

**BETHEL TOWNSHIP
ORDINANCE NO. 209**

**AN ORDINANCE OF BETHEL TOWNSHIP, DELAWARE COUNTY PENNSYLVANIA,
AMENDING CHAPTER 177, DISORDERLY CONDUCT AND CHAPTER 100, ANIMALS,
OF THE CODE OF THE TOWNSHIP OF BETHEL BY ADOPTING AN ORDINANCE
PRESCRIBING THE GOVERNANCE OF ANIMAL ACTIVITY IN BETHEL TOWNSHIP
AND THE PENALTY FOR THE VIOLATION OF SAID GOVERNANCE.**

WHEREAS, it is necessary and prudent for Bethel Township (the "Township") to establish regulations governing the control of Animals located within the Township so as to ensure the safety, peace, comfort, and enjoyment of the Township's citizens; and

WHEREAS, the Second Class Township Code, 53 P.S. § 66506 authorizes the Bethel Township Board of Supervisors to make and adopt any ordinances not restrained by the Constitution or the laws of the Commonwealth of Pennsylvania necessary for the proper management, care, and control of the Township and its finances and the maintenance of peace, good government, health, and welfare of the Township and its citizens, trade, commerce and manufacturers; and

WHEREAS, the Second Class Township Code, 53 P.S. § 66527 authorizes the Bethel Township Board of Supervisors to establish ordinances to secure the safety of persons or property within the Township and to define disturbing the peace within the limits of the Township; and

WHEREAS, the Second Class Township Code, 53 P.S. § 66529 authorizes the Bethel Township Board of Supervisors to establish ordinances to prohibit nuisances; and

WHEREAS, the Second Class Township Code, 53 P.S. § 66530 authorizes the Bethel Township Board of Supervisors to establish ordinances that prohibit and regulate the running at large of dogs; and

WHEREAS, Bethel Township has determined that the penalties prescribed for the violations of this ordinance are reasonable and just;

NOW THEREFORE, BE IT ORDAINED by the Bethel Township Board of Supervisors, Delaware County Pennsylvania, and is hereby ENACTED and ORDAINED by the authority of the same as follows:

SECTION 1. Chapter 177, Section 177-6, Animals Running at Large is hereby deleted from Chapter 177 and will be incorporated into Chapter 100, Animals, which is hereby amended in its entirety to provide as follows.

SECTION 2. PURPOSE.

Bethel Township undertakes to establish this Animal Ordinance to protect the public

health and safety of its citizens by requiring Animal owners to properly train, care for, and secure their Animals and by limiting the number of animals on a premises so as to prevent Animals from causing injuries and/or creating nuisances that may jeopardize the health, welfare, safety or degrade the quality of life of citizens of the Township.

SECTION 3. INTENT.

It is the intent that this chapter shall be supplemental to any laws of the Commonwealth of Pennsylvania herinbefore or hereinafter adopted covering Animals within the Commonwealth of Pennsylvania.

SECTION 4. SHORT TITLE.

This Ordinance shall be known as "The Animal Control Ordinance of Bethel Township."

SECTION 5. DEFINITIONS

A. Animals. Any animal or bird that is kept as a domestic pet by an individual, including but not limited to, dogs, cats, rabbits and birds. This term does not include livestock, poultry or horses that are maintained as a part of a working farm, horse farm or ranch.

B. At Large. Being upon any public highway, street, park or any other public land, or upon property of another person other than the Owner, and not being accompanied by and under the control of the Owner or any other person having custody of such Animal.

C. Cruelty. Any act of commission or omission whereby unjustifiable physical pain, suffering or death of any Animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food in sufficient quantity.

D. Nuisance. The unreasonable, unwarranted or unlawful use of public or private property that substantially interferes with another person's enjoyment of his or her rights or property by exposing that person to harm, annoyance, inconvenience or discomfort.

E. Owner. Includes every person, proprietor, corporation, partnership or association that actually owns an Animal or who has an Animal in his, her, or its care or who keeps or harbors an Animal, or permits an Animal to remain on or about any premises occupied by him, her, or it. The parent or guardian of any minor claiming ownership of any Animal shall also be deemed the owner of such Animal.

F. Officer. Any police Officer, state trooper or duly appointed Animal Control Officer of Code Enforcement Officer, or his or her designee.

G. Wild/Exotic Animal. A wild, dangerous, or undomesticated Animal or venomous reptile which is not of a species customarily used as an ordinary house pet or livestock and

which would ordinarily be confined to a zoo or which would ordinarily be found in the wilderness of this or any other country or which otherwise causes a reasonable person to be fearful of bodily harm or property damage, irrespective of its actual or asserted state of tameness or domestication. This definition includes Animals bred or raised in captivity and hybrids of wild/exotic Animals, but not fish or birds.

SECTION 6. ANIMAL CONTROL

A. Rabies. All dogs and cats, to include outside cats, in Bethel Township shall be vaccinated against rabies by a licensed veterinarian in accordance with the requirements set forth in the state rabies law.

B. Wild/Exotic Animals. No person shall own, harbor, maintain or control a Wild/Exotic Animal or hybrids of Wild/Exotic Animals within Bethel Township.

C. Animals at Large/Leash Requirements.

1. It shall be unlawful for the Owner or person having custody of any Animal or the parent or guardian of any minor owning or having custody of any Animal to allow the Animal to go beyond the boundaries of their premises or to run At Large , to cause annoyance to persons or damage to persons or property, to trespass upon, litter or deface any premises, pavement, public highway or park in the Township. It shall also be unlawful for the owner or person having custody of such Animal to permit such Animal to pose a danger to pedestrians using adjacent sidewalks and streets.

2. Confinement required at night; exception for hunting. The owners of all dogs within the Township of Bethel shall at all times between sunrise and sunset keep such dogs confined within an enclosure so that said dogs cannot escape or run at large, or said dogs shall be firmly secured so that they cannot stray or escape, or run at large, provided, that when a dog is accompanied by a person engaged in lawful hunting, such dog shall be kept under reasonable control by its owner or handler.

3. It shall be the duty of the Owner, custodian or keeper of any dog traveling on the streets or public grounds of the Township to have the Animal on a leash at all times.

D. Seizing of Dogs. The Animal Control Officer or any police Officer or constable may seize any Animal found at large in the Township. Such Animals are to be impounded in a licensed kennel.

E. Nuisances prohibited; Animal waste.

1. It shall be unlawful for any person(s), corporation, partnership or other entity whatsoever to harbor, care for, shelter or maintain any Animal in such a manner as to disturb or unduly annoy the public through the Animal's noise, barking, smell, mischief or other harmful propensities. All Animal pens and all other areas in which Animals are kept shall be maintained in a sanitary condition free of offensive, obnoxious or foul odors.

2. It shall be unlawful to own, possess, harbor, control or keep any Animal which makes noise repeatedly for a period of 30 minutes during the hours of 7:00 a.m. to 10:00 p.m. or repeatedly for a period of 15 minutes during the hours of 10:00 p.m. to 7:00 a.m., regardless of whether the Animal is physically situated in or upon private property. Said noise shall constitute a nuisance, provided that, at the time the Animal is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the Animal is legitimately situated, nor is there any other legitimate cause which justifiably provoked the Animal.

3. No person having ownership, possession, custody or control of an Animal shall allow such Animal to defecate upon any gutter, street, driveway, alley, curb, sidewalk or other public property in the Township or in or on any building or place frequented by the public or used in common by the tenants thereof or upon the grounds of a public park or public area or upon private property other than the property of the owner of the Animal.

4. Any Owner or any person having possession, custody or control of an Animal which defecates in any area other than the private property of the Owner of such Animal shall immediately remove the feces from such area and either:

- a. Carry the same away for deposit in a toilet; or
- b. Place the same in a non-leaking container for deposit in a trash or litter receptacle.

5. Every owner or possessor of real property in the Township shall prevent or remove any and all accumulations of Animal waste, feces, or excretions on such property if such accumulations create obnoxious odors outside the property or unhealthy conditions.

6. It shall be unlawful for the owner of any Animal to permit said Animal to injure any human being by biting, jumping on, knocking down, or by attacking said human being.

7. It shall be unlawful for the owner of any Animal to permit such Animal to damage or injure personal property, real estate, shrubs, hedges, flowers, or any growing thing by running over or running across the said property or by urinating thereon or defiling the same, or by causing excrement to be placed thereon.

F. Limitation on number of Animals; exceptions. Except for species of fish, to promote the purposes of this chapter it shall be unlawful to keep more than five (5) Animals, three months of age or older, on any premises, regardless of the number of owners, unless said premises is a zoo, petting zoo, menagerie, kennel, aviary, pet shop or veterinary clinic that has received zoning approval to operate as such, as well as the appropriate licenses and/or certifications required for said operation.

G. Exceeding maximum number of permitted Animals; permit application.

1. The application for a permit for the keeping of more than five (5) Animals from the permitted list shall have attached thereto a registered veterinarian's health certificate for each Animal to be covered by the permit, shall be verified by an affidavit and shall set forth the following:

- a. The type and number of Animals to be covered by the permit.
- b. The purpose of keeping such Animals.
- c. The period of time for which the permit is requested.
- d. The description of the quarters in which the Animals will be kept and the facilities for sanitation and disposal of Animal wastes.
- e. The circumstances, if any, under which the Animals will be removed from their quarters.
- f. Biographical information about the applicant and any other person to be placed in charge of the Animals.
- g. Such additional information as the Officer may require.

2. In addition to such verified information, the Officer shall consider all other relevant conditions, including, but not limited to:

- a. The odor emanating or likely to emanate from the premises to persons off the premises.
- b. The noise emanating or likely to emanate from the premises to persons off the premises.
- c. The attitude of the applicant's neighbors to the proposed permit.
- d. The security with which the Animals will be restrained.
- e. Prior complaints regarding Animals at the premises.

H. Review of application; issuance of permit; non-transferability; duration; revocation; standards for compliance.

1. The Officer shall have the power to review or cause to be reviewed each application for a permit and may either approve or reject such application or require modification of the application.

2. When the Officer has approved the application, he/she shall issue the permit.

3. The permit shall be personal and not transferable and shall be issued for a calendar year or part thereof.

4. The Officer shall also have the power to revoke the permit for cause.

5. The Officer shall also have the power to make such rules and regulations as he/she shall deem necessary to carry out the purpose of this chapter.

6. The Officer shall be responsible for determining whether any person is violating any provisions of this chapter or the rules and regulations adopted hereunder. In making such determination, the Officer shall consider the following standards:

a. All Animals and Animal quarters shall be kept in a clean and sanitary condition with adequate ventilation.

b. The permittee shall use every reasonable precaution to assure that the Animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.

c. Animals that are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the Animals fear or to be abused, tormented or annoyed.

d. Animals shall be maintained on the premises so as to eliminate offensive odors or excessive noise.

e. Animal owners shall not permit any condition causing disturbance of the peace and quiet of his/her neighbors.

f. Animals must be maintained in quarters so constructed as to prevent their escape. The permittee assumes full responsibility for recapturing an Animal that escapes from his/her premises. The permittee shall make adequate provisions and safeguards to protect the public from the Animals.

g. Every person shall conform to all present and future laws of the Commonwealth of Pennsylvania and the United States of America, the ordinances of the Township of Bethel and the rules and regulations that may accompany this chapter in any way connected with Animals, specifically including anti-cruelty laws.

h. Any and all Animals must be kept healthy and free from sickness and disease at all times. Should the Officer question the health of any Animals, he/she shall have the authority to require an examination by a doctor of veterinary medicine with such examination to be at the owner's expense.

i. The permittee shall be responsible and liable for the actions of all

persons employed by or otherwise associated with him/her as such actions relate to the permittee's obligation to comply with this chapter.

j. Every owner and occupant of a structure or property shall be responsible for the extermination of insects, rodents, vermin or other insects in all areas of the premises.

I. Permit fees; expiration of permit; renewal.

1. The applicant for any permit to exceed the limitation on permitted Animals contained in this chapter shall, at the time of his/her application, pay Bethel Township a nonrefundable fee, in an amount as established from time to time by resolution of the Board of Supervisors, to cover the cost of processing the permit application and the issuance of the permit.

2. Upon issuance, the permit shall be for the calendar year or part thereof and thereafter shall be renewable for a like fee for each calendar year or part thereof.

J. Animal Cruelty Prohibited. The following shall apply to all owners of Animals in the Township:

1. Confinement of Animals to be humane.

a. No Animal shall be confined in a cage which has a wire bottom. All cages shall have a solid bottom and be free of hazardous materials, waste and contaminants.

b. Temporary enclosures must be large enough for the Animal to stand up, turn around and lay down.

c. Permanent enclosures must be the greater of at least 24 square feet for dogs and nine square feet for cats, or twice the length and twice the width of the Animal.

d. Animal waste including bodily fluids, food waste, soiled bedding, dead Animals, garbage and water that is dirty and no longer potable shall be removed from all areas of the housing facility and disposed of on a daily basis to minimize or prevent contamination and disease risks to the Animals. Where water is removed, the operator shall immediately provide new potable water to the Animal.

2. Water and food. All Animals are to be provided with adequate food and drinking water. Fresh water must be provided daily and must be protected from freezing.

3. Shelter. Any Animal kept outside shall be provided with adequate shelter in order to protect it from the elements.

a. Outside shelters must be large enough for the Animal to stand up, turn around and lie down but small enough for the Animal to maintain warmth with body heat.

b. Entrances should be offset or covered with a flap to protect the Animal from the elements.

c. Indoor and outdoor housing facilities for dogs shall be maintained in a manner to protect the dogs from injury, insure the sanitary conditions, and to contain the dogs.

d. The interior building surfaces of housing facilities shall be constructed and maintained so that they are water-resistant and may be readily sanitized. Outdoor facilities shall be constructed in a manner to allow them to be readily sanitized, to assure the Animals have a mud-free area and to assure there is no standing or pooled water.

e. Housing facilities and primary enclosures for Animals shall be constructed so that they are structurally sound, kept in good repair at all times and provide for the health, safety, welfare and comfort of the Animals.

f. The interior surfaces of all primary enclosures must be free of rust, jagged edges and sharp points or any object which may cause harm or injury to the Animal.

g. An Animal may not be housed on a temporary or permanent basis in a drum or barrel dog house, regardless of the material of which the drum or barrel is constructed. Metal barrels, drums, cars, refrigerators, freezers or like materials may not be used as primary enclosures or shelter structures.

4. Tethers. If tethers are used to confine a dog, they shall be placed or attached so that the dog cannot become entangled with other objects or come into physical contact with other dogs and to allow the dog to roam to the full range of the tether. The tether must be of a type commonly used for the size dog involved and be attached to the dog by means of a well-fitted collar or body harness that will not cause trauma or injury to the dog. The tether must be a minimum of six feet long or at least five times the length of the dog as measured from the tip of its nose to the base of its tail, whichever is longer, and must allow the dog convenient and unfettered access to the dog house, permanent shade area and food and water containers.

5. Animals in motor vehicles.

a. It shall be unlawful to leave any Animal unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the Animal.

b. It shall be unlawful for any Animal to ride in the bed of a pickup truck on public streets, highways and/or rights-of-way unless said Animal is securely caged and protected from the environment or unless the bed of the pickup truck is enclosed with a camper shell or other device and there is appropriate and sufficient ventilation.

H. Dog fighting.

1. No person shall intentionally, knowingly, recklessly, or negligently allow a dog

to engage in dog fighting on public or private property.

2. No owner of private property shall be allowed to use their real estate for the purposes of dog fighting.

I. Burial of animals is prohibited. No person shall permit or cause to be buried any Animal on any property, public or private, within the Township.

SECTION 7. ENFORCEMENT.

A. Enforcement of the provisions of this chapter shall be jointly shared by any police department serving the Township, including the State Police, an Animal Control Officer and a Code Enforcement Officer.

B. The Officer is hereby authorized to enter upon any premises within the Township for the purposes of investigating possible violations of this Chapter.

SECTION 8. VIOLATIONS AND PENALTIES.

A. The Officer or his or her designee shall provide written notice to an Owner before he or she may issue a citation for a violation of this chapter. Such notice shall be delivered:

1. By certified mail, with return receipt requested and postage prepaid;
2. By personal delivery to the Owner, which is to be confirmed by the Owner signing a copy of the notice; or
3. By personal delivery to an adult member of the Owner's residence, which is to be confirmed by the accepting adult member of the residence signing a copy of the notice.

B. The written notice issued to an Owner for a violation of this chapter shall contain the following:

1. The name and address of the Owner;
2. The violation(s) of this chapter that occurred;
3. The date(s) and time(s) at which the violation(s) occurred;
4. The name of the Officer;
5. The date the notice was sent;
6. A warning that legal action will be commenced for the continuing violation of this chapter and the request that any continuing or additional violations be ceased