

TOWNSHIP OF SOUTH LONDONDERRY

LEBANON COUNTY

PENNSYLVANIA

ORDINANCE NO. 164-2006

AN ORDINANCE GOVERNING THE KEEPING OF DOMESTICATED ANIMALS AND LIVESTOCK AND RESTRICTING THE RUNNING AT LARGE OF DOMESTICATED ANIMALS AND LIVESTOCK; ASSIGNING RESPONSIBILITY THEREFORE; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL TO, OR REFUSE TO COMPLY WITH THE REQUIREMENTS HEREOF.

BE IT ORDAINED AND ENACTED: By the Board of Supervisors of the Township of South Londonderry, Lebanon County, Pennsylvania, as follows:

SECTION I: Purpose – It is the intent and purpose of the Board of Supervisors to preserve the order, safety and tranquility of the citizens of South Londonderry Township by restricting the unsupervised movement of domesticated animals and livestock within the Township.

SECTION II: Definitions – For the purpose of this Ordinance, the following definitions shall apply:

Continuous or Excessive – Continuous as used in this ordinance shall mean uninterrupted, unbroken, and persistent or so persistently repeated at short intervals as to constitute virtually an unbroken series. Excessive as used in this ordinance shall mean substantially greater than what is commonly considered usual or common barking by a dog.

Domesticated Animals – Any Non-farm animal that is locally available for purchase as pets.

Habitually – is hereby defined to mean three (3) or more hours out of four (4) in any twenty-four (24) hour period.

Livestock – Any farm animal commonly kept for use and profit.

Owner – The word owner when applied to the proprietorship of a domesticated animal, shall include every person having a right of property in such domesticated animal or has it in his/her care, and every person who permits such domesticated animal to remain on or about any premises occupied by him.

Person – An individual, corporation, partnership, incorporator's association, or any other similar entity.

Responsible Party – is hereby defined as any owner, person, persons, keeper, handler, custodian, farmer, corporation, partnership, or other entity responsible for the care and confinement of any domesticated animal or livestock.

Running at Large – The phrase “running at large” shall mean being upon any public right of way, highway, street, alley, park or any other public land, or upon property of another person, other than the owner, and not being accompanied by and under the restraint or control of the owner, or any other person having custody of said animal.

To Permit – The term to permit as used in Section III shall include failure to restrain from the prohibited activity.

Township – The Township of South Londonderry, Lebanon County, a Pennsylvania Municipality, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

Section III: Animals Running at Large Violations

A. It shall be unlawful for any person to permit any domesticated animal or livestock to run at large in the Township.

B. While traveling on the streets, alleys or public grounds in the Township, dogs shall be on a leash, under voice control, or under the control of an electric device.

C. It shall be unlawful for the owner of any domesticated animal or other types of livestock to permit said domesticated animal or livestock to molest or injure any human being by biting, jumping on, knocking down, or attacking said human being.

D. It shall be unlawful for the owner of any domesticated animal to damage or injure personal property, real estate, shrubs, hedges, flowers or any growing thing or to permit such domesticated animal to repeatedly deposit excrement on property other than their own.

Section IV: Licensed Animals Not Exempt from Regulations – The provisions of this Ordinance shall apply to all domesticated animals and livestock found in violation of Section II hereof, irrespective of payment for, or issuance of, any license in respect to the animal involved.

Section V: Animals Disturbing the Peace – It shall be unlawful for any Responsible Party to keep or harbor any animal which habitually barks, yelps, cries, or otherwise makes noise in such a manner as to materially disturb or annoy persons in the surrounding neighborhood and such animal exhibiting the aforementioned behavior are hereby declared a Public Noise Nuisance. Whenever a person shall complain to the South Londonderry Township Police Department that an animal which habitually barks, yelps, cries, or otherwise makes noise is being kept by a responsible person in the Township of South Londonderry, the Police Department shall:

(a) Notify the responsible person of such animal that a complaint has been received and that the responsible person should take necessary action to alleviate in a humane manner the barking, howling, yelping, crying or other unreasonable noise.

(b) If the warning given pursuant to subsection (a) above to the responsible person alleged to be the keeper of the noisome animal is ineffective, then a verified

complaint from at least two (2) citizens not from the same family may be presented to the Police Department alleging that the animal which habitually barks, howls, yelps, cries or makes other unreasonable noise is being kept by the person first complained about. Within the rural areas of the Township where residential dwellings may not be clustered together, the police officer may serve as the second complainant, if in the officer's opinion the animal is barking, howling, yelping, crying or making other unreasonable noises.

If said complaint is found to be true, the Police Department shall inform the responsible party of said animal that said petition has been received and shall prosecute that responsible person for a violation of this Section.

(C) Exception to said Animals Disturbing the Peace:

1. Should the domestic animal or livestock making such noise be in response to a trespasser, an individual threatening to trespass upon private property upon which the domestic animal or livestock is situated or there is some other legitimate cause which justifiably provoked the domesticated animal or livestock.
2. Should said domesticated animal or livestock be part of a agricultural/commercial operation for which zoning approval has been granted by the Township.

Section VI: Sanitation of Domestic Animal and Livestock Pens - All domesticated animal and livestock pens and/or other areas where animals are kept shall be maintained in a sanitary condition, free of offensive, obnoxious or foul odors.

Section VII: Livestock Pens and Areas Exempt from Regulations - The provisions Section VI of this Ordinance with regard to livestock pens and areas shall not apply to those properties located within the South Londonderry Township Agricultural Security Area.

Section VIII: Enforcement

A. The South Londonderry Township Police Department shall be charged with the responsibility to enforce the provisions of this ordinance and shall perform all other duties, which may be prescribed, the Board of Supervisors.

B. Upon receiving a complaint or information that a domesticated animal or livestock is doing any of the acts prohibited by this ordinance, the South Londonderry Township Police Department shall conduct an investigation. If the complaint or information is found to be true, for the first offense, a written warning shall be issued to the owner and a copy of this ordinance shall accompany the warning. Upon second or subsequent offense a summary citation prepared in accordance with the Pennsylvania Rules of Criminal Procedure and South Londonderry Township shall be issued against the owner of the domesticated animal.

C. In conjunction with any proceeding under this Ordinance, or upon complaint or information otherwise received, the South Londonderry Township Police Department shall investigate and take appropriate action to enforce all provisions of the Pennsylvania

Dog Law, Act of December 7, 1982 P.L. 784, 3 P.S. 459-1 01, et seq., and amendments thereto in accordance with the provisions of said law.

Section IX: Seizing of Domesticated Animals – Any police officer or dog warden may seize any domesticated animal found at large in the Township. Such animal are to be impounded and/or can be picked up by the Lebanon County Humane League.

(a) **Seizing of Licensed Domesticated Animals** – Owners of licensed domesticated animals are to be notified by registered or certified mail with return receipt that the domesticated animal is impounded and will be disposed of within five (5) days if not claimed. Five (5) days after the return receipt has been received, and the domesticated animal has not been claimed, the domesticated animal may be sold or destroyed in accordance with the 1982 Dog Law. The owner shall pay the Township a penalty of twenty-five (\$25.00) dollars and all expenses (which include pick up and daily boarding charges) of seizing and detaining the domesticated animal. If the Township has forwarded the domesticated animal to the Lebanon County Humane League, the owner shall pay the Township its costs to the date of forwarding the domesticated animal and any charges by the Humane League to take the domesticated animal.

(b) **Seizing of Unlicensed Domesticated Animals** – Any domesticated animals seized by the Township shall be properly fed and kept by the Township or the Lebanon County Humane League or other such society for a period of forty-eight (48) hours. Such domesticated animals may be viewed by persons during business hours.

Any domesticated animal which does not bear a legible tattoo or any unlicensed domesticated animal claimed by its owner shall pay the Township a penalty of twenty-five (\$25.00) dollars and all expenses (which include pick up and daily boarding charges) of seizing and detaining the domesticated animal. If the Township has forwarded the domesticated animal to the Lebanon County Humane League, the owner shall pay the Township its costs to the date of forwarding the domesticated animal and any charges by the Humane League to take the domesticated animal.

Section X: Penalty – First offense violators shall receive a written warning which shall consist of personal delivery of a copy of this ordinance to such owner, keeper of custodian, or to someone in their household, or by mailing a copy of the ordinance if the violator resides outside of the Township, together with a written notice that no further warning shall be given and that any future complaints shall be prosecuted according to law. Second or subsequent offenses, any person who shall violate any of the provisions of this Ordinance shall, upon conviction in a summary proceeding brought in the name of the Township, before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than \$100.00 and not more than \$1,000.00 and costs of prosecution and restitution and shall be subject to imprisonment in the County Jail for not more than ninety (90) days, provided that each days violation of any of the provisions of this ordinance shall constitute a separate offense.

Section XI: Savings Provisions – In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not effect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Township that such remainder shall be and remain in full force and effect.

Section XII: Other Remedies – In addition to any of the remedies listed above, any continual violations of this Ordinance shall be considered a nuisance and the Township may seek to abate said nuisance by instituting appropriate legal proceedings.

Section XIII: Repealer – Ordinance #72 is hereby repealed in its entirety. All other ordinances or resolutions or parts thereof which are inconsistent herewith shall be and the same are expressly repealed.


Section XIV: Effective Date: This Ordinance shall become effective five (5) days after it is enacted.

Duly adopted on this the 14th day of February 2006 by the Board of Supervisors of SOUTH LONDONDERRY TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA, in lawful session duly assembled.


BOARD OF SUPERVISORS
SOUTH LONDONDERRY TOWNSHIP


L. Philip Rothermel, Chairman


Rugh Henderson, Vice-Chairman


William Ames

ATTEST:


Secretary