

Chapter 70

ANIMALS

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§ 70-3. Conduct, activities and conditions
constituting violations.

[HISTORY: Adopted by the Board of Supervisors of the Township of North Middleton 7-1-1982 by Ord. No. 82-7; amended in its entirety 11-3-2011 by Ord. No. 2011-02. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 134.

Zoning — See Ch. 204.

Parks and recreation areas — See Ch. 140.

§ 70-1. Short title.

This chapter shall be known and may be cited as the "North Middleton Township Domestic and Nondomesticated Animal Ordinance."

§ 70-2. Definitions.

The following terms shall be construed in this chapter to have the following meanings, except in those instances where the context clearly indicates otherwise:

OWNER — Any person having a right of property in any domestic or nondomesticated animal, or having custody or control of any such animal, or any person who permits a domestic or nondomesticated animal (other than wildlife in its natural habitat) 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 nor under the control of the owner.

§ 70-3. Conduct, activities and conditions constituting violations.

The following activities or conditions are hereby declared to be unlawful:

- A. No owner of any dog, domestic or nondomesticated animal shall allow or permit such animal to make loud or harsh noises, on a continuous basis, to the extent that it shall disturb or interfere with the peace, quiet, rest or sleep of other persons. Each day's violation of the provisions of this subsection shall constitute a separate offense.

- B. No owner of any dog, domestic or nondomesticated animal shall suffer or permit such animal to run at large in North Middleton Township, Cumberland County, Pennsylvania. Each day's violation of the provisions of this subsection shall constitute a separate offense.
- C. No owner of any dog, domestic or nondomesticated animal shall allow such animal to defecate or urinate upon any public sidewalk, walkway or property of any other person. Each day's violation of the provisions of this subsection shall constitute a separate offense.
- D. Keeping of more than six domesticated animals.

§ 70-4. Exemptions.

The provisions of this chapter shall not apply to the owner of any domestic or nondomesticated animal whose business or livelihood depends primarily on the possession of said domestic or nondomesticated animal.

§ 70-5. Violations and penalties. ¹

- A. Any person who violates any provision of § 70-3A of this chapter shall be given notice thereof, either in writing or orally, by the North Middleton Township Police Department or other North Middleton Township employees. Any person who shall violate § 70-3A of this chapter after receiving one warning of such violation shall, upon being found liable therefor in a summary enforcement proceeding commenced under the Pennsylvania Rules of Criminal Procedure by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Criminal Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.
- B. Any person who violates any provision of § 70-3B of this chapter shall be given notice thereof, either in writing or orally, by the North Middleton Township Police Department or other North Middleton Township employees. Any person who shall violate § 70-3B of this chapter after receiving one warning of such violation shall, upon being found liable therefor in a summary enforcement proceeding commenced under the Pennsylvania Rules of Criminal Procedure by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Criminal Procedure. Each day a violation

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

exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

- C. Any person who violates any provision of § 70-3C of this chapter shall be given notice thereof, either in writing or orally, by the North Middleton Township Police Department or other North Middleton Township employees. The notice shall request the said person to remove or to cause to be removed said excrement from any public sidewalk, walkway or property of any other person. Any person who shall violate § 70-3C of this chapter after receiving one warning of such violation shall, or any person who refuses, upon proper notice, to remove or cause to be removed said excrement from any public sidewalk, walkway or property of any other person, shall, upon being found liable therefor in a summary enforcement proceeding commenced under the Pennsylvania Rules of Criminal Procedure by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Criminal Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.
- D. Any person who violates any provision of § 70-3D of this chapter shall be given notice thereof, either in writing or orally, by the North Middleton Township Police Department or other North Middleton Township employees. Any person who shall violate § 70-3D of this chapter after receiving notice and 10 days to abate such violation shall, upon being found liable therefor in a summary enforcement proceeding commenced under the Pennsylvania Rules of Criminal Procedure by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Criminal Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

