

ORDINANCE NO. 78

AN ORDINANCE OF THE TOWNSHIP OF CATHARINE, BLAIR COUNTY, PENNSYLVANIA HEREINAFTER KNOWN AS THE "CATHARINE TOWNSHIP ANIMAL ORDINANCE" PROVIDING FOR THE REGULATION OF ANIMAL NOISES; ESTABLISHING PROCEDURES FOR THE MAINTENANCE AND CONTROL OF ANIMALS AND PETS; REGULATING THE KEEPING OF DANGEROUS ANIMALS INCLUDING REGISTERING THE SAME; PROVIDING REQUIREMENTS FOR LEASHING OF DOGS AND REMOVAL OF DOG FECES WHILE WALKING; OTHER IMPLEMENTATION PROVISIONS, PENALTIES AND EFFECTIVE DATE AND REPEALER

WHEREAS, 53 P.S. §66530 grants the power to the Board of Supervisors to prohibit and regulate the running of dogs at large; and

WHEREAS, 53 P.S. §66506 grants the following power to the Board of Supervisors:

may make and adopt any ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth 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.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Catharine Township, Blair County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same:

Section 1. Intent and Purpose. The Board of Supervisors of Catharine Township, 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 Township of Catharine with respect to animals or birds kept by the residents of Catharine Township.

Section 2. Noise Disturbance. It shall be illegal within Catharine Township 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 ten minutes or makes such noise intermittently for one-half hour or more to the disturbance of any person within the

Township during 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.

Section 3. Sanitary Maintenance. Every person owning or occupying any property shall be responsible for the sanitary maintenance of the premises on which any animals or pets are housed, maintained or kenneled, exclusive of farm animals in an agricultural zone.

Section 4. Number of Animals or Pets Limited. The number of animals or pets housed or maintained within a structure, or upon any premises, shall be limited only to those animals or pets that can be adequately maintained in a clean and sanitary condition and in such a way as to avoid offensive odors emanating from the property.

Section 5. Animal Shelters. Animal shelters shall be constructed in such manner so as not to create a health hazard or nuisance to the adjoining property owners. Additionally, with respect to dogs, such shelters shall only be used in accordance with Pennsylvania law so as to avoid neglect including the provisions of tethering an unattended dog.

Section 6. Animals Running at Large Prohibited.

- A. It shall be unlawful for any person to permit any animal owned by him/her or under his/her supervision or control, to run at large either upon the public streets, sidewalks, alleys and property of the Township, or upon the property of persons other than the owner of such animals.
- B. It should be the duty of any police officer, or, if any, any dog enforcement officer so appointed by Catharine Township, to pick up any dog or cat, licensed or unlicensed, found in violation of Section 7 of this Ordinance and dispose of them in the following fashion:
 - (i) If it is at all possible to determine who the owner is, the dog or cat shall be returned to the owner, or being unable to determine to whom the dog or cat belongs, the dog or cat will be turned over to the Pennsylvania Dog Warden, the local humane society or any other proper care facility as soon as can be arranged.
 - (ii) If a dog or cat has been seized on more than two (2) occasions in any twelve (12) month period, the police or dog enforcement officer may cite the owner for not having control of the animal under subpart A above.

Section 7. Dog Leash Requirements. Any person who owns, harbors, keeps, or is in charge of any dog within or frequenting the Township shall not permit such dog to be unattended within the Township and shall require said dog to be restrained by a leash or other appropriate device of control so that it cannot stray beyond the premises on which it is secured, or under reasonable control of some person, which for the purpose of this ordinance, shall be referred to as "curbing". Such "curbing" shall be permitted only on public streets, public grounds and on private property with the express permission of the owner of such property.

Section 8. Requirement to clean up dog feces while "curbing". Any person who "curbs" such a dog shall immediately remove all feces deposited by such dog by any sanitary method and the same shall be deposited in the owner's garbage or disposed of in some other sanitary method. The deposit shall be properly wrapped, packaged or protected so as to prevent unsightly disposal, smell or interference with the health and welfare of the community.

Section 9. Violation of State Law. Any violation of this Ordinance that would also violate any law of the Commonwealth of Pennsylvania shall be prosecuted under that law.

Section 10. Exceptions. This Ordinance shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from nuisance suits by Act No. 1982-133.

Section 11. Interpretation and Severability. Section Titles/Headings are provided for convenience and shall not be utilized in interpreting provisions of this Ordinance. If any section, provision, sentence, clause or part of this Ordinance shall for any reason be held unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining sections, provisions or clauses or parts of this Ordinance. It is the intent of Catharine Township that in the event of a decision of a court as aforesaid that Catharine Township would have adopted the Ordinance without the offending part.

Section 12. Penalty. With respect to a violation of any section of this Ordinance except Sections 8 and 9 any person or persons convicted of violating this Ordinance shall be subject to a fine of not more than three hundred dollars (\$300.00) together with the costs of prosecution, and/or imprisonment for a term not to exceed thirty (30) days. With respect to violations of Sections 8 and 9, any person or persons convicted of violating this Ordinance shall be subject to a fine of not more than one hundred dollars (\$100.00) together with the costs of prosecution. When applicable, each day that a violation exists under this Ordinance shall be a separate violation for purposes of imposing a penalty hereunder.

Section 13. Effective Date; Repealer. This Ordinance shall be effective immediately. Any Ordinance or part of any Ordinance conflicting with this Ordinance is hereby repealed insofar as the same affects this Ordinance.

ENACTED AND ORDAINED at a meeting of the Board of Supervisors of Catharine Township held this 16 day of March, 2023.

CATHARINE TOWNSHIP
BOARD OF SUPERVISORS

Heather J Haig
Supervisor

Robert Tuzov
Supervisor

[Signature]
Supervisor

ATTEST:

Heather J Haig
Secretary

