

Chapter 2

Animals

ORDINANCE NO. 6-09- -2005

AN ORDINANCE AMENDING PART 1 OF CHAPTER 2 OF THE CODE OF ORDINANCES OF LIBERTY TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA, PROHIBITING THE KEEPING OF ANIMALS MAKING DISTURBING NOISES AND CONTROLLING ANIMALS RUNNING-AT-LARGE WITHIN THE TOWNSHIP OF LIBERTY.

WHEREAS, the Township of Liberty, Centre County, Pennsylvania, currently has no regulations as to the keeping and maintaining of animals as pets and otherwise within the Township; and

WHEREAS, the Supervisors of Liberty Township desire to regulate the keeping of animals within the Township to promote living conditions, general welfare, safety and public health within the Township of Liberty.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Supervisors of the Township of Liberty, Centre County, Pennsylvania, that Chapter 2 of the Code of Ordinances of Liberty Township be amended to add Part 1 to read as follows:

PART I

REGULATION OF ANIMALS AND PETS

SECTION 101 - Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated, unless a difference 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 the dwelling or on the property of its owner.

"Owner": When applied to the proprietorship of an animal, shall include every person having a right of property in any animal and every person who keeps or harbors any animal or has it in his/her care, and every person who permits any animal to remain or about any premises occupied by him/her.

"Person": Person shall include individuals, corporations, partnerships and associations.

"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 under the control of the Owner or any other person having custody of said animal.

SECTION 102. Unlawful to Allow Animals to Run-at-Large.

It shall be unlawful for the Owner of any animal to allow or permit such animal to run-at-large in the Township of Liberty.

SECTION 103. Animal Defecation on Public and Private Property Restricted.

(A) **Prohibition.** 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, streets, driveway, alley, curb or sidewalk in the Township of Liberty, 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.

(B) Disposition of Animal Feces. Any person having possession, custody or control of any animal which commits a nuisance (i.e., defecation or urination) in any area other than the private property of the Owner of such animal as prohibited in Section 103(A) shall be required to immediately remove any feces from such surface and either:

- (1) Carry same away for disposal in a toilet; or
- (2) Place same in a non-leaking container for deposit in a trash or litter receptacle.

SECTION 104. Keeping of Animals on Private Property/Disposal of Feces.

Any person having possession, custody or control of any animal on or in said person's private property, exclusive of the R-1, Residential-Rural Density District, shall be required to collect daily the litter and droppings therefrom 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 closed. At least twice a week, every such Owner shall cause all litter and droppings so collected to be disposed of in such manner as not to permit the presence of fly larvae.

SECTION 105. Noise Disturbances by Animals and Birds Prohibited.

(A) It shall be illegal within the Township of Liberty for any person or persons to own, possess, harbor or control any animal or bird which barks, howls, screeches, yelps, cries, bays, squawks, or makes any noise continuously and/or incessantly for a period of at least fifteen (15) minutes or the making of such noise intermittently for a period of thirty (30) minutes or more to the annoyance or disturbance of a reasonable person of normal sensitivities between the hours of ten o'clock (10:00) P.M. to seven o'clock (7:00) A.M. regardless of whether the animal or bird is physically situate on private property.

(B) Exceptions.

(1) Normal Agricultural Operations.

This Ordinance shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from nuisance suits by the Act of June 10, 1982, P. L. 454, No. 133,3PS§951 et seq..

(2) Animal/Bird within Enclosed Structure.

This Ordinance shall not apply to an animal and/or bird which is housed and/or maintained within an enclosed structure at the time such animal and/or bird is creating such noise disturbance. A structure shall be deemed to be enclosed for purposes of this Ordinance if it shall have solid vertical walls with a solid roof affixed thereon which shall muffle, reduce or diminish such noise disturbance. A structure comprised of open vertical walls or roofs, constructed of materials including chain-link, chicken wire, gapped wood pickets or similar type vertical walls or roofs shall not be deemed "enclosed" for purpose of this Ordinance and any noise disturbances emanating therefrom by any animal and/or bird shall be deemed a violation of this Ordinance if all other requisite elements are present.

(C) Warning.

(1) Prior to any prosecutions under this Ordinance, the owner, person or persons violating this Ordinance shall be given a warning, either written or verbal, of the conduct constituting such violation.

(2) Should such conduct continue after said warning, charges shall be brought against the owner, person or persons owning, possessing, harboring or controlling such an animal or bird.

SECTION 106. General Sanitation Requirements.

It shall be unlawful for any person to keep any animal in a dwelling owned or occupied by its Owner unless said Owner follows such procedures and practices as to the number of such animals to be kept there and as to sanitation to ensure 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.

SECTION 107. Dogs Accompanying Blind or Handicapped Persons Exempted.

The provisions of Sections _____ herein shall not apply to a guide dog accompanying any blind persons or to a dog used to assist any other physically handicapped person.

SECTION 108. Preemption by State Law.

Any violation of this Ordinance that would also violate any State Law shall be prosecuted under that State Law and not under this Ordinance.

SECTION 109. Penalties.

Any person, firm or corporation who shall violate any provisions of this Ordinance, 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 more than One Thousand (\$1,000.00) Dollars plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Ordinance continues or each Section of this Ordinance which shall be found to have been violated shall constitute a separate offense.

SECTION 110. Repealer.

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 111. Severability.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Liberty Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.]

SECTION 112. Effective Date.

This Ordinance shall become effective as provided by law.

DULY ENACTED AND ORDAINED this 7 day of June, 2005, by the Board of Supervisors of Liberty Township, Centre County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Stephen C. Fisher

TOWNSHIP OF LIBERTY
CENTRE COUNTY, PENNSYLVANIA

BY: Robert M. Anderson
Supervisor

BY: Steph C. Fisher
Supervisor

BY: Roberta McGhee
Supervisor