

**UPPER LEACOCK TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2014-01

**AN ORDINANCE OF UPPER LEACOCK TOWNSHIP REGULATING THE
CONTROL OF BARKING DOGS AND PROVIDING OTHER RULES AND REGULATIONS
CONCERNING THE KEEPING OF DOGS AND OTHER HOUSEHOLD PETS**

WHEREAS, the Board of Supervisors of Upper Leacock Township, Lancaster County, Pennsylvania, finds it desirable to regulate the care and control of dogs and household pets;

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Leacock Township, and it is hereby enacted and ordained as follows:

Section 1. Title.

This chapter shall be known as the "Upper Leacock Township Animal Control Ordinance."

Section 2. Definitions.

As used in this chapter, the following words shall have the following meanings:

ANIMAL - Shall include all mammals, birds, fowl and reptiles normally or ordinarily domesticated (including household pets such as dogs and cats) or raised in this area or climate as livestock or for work or for breeding purposes. Such term shall not include fish.

AT LARGE - Being upon any public highway, street, park or any other public land, or upon property of another person other than the owner, and not being accompanied by and under the control of the owner or any other persons having custody of such animal.

OWNER - shall include every person, proprietor, corporation, partnership or association that actually owns an animal, or who has an animal in his or its care or permits an animal to remain on or about any premises occupied by him or it. The parent or guardian of any minor claiming ownership of any animal shall also be deemed the owner of such animal.

Section 3. Noise Disturbance.

A. Noise Disturbance.

It shall be illegal within the Township of Upper Leacock 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 fifteen (15) minutes or makes such noise intermittently for one-half hour or more to the disturbance of any person any time of 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.

B. 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.

Nor shall this ordinance apply to owners or operators of dog training and special retriever training areas licensed by the Pennsylvania Game Commission; provided, that the owners and operators of the training areas were and remain in compliance with any applicable noise control laws or ordinances at the time the permit for establishment of the training area was authorized by the Commission.

C. Petitions Complaining of Animal Noises.

Whenever any person shall complain to the police department that an animal or bird which continuously and/or incessantly makes noise is being kept by any person in the Township of Upper Leacock, the police department shall notify the owner of the said animal or bird that a complaint has been received and that the person should take whatever steps necessary to alleviate the noise.

If the warning given to the person alleged to be keeping the animal or bird as set forth above is ineffective, then a verified complaint of at least two (2) citizens not from the same household may be presented to the police department, alleging that an animal or bird which continuously and/or incessantly makes noise is being kept by any person within the Township of Upper Leacock. The police department shall inform the owner of such animal or bird that said petition has been received and shall cite the owner of the animal or bird for the violation alleged in said complaint.

Section 4. Sanitary Conditions.

No owner, custodian or keeper of any animal shall allow or permit any such animal to deposit excrement (defecate) upon any property not owned or leased by the owner, custodian or keeper of such animal, without immediately picking up such excrement. This provision shall not apply to horses being used for transportation in the public streets or alleys or other public property within the Township.

Section 5. Animals at large.

A. It shall be unlawful for the owner or person having custody of any animal or the parent or guardian of any minor owning or having custody of any animal to allow the animal to go beyond the boundaries of their premises or to run at large over the streets or public grounds or upon the property of anyone other than the owner or person having custody of such animal. It shall also be unlawful for the owner or person having custody of such animal to permit such animal to pose a danger to pedestrians using adjacent sidewalks and streets.

B. It shall be the duty of the owner, custodian or keeper of any animal traveling on the streets or public grounds to have the animal on a leash, harness, or tether at all times, unless the animal is a service animal and the owner is unable because of a disability to use a harness, leash or other tether, or the use of a harness, leash or tether would interfere with the service animal's safe, effective performance or work or tasks, in which case the handler of the service assistance animals must maintain control of such animal at all times.

Section 6. Seizure and detention.

A. It shall be the duty of every East Lampeter Township police officer to seize and detain any dog which bears a proper license tag or permanent identification and which is found running at large upon the public streets of Upper Leacock Township or upon the property of any person other than the owner of such dog when such dog is unaccompanied by such owner.

B. If the owner of a seized dog can be identified by license tag or other means the East Lampeter Township Police shall cause immediate notice by in person or by phone to the owner and it will be taken to or turned over to the owner. If the owner cannot be reached by phone or in person contact the East Lampeter Township Police the dog shall be delivered to the Lancaster County Society for the Prevention of Cruelty to Animals or other such humane society, or delivered to an approved shelter, where it can be detained and impounded in a humane manner in accordance with the laws of Pennsylvania. The East Lampeter Township Police shall notify the owner of the dog detention by certified mail return receipt and request that the owner claim such dog within five (5) days of receipt of the letter.

Section 7. Seizure and detention of unlicensed dogs.

A. It shall be the duty of every East Lampeter Township police officer to seize and detain any dog which does not bear a proper license tag or permanent identification which is found running at large upon the public streets of Upper Leacock Township or upon the property of any person other than the owner of such dog when such dog is unaccompanied by the owner.

B. Any dog so seized shall be properly fed and kept, either by the East Lampeter Township Police Department, by the Lancaster County Society for the Prevention of Cruelty to Animals or other such humane society in accordance with the laws of Pennsylvania.

Section 8. Redemption.

The owner of a dog which has been detained and impounded may reclaim his/her dog upon payment of a seizure fee as established from time to time by resolution of the Board of Supervisors of Upper Leacock Township and upon payment of all other reasonable expenses and costs incurred by the keeper of the dog shelter by reason of the detention, impoundment and maintenance of the dog, provided such expenses shall not exceed a per day maximum established from time to time by the Board of Supervisors. The owner shall pay the seizure fee to the Township. The expenses and costs incurred by the shelter keeper may be paid by the owner to the shelter keeper in a manner determined by the shelter keeper.

Section 9. Enforcement.

The East Lampeter Township Police Department shall be charged with the responsibility of enforcing the provisions of this Ordinance.

Section 10. Violations and penalties.

Any person who violates any provision of this Ordinance shall, for every such violation, upon conviction thereof before a Magisterial District Judge in the 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 Fifty Dollars (\$50.00) nor more than Six Hundred Dollars (\$600.00) plus costs, and in default of payment thereof, shall be subject to imprisonment of not more than thirty (30) days. Each day that a violation continues shall constitute a separate offense.

Section 11. Repealer.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. Ordinance No. 74-1 is repealed by this Ordinance.

Section 12. Severability.

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Supervisors of Upper Leacock Township that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, sections or part thereof not been included therein.

Section 13. Effective date.

This ordinance shall become effective five (5) days after adoption by the Board of Supervisors of Upper Leacock Township.

ORDAINED AND ENACTED this 6th day of January, 2014.

**UPPER LEACOCK TOWNSHIP
BOARD OF SUPERVISORS**

By: Ronald L. Simmons
Ronald Simmons, Chairman

By: James J. Bennett
James Bennett

By: J. Harold Leaman
J. Harold Leaman

Attest: [Signature]