

## **Chapter 2**

### **Animals**

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

As used in this Part, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

*Owner* - any person having a right of property in any household pet or having custody of any household pet, or any person who harbors or permits a household pet to remain on or around his or her property. [Ord. 205]

*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 and under the control of the owner or any other person having custody of said household pet. [Ord. 205]

*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.

(Ord. 185, 7/3/2001, §101; as amended by Ord. 205, 6/5/2007)

**§2-102. Unlawful to Allow Dogs, Cats and Household Pets to Run at Large.**

It shall be unlawful for the owner of any dog(s), cat(s) or household pet(s) to allow or permit such dog(s), cat(s) or household pet(s) to run at large in the Borough of Christiana.

(Ord. 185, 7/3/2001, §102; as amended by Ord. 205, 6/5/2007)

**§2-103. Leashing of Dogs.**

It shall be unlawful for the owner or custodian of any dog, while traveling on the streets, alleys or public grounds, to fail to have the dog on a leash at all times, and to prevent the dog from entering upon the property of another, without the property owner's consent.

(Ord. 185, 7/3/2001, §103)

**§2-104. Seizing of Dogs.**

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

(Ord. 185, 7/3/2001, §104)

**§2-105. Licensed Dogs.**

The Police Department that seizes any licensed dog shall notify the owner that the dog is impounded and will be transferred to the Lancaster County Humane League Kennel, or to a similar animal protection agency, if not claimed within 24 hours of notice of seizure.

(Ord. 185, 7/3/2001, §105)

**§2-106. Unlicensed Dogs.**

Unlicensed dogs, or licensed dogs whose owner can not be contacted at the address and phone listed on the license information, shall be transferred to the kennel listed in §2-106, at the convenience of the Police Department.

*(Ord. 185, 7/3/2001, §106)*

**§2-107. Threatening Dogs.**

Dogs that, in the opinion of any police officer, constitute a threat to public health and welfare may be killed by the police.

*(Ord. 185, 7/3/2001, §106)*

**§2-108. Household Pets.**

1. If any household pet is kept in a dwelling owned and occupied by its owner such owner shall ensure that no public nuisance shall be created or maintained and no threat to the health of persons living elsewhere than such dwelling shall be created.

2. If a household pet is kept in an enclosure outside of such dwelling the keeper of such household pet shall confine the same in an enclosure sufficient to prevent such household pet from running at large, and such enclosure shall be of a size and construction conducive to the household pets health. An adequate sanitary facility shall be provided and maintained.

*(Ord. 185, 7/3/2001, §107)*

**§2-109. Penalties.**

The first two times a dog, cat or other household pet is seized, the owner shall pay a fine of \$15 to the Borough of Christiana as well as reasonable fees for keeping the animal in a kennel as fixed pursuant to a resolution of the Borough Council. Any person allowing a dog, cat or other household pet to run at large a third time in violation of this Part, upon conviction thereof, shall be sentenced to pay 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. 185, 7/3/2001, §108; as amended by Ord. 205, 6/5/2007)*

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

The Borough Council of the Borough of Christiana, 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 therefore 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 of Christiana.

*(Ord. 185, 7/3/2001, §201)*

**§2-202. Noise Disturbance.**

It shall be illegal within the Borough of Christiana 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 15 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. 185, 7/3/2001, §202)*

**§2-203. Exceptions.**

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

*(Ord. 185, 7/3/2001, §203)*

**§2-204. Penalties.**

The first two times any person, firm or corporation violates §2-202 of this Chapter they shall pay a fine of \$15 dollars to the Borough of Christiana. Any person, firm or corporation violating §2-202 a third time and any subsequent violations, upon conviction thereof, shall be sentenced to pay 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. 185, 7/3/2001, §204; as amended by Ord. 205, 6/5/2007)*



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**Part 3****Care and Cleaning of Animals****§2-301. Dog's Living Area.**

It shall be unlawful for the owner, handler, custodian or keeper of any dog to fail to keep the dog and dog's living area clean at all times and free of odor, flies and rodents.

*(Ord. 185, 7/3/2001, §301)*

**§2-302. Proper Shelter and Feeding of Dogs.**

It shall be unlawful for any owner, handler, custodian or keeper of any dog to fail to reasonably provide for proper food and water for a dog, or to fail to keep any dog properly warm in the winter or fail to provide a shaded area for any dog in the summer.

*(Ord. 185, 7/3/2001, §302)*

**§2-303. Animal Defecation on Public and Private Property Restricted.**

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 Christiana, 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. 185, 7/3/2001, §303)*

**§2-304. 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 §2-303, 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 nonleaking container for deposit in a trash or litter receptacle.

*(Ord. 185, 7/3/2001, §304)*

**§2-305. Dogs Accompanying Blind or Handicapped Persons Exempted.**

The provisions of §§2-303 and 2-304 hereof shall not apply to a guide dog accompanying any blind person, or to a dog used to assist any other physically handicapped person.

*(Ord. 185, 7/3/2001, §305)*

**§2-306. Penalties.**

The first two times any person, firm or corporation violates the provisions of this Part they shall pay a fine of \$15 to the Borough of Christiana. Any person, firm or corporation who shall violate any provision of this Part a third time and any subsequent violation, upon conviction thereof, shall be sentenced to pay 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. 185, 7/3/2001, §306; as amended by Ord. 205, 6/5/2007)*