

## **CHAPTER 2**

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## ANIMALS

## **Part 1**

### **Animals Running at Large**

#### **A. Dogs**

##### **§101. Definitions.**

As used in this Part 1A, the following terms have the meaning indicated, unless a different meaning clearly appears from the context:

OWNER — any person having a right of property in any dog or having custody of any dog, or any person who harbors or permits a dog 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 or under the control of the owner or any other person having custody of said dog.

(Ord. 275, 4/9/1956; as revised by Ord. 626, 4/13/1987)

##### **§102. Unlawful to Allow Dogs to Run at Large.**

It shall be unlawful for the owner of any dog or dogs to allow or permit such dog or dogs to run at large in the Borough of Hollidaysburg. (Ord. 275, 4/9/1956; as revised by Ord. 626, 4/13/1987)

##### **§103. Dog Law Enforcement Officer.**

There is hereby established in the Borough of Hollidaysburg the office of Dog Law Enforcement Officer. Hollidaysburg Borough Council shall have authority by resolution to appoint a Borough Dog Law Enforcement Officer who shall hold this office during the pleasure of the Borough Council. (Ord. 275, 4/9/1956; as revised by Ord. 626, 4/13/1987)

##### **§104. Seizing of Dogs.**

Any police officer or dog warden may seize any dog found at large in Borough of Hollidaysburg. Such dogs are to be impounded in a licensed kennel. (Ord. 275, 4/9/1956; as revised by Ord. 626, 4/13/1987)

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### **§105. Licensed Dogs.**

Owners of licensed dogs are to be notified by registered or certified mail, with return receipt, that the dog is impounded and will be disposed of in five days if not claimed. Five days after the return receipt has been received, and the dog has not been claimed, the dog may be sold or destroyed in accordance with the 1982 Dog Law. (Ord. 275, 4/9/1956; as revised by Ord. 626, 4/13/1987)

### **§106. Unlicensed Dogs.**

Unlicensed dogs that are seized are to be held in such kennel for 48 hours and if not claimed may be destroyed in accordance with the 1982 Dog Law. (Ord. 275, 4/9/1956; as revised by Ord. 626, 4/13/1987)

### **§107. Threatening Dogs.**

Dogs that, in the opinion of any police officer or dog warden, constitutes a threat to public health and welfare may be killed by the police or dog warden. (Ord. 275, 4/9/1956; as revised by Ord. 626, 4/13/1987)

### **§108. Penalty.**

The first two times a dog is seized, the owner shall pay a fine of \$15 to the Borough of Hollidaysburg as well as reasonable fees for keeping the animal in a kennel.

Any person allowing an animal to run at large a third time in violation of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and/or to imprisonment for a term not to exceed 30 days.

(Ord. 275, 4/9/1956; as revised by Ord. 626, 4/13/1987; and amended by Ord. 640, 4/10/1989, §1)

## **B. Cats**

### **§121. Unlawful to Allow Cats to Become Nuisances.**

It shall be unlawful for the owner, custodian or keeper of any cat(s) to allow such cat(s) to become a nuisance in any manner within the corporate limits of the Borough of Hollidaysburg. (Ord. 550, 10/12/1976, §1)

**§122. Nuisance Defined.**

A nuisance shall be construed to mean that any cat(s) running at large, at any time, upon property other than the owner's or upon the streets, alleys or public grounds of the Borough of Hollidaysburg, whereby said cat(s) creates a disturbance, defaces property or deposits excretions or animal wastes upon said property. (Ord. 550, 10/12/1976, §2)

**§123. Authority to Pick Up and Destroy.**

It shall be the duty of the Dog Enforcement Officer of the Borough of Hollidaysburg to pick up any cat(s) running at large, as above set forth, and if such cat(s) are not identified and called for by their owners, custodian or keeper within three days, the said cat(s) shall be destroyed. (Ord. 550, 10/12/1976, §3)

**§124. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 1B shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and/or to imprisonment for a term not to exceed 30 days. (Ord. 550, 10/12/1976, §4; as amended by Ord. 626, 4/13/1987; and by Ord. 640, 4/10/1989, §2)

**§125. Cost of Maintenance.**

Provisions shall be made for the maintenance and feeding of the cat(s) pending their return to their owner, custodian or keeper, or being destroyed as herein provided. An owner, custodian or keeper reclaiming a cat(s) shall pay the sum of \$3 per day for each day of maintenance by the Borough, in addition to §124 hereof. (Ord. 550, 10/12/1976, §5)



## **Part 2**

### **Noise Nuisances**

#### **§201. Intent and Purpose.**

The Borough Council of the Borough of Hollidaysburg, finding that excessive levels of sound are detrimental to the physical, mental and social well-being of the people as well as to their comfort, living conditions, general welfare and safety and being therefore a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within the Borough. (Ord. 597, 3/8/1982; as revised by Ord. 626, 4/13/1987)

#### **§202. Noise Disturbance.**

It shall be illegal within the Borough of Hollidaysburg for any person or persons to own, possess, harbor, or control any animal or bird which makes any noise continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for 1/2 hour or more to the disturbance of any person any time of the day or night regardless of whether the animal or bird is physically situated in or upon private property, said noise being a nuisance; provided, that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated nor is there any other legitimate cause which justifiably provoked the animal or bird. (Ord. 597, 3/8/1982; as revised by Ord. 626, 4/13/1987)

#### **§203. Exceptions.**

This Part shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from the nuisance suits by Act No. 1982-133. (Ord. 597, 3/8/1982; as revised by Ord. 626, 4/13/1987)

#### **§204. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 2, shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000, and/or to imprisonment for a term not to exceed 30 days. (Ord. 597, 3/8/1982; as revised by Ord. 626, 4/13/1987; and amended by Ord. 640, 4/10/1989, §3)





### **Part 3**

#### **Maintenance Requirements**

##### **§301. Keeping of Fowls Regulated.**

No person, firm or corporation shall keep any chickens, ducks, turkeys, geese or other fowls within the Borough of Hollidaysburg unless the said fowls are kept in a coop or pen, no portion of which shall be nearer to any street, alley or lot line than 100 feet. The said chickens, ducks, turkeys, geese and other fowls shall be kept in good condition, healthy, clean and free from diseases, and all pens or coops shall be kept clean and free from vermin and shall be dry, airy and well lighted and not overcrowded. All refuse, food and excrement shall be removed as often as necessary to prevent odors from developing therefrom. (Ord. 286, 9/10/1956, §1)

##### **§302. Keeping of Pigs and Maintenance of Pig Pens Prohibited.**

No person or persons, firm or corporation shall keep any pig or hog at any place within the Borough of Hollidaysburg, nor shall any person or persons, firm or corporation maintain any pig pen or hog pen at any place therein. (Ord. 362, 12/8/1960; as amended by Ord. 626, 4/13/1987)

##### **§303. Maintenance of Large Animals.**

1. Any person, firm or corporation keeping horses, ponies or cattle within the Borough, except animals brought in for immediate slaughter, shall keep them in a stable which shall be not less than 100 feet from any dwelling house or within 50 feet from any street. When such animals are at pasture, a like distance shall be maintained from any dwelling house or street. No horses, ponies or cattle shall be allowed to be introduced into any area of the Borough not currently used or allowed for that purpose as more fully described in the Zoning Ordinances of the Borough of Hollidaysburg. Nothing in this section shall be construed to restrict or prohibit the riding of horses or ponies for parades, civic celebrations or pleasure within the limits of the Borough of Hollidaysburg.
2. Stables and pens shall be maintained in a sanitary condition and free from unpleasant odors and conditions contributing to the breeding of flies and vermin. Manure shall be placed in enclosed steel containers and as containers become filled shall be disposed of beyond the Borough limits. Where manure is to be used as fertilizer in a farming operation, it may be spread upon fields between November 1st and April 1st, only.

(Ord. 438, 6/6/1966, §§1 & 2; as amended by Ord. 551, 11/8/1976)

## ANIMALS

### **§304. Control of Animal Defecation on Public or Private Property.**

1. No person, having possession, custody or control of any animals, shall knowingly or negligently permit any dog or other animal to commit any nuisance or defecate upon any gutter, street, driveway, alley, curb or sidewalk in the Borough of Hollidaysburg, or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park, or upon the grounds of any public parks or public areas, or upon any private property other than the property of the owner of such animal.
2. Any person having possession, custody or control of any dog or other animal which commits a nuisance or defecates in any area other than the private property of the owner of such dog or other animal, as prohibited in §304(1) shall be required to immediately remove any feces from such surface and either:
  - A. Carry same away for disposal in a toilet.
  - B. Place same in a non-leaking container for deposit in a trash or litter receptacle.
3. The provisions of subsections (1) and (2) hereof shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any other physically handicapped person.

(Ord. 438, 6/6/1966, §§1 and 2; as amended by Ord. 551, 11/8/1976; and by Ord. 633, 2/8/1988, §1)

### **§305. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and/or to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part continues shall constitute a separate offense. (Ord. 438, 6/6/1966; as amended by Ord. 626, 4/13/1987; by Ord. 633, 2/8/1988, §1; and by Ord. 640, 4/10/1989, §4)