

CHAPTER 2

ANIMALS

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Part 1

Dogs Running at Large

§101. Definitions. As used in this Part 1, 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. 15, 4/8/1901; as revised by Ord. 167, 9/18/1989)

§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 Smithton. (Ord. 15, 4/8/1901; as revised by Ord. 167, 9/18/1989)

§103. Seizing of Dogs. The enforcement officer or dog warden may seize any dog found at large in the Borough of Smithton. Such dogs are to be impounded in a licensed kennel. (Ord. 15, 4/8/1901; as revised by Ord. 167, 9/18/1989)

§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 five 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 1982 Dog Law. (Ord. 15, 4/8/1901; as revised by Ord. 167, 9/18/1989)

§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 1982 Dog Law. (Ord. 15, 4/8/1901; as revised by Ord. 167, 9/18/1989)

§106. Threatening Dogs. Dogs that, in the opinion of any enforcement officer or dog warden, constitutes a threat to public health and welfare may be killed by the enforcement officer or dog warden. (Ord. 15, 4/8/1901; as revised by Ord. 167, 9/18/1989)

§107. Penalty. The first two times a dog is seized, the owner shall pay a fine of fifteen dollars (\$15.00) to the Borough of Smithton as well as reasonable fees for keeping the animal in a kennel.

Any person allowing an animal to run at large a third time in violation of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00); and/or to imprisonment for a term not to exceed ninety (90) days.

(Ord. 15, 4/8/1901; as revised by Ord. 167, 9/18/1989)

Part 2
Keeping of Animals

§201. Definitions. As used in this Part 2, the following terms, shall have the meanings indicated, unless a different 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 or permitted to be at large in the dwelling of its owner.

LARGE ANIMAL - any wild or domestic animal of the bovine, equine or sheep family.

PERSON - any person, firm, partnership, association, or corporation.

SMALL ANIMAL - any wild or domestic animal such as a rabbit, hare, guinea pig, rat, mouse, or chinchilla; and any wild or domestic fowl such as a chicken, turkey, goose, duck or pigeon (excepting homing pigeons).

WILD ANIMAL - any animal, bird, fowl, or reptile not normally or ordinarily domesticated; not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes or not capable of being kept as a household pet.

In this Part 2, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

(Ord. 17, 6/17/1901; as revised by Ord. 167, 9/18/1989)

§202. Certain Animals Prohibited. It shall be unlawful for any person to keep any pigs, hogs or swine at any place within the Borough of Smithton. (Ord. 17, 6/17/1901; as revised by Ord. 167, 9/18/1989)

§203. Keeping of Animals Regulated. It shall be unlawful for any person to keep any domestic animals, except household pets, except as provided in this section:

1. Large animals shall be confined in quarters no part of which shall be closer than one hundred feet (100') from the exterior limits of any dwelling or of any property line.

2. Small animals shall be kept confined in quarters no part of which shall be closer than twenty-five feet (25') from the exterior limits of any dwelling or of any property line.

3. The keeper of every such animal shall confine the same in an enclosure sufficient to prevent such animal from running at large, and such enclosure shall be of a size conducive to good sanitary practices and adequate and sanitary drainage facilities shall be provided.

4. Every keeper of any animal shall cause the litter and droppings therefrom to be collected daily 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 kept closed. At least twice a week, every such keeper shall cause all litter and droppings so collected to be disposed of in such manner as not to permit the presence of fly larvae.

5. Every keeper of any animal shall cause all feed provided therefor to be stored and kept in a rat-proof and fly-tight building, box, container, or receptacle.

(Ord. 17, 6/17/1901; as revised by Ord. 167, 9/18/1989)

§204. Household Pets. It shall be unlawful for any person to keep any household pet, except as provided in this section:

1. If any such pet shall be kept in a dwelling owned or occupied by its owner, such owner shall be required to follow such procedures and practices, as to the number of such pets to be kept there, and as to sanitation, to insure 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.

2. If any such pet shall be kept in an enclosure outside such dwelling, the provisions of §203 of this Part 2, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.

(Ord. 17, 6/17/1901; as revised by Ord. 167, 9/18/1989)

§205. Violation of State Law. Any violation of this Part 2 that would also violate any state law shall be prosecuted under that state law and not under this Part 2. (Ord. 17, 6/17/1901; as revised by Ord. 167, 9/18/1989)

§206. Penalties. Any person who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine not exceeding three hundred dollars (\$300.00), and/or to undergo imprisonment for a term not to exceed ninety (90) days. Each day that a violation of this Part 2 continues shall constitute a separate offense. (Ord. 17, 6/17/1901; as revised by Ord. 167, 9/18/1989)

Part 3

Animal Defecation

§301. Animal Defecation on Public and Private Property Restricted.

No person, having possession, custody or control of any animals, 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 Smithton, 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. (Ord. 167, 9/18/1989)

§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 section 1 shall be required to immediately remove any feces from such surface and either:

1. Carry same away for disposal in a toilet.
2. Place same in a nonleaking container for deposit in a trash or litter receptacle.

(Ord. 167, 9/18/1989)

§303. Dogs Accompanying Blind or Handicapped Persons Exempted. The provisions of sections 301 and 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. 167, 9/18/1989)

§304. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00), or to imprisonment for a term not to exceed ninety (90) days. (Ord. 167, 9/18/1989)