

**FELTON BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2015-04

**AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 1987-3,
PROHIBITING DOGS AND CATS FROM RUNNING AT LARGE AND
HABITUALLY BARKING OR HOWLING DURING CERTAIN HOURS,
DEPOSITING EXCRETA UPON THE PROPERTY OF OTHERS AND BEING
PRESENT IN ANY PUBLIC PARK OR PLAYGROUND**

WHEREAS, Felton Borough (the Borough) adopted Ordinance No. 1987-3 on December 7, 1987; and

WHEREAS, the Borough desires to amend and restate Ordinance 1987-3 and entitle it the Cat/Dog and Animal Nuisance Ordinance.

NOW, THEREFORE, be it ordained and enacted by Felton Borough Council as follows:

SECTION 1. Title. This Ordinance shall be referred to as the Cat/Dog and Animal Nuisance Ordinance.

SECTION 2. It shall be illegal unlawful for the owner or other person having possession, care, custody or control of any dog or cat to do any of the following within Felton Borough:

- A. Causing, permitting or allowing such a dog or cat to run at large upon any public or private property other than the property of the owner, unless such dog or cat is on a leash not exceeding eight (8) feet in length and is under the actual control of a person physically able to control it.
- B. Causing, permitting or allowing such dog or cat to be upon or within any public park or playground unless restrained on a leash.
- C. Causing, permitting or allowing such dog, cat or other animal that makes noise continuously or repeatedly for a period of least fifteen (15) minutes daily regardless of whether the animal is physically situate in or upon private property. Such noises are hereby determined by Felton Borough Council to be annoying or disturbing of a reasonable person of reasonable sensitivities. Accordingly, such noises shall be considered a nuisance and shall be illegal provided that none of the exceptions set forth in Section 3 are applicable.

- D. Causing, permitting or allowing such dog or cat to discharge its excreta upon any public or private property, other than the property of the owner of such dog or cat, unless such person removes and cleans up such animal's excreta immediately after it is deposited thereon.
- E. Causing, permitting or allowing the accumulation of animal excreta in any pen or other enclosure on the property of the owner of such animal, where the odor therefrom is offensive to other persons of ordinary sensibilities in the neighborhood.

SECTION 3. Exceptions. The following shall not be considered a violation of this Ordinance:

- A. Noises made by farm animals located on farms that constitute agricultural operations protected from nuisance suits by the Right to Farm Law or any similar legislation now in force or hereinafter enacted to protect farm operations from legal actions that have the effect of restricting lawful agricultural operations.
- B. Barking or other noises made by dogs or other animals in response to a person who is trespassing upon private property in or upon which the animal is lawfully situated or if the noise is made in response to an unlawful physical assault upon the dog or other animal or upon a person lawfully on the property on which the dog or other animal is situated. By way of illustration, but not limitation, this exception does not apply to noises made in response to a person walking, running or being present on a sidewalk intended for the public or within the public right-of-way of any road regardless of whether the animal may perceive the presence of such person as being intrusive or alarming.
- C. Barking or other noises made by dogs or other animals located in a kennel, veterinarian's office or other similar lawful place of business, provided that the operator of the facility has adopted and implemented reasonable policies to avoid adverse impacts to the occupants of neighboring properties such as, by way of illustration, but not limitation, installing or constructing buffers between the location of the animals and affected neighboring properties, the placement of loud animals indoors or the refusal to accept, on other than an emergency basis, animals which have previously created noise problems for the operator.

SECTION 4. Violation.

- A. Upon receipt of a written complaint setting forth of a violation per Section 2, the Borough Secretary, Zoning Officer, Code Enforcement Officer or other representative that may be authorized by Borough Council shall cause written notice to be given by person service, or registered or certified mail to the owner of the dog, cat or animal.

B. The Owner shall not be entitled to written notice pursuant to Section 4(A) for any subsequent similar violations of Section 2 of this Ordinance that occur within 180 days of the service of the first notice. The first notice shall be deemed ongoing for any violations within that time period, and the Borough may proceed immediately with enforcement.

SECTION 5. Penalties and Enforcement. All of the prohibited acts or types of conduct set forth in Section 1 hereof are hereby declared to be a public nuisance, and shall be illegal provided none of the exceptions in Section 2 are applicable. Any person, firm or corporation who or which shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars nor more than Five Hundred and 00/100 (\$500.00) Dollars, plus all costs of prosecution, including, but not limited, to attorneys' fees, and in default of payment, to imprisonment for a term not to exceed thirty (30) days. The provisions of this Ordinance shall be enforced by the Felton Borough Zoning Officer, Felton Borough Animal Enforcement Officer, any Felton Borough official appointed from time to time by resolution of the Borough Council, or by any police officer having authority within Felton Borough.

SECTION 6. Severability. The provisions of this Ordinance are severable. In the event that any provision, section, sentence, clause, or part of this ordinance shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any remaining provisions, section, sentence, clause, or part of this Ordinance. It is hereby declared to be the intent of this Borough that such remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 7. Repealer. All prior ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 8. Effective Date. This Ordinance shall become effective five (5) days after the date of its enactment as provided by law.

ENACTED AND ORDAINED this 14th day of December, 2015.

ATTEST:

FELTON BOROUGH COUNCIL


Secretary


President

APPROVED this 14th day of December 2015.


Mayor