

Chapter 92

ANIMALS

[HISTORY: Adopted by the Borough Council of the Borough of Penbrook as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Livestock

[Adopted 6-1-1981 by Ord. No. 81-5 as Ch. IV, Art. 2, of the 1981 Code]

§ 92-1. Unlawful acts.

After the passage of this article, it shall be unlawful for any person to pasture, herd or permit to run at large any horses, cattle, sheep, swine, etc., on the streets or alleys within the limits of this borough.

§ 92-2. Duties of herders.

Herders who drive horses, cattle, sheep, swine, etc., through the streets or alleys of said borough must keep in close contact with such animal or animals so as to prevent them from going on pavements or walks of said borough.

§ 92-3. Duty of Police Department.

It shall be the duty of the Police Department of the borough to seize and hold all horses, cattle, sheep, swine, etc., that shall be found pasturing or running at large in the borough, as referred to in § 92-1 of this article.

§ 92-4. Violations and penalties. 1

The penalties for violation of this article shall be as set forth in Chapter 1, General Provisions, Article II, Enforcement; Penalties.

ARTICLE II

Dogs

[Adopted 4-1-1985 by Section I of Ord. No. 85-1 as Ch. IV, Art. 14, of the 1981 Code. Amended by Ord. No. 2016-2 dated 2/1/2016]

§ 92-5. Running at large prohibited.

No owner, custodian or keeper of any dog shall suffer or permit such dog to run at large in the Borough of Penbrook, either upon the public streets and highways of the borough or upon the property of another.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 92-6. Borough park property.

Dogs are not permitted on any borough park or recreational property. No owner, custodian or keeper of any dog shall suffer or permit such dog to enter or remain on any borough park or recreational property.

§ 92-7. Disturbances.

No owner, custodian or keeper of any dog shall suffer or permit such dog to make any unreasonably loud or harsh noise or unreasonable disturbance which shall interfere with or deprive the peace, quiet, rest or sleep of neighbors or persons nearby.

Unreasonable noise or disturbance may include, but not be limited to, continual barking of any dog or dogs for continuing period of 30 seconds or more on 3 or more occasions during any 30 minute period without justification. Justification can be a defense if there are reasonable grounds to establish the dog was provoked by trespass, taunting or other unusual occurrences likely to prompt the animal to bark.

Leaving a dog or dogs outside while the owner or custodian is not present at the property or otherwise not available after reasonable attempts to contact the owner or custodian and, the dog is barking in violation of this section, shall be deemed to have committed an aggravating element of the offense, and the fine shall be no less than fifty dollars (\$50.00).

It is not a defense to this section that the owner or custodian was unaware the dog was interfering with the peace, quiet, rest or sleep of neighbors or persons nearby.¹

§ 92-8. Desecration.

- A. No owner, custodian or keeper of any dog shall suffer or permit such dog to defile, be foul, corrupt or otherwise desecrate any sidewalk, walkway or other property of another.
- B. Every owner, custodian or keeper of any dog which defecates on any sidewalk, public street, any highway or property of another shall promptly clean up and remove all feces discharged and dispose of such feces in a lawful and sanitary manner.

§ 92-9. Inoculations required.

- A. No owner, custodian or keeper of any dog shall permit such dog to enter or remain in the Borough of Penbrook unless such dog has been inoculated with canine distemper and rabies shots.
- B. Proof of such inoculation shall be presented to any police officer or Borough Health Officer upon demand. No person shall be convicted of violation of this section if he or she produces proof that the dog was inoculated, at the time of the demand, to the office of the borough or the issuing authority within five days after the demand.

¹ Editor's Note – Amended by Ordinance 2016-2 dated February 1, 2016

§ 92-10. Violations and penalties. 2

Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be subject to the penalties provided in Chapter 1, General Provisions, Article II, Enforcement; Penalties.

ARTICLE III

Cats

[Adopted 4-1-1985 by Section II of Ord. No. 85-1 as Ch. IV, Art. 18, of the 1981 Code]

§ 92-11. Running at large prohibited.

No owner, custodian or keeper of any cat shall suffer or permit such cat to run at large in the Borough of Penbrook, either upon the public streets and highways of the borough or upon the property of another.

²2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 92-12. Borough park property.

Cats are not permitted on any borough park or recreational property. No owner, custodian or keeper of any cat shall suffer or permit such cat to enter or remain on any borough park or recreational property.

§ 92-13. Disturbances.

No owner, custodian or keeper of any cat shall suffer or permit such cat to make any loud or harsh noise or disturbance which shall interfere with or deprive the peace, quiet, rest or sleep of any person.

§ 92-14. Desecration.

- A. No owner, custodian or keeper of any cat shall suffer or permit such cat to defile, defoul, corrupt or otherwise desecrate any sidewalk, walkway or other property of another.
- B. Every owner, custodian or keeper of any cat which defecates on any sidewalk, public street, any highway or property of another shall promptly clean up and remove all feces discharged and dispose of such feces in a lawful and sanitary manner.

§ 92-15. Inoculations required.

- A. No owner, custodian or keeper of any cat shall permit such cat to enter or remain in the Borough of Penbrook unless such cat has been inoculated with feline distemper and rabies shots.
- B. Proof of such inoculation shall be presented to any police officer or Borough Health Officer upon demand. No person shall be convicted of violation of this section if he or she produces proof that the cat was inoculated, at the time of the demand, to the office of the borough or the issuing authority within five days after the demand.

§ 92-16. Violations and penalties. 3

Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be subject to the penalties provided in Chapter 1, General Provisions, Article II, Enforcement; Penalties.

3. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**
