

**BOROUGH OF ROARING SPRING
BLAIR COUNTY, PENNSYLVANIA
ORDINANCE No. 2013-3**

AN ORDINANCE REGULATING ANIMALS IN THE BOROUGH,
REGULATING BEHAVIOR OF CERTAIN ANIMALS, PROVIDING A
MECHANISM FOR ENFORCEMENT, AND PROVIDING PENALTIES AND
REMEDIES FOR VIOLATIONS.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Roaring Spring, Blair County, Pennsylvania the following Ordinance which shall be known as the "Roaring Spring Animal Ordinance":

§101. Definitions. As used in this Ordinance, singular words shall include the plural, masculine words shall include the feminine and neuter, and the following terms shall mean as follows:

A. **Animal** — A dog; cat; bird; fowl; poultry; fish; reptile; hare; rabbit; mink; pet; members of the equine, bovine, ovine, and porcine species; and wild, exotic, domesticated, undomesticated, farm, barnyard, and any other type, of animal.

B. **Borough** — The Borough of Roaring Spring, Blair County, Pennsylvania.

C. **Domesticated Animal** — An animal typically domesticated by man so as to live and breed in a tame condition, especially by generations of breeding to live in close association with humans as a pet or work animal and usually creating a dependency so that the animal loses its ability to live in the wild.

D. **Farm or Barnyard Animal** — An animal typically held, kept, or maintained by farmers as a work animal or for raising, slaughtering, or some other farm function other than a pet or domesticated animal.

E. **Owner** — When applied to the proprietorships of an animal, shall include every person having a right of property in such animal; every person who keeps or harbors such animal or has it in his care; every person who permits such animal to remain on or about any premises occupied by such person; and in the case of a minor, the parent or guardian of any such minor owner.

F. **Person** — An individual or entity of any kind including, but not limited to corporations; limited liability companies; partnerships; associations; officers, employees, and members of all entities; and in the case of a minor individual, the parent or guardian of any such minor individual.

G. **Police** — Any police officer of the Roaring Spring Police Department, state dog wardens, state or Borough animal control officers, and any other police officer authorized to enforce laws, ordinances, statutes, rules, and regulations in the Borough of Roaring Spring.

architects, chiropractors, insurance agents, dentists, engineers, physicians, veterinarians, hair stylists and other similar small professional service providers, which shall not include businesses related to agriculture activities and/or the sale or keeping of animals.

2. Small commercial establishments including antique shops, bookstores, grocery stores, food stores, sit-down restaurants, craft shops, gift shops and other small retail establishments having a sales area of under one thousand (1,000) square feet, and which shall not include businesses related to agricultural activities and/or the sale or keeping of animals.
3. NO CHANGES MADE.

ARTICLE VIII SUPPLEMENTAL REGULATIONS

The following shall replace the present language in the Roaring Spring Zoning Ordinance:

Section 817. Agricultural Uses

The term "Agricultural Uses" is defined as any use of land for the production of agricultural, horticultural, arboricultural, viticultural, and dairy products; the keeping of livestock, poultry, and the products thereof; the raising of fur-bearing animals and the products thereof; the products of poultry and all buildings (barns, sheds, etc.) associated with these uses.

The following shall be applicable to Agricultural Uses within the Borough:

- A. Minimum lot area: 5.0 acres of contiguous land.
- B. Any building or structure used for Agricultural Uses within the Borough including but not limited to buildings used for the keeping or raising of bees, livestock, horses, or poultry shall be situated not less than two hundred (200) feet from any street line or property line.
- C. The maximum height of all buildings and structures shall be fifty (50) feet.
- D. The total building coverage shall not exceed ten (10) percent of the lot area. The total lot coverage for Agricultural Uses shall not exceed twenty (20) percent of the lot area.

The term "Agricultural Uses" shall not be interpreted as disallowing a family garden or a sheltered structure for growing plants, as long as those uses are done for personal enjoyment and not for commercial reasons or on a for-profit basis.

Section 817(A). Intensive Agricultural Uses

The term "Intensive Agricultural Uses" is defined as specialized agricultural activities, including

but not limited to mushroom, swine, dairy, beef and poultry production, and any other livestock production, which due to the intensity of production or raw material storage needs, necessitate special control of operation, raw material storage and processing, and disposal of liquid and solid wastes.

The following shall be applicable to Intensive Agricultural Uses within the Borough:

- A. Intensive Agricultural Uses shall be confined to M-1 and M-2 Districts.
- B. Minimum lot area: (10) acres of contiguous land.
- C. All buildings and structures utilized for Intensive Agricultural Uses shall be located at least three hundred (300) feet from any property line or street right-of-way line.
- D. All Intensive Agricultural Uses and facilities shall not be located within the floodplain and shall be located at least two hundred (200) feet from all perennial streams or surface water.
- E. The maximum height of all buildings and structures utilized for intensive agricultural uses shall not exceed fifty (50) feet.
- F. The total building coverage for Intensive Agricultural Uses shall not exceed ten (10) percent of the lot area. The total lot coverage for Intensive Agricultural Uses shall not exceed twenty (20) percent of the lot area.
- G. The Intensive Agricultural Use shall be serviced by public sanitary sewage facilities approved and permitted by the municipality with jurisdiction and the Pennsylvania Department of Environmental Protection.

The limitations regarding Intensive Agricultural Uses shall not disrupt any of the rights and privileges, as may be applicable, established under the Pennsylvania Agricultural Security Act, the Right to Farm Law, the Nutrient Management Law, and the Agriculture Communities and Rural Environment (ACRE) Law.

Section 817(B). Roadside Stands

The following shall be applicable to Roadside stands selling agricultural and horticultural products:

- A. The agricultural or horticultural products sold at the roadside stand shall be grown on the premises where the roadside stand is located.
- B. The total display area of the agricultural products sold at the roadside stand shall be limited to five hundred (500) square feet.

H. **"Wild Animal", "Exotic Animal", or "Wild or Exotic Animal"** — Any animal of a species prohibited by Title 50, Code of Federal Regulations, or otherwise controlled by the Commonwealth of Pennsylvania including, but not limited to, any animal that is wild, fierce, dangerous, noxious, or naturally inclined to do harm. "Wild animals," however domesticated, also shall include (but not be limited to) the following:

1. **Dog family (Canidea):** all except domesticated dogs, including (but not limited to) wolf, fox, coyote, dingo, wolf hybrids, etc.
2. **Cat family (Felidea):** all except commonly accepted domestic cats, including (but not limited to) lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, wild cats, etc.
3. **Bears (Ursidea):** all bears, including (but not limited to) grizzly bears, brown bears, black bears, etc.
4. **Weasels (Mustelidae):** all animals, including (but not limited to) weasels, martens, mink, wolverine, badgers, otters, ermine, mongoose, etc.; BUT excluding ferrets.
5. **Raccoons (Procyonidae):** all racoons and civets.
6. **Porcupine (Erethizontidae):** all porcupines.
7. **Skunks.**
8. **Snakes:** all venomous snakes, venemoids and constricting snakes in excess of six feet upon full growth.
9. **Venomous lizards.**
10. **Crocodylians:** all alligators, caimans, crocodiles, gavials, etc.
11. **Venomous fish and piranha.**
12. **Venomous invertebrates.**

§102. A. Duty To Control Animals At Large. It shall be the duty of the owner, custodian, or keeper of any animal, and the duty of the parent or guardian of any minor owner, custodian, or keeper of any animal, to keep an animal securely tied or penned in a yard or enclosure in such a manner that the animal cannot break loose and run at large over the streets, alleys, sidewalks, or public grounds in the Borough, or upon the property of any person other than the owner, custodian, or keeper of such animal. It shall be unlawful for any owner, custodian, or keeper of any animal, and the parent or guardian of any minor owner, custodian, or keeper of any animal, to allow or permit such animal, whether due to failure to adequately secure such animal or otherwise, to run at large upon the public streets of the Borough, upon the private property of any

person, or upon property other than the property belonging to any owner of such animal, or the person under whose supervision, control, or custody such animal is being kept.

It also shall be the duty of the owner, custodian, or keeper of any animal, and the parent or guardian of any minor owner, custodian, or keeper of any animal, at all times while traveling on the streets, alleys, or public grounds in the Borough, to have the animal on a leash not greater than six (6 ft.) feet in length, and to prevent the animal from entering upon the property of any person without the consent of the owner of such property.

B. Impounding of Animals Running at Large. The Police are hereby authorized to impound any animal as set forth in Section 102 of this Ordinance. In the event such animal is licensed, the Police shall notify the owner of such animal as indicated, by any such license. If any such animal is not claimed by its owner within three (3) days, custody and control of said animal shall be relinquished by the Police and transferred to the State Dog Warden, or any other person with similar powers to deal with stray or lost animals.

C. Payment for Care of Animal in Addition to Fine. Any person owning or having supervision, control or custody over any animal that is running at large in violation of Section 102 of this Ordinance shall, in addition to the fine as hereinafter provided, be liable to the Borough for all costs incurred in the care of said animal during the term of its retention by the Borough or its Police, such costs being set in the amount of Twenty-Five (\$25.00) Dollars per day.

§103. Habitual Noise from Animals Declared Public Nuisance. It shall be unlawful for any person to keep or harbor any animal that habitually barks, howls, yelps, cries, or otherwise makes noise in such a manner as to materially disturb or annoy any person in the surrounding neighborhood, and such animal exhibiting the aforementioned behavior is hereby declared to be a public nuisance.

- A. "Habitually" as used in this Ordinance is hereby defined to include (but not be limited to) for more than any one-half-hour time period from 8:00 a.m. to 8:00 p.m.; or for more than 15 minutes after 8:00 p.m. or before 8:00 a.m. on weekdays or after 8:00 p.m, or before 9:00 am, on weekends and holidays, which periods occur on two or more consecutive days or nights, or which occur three or more days or nights in any seven-day period.
- B. Whenever any person shall complain to the Police that an animal habitually barks, howls, yelps, cries, or otherwise makes disturbing noise in the Borough, the Police shall:
 1. Notify the owner, handler, custodian, or keeper of such animal that a complaint has been received and that such person shall take necessary action to alleviate (in a humane manner) the barking, howling, yelping, or crying of such animal.

2. If the warning given as described above to the person alleged to be keeping any such animal is ineffective, then a sworn complaint of at least two persons not from the same family may be presented to the Police alleging that the animal that habitually barks, howls, yelps, or cries is being kept by the person first complained about. If said complaint is found to be true, the Police shall inform the owner, handler, custodian, or keeper of said animal that said complaint has been received and shall prosecute that person for a violation of this Ordinance.
3. A violation of this Section 103 shall be deemed to have occurred after delivery of the first warning and upon a second or subsequent violation.

§104. Defecation by Animals on Others' Property. It shall be unlawful for the owner, handler, custodian, or keeper of any animal (except for horses or mules lawfully traveling on public roads or streets) to allow any such animal under such person's control to defecate on any sidewalk, walkway, roadway, street, or property of another person. It shall be the duty of such owner, handler, custodian, or keeper of any animal (except for horses or mules lawfully traveling on public roads or streets) that defecates on any sidewalk, walkway, roadway, street, or property of another to promptly clean up and remove all feces discharged and to dispose of such feces in a lawful and sanitary manner.

§105. Keeping of Farm or Barnyard Animals Prohibited. Except as authorized in the Roaring Spring Zoning Ordinance, no person shall keep any chicken, fowl, sheep, cow, goat, equine or any other farm or barnyard animal that is not normally domesticated, at any place within the Borough.

§106. Keeping of Vicious, Dangerous, Carnivorous, or Wild or Exotic Animals Prohibited. It shall be unlawful for any person: to keep, maintain, own, or have in such person's possession or control within the Borough (a) any vicious, dangerous, or carnivorous animal, or (b) any wild animal or exotic animal. Provided, however, that any of the foregoing described animals may be held, kept, or maintained by any Police, zoological park, veterinary hospital or clinic, humane society, circus, sideshow, amusement show, or facility used for educational or scientific purposes, but only provided that such persons utilize proper cages, fences, and other protective devices adequate to prevent such animals from escaping or injuring the public are utilized by such persons or entities.

§107. Number of animals Limited. In addition to and concurrent with any other prohibition in this Ordinance, it shall be unlawful for any person within the Borough to keep more than five (5) animals within the Borough, with the exception that an excess of five (5) animals shall be permitted for a period not exceeding six (6) months after the birth of newborn animals. For purposes of this section, the term "animals" shall not include fish. The keeping of more than five (5) animals, however, shall be permitted under the following circumstances: Animals kept or maintained on more than five (5) acres of ground, which ground is held under common ownership; animals held, kept or maintained for the purpose of public auction; animals held, kept, or maintained by a retail pet store for the purpose of retail sales; or animals held, kept, or

maintained in accordance with the Borough's applicable zoning ordinance provisions.

§108. Abandonment. It shall be unlawful for any person to abandon or attempt to abandon any animal within the Borough.

§109. Odors & Infestations. Except as otherwise protected or permitted pursuant to Pennsylvania's Right to Farm Law, P.S. § 951 et seq., or other applicable law, it shall be unlawful for any person to hold, keep, or maintain any animal in any fashion that odor or insect infestation from or caused by such animal can be detected outside the property on which such animal is held, kept, or maintained. Any person violating this section shall only be warned for the first violation, but may be prosecuted for a second or any subsequent violation.

§110. Enforcement. The Police shall be charged with the responsibility to enforce the provisions of this Ordinance, and shall perform all other duties that may be prescribed by the Borough Council with respect to this Ordinance. Any violators of this Ordinance may be prosecuted before any Magisterial District Justice or any other court of competent jurisdiction. In addition to and concurrent with any and all other enforcement remedies in this Ordinance or otherwise, the Borough may bring civil actions at law, equity, or otherwise to enforce this Ordinance, in which case the violator of this Ordinance shall pay all attorney fees, costs, and expenses incurred by said Borough to enforce this Ordinance.

§111. Fines and Penalties.

- A. In the event of a violation of Section 102, 103, 104, 105, or 107 of this Ordinance, OR in the event that the animal that is the subject of the violation is licensed, then the Police shall first issue a warning directed to the owner, keeper, handler or custodian of such licensed animal. Any subsequent violation regarding the same animal within a three (3) month period after the issuance of such warning, and subsequent conviction for such violation, shall be punishable by the imposition of a fine in the amount of Fifty Dollars (\$50.00) and costs of prosecution for the first such subsequent offense within such three (3) month period; One Hundred Dollars (\$100.00) and costs of prosecution for any second subsequent violation within a three (3) month period; and Two Hundred Dollars (\$200.00) and costs of prosecution for any subsequent violation within said three (3) month period. Each day's continuance of the offense following notice thereof shall constitute a violation, and be liable for prosecution at an additional amount of One Hundred (\$100.00) Dollars per day, following the third day.
- B. In the event of a violation of any Section OTHER than Sections 102, 103, 104, 105, or 107, OR in the event that the animal that is the subject of the violation is NOT licensed, then any person, upon conviction thereof, shall be sentenced to pay a fine of One Hundred Dollars (\$100.00) and costs of prosecution for the first offense; Two Hundred Dollars (\$200.00) and costs of prosecution for the second offense; and Five Hundred Dollars (\$500.00) and costs of prosecution for each subsequent offense. Each day's continuance of the offense following notice

thereof shall constitute another violation, and be liable for prosecution at an additional amount of One Hundred (\$100.00) Dollars per day, after the third day.

§112. Violation Constitutes Public Nuisance. In addition to any other remedies provided in this Ordinance, any violations of the provisions of this Ordinance shall constitute a nuisance, and may be ceased and abated by the Borough by seeking equitable or other relief from a Court of competent jurisdiction.

§113. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found by a court of competent jurisdiction to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the intent of Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.


§114. Continuing Validity. Except as specifically described herein, all relevant codes, ordinances, regulations, and policies of the Borough shall remain in full force and effect as previously enacted and amended.

§115. Repealer. All other ordinances or parts thereof that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

§116. Effective Date. This Ordinance shall become effective upon enactment.

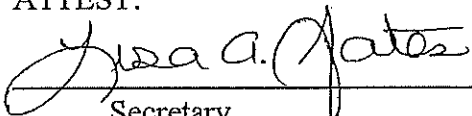
ENACTED AND ORDAINED at a properly advertised public meeting of the Borough Council of the Borough of Roaring Spring held this ninth (9th) day of December, 2013.

BOROUGH OF ROARING SPRING

By: 

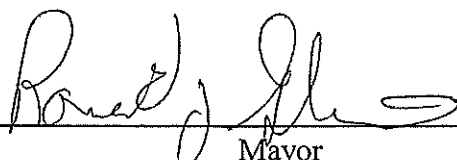
President

ATTEST:



Secretary

Approved this ninth (9th) day of December, 2013.

By: 

Mayor