

ANIMALS

Chapter 90

ANIMALS

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[HISTORY: Adopted by the Borough Council of the Borough of North Wales: Art. I, 9-21-1978 as Ord. No. 534; Art. II, 8-18-1981 as Ord. No. 555. Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 145.

ARTICLE I

Dogs

[Adopted 9-21-1978 as Ord. No. 534]

§ 90-1. Barking dogs.

Any owner, person, firm, association or corporation utilizing the services of a dog or dogs for security purposes or possessing a dog as a pet shall be responsible for the quieting of said dog or dogs from barking and disturbing the peace and quiet of the surrounding neighbors between the hours 10:00 p.m. and 7:00 a.m.¹

§ 90-2. Defecating on public and private property.

It shall be unlawful for the owner or person in custody or control of any dog to allow such dog to defecate upon the public property of the borough, the highways of the commonwealth and the private property of another other than of the owner or keeper of said dog. If such dog shall defecate upon property other than of the owner or keeper of the dog, the owner or keeper must immediately clean up the feces and make proper disposition of it so as not to endanger the health and safety of the public.

¹ Editor's Note: Original Section 7, which immediately followed this section, regarding dogs running at large, was deleted at time of adoption of Code; see Chapter 1, General Provisions, Art. I. For provisions regarding dogs at large, see 3 P.S. § 459-302 et seq.

§ 90-3. Enforcement.

- A. It shall be unlawful for any police officer to fail or refuse to perform his duties under the provisions of this Article.
- B. It shall be unlawful for any person to interfere with any police officer in the enforcement of this Article.
- C. It shall be unlawful for any person to cut the leash or take a dog away from such officer having a dog in his possession when found running at large unaccompanied by the owner or keeper.

§ 90-4. Violations and penalties.²

Any person, firm or corporation who or which shall violate any of the provisions of this Article shall, upon conviction thereof, be sentenced to a fine of not more than six hundred dollars (\$600.), plus costs of prosecution, and, in default of payment of said fine, shall be sentenced to a term of imprisonment not to exceed thirty (30) days. Each day's continued violation shall be considered a separate offense.

§ 90-5. 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.

§ 90-6. Interpretation.

Where the provisions of this Article impose greater restrictions than those of any other ordinance, regulation or resolution, the provisions of this Article shall be controlling. Where the provisions of any other ordinance, regulation or

² Editor's Note: Added at time of adoption of Code; see Chapter 1, General Provisions, Art. I.

resolution impose greater restrictions than this Article, the provisions of such other ordinance, regulation or resolution shall be controlling. It is the intent that this Article shall be supplemental to any laws of the Commonwealth of Pennsylvania hereinbefore or hereinafter adopted covering animals within the Commonwealth of Pennsylvania and specifically in the borough. Should any of the provisions of this Article be contrary to the provisions of any Act of Assembly, it is the intent that the Act of Assembly shall supersede this Article. Should any section or provision of this Article be declared by a court of competent jurisdiction to be invalid, such ordinance shall not affect the validity of this Article as a whole, or any other part thereof.

§ 90-7. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

ANIMAL — Shall be construed in a broad sense to include not only animals so-called, but also birds, fish, reptiles, insects, hogs, dogs, cats, pets, livestock and fowl.

BOROUGH — The Borough of North Wales.

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

MENAGERIE — A collection of animals not listed in § 90-9 which are kept in cages or enclosures for exhibition by a full-time professional trainer.

PERSON — Any individual, partnership, association, corporation, estate or trust, as well as all officers, agents, servants, employees or others acting for any of the same, and shall be taken as applying in the singular or plural as the case may require.

PET SHOP — A retail shop primarily in the business of selling animals and maintaining, keeping or possessing

any animal for which a permit can be issued by the Animal Control Officer at any time during the calendar year or any part thereof.

ZOOLOGICAL GARDEN — A collection of animals not listed in § 90-9 which are maintained in a park or garden by an educational, nonprofit or governmental corporation under the supervision of at least one (1) professional zoologist.

§ 90-8. Animal Control Officer; powers and duties.

- A. The Animal Control Officer shall be appointed by Borough Council. The Animal Control Officer shall serve without compensation; provided, however, that the Borough Manager may be appointed the Animal Control Officer as part of his duties and responsibilities.
- B. The Animal Control Officer shall have the following powers and duties:
 - (1) To review and cause to be reviewed each application for a permit submitted in accordance with § 90-15.
 - (2) To approve or reject such application or require modification of such application.
 - (3) Upon approval of such application, to issue a permit upon such terms and conditions as are deemed appropriate.
 - (4) To revoke such permit:
 - (a) If the information contained in the application for the permit is later determined to be false, incorrect or inaccurate; or
 - (b) If the terms and conditions, upon which the permit has been issued, are violated.
 - (5) To take such further action as may be authorized by Borough Council to enforce the provisions of this Article.

§ 90-9. Permitted animals.

A. Any person is permitted to maintain, keep or possess within the borough any of the following animals, which classification shall be strictly construed:

- (1) Cage birds (the term includes parakeets, parrots, canaries, finches, love birds, myna birds and other birds ordinarily kept in cages in households; it includes wild birds captured or rescued and kept in cages).
- (2) Cats (*Felis catus*).
- (3) Cows (*Bos taurus*), beef and dairy, subject to § 90-10.
- (4) Dogs (*Canis familiaris*), except dingoes, subject to §§ 90-1 through 90-4.
- (5) Frogs (*Salientia*).
- (6) Goats (*Capra hircus*), subject to § 90-10.
- (7) Goldfish and carp (*Cyprinidae*).
- (8) Guinea pigs (*Cavia cutleri*).
- (9) Hamsters (*Cricetus* and *Mesocricetus*).
- (10) Horses and ponies (*Equus caballus*), subject to § 90-10.
- (11) Lizards (*Sarnia*), except those listed under animals prohibited in the borough.
- (12) Mice, white (*Mus musculus*).
- (13) Mink, subject to Chapter 208, Zoning.
- (14) Pigeons kept for show or racing subject to § 90-11.
- (15) Rabbits, restricted to European-type rabbits (*Oryctolagus cuniculus*) commonly kept as pets or livestock, subject to § 90-11.
- (16) Rats, white (*Rattus norvegicus*).

- (17) Salamanders (Any tailed amphibian).
- (18) Sheep (*Ovis aries*), subject to § 90-10.
- (19) Toads (Salientia).
- (20) Tropical fish, limited to those customarily maintained in a household aquarium, except piranhas.
- (21) Turtles (Chelonia).

B. It shall be unlawful for any person in custody or control of a permitted animal to allow such animal to run at large upon public property or upon the private property of another other than the owner or the person in custody or control of said animal. Any animal beyond the boundaries of its owner's property or the property of the person in custody or control of said animal must be under the positive control of such person by means of a leash or other similar restrictive device.

§ 90-10. Conditions for keeping horses, sheep, goats or cattle.

It shall be lawful for any person to keep any horses, sheep, goats or cattle anywhere in the borough only if the following conditions are strictly adhered to:

- A. There shall be no violation of any provision of Chapter 208, Zoning.
- B. A barn, stable or similar roofed building shall be provided on the premises for such animals, and such building shall be located at least fifty (50) feet from any street and at least fifty (50) feet from any inhabited dwelling. Such building shall be kept clean, and all filth accumulating therein shall be removed at least once every twenty-four (24) hours or more often if so ordered

by the Mayor, Borough Manager or Animal Control Officer.³

- C. Such animals shall not be permitted to run at large outside the confines of the premises of the owner thereof.

§ 90-11. Conditions for keeping pigeons and rabbits.

It shall be lawful for any person to keep pigeons and rabbits anywhere in the Borough of North Wales only if the following conditions are strictly adhered to:

- A. There shall be no violation of any provision of Chapter 208, Zoning.
- B. Such pigeons and rabbits shall at all times be confined to pens which shall be constructed out-of-doors and shall be at least thirty (30) feet from any street and at least thirty (30) feet from any inhabited dwelling. **All** such pens shall be constructed so that the floors shall be not less than two (2) feet from the ground. All filth accumulating in, about and under the same shall be removed at least once every twenty-four (24) hours and more often if so ordered by the Mayor, Borough Manager or Animal Control Officer.

§ 90-12. Prohibited animals.

- A. No person is permitted to maintain, keep or possess within the borough any of the following animals, which classifications shall be broadly constructed:
- (1) All poisonous animals.
 - (2) Apes: chimpanzees (Pan), gibbons (Hylobates), gorillas (Gorilla), orangutans (Pongo) and siamangs (Symphalangus).

³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. 1.

- (3) Baboons (*Papio* and *mandrillus*).
- (4) Bears (*Ursidae*).
- (5) Bison (*Bison bison*).
- (6) Cheetahs (*Acinonyx jubatus*).
- (7) Coyotes (*Canis latrans*).
- (8) Crocodilians (*Crocodylia*) thirty (30) inches in length or more.
- (9) Deer (*Cervidae*). Includes all members of the deer family; for example, white-tailed deer, elk, antelopes and moose.
- (10) Elephants (*Elephas* and *Loxodonta*).
- (11) Game cocks, i.e., fighting birds.
- (12) Hippopotamuses (*Hippopotamidae*).
- (13) Hogs.
- (14) Hyenas (*Hyaenidae*).
- (15) Jaguars (*Panthera onca*).
- (16) Leopards (*Panthera pardus*).
- (17) Lions (*Panthera leo*).
- (18) Lynxes (*Lynx*).
- (19) Monkeys, old world (*Cercopithecidae*).
- (20) Ostriches (*Struthio*).
- (21) Pigs.
- (22) Piranha fish (*Characidae*).
- (23) Poultry (ducks, chickens, swans, geese, turkeys and guinea fowl), except as permitted by § 90-9.
- (24) Pumas (*Felis concolor*), also known as "cougars," "mountain lions" and "painters."
- (25) Rhinoceroses (*Rhinocerotidae*).

- (26) Sharks (class Chondrichthyes).
- (27) Snakes which are poisonous, non-poisonous or constrictor.
- (28) Snow leopards (*Panthera uncia*).
- (29) Swine (*Suidae*).
- (30) Tigers (*Panthera tigris*).
- (31) Wolves (*Canis lupus*).

§ 90-13. Prohibition against maintaining pig pens.

It shall be unlawful for any person to maintain any pig and/or hog pen anywhere in the borough.

§ 90-14. Animals permitted with license.

No individual other than a registered veterinarian in the course of his professional duties is permitted to maintain, keep or possess within the borough any animal not specifically mentioned in § 90-9 hereof unless application for a permit shall have been made by such person to the Animal Control Officer and a permit shall have been issued therefor. Among such animals for which a permit may be issued by the Animal Control Officer are the following:

- A. Coatimundis (*Nasua*).
- B. Crocodilians (*Crocodylia*) under thirty (30) inches in length, likewise baby alligators and caimans.
- C. Eagles (*Aquila* and *Haliaeetus*), subject to state and federal law.
- D. Falcons (*Falconidae*), subject to state and federal law.
- E. Foxes (*Vulpes* and *Urocyon*).
- F. Iguanas (*Iguanidae*).
- G. Jaguarundis (*Herpailurus*).

- H. Kinkajous (Potos).
- I. Margays (Felis tigrina).
- J. Monkeys: white-throated capuchins and other Cebus monkeys or douroucoulis (Aotes), Marmosets (Callimico), Callithrix and squirrel monkeys (Saimiri) and woolly monkeys (logothrix).
- K. Ocelots (Felis pardalis).
- L. Otters (Lutrinae).
- M. Raccoons (Procyon).
- N. Skunks (Mephitinae).

§ 90-15. Application for permit.

The application for a permit shall have attached thereto a registered veterinarian's health certificate for each animal to be covered by the permit, shall be verified by an affidavit and shall set forth the following:

- A. The type and number of animals to be covered by the permit.
- B. The purpose of keeping such animals.
- C. The period for which the permit is requested.
- D. A description of the quarters in which the animals will be kept, including plans and specifications thereof where appropriate.
- E. The circumstances, if any, under which the animals will be removed from their quarters.
- F. Biographical information about the applicant and any other person to be placed in charge of the animals, with particular emphasis on the knowledge of such persons about the animals in question and the experience of such persons handling the animals in question.

G. Such additional information as the Animal Control Officer may require, which is reasonably related to standards set forth in § 90-16.

§ 90-16. Considerations for issuance of permit.

A. In making the determination as to whether a permit should be issued or revoked, the Animal Control Officer shall consider the following standards:

- (1) All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
- (2) The permit holder shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.
- (3) Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear or to be abused, tormented or annoyed.
- (4) The permit holder shall maintain the premises so as to eliminate offensive odors or excessive noise.
- (5) The permit holder shall not permit any condition causing disturbance of the peace and quiet of his neighbors.
- (6) Animals must be maintained in quarters so constructed as to prevent their escape. The permit holder assumes full responsibility for recapturing any animal that escapes from his premises. The permit holder shall make adequate provisions and safeguards to protect the public from the animals.
- (7) Every person shall conform to all present and future laws of the Commonwealth of Pennsylvania and the United States of America and the ordinances of the

borough which are in any way connected with animals, specifically including anticruelty laws.

- B. If all of the standards have not been satisfied, the Animal Control Officer shall reject the application for the permit or revoke the permit, as the case may be, and promptly notify the applicant or permit holder of his decision in writing. If the application is not approved within thirty (30) days of the date on which it was filed, the application shall be deemed to be denied.
- C. If all of the standards have been satisfied, the Animal Control Officer shall approve the application for permit, whereupon the permit should be issued to the individual applicant only for the calendar year or remaining part thereof. Such permit shall not be transferable.

€ 90-17. Zoological gardens and menageries.

The Borough Council may approve a permit for a permanent zoological garden or a menagerie, limiting the latter to no more than one (1) month in any one (1) calendar year, which includes animals otherwise prohibited under § 90-12 hereof, provided that:

- A. The Borough Council is satisfied that the applicant and all those persons placed in charge of such animals are experts in their knowledge and care and handling of such animals.
- B. The highest standards are applied in safeguarding the public and no human being lives or resides within one hundred (100) feet of the quarters in which the animals will be kept.
- C. The applicant provides the Borough Council with a certificate of public liability insurance in a form and amount satisfactory to Borough Council and issued by a carrier satisfactory to Borough Council.

