

## ORDINANCE NO. 143

AN ORDINANCE REGULATING THE KEEPING OF CERTAIN ANIMALS IN THE TOWNSHIP OF EPHRATA BY PROHIBITING DOGS FROM RUNNING AT LARGE, DECLARING FECES AND EXCESSIVE AND CONTINUOUS NOISE EMITTED FROM CERTAIN ANIMALS A PUBLIC NUISANCE, PROVIDING FOR THE SEIZURE AND IMPOUNDING OF DOGS WHEN AT LARGE, REQUIRING REIMBURSEMENT OF CHARGES INCURRED BY REASON OF SUCH DETENTION, AND IMPOSING CIVIL PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

### Background

A. The police and supervisors have received complaints from persons living in the Township regarding: noise (often late at night); barking dogs; dogs running at large and complaints regarding offensive odors and insanitary conditions created by domestic animals.

B. The supervisors in order to protect the health, safety and welfare of persons and property within the Township find it necessary to prevent animals from running at large and to impose some reasonable restraints to control the amount of noise and insanitary conditions being created.

C. The supervisors also recognize that a large portion of the Township is agricultural in nature and certain noise and odors generated by farming are a necessary part of the farming operation and are exempt by law from such controls.

D. The authority for enacting this ordinance can be found in Sections 1529 and 1530 of the Second Class Township Code.

**IT IS HEREBY ORDAINED AND ENACTED** by the Board of Supervisors of Ephrata Township, Lancaster County, Pennsylvania as follows:

## Section I. Nuisances.

The continuous and/or excessive barking, howling, squawking, crying and making of noise by certain animals in the Township; dogs running at large; animals defecating on streets, sidewalks, public property and the property of others and the accumulation of and failure to remove animal feces are hereby declared to be public nuisances that significantly and adversely impact on the health, safety and welfare of the citizens of the Township and cause considerable annoyance, inconvenience and injury.

## Section II. Definitions.

A. Animal - except as otherwise specifically provided herein, animal shall include any creature (other than human) of any type including but not limited to dogs, cats, fowl, horses and other animals. It shall not include horses while being used for transportation and animals being raised for food as part of a farming operation in a zoning district where farming is permitted.

B. Owner - shall mean any person, persons, firm, association or corporation owning, keeping, harboring, handling, training, caring for any animal or having responsibility for or control of (either temporary or permanent) any animal or having a property right in such animal.

## Section III. Violations.

A. No owner shall permit any dog or other animal (excluding, however, horses while being used for transportation) to defecate on public streets or sidewalks and property not owned by such person (public or private) unless the owner or keeper of the animal immediately cleans up and removes the defecation and disposes of the same in a sanitary manner upon such owner's own property.

B. No owner shall possess, harbor, or control any animal which howls, barks, meows, squawks or makes any ether sound continuously and/or incessantly that can be heard outside the structure in which it is normally housed for a period of ten (10) consecutive minutes or makes such noise recurrently for one-half (1/2) hour or more at any time of the day or night, regardless of whether the animal is situate in or upon private property, provided however, that the time such

animal is making such noise, no person is trespassing or threatening to trespass upon private property upon which the animal is situated or that no other legitimate cause such as teasing or provoking the animal exists.

C. It shall be unlawful for owner or keeper of any dog to fail to keep at all times such dog either:

1. Confined within the premises of the owner.
2. Firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which the animal is secured; or
3. Under the reasonable control by some person when engaged in lawful hunting, exhibition or field training.

D. It shall be the duty of the owner of any dog, and the duty of the parent or guardian of any minor owner of any such dog, to keep any dog securely tied or penned in an enclosure in such a manner that the dog cannot break loose and run at large over the streets, alleys, or public grounds of the Township, or upon the property of anyone other than the owner of such dog or of one from whom specified permission of the owner thereof has been secured.

E. It shall be unlawful for any owner to harbor, care for, shelter or maintain any breed of animal in other than a sanitary condition; free of offensive, obnoxious or foul odors. All animal feces shall be removed and disposed of in a sanitary manner as frequently as necessary so that odors therefrom do not permeate to neighboring properties.

#### SECTION IV.

Any peace officer or individual duly appointed by the Township is hereby authorized to seize and impound any dog found running at large unattended in the Township and dispose of the same pursuant to applicable statutes. The owner of any dog seized and impounded shall be liable to the Township for the cost thereof. The Supervisors will set the rates of impounding by resolution.

SECTION V.

Any person or persons, owner, corporation, partnership or other entity whatsoever violating any of the provisions of this Ordinance shall be subject to the sanctions of a Civil Enforcement Proceeding and a penalty of not more than Five Hundred Dollars (\$500.00) for any single violation of this Ordinance, together with the costs of proceeding and all the Township's reasonable attorney's fees. Each day's continuation of the offense following notice (either oral or written) thereof shall constitute a new violation.

SECTION VI.

In addition to any other remedies provided herein any violation of provisions of this Ordinance shall constitute a nuisance per se and may be abated by Township by seeking appropriate equitable relief from a Court of competent jurisdiction.

SECTION VII.

If any provisions of this Ordinance are for any reason held to be invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION VIII.

Any and all other ordinances heretofore enacted and ordained which are inconsistent herewith are hereby repealed; but only to the extent that they are inconsistent herewith. This Ordinance shall take effect five (5) days from its adoption.

ENACTED AND ORDAINED this 10<sup>th</sup> day of December, 1996.

EPHRATA TOWNSHIP BOARD OF SUPERVISORS

BY: \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_