

ORDINANCE NO. _____ - 2021

COCHRANTON BOROUGH ANIMAL ORDINANCE

AN ORDINANCE OF THE BOROUGH OF COCHRANTON, PENNSYLVANIA PROHIBITING THE HARBORING OF ANIMALS DEEMED TO BE A PUBLIC NUISANCE AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS.

WHEREAS, Pennsylvania law protects farmers conducting normal agricultural operations on real estate equaling or exceeding ten (10) acres in size or resulting in income of \$10,000 per year or more; and

WHEREAS, Borough Council believes the conduct of such normal agricultural operations, as defined in 3 P.S. § 952, is important to the production of food and other agricultural products; and

WHEREAS, nothing in this Ordinance is intended to interfere with the conduct of normal agricultural operations; and

WHEREAS, most residents of the Borough live on lots that are less than five (5) acres in size; and

WHEREAS, the close nature of most lots within the Borough does not provide sufficient area for the conduct of normal agricultural operations; and

WHEREAS, Borough residents have complained to Borough Council about the noise, odors, excreta, and waste from animals owned, harbored, or kept in areas of high human population density and smaller lots; and

WHEREAS, for the health, safety, and welfare of the residents of the Borough of Cochranton, the Borough Council deems it necessary to prevent and prohibit the owning, keeping, or harboring of animals that are a public nuisance;

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED:

Section 1. Title of Ordinance. This Ordinance shall be known as the “Borough of Cochranton Animal Ordinance.”

Section 2. Definitions. As used in this Ordinance, the following terms shall have the meanings indicated below, unless a different meaning clearly appears from the context:

"Animal" means any live non-human creature, whether domestic, exotic, or wild.

“Borough” means the Borough of Cochranton, Pennsylvania.

“Domestic animal” means any animal normally and ordinarily held in captivity and raised in Northwest Pennsylvania for work, breeding, or agricultural purposes, or as a household pet.

“Exotic animal” means any animal not commonly found in the wild in Northwest Pennsylvania, except in a zoo.

“Fowl” means any type of chicken, duck, goose, turkey, or other game bird.

“Harbor” means to feed or house an animal within the Borough for three or more consecutive days or to have custody or control of an animal.

“Household pet” means any dog, cat, or other domestic animal normally and ordinarily kept in or about a residence. The term shall not include livestock, fowl, pigeons, wild animals, exotic animals, or any large domestic animal that is not normally and ordinarily kept in or about residences in Northwest Pennsylvania. Household pet may include rabbits, guinea pigs, mice, reptiles, birds, dogs, and cats that are commonly sold and kept as pets.

“Keep” means to allow an animal to remain for three or more consecutive days on real estate located within the Borough and owned controlled by the person.

“Livestock” means cattle, cows, sheep, horses, hogs, goats, llamas, alpacas, bison, bees, and similar animals normally and ordinarily kept in or about farms in Northwest Pennsylvania.

“Normal agricultural operation” shall have the same meaning as defined by 3 P.S. § 952, as such may be amended by the General Assembly.

“Own” shall have its standard legal definition, including but not limited to the legal right to custody, control, or disposition of an animal.

"Person" means any person, partnership, corporation or other legal entity owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

“Wild animal” means any non-human primate, raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, bear, deer, or any other animal which can normally be found in a wild state and is not normally or ordinarily kept as a household pet or livestock.

Section 3. Keeping Certain Animals Prohibited. No person shall own, harbor, or keep any animal anywhere within the Borough, except for the following:

- a. Persons may keep household pets, subject to the requirements of Section 4 below.
- b. Persons may keep livestock and/or fowl if the person is engaged in normal agricultural operations, subject to the requirements of Section 5 below. Persons not engaged in normal agricultural operations shall not be permitted to own, harbor, or

keep any livestock or fowl within the Borough unless the livestock or fowl are on kept on real estate equaling or exceeding five (5) acres in size and in a manner consistent with the requirements of Section 5 below.

Section 4. Regulations for Household Pets. No person shall own, harbor, or keep any household pet anywhere within the Borough except in compliance with this Section 4.

- a. Household pets shall be confined in appropriate quarters, runs, ties, or pens, no part of which shall be closer than 15 feet from the exterior of a dwelling other than the dwelling of the person owning, keeping, or harboring the household pet. Any quarters shall be of sufficient size and construction to be conducive to the household pet's health, shall be properly maintained, and shall have adequate sanitary drainage.
- b. No household pet shall be allowed to roam or run at large. Every household pet shall be confined to the real estate of the person owing, keeping, or harboring the household pet, or if away from such real estate, the household pet shall be physically controlled by means of a leash, chain, collar, harness, or other suitable means.
- c. Every person owning, keeping, or harboring a household pet shall use care to avoid the deposit of excreta by the household pet on real estate other than his or her own. Every person owning, keeping, or harboring a household pet that deposits excreta on any real estate other than his or her own shall immediately collect and remove such excreta.
- d. Every person owning, keeping, or harboring a household pet shall collect and dispose of such household pet's excreta no less than weekly. Any container into which excreta is deposited shall be fly-proof and vermin-proof.
- e. Every person owning, keeping, or harboring a household pet shall keep all feed therefor to be kept in a container that is fly-proof and vermin-proof.
- f. No person shall own, keep, or harbor one or more household pets in a manner that leads to unsanitary, unhealthy, or hazardous conditions.
- g. No person shall own, keep, or harbor a household pet that barks, cries, whines, screeches, yelps, bays, howls or makes other noises in an excessive, continuous, or untimely fashion and audible from real estate other than that of the person owning, keeping, or harboring the household pet.
- h. No person shall own, keep, or harbor a household pet in a manner that permits noxious, harmful, or offensive odors to be detectable from real estate other than that of the person owning, keeping, or harboring the household pet.
- i. No person shall own, keep, or harbor a household pet that pursues, menaces, or harasses other persons lawfully going about their business on public or private property.
- j. No person owning, keeping, or harboring a household pet shall allow the household pet to trespass upon or harm property that does not belong to such person.

Section 5. Regulations for Livestock and Fowl. No person shall own, harbor, or keep any livestock or fowl anywhere within the Borough except in compliance with this Section 5.

- a. Livestock and fowl shall be confined in appropriate quarters, runs, ties, pens, coops, or fields no part of which shall be closer than 15 feet from the exterior of a dwelling other than the dwelling of the person owning, keeping, or harboring the livestock or fowl. Any such quarters, runs, ties, pens coops, or fields shall be of sufficient size and construction to be conducive to the livestock or fowl's health, shall be properly maintained, and shall have adequate sanitary drainage.
- b. No livestock or fowl shall be allowed to roam or run at large. All livestock and fowl shall be confined to the real estate of the person owing, keeping, or harboring the livestock or fowl, or if away from such real estate, the livestock or fowl shall be physically controlled by suitable means.
- c. Every person owning, keeping, or harboring livestock or fowl shall use care to avoid the deposit of excreta by the livestock or fowl on real estate other than his or her own. Every person owning, keeping, or harboring livestock or fowl that deposits excreta on any real estate other than his or her own shall immediately collect and remove such excreta.
- d. Every person owning, keeping, or harboring livestock or fowl shall collect and dispose of such livestock or fowl's excreta in a manner consistent with normal agricultural operations in the Commonwealth of Pennsylvania.
- e. No person shall own, keep, or harbor livestock or fowl in a manner that leads to unsanitary, unhealthy, or hazardous conditions.
- f. No person shall own, keep, or harbor livestock or fowl that pursues, menaces, or harasses other persons lawfully going about their business on public or private property.
- g. No person owning, keeping, or harboring livestock or fowl shall allow the livestock or fowl to trespass upon or harm property that does not belong to such person.

Section 6. Public Nuisance. Any animal that is owned, harbored, or kept within the Borough in violation of Sections 3, 4, or 5 of this Ordinance is declared to be a public nuisance, except for animals owned, harbored, or kept in the course of normal agricultural operations.

Section 7. Penalties. Any person who owns, harbors, or keeps an animal that constitutes a public nuisance, as declared and defined herein, is hereby deemed to have committed a summary offense and, upon conviction thereof, shall be sentenced to pay a fine as specified below, plus court costs. Each day upon which any animal or any person owning, harboring, or keeping such animal acts in a manner which constitutes a public nuisance shall constitute a separate offense.

- a. Except as otherwise provided below, the fine to be imposed upon conviction shall be:
 - i. For a first offense, not less than \$25.00 nor more than \$300.00;
 - ii. For a second offense, not less than \$100 nor more than \$300; and
 - iii. For a third or subsequent offense, not less than \$200.00 nor more than \$300.00.
- b. For any person who owns or harbors any wild animal or exotic animal, the fine to be imposed upon conviction shall be:
 - i. For a first offense, not less than \$150.00 nor more than \$300.00; and

- ii. For a second or subsequent offense, \$300.00.

Section 8. Enforcement. The Police Department of the Borough of Cochranon is hereby empowered to enforce this Ordinance by issuance of non-traffic summary offense citation.

Section 9. Impoundment. Any animal that constitutes a public nuisance may be taken by the Police Department, humane officer, or any other lawfully warranted enforcement officer and impounded at the Crawford County Humane Society's shelter and there confined in a humane manner. An owner reclaiming an impounded animal shall pay to the Crawford County Humane Society such fee as the Crawford County Humane Society shall, from time to time, impose for the care and maintenance provided to the animal.

Section 10. Grandfathered Ownership.

- a. This Ordinance shall not apply to any person owning, harboring, or keeping livestock or fowl on real estate smaller than five (5) acres in size on the effective date of this Ordinance, provided that such person complies with the requirements of Section 5 of this Ordinance. This provision shall exempt the replacement of deceased or sold livestock or fowl from the general prohibition on real estate smaller than 5 acres if such replacement occurs within six (6) months. This provision shall not exempt a person who increases the number of livestock or fowl owned, harbored, or kept on such real estate. This provision is personal and non-transferrable to any other person or location.
- b. The 15-foot setback requirement contained in Section 5(a) of this Ordinance shall not apply to any existing quarters, runs, ties, pens, coops, fields, or fences on the effective date of this Ordinance. This provision shall exempt a person who replaces or repairs quarters, runs, ties, pens, coops, fields, or fences existing on the effective date of this Ordinance. This provision only exempts the existing footprint of the quarters, runs, ties, pens, coops, fields, or fences that extend beyond the 15-foot setback requirement. This provision shall not exempt a person who enlarges such quarters, runs, ties, pens, coops, fields, or fences to extend within 15 feet of a neighboring property. This exemption is not personal, but shall run with the land.

Section 11. Repeal and Conflicts.

- a. Ordinance 2 – 1997 (Animal Waste) and Ordinance 3 - 2008 (Animal Noise) are hereby repealed in their entirety. If any conflict exists between this Ordinance and any other Ordinance, the terms of this Ordinance shall prevail.
- b. Nothing in this Ordinance shall be interpreted in a manner that conflicts with the conduct of normal agricultural operations, as defined in 3 P.S. § 952.

Section 12. Headings. The use of headings and titles is intended for reference purposes only, and shall not be construed to restrict or limit the effect of any provision in this Ordinance.

Section 13. All Remedies Cumulative. All remedies provided for the enforcement of this Ordinance by the Borough are cumulative, and shall be in addition to any other remedies available by law. Nothing herein shall be construed to limit, reduce, eliminate or otherwise affect any rights, powers or remedies available to the Borough.

Section 14. Validity. If any provision, paragraph, word, or section of this Ordinance is finally declared or adjudicated to be an invalid by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall remain in full force and effect.

Section 15. Effective Date. This Ordinance shall be effective immediately.

Ordained and enacted _____, 2021.

Daniel A. Jackson, President

Susan Armburger, Secretary

Mark E. Roche, Mayor