

**BOROUGH OF NORTH WALES
ORDINANCE #806**

**AN ORDINANCE AMENDING THE NORTH WALES BOROUGH CODE TO REPEAL
AND REPLACE IN ITS ENTIRETY CHAPTER 90, “ANIMALS” FOR THE PURPOSE
OF AMENDING AND ADDING NEW RULES AND REGULATIONS**

WHEREAS, as a result of extensive discussions by the Borough Council it was found to be in the best interests of the Borough to update regulations related to maintenance, keeping, and possession of Animals within the Borough.

NOW, THEREFORE it is hereby ORDAINED AND ENACTED by the Borough Council of the Borough of North Wales as follows:

ARTICLE 1

Chapter 90 of the Borough Code is hereby repealed and replaced with the following:

Section 90-1. Purpose

The purpose of this Article is to prohibit and to regulate the maintenance, keeping and possession of animals within the Borough in order to promote the health, safety and general welfare of its inhabitants.

Section 90-2. Definitions.

For the purpose of this article, the following terms shall have the meanings ascribed to them in this section, except where the context in which the word is used clearly indicates otherwise:

ANIMAL – Any dog, cat, domesticated animal or non-domesticated animal.

BOROUGH – The Borough of North Wales.

BOROUGH COUNCIL – The Borough Council of the Borough of North Wales.

CAREGIVER – Any person who provides care, including food, water, shelter and in some cases, medical care to feral cats, and, in accordance with a program approved by the Borough to trap, neuter, vaccinate, ear-tip, and return feral cats to the location at which they are trapped.

FERAL CAT – Any homeless, wild, or untamed cat.

MOTOR VEHICLE – A vehicle which is self-propelled except one which is propelled solely by human power or electric power obtained by overhead trolley wires, but not operated upon rails.

NUISANCE – An animal shall be considered a nuisance if it habitually trespasses upon or damages either private or public property or annoys, such as a barking dog disturbing the peace and quiet of the surrounding neighbors between the hours of 10:00 p.m. to 7:00 a.m., or harms lawful users or occupants thereof.

OWNER – Any person having a right of property in, having custody of or who harbors a dog, cat, domestic animal or any non-domesticated animal to remain on or around his or her property, excluding feral cat caregivers as defined herein.

PERSON – A natural person, firm, partnership, association or corporation.

POLICE OFFICER – Any person employed by the Borough whose duty it is to preserve peace or to make arrest or to enforce any law, including auxiliary policemen.

RUNNING AT LARGE - Being upon any public highway, street, alley, park, any other public land or upon property of another person other than the owner and not being firmly secured by means of a collar and chain or other device so that it cannot stray; or not being accompanied by or under the reasonable contact of some person.

SPONSOR – An eligible animal welfare organization appointed by Borough of North Wales to run a TNR program in the Borough.

STRAY CAT – Any cat whose owner or keeper from time to time allows the cat to run free off of the property of the owner or keeper.

TRAP, NEUTER & RETURN (TNR) – A non-lethal approach to feral cat population control where feral cats are humanely trapped, sterilized, vaccinated, ear-tipped and then returned to the location where they were originally trapped.

VEHICLE – Every device in, upon or by which any person or property is or may be transported or driven upon any highway, street, road or alley except devices used exclusively upon rails or tracks.

Section 90-3. Disturbing or Loud Noise.

No person shall allow any animal confined on that person’s premises to make any loud or harsh noise or disturbance which shall interfere with or deprive the peace, quiet, rest or sleep of any person within the Borough.

Section 90-4. Unsanitary Nuisance; Exemptions.

A. No person shall allow any animal owned by him or under his control to defecate on any school grounds, city parks, other public properties, sidewalks, walkways, or the property of another without immediately cleaning it up.

B. Any vision or mobility-impaired person who relies upon a dog specifically trained for such purposes shall be exempt from compliance with this section.

Section 90-5. Running at Large.

A. No person shall permit any animal (See Section 90-10 regarding stray cats) owned by him or under his supervision or control, to run at large at any time upon the public streets, alleys, highways, or public grounds of the Borough, or upon the private property of any other person or upon any property other than property belonging to the owner of such animal or to a person under whose supervision or control of such animal is being kept. An animal must be firmly secured by means of a collar and chain or other device so that it cannot stray, or must be accompanied by or under the reasonable control of some person.

B. Any police officer or law enforcement officer is hereby authorized and empowered to seize and detain any animal which is found running at large in the Borough, or upon any property other than the property of the owner of such animal, and unaccompanied by the owner when such police officer or law enforcement officer is in immediate pursuit of such animal.

C. The provisions of this section shall apply to all animals found running at large in violation of this section, irrespective of payment for or issuance of any license in respect to the animal involved.

D. The Borough Council is hereby empowered and authorized to engage the services of a qualified and suitable person to enforce the provisions of this section.

Section 90-6. Impounding.

Any police officer or law enforcement officer of the Borough is hereby authorized to seize and detain any animal running at large in violation of §90-5 or any animal concerning which information has been received that such animal has been running at large. Any animal so seized shall be held by the Borough for 48 hours. Immediate notice of such seizure, either personally or by certified mail or email, with return receipt requested, shall be given to the person in whose name the license, if any, was issued, or his agent, to claim such animal within 48 hours after receipt hereof. In the event that the animal does not bear a proper license tag, immediate notice, either personally or by certified mail or email, return receipt requested, shall be given to the person, or his agent, known to be the owner of such animal. The owner or claimant of an animal so detained shall pay a penalty of \$50 to the Borough, together with a charge as set forth from time to time by resolution of the Borough Council per day for room and board or daily charge of the shelter where the animal is kept, whichever amount is greater. No animal shall be returned to the owner or claimant until said penalty and expense or charges shall be paid.

Section 90-7. Disposition of any Unclaimed Animal.

If after 48 hours of such notice as set forth in §90-6, such animal has not been claimed, the police officer or law enforcement officer shall convey the animal to a shelter, animal rescue, or

foster care. No licensed animal shall be adopted, sold or otherwise disposed of unless such licensed animal remains unclaimed five days after notification, evidenced by obtaining a return receipt if notified by certified mail or email. Where the owner or agent of an unlicensed animal is not known, the police officer or law enforcement officer shall convey such animal to a shelter, animal rescue, or foster care. No animal shall be sold for the purpose of vivisection or research or be conveyed in any manner for such purposes.

Section 90-8. Transportation of Animals.

No person, other than a person actually working a dog or other animal for agricultural purposes, shall transport or carry on any public highway, street, road or alley such dog or other animal, unless such dog or animal is safely enclosed within the motor vehicle or protected by a container, cage, cross tether or other device to prevent the dog or animal from falling from, being thrown from or out of or jumping from said motor vehicle.

Section 90-9. Unattended Animal.

No person shall leave a dog or other animal in any unattended motor vehicle without adequate ventilation, sanitary conditions or in such a manner as to subject the dog or other animal to extreme temperature which adversely affects the health or safety of the dog or animal.

Section 90-10. Responsibilities of Cat Owners Regarding Stray Cats.

It shall be unlawful for any owner of any cat to permit such cat to run free outside the residence of its owner or keeper unless such cat has been:

- A. Neutered or spayed to prevent procreating;
- B. Immunized against rabies in compliance with Pennsylvania law; and
- C. Identified by means of a collar with a tag or a microchip. The identification must provide the owner's name and contact information.

Section 90-11. Requirements for Feral Cats.

It shall be unlawful for any person to feed feral cats unless said person cooperates with a humane program sponsored by the Borough and adheres to the strict guidelines set forth by Borough. When dealing with feral cats:

- A. It is unlawful for any person or organization to intentionally provide food, water, shelter, or other forms of sustenance or care to a feral cat colony or colonies on public or private land unless the person or organization has registered the colony or colonies with the Animal Control Officer and therefore must adhere to the following requirements:
 - 1. All adult cats that can be captured must be spayed or neutered;

2. All cats that can be captured must be vaccinated against rabies, preferably with a three-year vaccine;
3. Make every attempt to remove kittens from the colony as early as appropriate for their well-being before eight-weeks of age for domestication and placement;
4. Make every attempt to remove sick or injured cats from the colony for veterinary care or humane euthanasia;
5. Assure responsibility and arrangements for feeding the cat colony or colonies regularly throughout the year;
6. Make every attempt to ear tip all cats with a single cut preferably on the left ear; and
7. Maintain proof of sterilization, vaccination, and other medical records for all cats in the colony or colonies. These records must be provided to the Animal Control Officer upon request.

B. Any person or caregiver determined to be in violation of Subsection A(1) through (7) above shall be issued a warning and be allowed a period of time in the discretion of the Animal Control Officer of no longer than 30 days to come in to compliance, or to provide satisfactory evidence of working to achieve compliance. Failure to fully comply shall constitute a violation of this ordinance, which may result in the issuance of a citation.

C. The Borough has the right to seize/remove the colony or colonies on public or private property if the above requirements are not met and/or conditions of the colony or colonies pose a risk to public health and safety.

D. It shall be unlawful for any person or organization to destroy any traps or release any cats which have been captured pursuant to any humane efforts on behalf of the Borough.

E. It shall be unlawful for any person or organization to perform any of the actions regulated in Section A on private property which they do not own. Under no circumstances are any actions permitted on another person's or organization's property without consent of the owner.

Section 90-12. Responsibilities of TNR Program Sponsors.

Animal welfare organizations may make application to the Borough to serve as a Sponsor of a TNR program. Sponsors appointed by the Borough shall have the following responsibilities:

- A. Register each feral cat colony they are managing with the Borough. Information submitted to the Borough shall include general location (neighborhood), number of cats in the colony, and number of caretakers working with the colony.
- B. Record and report to the Borough, on an annual basis, the intake and disposition of each feral cat brought to their facility.
- C. Record and report to the Borough, on an annual basis, the total number of members and the number of sterilized members of each feral cat colony within the Borough for which they have implemented a TNR program.
- D. Record and report to the Borough, on an annual basis, the number of kittens born into each feral cat colony within the Borough for which they have implemented a TNR program.
- E. Address complaints received by the Borough and passed along to the Sponsor regarding caretaker behavior and serve as an intermediary to address and, where possible, remediate the behavior within a reasonable period of time, based on the matters at issue and utilizing Borough resources when necessary.

Section 90-13. Violations and Penalties.

Any person, organization, firm or corporation who shall violate any provision of this ordinance, upon conviction thereof in an action brought before a Magisterial District Judge 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 less than \$100 and not more than \$500, plus costs, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. A separate offense shall be deemed committed on each day or part of each day during which a violation occurs or continues. 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 90-14. Keeping and Maintaining of Chickens and Ducks (NO ROOSTERS PERMITTED)

The following restrictions are placed on the keeping and maintaining of chickens and ducks:

- A. It shall be unlawful for any person to permit or allow any chicken or duck to run at large within Borough limits;
- B. Chickens and ducks are only permitted in Residential Zoning Districts when the property is utilized for residential purposes and the lot size is greater than 5,000 square feet.
- C. No more than four birds shall be kept on a property less than one acre;

- D. No more than six birds shall be kept on a property greater than one acre;
- E. All birds shall be provided with a shelter having a roof and at least three enclosed sides and shall be contained within a fenced area. A building permit shall be required for the shelter;
- F. Shelters shall have minimal dimensions of four square feet per bird;
- G. All shelters must be located at least five feet from any property line and 10 feet from any dwelling;
- H. No shelter shall be located closer to an adjacent property dwelling than the dwelling of the owner of the shelter;
- I. Fenced areas surrounding shelters must contain at least 10 square feet per bird;
- J. Shelters and fenced areas surrounding shelters shall only be located in the rear yard or side yard of a property;
- K. In the case of keeping chickens, no male birds (roosters) may be kept. All birds shall be females (hens);
- L. Public slaughtering is prohibited;
- M. Commercial slaughtering is prohibited;
- N. The sale of chickens or ducks for commercial purposes is prohibited;
- O. It shall be a nuisance for chickens or ducks to be kept and maintained in a manner which produces noise, odor, attracts flies or rodents, or is considered a concern to public health.
- P. Any Tenant must have written permission from their landlord to keep and maintain chickens and ducks.

ARTICLE 2

The provisions of this Ordinance, as far as they are the same as those of ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and not as new enactments. The provisions of this Ordinance shall not affect any such suit or prosecuting pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Ordinance.

ARTICLE 3

The provisions of this Ordinance are severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such decision shall not 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, illegal, or invalid provision not been included herein.

ARTICLE 4

This Ordinance hereby repeals any and all ordinances or parts of ordinances inconsistent with this Ordinance.

ORDAINED AND ENACTED this 13th day of June 2017.

BOROUGH COUNCIL OF THE
BOROUGH OF NORTH WALES

BY: _____
Michael McDonald, President

ATTEST:

Christine A. Hart, Secretary

APPROVED by the MAYOR this 13th day of June, 2017.

BY: _____
Gregory J. D'Angelo, Mayor, CBO