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PART 1

ANIMAL NOISE

§101. Noise Under Certain Circumstances Prohibited.

The creation, within the Township of Smithfield, of any unnecessary or excessive noise or a noise of any such character, intensity or duration as to be detrimental to the health or life of any individual, or in the disturbance of the public peace and welfare by permitting any animal, bird or fowl in one's possession or under one's control to make frequent or long continued noise of such character and intensity as to disturb the comfort of repose of any person.

(Ord. 1992-12, 10/5/1992, §1)

§102. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1992-12, 10/5/1992, §2; as amended by Ord. 1999-1, 6/14/1999)

PART 2

CAT REGULATIONS

§201. Regulations.

1. All cat owners shall comply with and be current with rabies vaccination requirements of the laws of the Commonwealth of Pennsylvania with regard to all cats which they keep, and the owners or keepers of those cats shall maintain records thereof.
2. It shall be unlawful for any cat owner or keeper to have any cat which habitually roams onto other persons' properties, or who habitually scratches, digs, defecates or urinates on any lawn, tree, plant, shrub, flower bed, garden, children's sandbox or any other public or private property, other than the property of the owner or keeper of the cat and/or which habitually cries or howls.

(Ord. 2002-5, 11/27/2002, §1)

§202. Written Warning Notice.

Upon first offense for any violation of this Part, any cat owner or keeper shall be given a written notice by Smithfield Township or its designated enforcement person. The written notice shall be served by personal service or certified mail, return receipt requested and first-class mail.

(Ord. 2002-5, 11/27/2002, §1)

§203. Enforcement and Penalties.

Smithfield Township, or its designated enforcement person, is empowered to enforce this Part. Any person who violates this Part after receipt of the written notice provided for above shall, upon conviction thereof in an action brought before a district justice, be sentenced to pay a fine of \$50 per day for each day the violation continues, with each day during which the violation continues being a separate offense.

(Ord. 2002-5, 11/27/2002, §1)

PART 3

ANIMAL NUISANCES

§301. Definitions.

For the purpose of this Part, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number and words in the singular number include the plural number; any personal pronoun shall be construed so as to mean either the masculine, feminine or neuter gender, as the context may require; and the word “shall” is always mandatory and not merely precatory.

BOARD OF SUPERVISORS — the Board of Supervisors of Smithfield Township, Huntingdon County, Pennsylvania.

CAT OWNER — every person having a right of proprietorship or ownership in a cat; and every person who keeps or harbors a cat or has it in his care or custody; and every person who permits a cat to remain on or about any premises occupied by him; and the parents of any child under 18 years of age who owns or has the control and custody of a cat, regardless of whether any such cat is licensed or unlicensed.

DOG OWNER — every person having a right of proprietorship or ownership in a dog; and every person who keeps or harbors a dog or has it in his care or custody; and every person who permits a dog to remain on or about any premises occupied by him; and the parents of any child under 18 years of age who owns or has the control and custody of a dog; regardless of whether any such dog is licensed or unlicensed.

NUISANCE — the unreasonable, unwarrantable or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person in the legitimate enjoyment of his reasonable rights of person or property.

OWNER — a person owning, leasing, occupying or having charge of any premises within the Township.

PERMITS — to suffer, allow, consent, let; to give, leave or license; to acquiesce by failure to prevent, or to expressly accept or agree to the doing of any act.

PERSON — any natural person, firm, partnership, association, corporation, company or organization of any kind.

TOWNSHIP — the Township of Smithfield, Huntingdon County, Pennsylvania.

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(Ord. 2003-5, 12/8/2003, §1)

§302. Parks and Public Areas

All dog owners shall keep their dogs on a leash at all times while the dog is in a public park or being walked on the streets and sidewalks of Smithfield Township, and dog owner shall not allow the dog to run free off of the leash in parks, along streets or sidewalks of Smithfield Township.

(Ord. 2003-5, 12/8/2003, §2)

§303. Offensive Dog Odors

1. Nuisance Defined. With respect to dogs, a dog owner shall be presumed to have created or maintained a nuisance if he shall:
 - A. Permit his dog to cause annoyance or discomfort to the citizens, residents or other persons lawfully in the Township, by emitting any offensive odor or smell whether from a dog, dog waste, dog box, dog kennel or dog run.
2. Presumptions.
 - A. Annoyance. It shall not be necessary to establish that any occurrence has lasted for any specific period of time in order to find a violation of this Section. However, continuous odor or smell from a dog for more than 1/2 hour on any one occasion shall give rise to the presumption that such dog has caused the annoyance and discomfort of persons in the Township.
 - B. Permission. At the trial of any charge of violation of this Section, if it shall be determined that a dog by its offensive odor or smell has caused the annoyance or discomfort of any person within the Township, it shall be conclusively presumed that the dog owner has permitted the occurrence to have happened.

(Ord. 2003-5, 12/8/2003, §3)

§304. Dog and Cat Defecation and Urination.

1. Nuisance Defined. With respect to dogs and cats, a dog owner or cat owner shall be presumed to have created or maintained a nuisance if he shall permit his dog or cat to defecate or urinate, (i) upon any street, sidewalk, passageway, park or any other public place where people congregate or walk, or (ii) upon any private property of another person without the permission of the owner of said property, unless, with regard to defecation only, such dog owner or cat owner shall immedi-

ately remove and dispose of in a sanitary manner all feces deposited by such dog or cat.

2. Presumption. At the trial of any charge of violation of this Section, if a dog or cat has defecated or urinated upon public or private property as hereinbefore set forth, it shall be conclusively presumed that the dog owner or cat owner has permitted the occurrence to have happened.

(Ord. 2003-5, 12/8/2003, §4)

§305. Penalty for Violation.

Any person found guilty of a violation of this Part in a summary proceeding before a district magistrate shall pay a fine of not more than \$100 and the costs of prosecution, and in default of payment of such fine and costs of prosecution, shall be imprisoned for not more than 10 days; provided, each day's continuance of a violation shall constitute a separate offense.

(Ord. 2003-5, 12/8/2003, §5)

§306. Enforcement.

The provisions of this Part may be enforced by any person who, after prior notice is given as required, shall, as an affiant, institute a criminal proceeding by filing a complaint with the district magistrate as provided by law.

(Ord. 2003-5, 12/8/2003, §6)