

## **CHAPTER 2**

### **ANIMALS**

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**PART 1**

**KEEPING OF CERTAIN ANIMALS**

**§2-101. Definitions.**

1. As used in this Part, 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.

**PERSON** - every natural person, firm, partnership, association, other form of unincorporated enterprise owned by two or more persons or corporations. Whenever used in any subsection prescribing and imposing a penalty, or both, the term "person" when applied to firms, partnerships or associations shall mean the partners or members thereof and when applied to corporations, the officers thereof.

**WILD ANIMAL** - any animal, including mountain lions, bears, tigers, deer, snakes, birds or any other bird, fowl, 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.

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

*(Ord. 1999-3, 6/2/1999, §1)*

**§2-102. Certain Animals Prohibited.**

It shall be unlawful for any person to keep any cows, horses, sheep, goats, pigs, hogs, swine, chickens or turkeys at any place within the Borough of Port Royal except as provided in this Section.

- A. Animals may be present within the Borough of Port Royal during the annual Juniata County Fair; provided, the keeper of every such animal shall confine the same in an enclosure sufficient to prevent such animals from running at large and such enclosure shall be of a size and construction conducive to the animal's health and adequate sanitary drainage facilities shall be provided.

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- B. Animals may be present within the Borough of Port Royal during properly scheduled events at the Juniata County fairgrounds including, but not limited to, horse shows; provided, the keeper of every such animal shall confine the same in an enclosure sufficient to prevent such animals from running at large and such enclosure shall be of a size and construction conducive to the animals health and adequate sanitary drainage facilities shall be provided.
- C. Animals may be present within the Borough of Port Royal for any scheduled agricultural event or parade; provided, every keeper of any animal shall cause the litter and droppings therefrom to be collected promptly 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 and properly disposed.

(Ord. 1999-3, 6/2/1999, §2)

### **§2-103. Household Pets.**

It shall be unlawful for any person to keep any household pet, except as provided in this Section:

- A. 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 ensure 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.
- B. If any such pet shall be kept in an enclosure outside such dwelling, the provisions of §2-102 of this Part, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.

(Ord. 1999-3, 6/2/1999, §3)

### **§2-104. Noise Disturbance.**

It shall be illegal within the Borough of Port Royal 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 10 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. This provision shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from nuisance suits by Act No. 1982-133.

*(Ord. 1999-3, 6/2/1999, §4)*

**§2-105. Violation of State Law.**

Any violation of this Part that would also violate any State law shall be prosecuted under that State law and not under this Part.

*(Ord. 1999-3, 6/2/1999, §5)*

**§2-106. 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 \$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. 1999-3, 6/2/1999, §6; as amended by A.O.)*



**PART 2**

**ANIMAL DEFECATION**

**§2-201. Definition.**

For the purposes of this Part, the term "domestic animal" includes, but is not limited to, dogs, cats and horses.

(A.O.)

**§2-202. Animal Defecation on Public and Private Property Restricted.**

No person having possession, custody or control of any domestic animal, shall knowingly, or negligently permit any domestic animal to commit any nuisance, i.e., defecation upon the gutter, street, driveway, alley, curb or sidewalk in Port Royal Borough, 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 domestic animal.

(A.O.)

**§2-203. Disposal of Animal Feces.**

Any person having possession, custody or control of any domestic animal which commits a nuisance, i.e., defecation, in any area other than the private property of the owner of such domestic animal, as prohibited in §2-202, shall be required to immediately remove any feces from such surface and either:

- A. Carry same away for disposal in a toilet; or
- B. Place same in a non-leaking container for deposit in a trash or litter receptacle.

(A.O.)

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### **§2-204. Dogs Accompanying Blind or Handicapped Persons Exempted.**

The provisions of §§2-202 and 2-203 hereof shall not apply to a guide dog accompanying any blind person or to a dog used to assist any other physically handicapped person.

(A.O.)

### **§2-205. 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 \$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.

(A.O.)