

ORDINANCE NO. 2023-02

DOGS AND OTHER ANIMALS

AN ORDINANCE OF THE BOROUGH OF GREENSBORO, GREENE COUNTY, PENNSYLVANIA, REGULATING THE CONTROL OF DOGS AND OTHER ANIMALS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

WHEREAS, it is deemed necessary for the safety and welfare of the citizens of Greensboro Borough to enact this Ordinance.

NOW, THEREFORE, pursuant to the specific powers granted by the Borough Code, 8 Pa. C.S.A. § 1202(9) and Borough Code, 8 Pa. C.S.A. § 1202(10), the Borough Council of Greensboro Borough, Greene County, Pennsylvania, (hereafter “Borough”) does hereby enact and ordain the following:

SECTION 1: Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Animal* shall mean any domestic animal or fowl, any wild animal, or any household pet.
- (b) *Domestic Animal* shall mean any animal normally or ordinarily domesticated or raised in this area and climate as livestock or for work or breeding purposes, or normally or ordinarily kept as a household pet.
- (c) *Household Pet* shall mean any dog, cat, or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.
- (d) *Large Animal* shall mean any wild animal or domestic animal of the bovine, equine, or sheep family as well as goats.
- (e) *Small Animal* shall mean any wild or domestic animal such as a rabbit, hare, guinea pig, rat, mouse, chinchilla, or ferret.
- (f) *Wild Animal* shall mean any animal or reptile not normally or ordinarily domesticated, not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes, or not capable of being kept as a household pet.

SECTION 2: Certain Animals Prohibited

It shall be unlawful for any person to keep any pigs, hogs or swine, any Large Animal, or any Wild Animal at any place within the Borough.

SECTION 3: Keeping of Household Pets, Small Animals, and Domestic Animals

It shall be unlawful for any person to keep any Household Pet, Small Animal, or Domestic Animal except as provided in this section:

- (1) If any such animal shall be kept in a dwelling owned or occupied by its owner, such owner shall be required to ensure that no public nuisance shall be created or maintained and no threat to the health of persons shall be created.
- (2) If any animal shall be kept in an enclosure outside such dwelling, the keeper of such animal shall confine the same in an enclosure sufficient to prevent such animal from running at large and such enclosure shall be of a size conducive to good sanitary practices and adequate and sanitary drainage facilities shall be provided.
- (3) If any such animal shall be kept in an enclosure outside such dwelling, the keeper of such animal shall ensure that the enclosure is of an adequate size for the safety and health of said animal.
- (4) The keeper of every animal shall cause all feed to be stored and kept in a vermin-proof and insect-proof building, box, container, or receptacle.
- (5) The keeper of every animal shall ensure that adequate food and water are provided to said animal.
- (6) If any such animal shall be kept outside such dwelling without an enclosure, the keeper of such animal shall ensure that the animal is kept on a leash or other appropriate device of control to prevent the animal from running at large.

SECTION 4: Dogs and Animals At Large Prohibited

No person having in his/her control or custody a dog, or any other Animal shall allow such Animals to run at large in the Borough and upon public streets or highways or upon lands of any person other than the person having the control and custody of such animal. All Animals in the Borough must be on a leash, and/or be properly secured, licensed by the proper agency, and vaccinated.

SECTION 5: Loud Noise Prohibited

No person who has in his/her control or custody any dog or other Animal shall allow or permit such Animal consistently and habitually to make loud, harsh noises to the extent that it shall disturb or interfere with the peace, quiet, rest, or sleep of other persons. Any dog, or other Animal, which makes 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 at any time of the day or night regardless of whether the animal is physically situated in or upon private property commits a nuisance; provided that at the time the animal is making such noise no person is trespassing or threatening to trespass upon private property upon which the animal is situated. No owner or person having custody of such Animal shall harbor it or permit it to commit such a nuisance.

SECTION 6: Defiling of Public or Private Property Prohibited

- (a) Any person having the control and custody of any dog or other Animal shall not allow such animal to defecate, befoul, defile, or corrupt any gutter, street, driveway, alley, curb, trail, or sidewalk in the borough, or upon the floors or stairways of any building or place frequented by the public or used in common by tenants, or upon the outside walls, walkways, driveways, alleys, curbs, or stairways or any building abutting on a public street or park or upon the grounds of any public park or public area or trail or upon any private property other than the property of the owner of such animal.
 - (1) It shall be illegal for the owner of the property or the inhabitant thereof on which any dog or other Animal is maintained, kept or otherwise housed to allow the natural wastes, be it feces, urine or a combination of both, to remain or accumulate in such a manner or to such a degree that said animal waste creates an odor detectable from adjoining properties, regardless of existing climate conditions.
- (b) The owner or person in charge or control of such Animal shall immediately remove all feces deposited by such Animal and dispose of the same in a sanitary manner, to be properly wrapped, packaged, or protected as to prevent unsightly disposal, smell or interference with the health and welfare of the community and to be deposited in the owner's garbage or a public garbage disposal unit. Any person owning or in control of an Animal must carry proper sanitary devices when walking that Animal.
 - (1) The provisions of subsection (b) of this section shall not apply to a guide dog accompanying a blind person, or to a dog used to assist any other physically handicapped person.

SECTION 7: Impoundment and Disposition

It shall be the duty of the Code Enforcement Officer or duly authorized law enforcement personnel to seize any Animal running at large and convey it to the place designated by the Borough Council. Notice of such seizure shall be sent to the owner of the Animal in the manner prescribed by law and the Animal may be redeemed by its owner within the time specified by law, upon payment of the charges incurred by reason of such detention. Rates for such charges shall be determined from time to time by Borough Council.

SECTION 8: Violations and Penalties

Any person, firm, or corporation who or which shall violate or fail, neglect, or refuse to comply with any of the provisions of this Ordinance shall be punished as follows:

- (a) In this section, the term "violation of this Ordinance" means:
 - 1. Doing an act that is prohibited, made, or declared to be an unlawful act, an offense, or a violation of this Ordinance by rule or regulation; or

2. Failure to perform an act that is required to be performed by rule or regulation authorized by this Ordinance; or
 3. Failure to perform an act if the failure is prohibited or declared a violation of this Ordinance, an offense, or an unlawful omission by rule or regulation authorized by this Ordinance.
- (b) The term “violation of this Ordinance” does not include the failure of a borough officer or borough employee to perform an official duty, unless it is provided that failure to perform the duty is to be punished as provided in this section or it is clear from the context of this Ordinance that it is the intent of the borough to impose the penalty provided for in this section upon the borough officer or borough employee.
- (c) Except as otherwise provided, a person convicted of a violation of this Ordinance shall be punished as follows:
1. If the violation is not a criminal violation, by a civil penalty of \$600.00 per violation.
 2. If the violation is criminal, by a fine of \$1,000.00 per violation.
- Unless stated otherwise, violations of this Ordinance (including provisions regulating building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water or air or noise pollution) are criminal violations.
- (d) Except as otherwise provided:
1. With respect to violations that are continuous with respect to time, each day that the violation continues is a separate offense.
 2. As to other violations, each act is a separate offense.
- (e) Violations of this Ordinance that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief and by such means as are provided by law.
- (f) The imposition of a penalty does not prohibit equitable relief.
- (g) The imposition of a penalty does not prohibit revocation of a license, permit, or franchise or the imposition of other administrative sanctions.
- (h) Any violation of this Ordinance that also violates any state law or federal law shall be prosecuted under the state law or federal law and not under this Ordinance.

SECTION 9: Repealer

Ordinance 2015-7 is hereby repealed as are any other ordinances or parts thereof inconsistent with this Ordinance insofar as they may be inconsistent with the provisions herein. All prior Ordinances, or parts thereof, enacted by the Borough Council of Greensboro Borough which conflict with this Ordinance are hereby repealed.

SECTION 10: Savings Clause


Should any section, provision or other part of this Ordinance be found to be illegal, unenforceable, or void, such shall not affect the remainder hereof, which shall remain fully binding, valid, and enforceable, and such section, provision or other part shall be modified to the extent necessary to conform to law. The Borough Council of Greensboro Borough hereby declares its intention that should any section, provision or other part of this Ordinance be found to be illegal, unenforceable, or void, it would have made the foregoing Ordinance without such part or with such part so modified so as to conform to law.

SECTION 11: Effective Date

This Ordinance shall become effective immediately after its adoption and enactment.


Adopted and enacted this 3rd day of October, 2023, at a meeting of the Council of the Borough of Greensboro.

Attest:



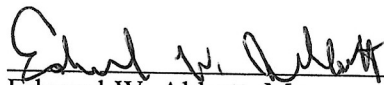
Lisa A. Miller, Borough Secretary

Borough of Greensboro:



Donna J. Neino, President of Council

Examined and Approved this 3rd day of October, 2023.



Edward W. Abbott, Mayor



Christopher Michael Simms, Esquire