

Chapter 2

Animals

Part 1

Dogs Running at Large

- §2-101. Definitions
- §2-102. Unlawful to Allow Dogs to Run at Large
- §2-103. Seizing of Dogs
- §2-104. Licensed Dogs
- §2-105. Unlicensed Dogs
- §2-106. Threatening Dogs
- §2-107. Penalty

Part 2

Animal Noise Nuisance

- §2-201. Intent and Purpose
- §2-202. Noise Disturbance
- §2-203. Exceptions
- §2-204. Penalties

Part 3

Animal Defecation

- §2-301. Animal Defecation on Public and Private Property Restricted
- §2-302. Disposal of Animal Feces
- §2-303. Dogs Accompanying Blind or Handicapped Persons Exempted
- §2-304. Penalties

Part 1**Dogs Running at Large****§2-101. Definitions.**

As used in this Part, the following terms 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. 88-1, 2/1/1988*)

§2-102. 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 of North York. Dogs must be on a leash at all times.

(*Ord. 88-1, 2/1/1988; as amended by Ord. 2006-3, 7/10/2006*)

§2-103. Seizing of Dogs.

Any police officer or dog warden may seize any dog found at large in Borough. Such dogs are to be impounded in a licensed kennel.

(*Ord. 88-1, 2/1/1988*)

§2-104. Licensed Dogs.

Owners of licensed dogs are to be notified by registered or certified mail, with return receipt, that the dog is impounded and will be disposed of in 5 days if not claimed. Five 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 Dog Law, 3 P.S. §459-101 *et seq.* Pay a penalty of \$15 to the political subdivision whose Police Officers make such seizures and detention and all reasonable expenses incurred by reason of its detention to the detaining parties before the dog is returned. [*Ord. 2006-3*]

(*Ord. 88-1, 2/1/1988; as amended by Ord. 2006-3, 7/10/2006*)

§2-105. Unlicensed Dogs.

Unlicensed dogs that are seized are to be held in such kennel for 48 hours and if not claimed may be destroyed in accordance with the Dog Law, 3 P.S. §459-101 *et seq.*

(*Ord. 88-1, 2/1/1988*)

§2-106. Threatening Dogs.

Dogs that, in the opinion of any police officer or dog warden, constitutes a threat

to public health and welfare may be killed by the police or dog warden.

(*Ord. 88-1, 2/1/1988*)

§2-107. Penalty.

1. The first two times a dog is seized, the owner shall pay a fine of \$100 to the Borough as well as reasonable fees for keeping the animal in a kennel. [*Ord. 2006-3*]

2. Any person allowing an animal to run at large a third time in violation of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 and not more than \$600; and/or to imprisonment or a term not to exceed 90 days.

(*Ord. 88-1, 2/1/1988 ;as amended by Ord. 91-6, 6/10/1991; by Ord. 12/21/2000, §1; and by Ord. 2006-3, 7/10/2006*)

Part 2**Animal Noise Nuisance****§2-201. Intent and Purpose.**

The Borough Council of the Borough of North York, 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 therefor 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. 88-1, 2/1/1988)

§2-202. Noise Disturbance.

It shall be illegal within the Borough of North York 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 10 minutes or makes such noise intermittently for ½ 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. 88-1, 2/1/1988)

§2-203. Exceptions.

This Part shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from the nuisance suits by Act No. 1982-133, 3 P.S. §951.

(Ord. 88-1, 2/1/1988)

§2-204. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentence to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 88-1, 2/1/1988; as amended by Ord. 91-6, 6/10/1991; by Ord. 12/21/2000, §2; and by Ord. 2006-3, 7/10/2006)

Part 3**Animal Defecation****§2-301. Animal Defecation on Public and Private Property Restricted.**

1. 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 of North York, 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.

2. No dog owner shall be permitted to create a condition involving a dog or dogs that shall be offensive, bothersome or annoying to the public, nor shall any person create a condition that is unhealthy or dangerous to any member of the public.

3. It is unlawful for a dog owner to permit the accumulation of animal excretion in a pen or enclosure or at any place in the Borough where accumulation creates a threat to the health of any member of the Borough or the odor therefrom pollutes the air inhaled by any neighbor or member of the Borough or in any way creates a nuisance that interferes with the peaceable use and enjoyment of any public or private property in the Borough.

(*Ord. 88-1, 2/1/1988; as amended by Ord. 93-04, 5/3/1993, Art. I*)

§2-302. 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 §2-301 shall be required to immediately remove any feces from such surface and either:

A. Carry same away for disposal in a toilet.

B. Place same in a non-leaking container for deposit in a trash or litter receptacle.

(*Ord. 88-1, 2/1/1988*)

§2-303. Dogs Accompanying Blind or Handicapped Persons Exempted.

The provisions of §§2-301 and 2-302 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. 88-1, 2/1/1988*)

§2-304. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentence to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30

days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 88-1*, 2/1/1988; as amended by *Ord. 91-6*, 6/10/1991; and by *Ord. 2006-3*, 7/10/2006)