

Chapter 71

ANIMALS

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[HISTORY: Adopted by the Borough Council of the Borough of Whitehall: Art. I, 1-4-48 as Ord. No. 12; Art. II, 4-17-56 as Ord. No. 274; Art. III, 2-20-80 as Ord. No. 604. Sections 71.7 and 71.10.1 amended at time of adoption of CODE; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

ARTICLE I
Running at Large
[Adopted 1-4-48 as Ord. No. 12]

§ 71.1. Dogs and cats at large.

It shall be unlawful for any owner or owners of dogs or cats to permit the same to run at large within the Borough of Whitehall or to permit the same to run upon the streets, roads or highways of the said borough or upon the property of other persons to the annoyance or inconvenience of the residents or pedestrians or of the operators of motor vehicles using the said streets, roads and highways.

71.1.1. Pets Prohibited on Posted Public Lands *[Added 3-18-98 by Ord. No. 881]*

It shall be unlawful for any owner or owners of dogs or cats or other pets to permit the same to run at large or on a leash on any public lands within the Borough of Whitehall when said lands are posted with signs which state "No Pets Allowed" or similar language.

§ 71.2. Nuisances prohibited; disposal of feces. *[Added 8-16-89 by Ord. No. 746]*

71.2.1. No person owning, harboring, keeping or in charge of any animal shall cause or allow such animal to soil, defile, defecate on or commit any nuisance in any common area of the Borough of Whitehall or on any private property without the permission of the owner of said property.

71.2.2. In the event of a violation of the provisions of **Subsection 71.2.1**, any feces deposited by any animal shall be immediately removed by the person owning, harboring, keeping or in charge of said animal by flushing the same down a sanitary sewer system or by using a chemical container causing disintegration. In the event that a chemical container is used, ultimate disposal must be made in accordance with Department of Environmental Resources regulations concerning solid waste disposal.

§ 71.3. Impoundment; redemption fee. *[Amended 4-6-83 by Ord. No. 663; 9-18-96 by Ord. No. 855]*

Any dog or cat found running at large within the limits of the Borough of Whitehall to the annoyance or inconvenience of the residents, pedestrians or the operators of motor vehicles shall be taken and impounded in a place provided for that purpose, and if the owner or marks of identification be found on the collar of the dog or cat so that he can be ascertained, the owner shall be notified to reclaim said dog or cat within a period of twenty-four (24) hours, after receiving notice to do so, and pay a charge of impoundment and detention of each dog or cat in the sum of Ten Dollars (\$10.00), and if said dog or cat shall not be reclaimed as aforesaid and the costs or charges of impoundment above fixed not be paid within twenty-four (24) hours after notice to do so, said dog or cat shall be destroyed in a humane manner or sold to such person or persons as may desire to purchase the same, for the benefit of the Borough of Whitehall.

§ 71.4. Applicability to stray dogs and cats.

The provisions of this Article shall apply to stray dogs and cats irrespective of the payment of any license fee thereon.

§ 71.5. Violations and penalties. [Amended 4-6-83 by Ord. No. 663]

Any person or persons violating the provisions hereof shall, in addition to the charge of five dollars (\$5.) per day for impoundment and detention, be guilty of a summary offense and, upon conviction thereof before a District Justice, shall be liable to the maximum penalties permitted by law.

ARTICLE II
Domestic Animals
[Adopted 4-17-56 as Ord. No. 274]

§ 71.6. Keeping, raising and housing of certain animals; Nuisances and Nuisance Animals. [Amended 5-15-13 by Ord. No. 1057]

§ 71.6.1. On and after the effective date of this Article, no person, firm or corporation shall maintain, keep, raise or house horses, ponies, cows, calves, sheep, goats, hogs, pigs, pot belly pigs or other livestock, ducks, turkeys, geese, chickens, guinea fowl, pigeons, doves, fowl or bees within the limits of the Borough of Whitehall.

§ 71.6.2. No person (hereinafter "owner" where the singular shall include the plural and vice versa) shall keep, raise or harbor any dog, cat, or any other animal commonly kept as a domestic pet (hereinafter referred to collectively as "domestic pet" where the singular shall include the plural and vice versa) in the Borough so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as defined herein.

§ 71.6.3. Any domestic pet, which by frequent and habitual barking, howling, screeching, yelping or baying, or which in any other way or manner disturbs the peace and quiet of any person in the vicinity, or which disturbs or endangers the comfort, repose or health of persons in the vicinity, is hereby declared to be committing a nuisance. No owner or person having custody of such animal shall harbor or permit it to commit such a nuisance.

§ 71.6.3.1. Presumption: It shall not be necessary to establish that any occurrence has lasted for any specific period of time in order to find a violation of this section. However, continuous making of any loud or harsh noise by a domestic pet for more than one-half ($\frac{1}{2}$) hour on any one occasion shall give rise to the presumption that the domestic pet on the same premises has disturbed the peace and quiet of persons in the vicinity and has disturbed or endangered the comfort, repose or health of persons in the vicinity.

§ 71.6.3.2. Permission: At the trial of any charge of violation of this section, if it shall be determined that a domestic pet has disturbed the peace and quiet of persons in the vicinity or has disturbed or endangered the comfort, repose or health of persons in the vicinity by unseemly noise as hereinbefore set forth, it shall be conclusively presumed that the owner of the domestic pet has permitted the occurrence to have happened.

§ 71.6.4. Any domestic pet, which by urination, defecation, natural odor, or which in any other way or manner creates an offensive odor that disturbs or endangers the comfort, repose or health of any person in the vicinity, is hereby declared to be committing a nuisance. No owner or person having custody of such animal shall harbor or permit it to commit such a nuisance.

§ 71.6.4.1. Presumption: It shall not be necessary to establish that any occurrence has lasted for any specific period of time in order to find a violation of this section. However, continuous odor or smell from a domestic pet for more than one-half (½) hour on any one occasion shall give rise to the presumption that the domestic pet on the same premises has disturbed or endangered the comfort, repose or health of persons in the vicinity.

§ 71.6.4.2. Permission: At the trial of any charge of violation of this section, if it shall be determined that a domestic pet, by its offensive odor or smell has disturbed or endangered the comfort, repose or health of persons in the vicinity, it shall be conclusively presumed that the owner of the domestic pet has permitted the occurrence to have happened.

§ 71.6.5. No person shall create conditions that are attractive to: 1) wild animals, including, but not limited to, deer, bears, coyotes, groundhogs, opossums, skunks, rats, rodents, raccoons, vermin, turkeys, ducks, geese, swans, heron, egrets and pigeons; 2) stray and/or feral animals commonly kept as domestic pets, including, but not limited to, stray and/or feral dogs and cats; 3) nuisance insects; or 4) other similar animals (collectively "nuisance animals"). Any person creating conditions attractive to nuisance animals shall be committing a nuisance.

§ 71.6.5.1. Conduct creating conditions attractive to nuisance animals includes, but is not limited to: 1) feeding, baiting, or in any manner providing access to food to any nuisance animal on lands either publicly or privately owned; 2) leaving, spreading or storing any refuse, garbage, food product, pet food, forage product or supplement, salt, licks, seed or birdseed, fruit, corn, grain in a manner that would be accessible to any nuisance animal; 3) failing to take remedial action to avoid contact or conflict with nuisance animals, which may include the securing or removing of outdoor trash, cooking grills, pet food, bird feeders or any other similar food source or attractant after being advised by the Borough to undertake such remedial action; 4) or after an initial contact or conflict with a nuisance animal, continuing to provide, or otherwise failing to secure or remove, any likely food sources or attractants, including, but not limited to, outdoor trash, grills, pet food or bird feeders.

§ 71.6.5.2. The use of bird feeders for the feeding of songbirds and other backyard birds shall be permitted outdoors at such times and in such numbers that: 1) such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property and; (2) does not create an accumulation of droppings on the property and surrounding properties and; 3) does not become an attractant for rodents or other wild animals and; 4) bird feeders are placed at least five (5) feet above the ground and do not spill bird seed onto the ground.

§ 71.6.6. Persons with defective eyesight or hearing while relying upon a dog specifically trained for these purposes shall be exempt from compliance with Sections 71.6.2, 71.6.3 and 71.6.4 of this Article.

§ 71.7. Exhibition on streets and sidewalks. [Amended 9-21-83 by Ord. No. 670; 10-4-95 by Ord. No. 837]

No livestock, poultry or fowl shall be housed or exhibited on sidewalks, streets or alleys of the Borough of Whitehall by any store, commercial establishment, resident or other occupier of premises in the Borough of Whitehall.

71.7.1. Notwithstanding the provisions of **§71.7** of this Article, the Council of the Borough of Whitehall may, upon special request, permit celebratory affairs to have petting zoos or other small animal entertainment, provided, however, that the requesting resident or the animal owner shall escrow with the Borough a sum deemed by the Secretary/Manager of the Borough to be sufficient to guarantee that all animal wastes will be properly disposed of and, provided further, that the animal owner shall exhibit evidence of liability insurance in such sums as determined by the Borough Secretary/Manager.

§ 71.8. Kennels for breeding prohibited. [Added 9-21-83 by Ord. No. 670]

No kennel, hutch, cage, hive or any such structure for the boarding, breeding or servicing of rabbits, hares, dogs, cats or any fowl or livestock shall be permitted. Facilities for servicing and temporary boarding of small animals for treatment by a licensed veterinarian are permitted.

§ 71.9. Violations and penalties.¹

Any person, firm or corporation violating the provisions of this Article shall, upon

¹ Editor's Note: Amended at time of adoption of CODE; see Ch. 1, General Provisions, Art. I.

conviction thereof, be subject to the maximum penalties provided by law.

ARTICLE III
Trapping
[Adopted 2-20-80 as Ord. No. 604]

§ 71.10. Trapping and setting of traps.

The trapping of animals and the setting of animal traps upon any street, private driveway, sidewalk or upon any public or private property within the Borough of Whitehall is hereby prohibited.

§ 71.11. Nonapplicability to certain persons.

The prohibition of this Article shall not be construed to forbid any state game official or the borough police or any other law enforcement officer from carrying out any trapping as shall be necessary in the proper discharge of his duties.

§ 71.12. Violations and penalties.

71.12.1. Any person violating any provision of this Article shall, upon conviction thereof, be subject to the maximum penalty provided by law.²

71.12.2. Each and every violation of this Article shall be considered as a distinct and separate offense.

² Editor's Note: Amended at time of adoption of CODE; see Ch. 1, General Provisions, Art. I.