

CHAPTER 2

ANIMALS

Part 1

Dogs at Large

- \$101. Definitions
- \$102. Unlawful to Allow Dogs to Run at Large
- \$103. Seizing of Dogs
- \$104. Licensed Dogs
- \$105. Unlicensed Dogs
- \$106. Threatening Dogs
- \$107. Penalty

Part 2

Defecation of Animals

- \$201. Unlawful Acts
- \$202. Penalties

Part 3

Noise Nuisances

- \$301. Intent and Purpose
- \$302. Noise Disturbance
- \$303. Exceptions
- \$304. Penalties

Part 4

Cats

- \$401. Definitions
- \$402. Licenses
- \$403. Unlawful Acts
- \$404. Inspections and Seizures
- \$405. Impoundment
- \$406. Violations and Penalties

Part 1

Dogs at Large

§101. Definitions. As used in this Part, 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. 480, 12/30/1971; as revised by Ord. 675, 11/17/1986)

§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. (Ord. 480, 12/30/1971; as revised by Ord. 675, 11/17/1986)

§103. Seizing of Dogs. Any police officer or dog warden may seize any dog found at large in Borough. Such dogs are to be impounded in a licensed kennel. (Ord. 480, 12/30/1971; as revised by Ord. 675, 11/17/1986)

§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. 480, 12/30/1971; as revised by Ord. 675, 11/17/1986)

§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. 480, 12/30/1971; as revised by Ord. 675, 11/17/1986)

§106. Threatening Dogs. Dogs that, in the opinion of any police officer or dog warden, constitutes a threat to public health and welfare may be killed by the police or dog warden. (Ord. 480, 12/30/1971; as revised by Ord. 675, 11/17/1986)

§107. Penalty. The first two times a dog is seized, the owner shall pay a fine of fifteen dollars (\$15.00) to the Borough 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. 480, 12/30/1971; as revised by Ord. 675, 11/17/1986)

Part 2

Defecation of Animals

§201. Unlawful Acts.

1. It shall be unlawful for the owner of any animal or any person having the care, custody and control of any animal to permit the same to discharge or deposit any fecal matter upon the property of another without immediately removing said matter and disposing of it in a sanitary manner. The term "property of another" shall be interpreted to include property of the Borough of Emmaus or of any other political subdivision.

2. It shall be unlawful for the owner or possessor of real property to permit animal fecal matter to accumulate on said property and it shall be the said owner's or possessor's responsibility to remove such matter to prevent any such accumulation from becoming a danger to the public health.

(Ord. 614, 4/7/1980, §§1, 2)

§202. Penalties. Any person, firm or corporation who shall violate any provision of this Part 2 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. Every day that a violation of this Part 2 continues shall constitute a separate offense. (Ord. 614, 4/7/1980, §3; as amended by Ord. 675, 11/17/1986)

Part 3
Noise Nuisances

§301. Intent and Purpose. The Borough Council of the Borough of Emmaus, 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 therefor 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. (Ord. 675, 11/17/1986)

§302. Noise Disturbance. It shall be illegal within the Borough of Emmaus 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 ten (10) minutes or makes such noise intermittently for one-half ($\frac{1}{2}$) 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. 675, 11/17/1986)

§303. Exceptions. This Part shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from the nuisance suits by Act No. 1982-133. (Ord. 675, 11/17/1986)

§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); and/or to imprisonment for a term not to exceed ninety (90) days. (Ord. 675, 11/17/1986)

Part 4

Cats

§401. Definitions. As used in this Part:

ANIMAL CONTROL OFFICER - that person or persons designated by the Borough Council to enforce certain provisions of this Part, including all police officers.

AT LARGE - off the premises of the owner, and not under the control of the owner, or a member of his immediate family, either by leash, cord, chain or otherwise.

CAT - a carnivorous mammal scientifically known as *Felis catus*, long domesticated and kept persons as pets.

OWNER - any person, firm or corporation having a right of property in any animal which is kept or harbored within the corporate limits of the Borough of Emmaus, as well as any person, firm or corporation occupying any premises within the corporate limits of the Borough of Emmaus which permits any animal to remain, in, on or about its premises.

(Ord. 744, 3/18/1991, §1)

§402. Licenses. All cats, owned, kept or harbored within the corporate limits of the Borough of Emmaus shall be licensed annually by the first of July after such cat shall attain the age of three (3) months at the Emmaus Borough Office and shall wear a collar and license tag. This provision does not apply to cats whose owners are non-residents and are temporarily within the Borough, nor to cats brought into the Borough for breeding, trial or show purposes. The license fee shall be established from time to time by resolution of Borough Council. In order to obtain the license it shall be necessary for the owner to complete an application form and produce evidence of a current vaccination against rabies. (Ord. 744, 3/18/1991, §2)

§403. Unlawful Acts. It is unlawful for any owner of any cat to allow or permit such cat to run at large in the Borough. (Ord. 744, 3/18/1991, §3)

§404. Inspections and Seizures. An Animal Control Officer or a member of the police department may go upon any public premises or enter any public building and go upon any private premises or enter any private building with the consent of the owner of such premises, to make inspections for the purpose of determining compliance with this Part. The Animal Control Officer or member of the police department may seize and impound any cat, licensed or unlicensed, found running at large, in violation of this Part, upon the public streets or highways of the Borough and or private property appurtenant to private buildings and structures with the consent of the owner of such property. Any dangerous, fierce, or vicious cat which can not be safely seized or impounded may be slain by the Animal Control Officer. A member of the police department may similarly slay a dangerous, fierce, or vicious cat which can not be safely seized or impounded only with the approval of the Police Chief, or his designee. (Ord. 744, 3/18/1991, §4)

§405. Impoundment. Cats and injured cats shall be impounded by the Animal Control Officer and handled by, under regulations procedures and policies established by the Animal Control Officer. (Ord. 744, 3/18/1991, §5)

§406. Violations and Penalties. Any owner of any cat who shall violate any of the provisions of this Part, upon conviction thereof, shall be sentenced to pay a fine of no less than twenty-five dollars (\$25.00) nor in excess of three hundred dollars (\$300.00), and cost of prosecution for such offense. (Ord. 744, 3/18/1991, §6)