

COPY

**CAERNARVON TOWNSHIP
BERKS COUNTY, PENNSYLVANIA
ORDINANCE NO. 210**

**AN ORDINANCE OF THE TOWNSHIP OF CAERNARVON, BERKS
COUNTY, PENNSYLVANIA REGULATING THE KEEPING OF
CERTAIN ANIMALS WITHIN THE TOWNSHIP OF CAERNARVON**

BE IT ENACTED AND ORDAINED by the Caernarvon Township Board of Supervisors, Berks County, Pennsylvania, and it is hereby ENACTED and ORDAINED by authority of the same as follows:

SECTION 1. DEFINITIONS

When used in this Ordinance, the following terms shall have the meaning indicated:

ANIMAL - Any nondomestic animal or fowl, amphibian, arachnid, reptile, exotic animal or wild animal.

DOMESTIC ANIMAL - any animal normally or ordinarily domesticated and kept as a household pet.

EXOTIC ANIMAL - any animal, including bird, fowl or reptile not normally or ordinarily domesticated; not indigenous to Berks County; or not capable of being kept as a household pet.

HOUSEHOLD PET - any dog, cat or other domestic animal normally and ordinarily kept in or permitted to be at large without confinement in the residential dwelling of its owner, including fish kept in tanks or aquariums.

OWNER - any person having a right of property in any animal or having custody of any animal, or any person who harbors or permits an animal to remain on or around his or her property.

PERSON - any individual, group or combination of individuals, corporation, firm, partnership, association or society.

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 animal.

SECTION 2. ANIMALS RUNNING AT LARGE

- A. It shall be unlawful for the owner of any animal or animals to allow or permit such animal(s) to run at large in Caernarvon Township.
- B. Any police officer may seize or arrange for the seizure of any animal found at large in Caernarvon Township. Such animals are to be impounded in a licensed kennel.
- C. Animals that, in the opinion of any police officer, constitute a threat to public health and welfare may be dealt with in a manner appropriate to address the threat at the reasonable discretion of the police officer.
- D. Penalties
 - 1) The first two times an animal is seized, the owner shall pay a fine of \$15 to Caernarvon Township as well as reasonable fees for keeping the animal in a kennel.
 - 2) Any person allowing an animal to run at large a third time in violation of this Section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

SECTION 3. CONTROL OF ANIMAL DEFECATION

- A. No owner or person, having possession, custody or control of any animal, shall knowingly or negligently permit any dog or other animal to defecate or urinate upon any gutter, street, driveway, alley, curb or sidewalk in Caernarvon Township, or upon the floors or stairways of any building or place frequented by the public or used in common by 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 park or public area, or upon any private property other than the property of the owner of such animal.
- B. Any owner or person having possession, custody or control of any dog or other animal which defecates or urinates, in any area other than the private property of the owner of such dog or other animal, as prohibited in paragraph A above shall be required to immediately remove any feces from such surface and either:
 - 1) Carry same away for disposal in a toilet; or
 - 2) Place same in a nonleaking container and deposit same in a trash or litter receptacle.

C. The provisions of this Section shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any other physically handicapped person.

D. Penalties

Any person who shall violate any provision of this Section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

SECTION 4. ANIMAL NOISE DISTURBANCES

A. The Caernarvon Township Board of Supervisors, finding that excessive levels of animal noise are detrimental to the physical, mental and social well-being of the citizens, 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 animal noise within Caernarvon Township.

B. It shall be illegal within Caernarvon Township for any person or persons to own, possess, harbor or control any animal 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 is physically situated in or upon private property, said noise being declared 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 situated nor is there any other legitimate cause which justifiably provoked the animal.

C. Exceptions

This Section shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from nuisance suits by Act No. 1982-133, nor any noises from farm animals or fowl who are part of an agricultural activity.

D. Penalties

Any person who shall violate any provision of this Section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

SECTION 5. KEEPING OF CERTAIN ANIMALS

Certain Animals Prohibited

It shall be unlawful for any person to bring into, keep, maintain, breed, offer for sale or barter, display for education, use for experimentation or release within Caernarvon Township any of the following animals.

- 1) Any poisonous or venomous biting or injecting species of amphibian, insects, arachnid or reptile, including snakes.
- 2) Any exotic or wild animal including, but not limited to:
 - a. Alligators;
 - b. Apes, Chimpanzees (pan), gibbons (hylobates), gorillas orilla), orangutans (pongo) and siamangs (symphalangus);
 - c. Baboons (papai, mandrillus);
 - d. Bears (ursidae);
 - e. Cheetahs (acinonyx jubatus);
 - f. Constrictor snakes;
 - g. Coyotes (canis latrans);
 - h. Crocodilians (crocodilia);
 - i. Elephants (elephas and loxodonta);
 - j. Hippotami (hippopotamidae);
 - k. Hyenas (hyaenidae);
 - l. Jaguars (panthera onca);
 - m. Leopards (panthera pardus);
 - n. Lions (panthera leo);
 - o. Lynxes (lynx);
 - p. Monkey, old world (cercopithecidae);

- q. Piranha fish (characidae);
- r. Pumas (felis concolor); also known as cougars, mountain lions, and panthers;
- s. Rhinoceroses (rhinoceros tidae);
- t. Sharks (class chondrichthyes);
- u. Snow leopards (panthera uncial);
- v. Tigers (panthera tigris);
- w. Wolfes (canis lupus);
- x. Any other animal which the Township would consider to be a threat to the public's health, safety or welfare.

3) Exceptions

The provisions of Part A shall not apply to pet stores, circuses, or non-residential educational exhibits licensed or authorized to be exhibited in Caernarvon Township or any other State or Federally approved facility licensed for the retention of any such animal.

B. Penalties

Any person who shall violate any provision of this Section shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Section continues shall constitute a separate offense.

SECTION 6. SEVERANCE CLAUSE

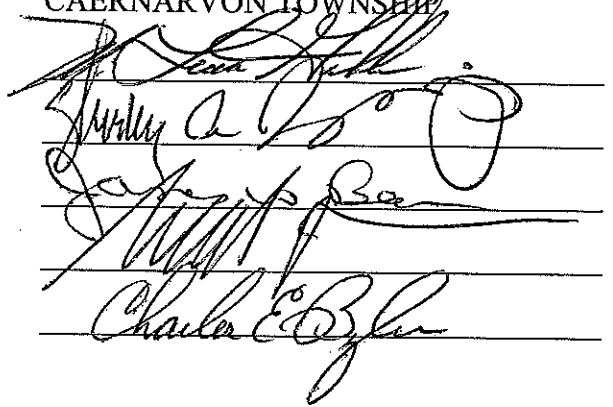
The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, invalid or beyond the power of the Township to prohibit the validity of the remaining portions of this Ordinance shall be construed to be unaffected, and it is hereby declared as the intent of the Caernarvon Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, invalid or unauthorized provision or provisions not been included herein.

SECTION 7. REPEALER CLAUSE

Any Ordinance or parts of Ordinances inconsistent herewith shall be and the same are hereby repealed.

ORDAINED and ENACTED this 8th day of June, 2004.

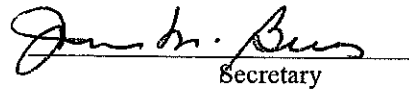
BOARD OF SUPERVISORS
CAERNARVON TOWNSHIP



Four handwritten signatures are written over horizontal lines. The signatures are: 1. A signature that appears to be "John Hill". 2. A signature that appears to be "Marilyn A. [unclear]". 3. A signature that appears to be "James P. [unclear]". 4. A signature that appears to be "Charles E. Byler".

(Municipal Seal)

Certified to me a true and correct copy of Ordinance No. 210 duly adopted by Caernarvon Township on June 8, 2004.



A handwritten signature, which appears to be "John H. [unclear]", is written over a horizontal line.

Secretary