and such person shall be responsible for the immediate removal of the feces discharged by the animal on any of the streets, sidewalks or public grounds of the Borough, or upon the private property of anyone other than such person. (Ordinance 349, March 22, 1982, §4)

ANIMALS

§205. Cleanup of Animal Fecal Matter.

1. No owner of any animal or any person having the care, custody and control of any animal shall permit the same to discharge or deposit any fecal matter upon the property of another without immediately removing such a matter and disposing of it in a sanitary manner. The term "property of another" shall be interpreted to include the property of the Borough of Fountain Hill or of any other political subdivision.
2. No owner or possessor of real property shall permit animal fecal matter to accumulate on such property for more than 48 hours and it shall be the owner's or possessor's responsibility to daily remove such matter to prevent any such accumulation from becoming a danger to public health.

(Ordinance 349, March 22, 1882; as added by Ordinance 449, April 3, 1989)

§206. Maintaining the Possession of Animals.

Any person or persons maintaining one or more animals under the jurisdiction of this Part must:

- A. provide proper shelter and protection from the weather;
- B. provide sufficient, wholesome food and water free from contamination;
- C. provide sufficient space in any cage for animals to stand up, lie down, and turn around without touching the top or sides of the cage; and
- D. provide sufficient clean, dry bedding to meet the needs of each animal. No condition shall be maintained or permitted to exist that is knowingly injurious to the health of any animal.

(Ordinance 349, March 22, 1982, §5)

§207. Condition of Confinement of Animals.

Subject to the limitations or exceptions hereinafter set forth, no person, shall own, keep or harbor any animal over six months of age within the Borough of Fountain Hill unless such animal is vaccinated and licensed.

1. The provisions of this section shall not apply to animals owned by a licensed research facility or held in a licensed veterinary facility or licensed animal shelter.

2. Animals which shall be vaccinated as set forth in subsection (4) are those for which an approved rabies vaccine is available as set forth in the latest "Compendium of Animal Rabies Vaccines and Recommendation for Immunization" published by the National Association of State Public Health Veterinarians.
3. Animals which shall be licensed are those for which the Commonwealth of Pennsylvania acting through the County of Lehigh, as agent, require the issuance of a license.
4. It shall be unlawful for the owner or custodian of a dog or cat to keep, harbor or have in custody or control, a dog or cat six months or older for longer than 14 days, unless such dog or cat has a current vaccination against rabies as set forth in subsection (2).
5. Animals shall be vaccinated against rabies only by licensed veterinarian, who shall issue a certificate of vaccination to the owner together with a durable vaccination tag indicating the year of issuance.
6. Animals subject to either license or vaccination or both, must wear the tags at all times. Such tags shall be attached to the collar of the animal. Any animal found not bearing the appropriate current identification tags as herein specified shall be subject to impoundment and the owner subject to fine as hereinafter set forth.

(Ordinance 394, October 6, 1986)

§208. Impoundment.

1. Any animal found running at large shall be impounded by the Animal Control Officer in a cage and confined in a humane manner. Immediately upon impounding an animal, the Animal Control Officer shall make every reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Such conditions may include the reasonable costs incurred during impoundment including, but not limited to, the cost of food, shelter, transportation and administrative expense. Animals not claimed within a period of 10 days shall become the property of the Borough or its assigns.
2. When an animal is found running at large and its ownership is verified by the Animal Control Officer, the Animal Control Officer may exercise the option of serving the owner with a notice of violation of this Part in lieu of, or in addition to, impounding the animal.
3. In the event the Animal Control Officer finds animals to be suffering, he shall have the right forthwith to remove, or cause to have or to euthanize, or cause to be euthanized, the animal when necessary to prevent further suffering. Return of the animal to the owner may be withheld until the owner shall have made full payment for all expenses incurred including, but not limited to, the cost of food, shel-

ANIMALS

ter, transportation, veterinary services, medical supplies, and administrative tasks.

4. Disposal of an animal by any method specified herein does not relieve the owner of liability for violations and any incurred charges.

(Ordinance 394, October 6, 1986)

§209. Redemption.

1. No animal impounded or quarantined under the provisions of this Part may be redeemed until (1) the animal complies with the vaccination and licensing requirements of this Part, and (2) all applicable costs have been paid, and (3) all fines levied under this Part have been paid, and (4) if the animal was impounded for rabies quarantine, then redemption shall also require the approval of the Animal Control Officer.
2. Payment of impoundment fees is not considered to be in lieu of any fine, penalty, vaccination or license fee.

(Ordinance 394, October 6, 1986)

§210. Suspicion of Infection.

1. The Animal Control Officer is hereby authorized to investigate a reported animal biting incident or any suspicion of exposure to rabies, and to notify the animal's owner using an appropriate quarantine notice that said animal must be quarantined in accordance with this Part for a period of not less than 10 days, full days following, but not including the day of the bite. All costs for professional services, quarantine, vaccination, observation, shall be the responsibility of the owner and may be deemed due payable as incurred.
2. It shall be unlawful for the owner of any animal which bites any person, regardless of the circumstances or whether the animal is vaccinated for rabies protection or not, not to confine said animal either within an enclosure at home, a veterinary hospital, or restricted by leash composed of chain or other indestructible material, for the period set forth in (1) above.
3. It shall be unlawful to destroy any quarantined animal which should, for any reason, die during the quarantined period as set forth in (1) above, regardless of the animal's whereabouts at the time of the death. Within three hours of the animal's death, the Animal Control Officer shall be advised and given custody of the entire carcass. No part of the carcass may be destroyed, removed, or altered by the owner or any individual.

(Ordinance 394, October 6, 1986)

§211. Prohibitions.¹

1. No premises may be used or occupied and no structure may be erected or maintained for the harboring of pigeons, pheasants, ducks, geese, poultry, fowl, swine, goats, sheep, lambs, horses, ponies, donkeys, snakes, cattle, monkeys, chinchilla, minks, skunks or foxes, or other like or similar animals.
2. No premises may be used or occupied and no structure may be erected or maintained for the harboring of any wild or exotic animals as defined and prohibited by Title 50, Code of Federal Regulations, or otherwise controlled by the Commonwealth of Pennsylvania, or any such animals which are dangerous, wild, fierce, noxious or naturally inclined to do harm.
3. No premises may be used or occupied and no structure may be erected or maintained for the harboring of more than a total of four dogs, cats, rabbits or similar animals.

(Ordinance 349, March 22, 1982, §6; as amended by Ordinance 394, October 6, 1986)

§212. Penalty.²

Any person who violates any provision of this Part or any of the rules and regulations pursuant hereto shall, upon conviction thereof, be ordered to pay a fine of not less than \$25 or more than \$300, or to imprisonment for a period not to exceed 30 days, or both. Each day's violation shall constitute a separate offense.

In addition, Borough Council may authorize the Animal Control Officer to institute any appropriate action or proceeding to restrain, correct or abate a continuing violation of any provision of this Part.

(Ordinance 349, March 22, 1982, §7; as amended by Ordinance 394, October 6, 1986)

¹ Numbered §207 by Ord. 449

² Numbered §208 by Ord. 449

Part 3
Police Dogs

§301. Short Title.

This Part shall be known and may be cited as the “Fountain Hill Police Dog Ordinance.” (Ordinance 468, May 7, 1990)

§302. Teasing, Striking, Injuring, or Killing of Police Dogs.

It shall be unlawful for any person to willfully or maliciously taunt, torment, tease, beat, strike, mutilate, injure, disable, poison, or kill any dog used by the Police Department of the Borough of Fountain Hill in the performance of the functions or duties of such Department. (Ordinance 468, May 7, 1990)

§303. Interference with Use of Police Dogs.

It shall be unlawful for any person to interfere or meddle with any dog used by the Police Department of the Borough of Fountain Hill in the performance of its functions or duties, or any member of the Police Department of the Borough of Fountain Hill while using any such dog in the performance of the functions or duties of the Police Department. (Ordinance 468, May 7, 1990)

§304. Penalty.

Any person who shall violate any of the provisions of this Part shall be guilty of a summary offense, and upon conviction therefore before a district justice, be subject to a fine of not less than \$10 or more than \$300, or to imprisonment for a period not to exceed 30 days, or both. (Ordinance 468, May 7, 1990)