

ORDINANCE NO. 280

ORDINANCE OF THE RICHLANDTOWN BOROUGH COUNCIL AMENDING THE RICHLANDTOWN BOROUGH CODE OF ORDINANCES CONCERNING THE REGULATIONS OF KEEPING CERTAIN ANIMALS WITHIN RICHLANDTOWN BOROUGH, THE KINDS OF ANIMALS PERMITTED WITHIN RICHLANDTOWN BOROUGH AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF

IT IS HEREBY ENACTED AND ORDAINED, by the Council of Richlandtown Borough, Bucks County, Pennsylvania, as follows:

SECTION I

Chapter 2, Part 2 of the Richlandtown Code of Ordinance is hereby amended and revised as follows:

§2-201. Definitions.

1. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

ANIMAL – any domestic animal or fowl, any wild animal or any household pet, including, but not limited to birds, fish, reptiles and insects.

DOMESTIC ANIMAL – 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; this does not include bees.

HOUSEHOLD PET – any dog, cat or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.

KEEPER – any person, firm or corporation owning or actually keeping, having, using or maintaining any of the animals herein referred to.

LARGE ANIMAL – any wild or domestic animal of the Equine family.

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

PERSON – any person, firm, partnership or corporation.

SMALL ANIMAL – any wild or domestic animal permitted within Richlandtown Borough such as a rabbit, guinea pig, rat or mouse or any wild or domestic fowl such as a hen.

WILD ANIMAL – any animal, including bird, fowl 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.

2. In this Part, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine.

§2-202. Kinds of Animals Permitted.

Any person is permitted to maintain, keep or possess within the Borough of Richlandtown any of the following animals which classification shall be strictly construed:

- Cage birds: includes parakeets, parrots, canaries, finches, lovebirds, myna birds and other birds ordinarily kept in cages in households; it excludes wild birds captured or rescued and kept in cages.
- Cats.
- Dogs.
- Ferrets.
- Frogs.
- Gerbils.
- Goldfish and carp.
- Guinea pigs.
- Hamsters.
- Hens.
- Horses: Equine family only.
- Lizards.
- Mice: white.
- Rabbits: restricted to European type rabbits commonly kept as pets.
- Rats: white
- Salamanders: any tailed amphibian.
- Snakes: nonpoisonous.
- Toads.
- Tropical fish: limited to those customarily maintained in a household aquarium except piranhas.
- Turtles.
- Vietnamese pot-bellied pigs: kept as household pets only.

§2-203. Keeping of Animals Regulated.

It shall be unlawful for any person to keep any domestic animal, except household pets, except as provided in this Section:

- A. Large animals shall be confined in quarters no less than two (2) acres per one animal with an additional $\frac{1}{2}$ acre for each additional animal and no closer than 100 feet from the exterior limits of any dwelling or of any property line.

- B. Small animals shall be kept confined in quarters no part of which shall be closer than 50 feet from the exterior limits of any dwelling or of any property line.
- C. The keeper of every such large animal and/or small 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 and construction conducive to the animal's health and safety with adequate sanitary drainage facilities provided. The total required enclosure space, consisting of a coop and run, is eight (8) sq/ft per hen, with a minimum of three (3) sq/ft per hen in the coop.
- D. Every keeper of any animal shall cause the litter and droppings therefrom to be collected daily in a container or receptacle that when closed shall be rat-proof and fly-tight, and after every such collection shall cause such container or receptacle to be kept closed. At least twice a week, every such keeper shall cause all litter and droppings so collected to be disposed of in such manner as not to permit the presence of fly larvae.
- E. Every keeper of any animal shall cause all feed provided therefore to be stored and kept in a rat-proof and fly-tight building, box, container or receptacle.

§2-204. Household Pets.

It shall be unlawful for any person to keep any household pet, except as provided in this section:

- A. If any such household pet shall be kept in a dwelling owned or occupied by its owner, such owner shall be required to follow such procedures and practices, as to the number of such household pets to be kept there, and as to sanitation, to insure that no public nuisance shall be created or maintained and no threat to the health of persons living elsewhere than in such dwelling shall be created.
- B. If any such household pet shall be kept in an enclosure outside such dwelling, the provisions of §2-203 set forth herein, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.
- C. Anyone who is the owner, keeper or possessor of a household pet shall not permit it to defecate on the property of another person without their permission or on public property or on any public streets, sidewalk, curb or alley unless the owner, keeper or possessor of the household pet removes the feces immediately.

§2-205. Animal Noise.

It shall be unlawful for the owner of any dog or dogs or any other animal to allow or permit his or her animal to make any loud noise continuously and/or incessantly, for a continuous period of 10 minutes, or make such noise intermittently for 30 minutes or more to the disturbance of any reasonable person with reasonable sensibilities any time day or night, regardless of whether the animal is physically situated in or upon private property; provided that at the time the animal is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal is situated nor is there any other legitimate cause which justifiably provoked the animal.

§2-206. Limitations on Number of Animals.

- A. It shall be unlawful for any person to keep or maintain on any property more than five (5) dogs over six months of age, or five (5) cats over six months of age or a combined total of cats and dogs not exceeding eight (8).
- B. It shall be unlawful for any person to keep or maintain on any property more than six (6) hens.

§2-207. Violation of State Law.

Any violation of this Ordinance that would also violate any State law shall be prosecuted under that State law and not under this Ordinance.

§2-208. Penalties.

- A. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine as follows:
 - (1) Fifty dollars, plus costs, for the first violation;
 - (2) One hundred dollars, plus costs, for the second violation;
 - (3) One hundred fifty dollars, plus costs, for the third violation;
 - (4) Two hundred dollars, plus costs, for the fourth violation;
 - (5) Two hundred fifty dollars, plus costs, for all subsequent violations.
- B. For purposes of this section "costs" shall include, but not be limited to, any and all money spent on investigating, mitigating, prosecuting or otherwise addressing any violation of this chapter, including, but not limited to, enforcement charges and attorneys' fees.
- C. Each day that a violation of this Ordinance continues shall constitute a separate offense. In default of payment of any fine pursuant to this chapter, the violator shall be subject to imprisonment for a term not to exceed 30 days.
- D. Any household found to be repeatedly reporting false violations of this ordinance will be responsible for the fees associated with those reported violations.

SECTION II REPEALER

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION III 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 Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

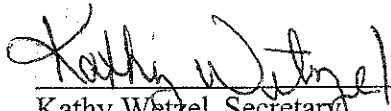
SECTION IV EFFECTIVE DATE

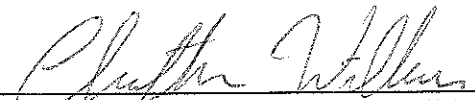
This Ordinance shall become effective five (5) days after enactment or upon recordation of this Ordinance within the Borough's official Ordinance Book, whichever comes later.

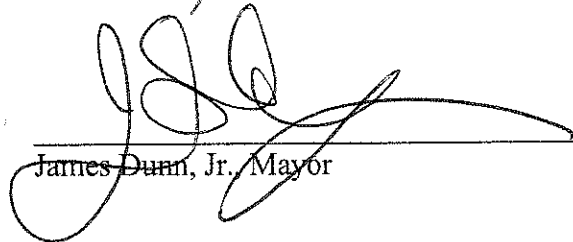
ENACTED this 27th day of July, A.D., 2021

ATTEST:

RICHLANDTOWN BOROUGH COUNCIL


Kathy Witzel, Secretary


Christopher Willever, Borough Council President


James Dunn, Jr., Mayor