

## **Chapter 99**

### **ANIMALS**

**§ 99-1. Short title.**

**§ 99-2. Definitions.**

**§ 99-3. Animals running at large and disturbance of the peace.**

**§ 99-4. Injury to humans.**

**§ 99-5. Nuisances.**

**§ 99-6. Number of animals on premises.**

**§ 99-7. Duties of police.**

**§ 99-8. Injury to animals.**

**§ 99-9. Violations and penalties.**

**[HISTORY: Adopted by the Board of Supervisors of the Township of Fairview 6-6-1997 by Ord. No. 8-1977. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

**Nuisances — See Ch. 162.**

---

**§ 99-1. Short title.**

This chapter shall be known and cited as "The Township of Fairview Animal Control Ordinance of 1977."

**§ 99-2. Definitions.**

For the purpose of this chapter, the following terms shall have the following meanings:

**ANIMAL —** Includes dogs, cats, domestic fowl, poultry, domesticated hares, rabbits, minks and members of the equine, bovine, ovine and porcine species.

**DOMESTIC ANIMAL —** Includes every animal domesticated by man so as to live and breed in a tame condition.

**DOMESTICATED —** To adapt an animal to a life of intimate association with and to the advantage or pleasure of man.

**OWNER —** When applied to the proprietorship of an animal, shall include every person having a right of property in such animal, and every person who keeps or harbors such animal or has it in his care, and every person who permits such animal to remain on or about any premises occupied by him.

**PERSONS —** Includes state and local officers, or employees, individuals, corporations, copartnerships and associations. Singular words shall include the plural. Masculine words shall include the feminine and neuter.

**POLICE OFFICER —** Any person employed or elected by the Commonwealth of Pennsylvania, or by any municipality, county or Township, and whose duty is to preserve peace, make arrests, or to enforce state and local health laws.

**§ 99-3. Animals running at large and disturbance of the peace.**

- A. It shall be unlawful for any person who owns or keeps any animal to permit such animal to run at large in any area within the boundaries of this municipality. Any animal running at large in violation of this chapter shall be subject to seizure, detention and disposal as provided herein.
- B. It shall be unlawful to own, harbor or keep in custody any animal which disturbs the peace by barking, howling or making other loud noises to the annoyance and discomfort of any person in the Township of Fairview. Continuous barking, howling or the making of other loud noises by such animal for more than any one-hour time period, or continuous barking for periods of less than one hour but more than 1/2 hour, which periods occur on two or more consecutive days or nights, shall be deemed to disturb the peace and to cause the annoyance and discomfort of persons in the Township of Fairview.
- (1) Any Township resident may request the Township Police Department to warn any person who shall own, harbor or keep in custody any animal which disturbs the peace by barking, howling or making other loud noise to the annoyance and discomfort of persons in the Township of Fairview.
  - (2) Any such request shall be in writing and shall identify and specify the residence of the owner, keeper or custodian of the animal and shall identify and specify the residence of the person making the request. Upon receipt of such request, the Township Police Chief or his designated agent shall mail, by certified mail, a copy of this chapter to the person identified as the owner, keeper or custodian of the animal. Furthermore, any printing costs shall be borne solely by the Township resident, payable in advance to the Secretary of the Board of Supervisors of the Township of Fairview.
  - (3) A violation of this chapter shall be deemed to have occurred after delivery of the first warning and upon a second or subsequent violation of Subsection B.

**§ 99-4. Injury to humans.**

It shall be unlawful for the owner of any animal to permit said animal to injure any human being by biting, jumping on, knocking down or attacking said human being.

**§ 99-5. Nuisances.**

No person owning, harboring, keeping or in charge of any animal shall cause, suffer or allow any such animal to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypass, play area, park or any place where people congregate or walk, or on any public property whatsoever, nor on any private property without permission of the owner of said property. The restriction in this section shall not apply to that portion of the street lying between the curblin and sidewalk, which shall be used to curb such animals under the following conditions:

- A. The person who so curbs such animal shall immediately remove all feces deposited by such animal by any sanitary method.
- B. The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or in charge of any animal curbed in accordance with the provisions of this chapter in a sanitary manner approved by the Board of Health.

**§ 99-6. Number of animals on premises.<sup>1</sup>**

It shall be unlawful to keep more than four dogs, six months of age or over, on any premises, regardless of the number of owners; provided, however, that this section shall not apply to any premises for which a kennel license has been obtained pursuant to the Dog Law of 1965 (3 P.S. § 460-206 et seq.).

**§ 99-7. Duties of police.**

- A. It shall be the duty of every police officer to seize and detain any animal which is found running at large, either upon the public streets or highways of this municipality, or upon the property of other than the owner of such animal, and unaccompanied by the owner or keeper. It shall be the privilege of every police officer to kill any animal which is found running at large and is deemed after due consideration by the police officer to constitute a threat to the public health and welfare.
  - (1) The Chief of Police or his agent and/or duly authorized agent of the Township shall cause any animal bearing a proper license tag and so seized and detained to be properly kept and fed and shall cause immediate notice, either personal or by registered mail, to be given to the person in whose name the license was procured or his agent to claim such animal within 24 hours.
  - (2) The owner of an animal so detained shall pay a penalty of \$50 and all reasonable expenses incurred by reason of its detention before said animal will be returned. If after three days from the giving of such notice such animal has not been claimed or all fines and penalties paid, such Chief of Police, or his agent and/or a duly authorized agent of the Township, shall dispose of such animal by sale or by destruction in some humane manner. No animal so caught and detained shall be sold for the purpose of vivisection.
- B. It shall be unlawful for any police officer to fail or refuse to perform his duties under the provisions of this chapter and to refuse to assist in the enforcement of this law.
  - (1) It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this law.
  - (2) It shall be unlawful for any person to forcibly cut the leash or take an animal away from such officer or agent having it in his possession when found running at large unaccompanied by the owner or keeper.

---

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (3) It shall be unlawful for any person to whom a license certificate has been issued to fail or refuse to produce the license certificate for such animal upon demand of any police officer or agent of the department.

**§ 99-8. Injury to animals.**

It shall be unlawful for any person, except a police officer or agent, to kill, injure or attempt to kill or injure any animal which bears a license tag for the current year. The exception to the preceding sentence will be when any person sees an animal in the act of attacking human beings whether or not such animal bears the license tag required by the licensing laws of this Commonwealth. There shall be no liability on such persons in damages or otherwise for such killing. It shall be unlawful for any person to abandon or attempt to abandon any animal within the corporate limits of the Township of Fairview.

**§ 99-9. Violations and penalties. <sup>2</sup>**

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$200 nor more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

---

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).