

PENN TOWNSHIP, CUMBERLAND COUNTY NUISANCE ANIMAL ORDINANCE

SECTION 1. GENERAL PROVISIONS:

TITLE: The ordinance shall be known as the Penn Township, Cumberland County Nuisance Animal Ordinance

PURPOSE: This Ordinance addresses certain responsibilities of animal owners living or visiting in Penn Township, Cumberland County regarding the effect of their animals on persons, other animals and property.

OTHER RULES AND REGULATIONS:

- A. This Ordinance does not replace federal, state, or Cumberland County Ordinances. If a conflict arises, the federal, state or Cumberland County Ordinances take precedence.
- B. The provisions of this Ordinance do not apply to non-captive animals regulated by the Pennsylvania Game Commission under Title 34 *et alia*. The provisions of this Ordinance do not apply to all captive animals in Penn Township, Cumberland County, including those also regulated by the Pennsylvania Game Commission.

SECTION 2. DEFINITIONS:

- A. **OWNER** – Any person owning, harboring or keeping, or providing regular care or sustenance for any animal, whether registered or not, or having custody of any animal, whether temporary or permanently.
- B. **ANIMAL** – For the purpose of this Ordinance, “animal” shall include any non-human species including mammals, avians, and reptiles, including any wild or semi-wild animal maintained in captivity.
- C. **ABANDON** – To forsake entirely or to neglect or refuse to provide or perform the legal obligations for the care and support of an animal by its owner or his agent.

SECTION 3. NUISANCE: It shall be unlawful for any owner to permit cats, dogs or other animals to become a nuisance in the Township. Acts of nuisance shall include, but are expressly not restricted to any of the following:

- A, It shall be unlawful for any person to own, keep or have in his possession, or harbor, any dog, other animal or birds(s) which, by frequent or habitually howling, yelping, barking or otherwise, cause loud noises, and produce seriously annoying disturbance to any person or to the neighborhood. For the purpose of this Ordinance, an animal making an annoying disturbance shall include an animal that barks, bays, cries, howls or makes any other noise continuously for a period of fifteen (15) minutes at any time of the day or night regardless of whether the animal is physically situated in or upon public or private property.

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B. It shall be unlawful to allow digging into flower beds, children's boxes, gardens, or otherwise damaging shrubbery, trees or lawns on premises, personal property or other property not belonging to the owner of the cat, dog or animal.

C. Depositing feces or urine or other bodily waste or by-products on private property not belonging to the owner of the cat, dog or animal. Acts of nuisance also include the deposition of such waste directly in public roadways and paths in such a manner that persons or vehicles are likely to be soiled in normal passage along the public roadway or paths. This provision does not apply to the occasional deposition of manure and urine by horses or draft animals when passing along public roadways or paths. Depositing or storing feces or urine or other bodily waste or by-products or other organic refuse on private property in such a manner as to attract numbers of insects, rodents and other vermin, or to create unwholesome or noxious odors sensible at or beyond the property boundaries.

SECTION 4. – SPECIFIC HEALTH AND SAFETY ISSUES

A. Animal owners in Penn Township, Cumberland County shall comply with all applicable vaccination or other veterinary requirements of the laws of the Commonwealth of Pennsylvania.

B. Dogs

1. As regulated by existing Pennsylvania law (such as 7 PA Code 16.45 and as amended), dogs over 3 months of age must be licensed and vaccinated against rabies. All dogs must have a collar with the current license and rabies vaccination tag attached (note: no license tag is required with permanent tattoo).

2. Dogs that bite, menace or in any way pose a threat to safety of people or other animals should be reported to a County Dog Warden, animal control officer, or other employee of the Department of Agriculture's Bureau of Dog Law Enforcement so that applicable state laws can be enforced. Per the Bureau of Dog Law Enforcement, to result in enforcement action, the report must be made by the affected person and cannot be made through a third party such as a Township Official.

SECTION 5 – ADDITIONAL REQUIREMENTS

A. No person shall abandon any animal within Penn Township, Cumberland County

B. Animal carcasses or other bodily waste or by-products and similar refuse may not be dumped along Penn Township, Cumberland County roads. This does not apply to remnants of animals legally taken by hunters and trappers within the Township.

C. Any owned animal that trespasses on another person's property shall be removed promptly by the owner and prevented from doing so again.

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D. Property owners have the right to humanely trap animals that encroach on their property and shall immediately make reasonable efforts to notify the owner if an owner can be identified. If an owner cannot be identified or does not exist, the trapped animal shall be taken to a humane society, association for the prevention of cruelty to animals, or similar organization. Any animal so caught and detained shall not be abandoned, nor abused in any way, nor shall the animal be sold for the purpose of vivisection or research. The right specifically enumerated herein does not apply to trapping of furbearers, which is regulated by the Pennsylvania Game Commission.

E. Notwithstanding the above, this Ordinance and its subsections shall not be construed as contradicting existing Pennsylvania Game and Wildlife Code (Title 34) Section 21 et seq. and as amended, which states *inter alia*:

“...nothing in this title shall be construed to prohibit any person from killing any game or wildlife: (1) which the person may witness actually engaged in the material destruction of cultivated crops, fruit trees, vegetables, livestock, poultry or beehives; (2) anywhere on the property under the persons control, including detached lands being cultivated for the same or similar purposes, immediately following such destruction...”

Further, this Ordinance and its subsections shall not be construed as making it unlawful for a person to kill any animal as a means of protection if human life is endangered to a degree that immediate destruction of the animal is necessary, or under other circumstances as may be permitted under Pennsylvania law. All such destruction is subject to mandatory reporting, police investigation and potential legal action as specified under Pennsylvania law.

F. Dogs shall remain under human control (physical, auditory or electronic) at all times. This Ordinance and its subsections shall not be construed as specifically requiring use of dog leashes in the Township unless required by existing laws and regulations (such as may be required at Township parks and walking trails). This Ordinance and its subsections shall of hunting dogs on State Park or State Forest lands.

SECTION 6. SEVERABILITY - The provisions of this ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or of Supervisors that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part of provision had not been included herein.

The provisions of any other prior ordinance which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency. This ordinance shall be effective immediately upon adoption.

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DULY ENACTED and ORDAINED THIS 10th DAY OF November, 2013,
By the Supervisors of Penn Township in public session duly assembled



GARY MARTIN, CHAIRMAN



KENNETH SHEAFFER, VICE CHAIRMAN

AMOS SEIDERS, SUPERVISOR

ATTEST: 

VICKI KNEPP, SECRETARY