

ORDINANCE NO. 2010-02

**AN ORDINANCE OF THE WARWICK TOWNSHIP
BOARD OF SUPERVISORS AMENDING CHAPTER
63 OF THE WARWICK TOWNSHIP CODE OF
ORDINANCES TO REVISE THE LAWS
REGARDING DOGS AND OTHER ANIMALS TO
INCLUDE A PROHIBITION AGAINST EXCESSIVE
BARKING AND NOISE AND PROVIDING
PENALTIES THEREFORE**

Section One

The Warwick Township Code of Ordinances, Chapter 63, Dogs and Other Animals, is hereby amended to read as follows:

§ 63-1. Definitions.

The following words shall have the following meanings when used in this chapter, unless the context clearly requires otherwise:

ANIMAL – All nonhuman vertebrate an invertebrate species, whether wild or domestic, commonly considered to be part of the animal kingdom.

OWNER – Any person having a right of property in any animal or having custody of any animal or any person who harbors or permits an animal to remain on or around his or her property.

RUNNING AT LARGE – Being upon any public 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 control of the owner or any other person having custody of said animal.

WILD OR EXOTIC ANIMAL –

- A. Any animal of a species prohibited by Title 50 of the Code Federal Regulations, or otherwise controlled by the Commonwealth of Pennsylvania. It shall include any animal which is wild, fierce, dangerous, noxious or naturally inclined to do harm.
- B. “Wild animals”, however domesticated, shall also include but not be limited to:
 - (1) Dog family (Canidae): all, except domesticated dogs, including wolves, foxes, coyotes, dingoes, etc.
 - (2) Cat family (Felidae): all, except commonly accepted domestic cats, including lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, wild cats, etc.
 - (3) Bears (Usidae): all bears, including grizzly bears, brown bears, black bears, etc.

- (4) Weasels (Mustelidae): all, including weasels, martens, mink, wolverines, ferrets, badgers, otters, ermines, mongooses, etc.
- (5) Raccoons (Procyonidae): all raccoons and civets.
- (6) Primates (Hominidae): all subhuman primates.
- (7) Porcupine (Erethizontidae): all porcupines.
- (8) Skunks.
- (9) Snakes: all venomous and constricting snakes.
- (10) Venomous lizards.
- (11) Crocodylians: all alligators, caimans, crocodiles, gavials, etc.
- (12) Venomous fish and piranha.
- (13) Venomous invertebrates.

§ 63-2. Running at large prohibited.

It shall be unlawful for any person owning, harboring or possessing any animal to permit said animal to run at large at any time upon any of the streets, roads, highways, or public grounds in the Township or upon the property of another person other than the owner, custodian or keeper of such animal. Any animal not penned or leashed or attended by or under the immediate personal control and supervision of its owner or some person capable of controlling said animal at all times shall be deemed to be running at large.

§ 63-3. Animal noise

No person owning, possessing, harboring or controlling any animal shall permit said animal to bark, bay, cry, squawk or make any other noise continuously and / or incessantly for a period of ten (10) minutes or make such noise intermittently for one-half hour or more to the disturbance of any other person.

§ 63-4. Seizure and redemption.

It shall be the duty of any Township police officer or of any person duly appointed as the enforcement officer pursuant to this chapter who witnesses any animal running at large in violation of this chapter or who receives information of any animal running at large to seize such animal and to convey it to the place designated by the Board as a pound. Notice of such seizure shall be sent to the owner of such animal, if identifiable, in the manner prescribed by law, and such animal may be redeemed by the owner thereof within the time

specified by law upon payment of the costs incurred by reason of seizure and detention. Rates for seizure and detention and for other charges shall be those set forth in the Warwick Township Fee Schedule. Any animal seized shall be disposed of pursuant to §63-5 if the owner of the animal is unknown.

§ 63-5. Disposition of seized animals.

Any Township police officer or any person duly appointed as the enforcement officer pursuant to this chapter is hereby authorized to dispose of any animal which has not been claimed by its owner by delivery of the animal to a recognized humane society. In the event that it becomes necessary to destroy any animal, the procedure must be carried out in a humane manner. No animal may be sold for use in research such as vivisection.

§ 63-6. Records to be kept.

A record of any animal seized shall be kept which shall show the breed, date seized, where and by whom seized, date of disposition and nature of disposition.

§ 63-7. Disposal and removal of animal fecal matter.

- A. No owner of any animal or any person having the care, custody and control of any animal shall permit the same to discharge or deposit any fecal matter upon the property of another without immediately removing such matter and disposing of it in a sanitary manner. The term "property of another" shall include the property of the Township or of any other political subdivision.
- B. No owner or possessor of real property shall permit animal fecal matter to accumulate on such property for more than 24 hours, and it shall be the owner's or possessor's responsibility to daily remove such matter to prevent any such accumulation from becoming a danger to public health.

§ 63-8. Wild or exotic animals restricted.

- A. Minimum standards shall be maintained by all owners and/or possessors of animals in the Township, as follows:
 - (1) Feeding. All animals shall be supplied with sufficient wholesome food and water, free from contamination, and which food and water shall be of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of each animal and to assure the proper health of such animal.
 - (2) Health of animals.
 - (a) Proper shelter and protection from the weather shall be provided at all times to assure that no animal is overcrowded or exposed to excessive heat or cold. Proper temperature for the well-being of each animal shall be maintained at all times.

(b) Adequate exercise shall be provided to assure the good health of each animal.

(c) No condition shall be maintained or permitted to exist that is knowingly injurious to the health of any animal.

(3) Sanitation and safety.

(a) There shall be sufficient, clean, dry bedding to meet the needs of each animal. All animals and animal quarters shall be kept in a clean and sanitary condition, and adequate ventilation shall be maintained.

(b) Animals shall be maintained in quarters so as to prevent their escape.

(c) No condition(s) shall be maintained or permitted to exist that is (are) injurious to the health of any person or in any way create(s) a public health hazard nuisance.

C. Compliance with minimum standards.

(1) It shall be unlawful for the owner of any animal housing to fail to comply with any of the minimum standards set forth in this chapter.

(2) The Board's designee shall have the authority to inspect the premises of any animal housing at a reasonable time and in a reasonable manner to assure compliance with the provisions of this chapter. When permission is refused or cannot be obtained, inspections shall be conducted upon obtaining a lawfully authorized search warrant.

§ 63-10. Violations and penalties.

Except as may be otherwise provided in 3 P.S. § 459-101 et seq., any person who shall violate any of the provisions of this chapter shall, upon summary conviction before a District Judge, be sentenced to pay a fine of not less than Fifty Dollars (\$50) nor more than One Thousand Dollars (\$1000), plus the charges for the maintenance of said animal and the costs of prosecution. In default of the payment of said fine, charges or costs, said person shall be sentenced to undergo imprisonment in the Bucks County Prison for a period not exceeding 30 days. Each day that a violation occurs shall constitute a separate offense. All fines collected for the violation of this chapter shall be to and for the use of the township. If, deemed appropriate by the enforcement official, a warning may be issued prior to issuance of a summary citation.

§ 63-11. Construction of provisions.

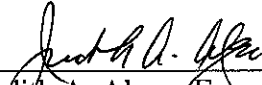
Nothing contained in this chapter shall be construed to limit or restrict the authority to destroy animals in accordance with any statute of the Commonwealth of Pennsylvania.

Section Two

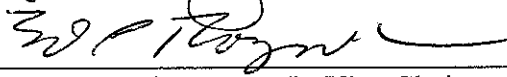
This Ordinance shall be effective five (5) days after enactment.

ENACTED AND ORDAINED this 16th day of February, 2010.

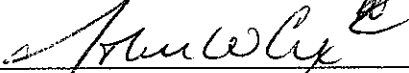
**WARWICK TOWNSHIP
BOARD OF SUPERVISORS**



Judith A. Algeo, Esq., Chair

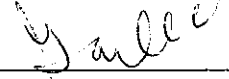


Edward P. Thompson, Jr. Vice Chairman



John W. Cox, Member

ATTEST:



Gail Weniger,
Township Manager/Secretary