

**NORTH FRANKLIN TOWNSHIP  
WASHINGTON COUNTY, PENNSYLVANIA  
ORDINANCE: 5 of 2022**

**AN ORDINANCE BY THE BOARD OF SUPERVISORS OF  
NORTH FRANKLIN TOWNSHIP AMENDING THE  
TOWNSHIP CODE OF ORDINANCES, SPECIFICALLY  
CHAPTER 112 ANIMALS, ARTICLE 1 AMENDING THE  
REGULATIONS RELATED TO THE KEEPING OF ANIMALS  
IN THE TOWNSHIP BY PROVIDING ADDITIONAL  
DEFINITIONS AND PENALTIES FOR THE VIOLATIONS  
THEREOF.**

**WHEREAS**, the Municipalities Planning Code, 53 P.S. §10101 *et seq.* (the “MPC”), authorizes the Township (the “Township”) to create ordinances for the regulation, administration and enforcement of Township zoning ordinances, codes, etc.; and,

**WHEREAS**, pursuant to its authority under the MPC, the Board of Supervisors of the Township (the “Township Supervisors”) have adopted a Township Code, including the establishment of regulations related to the handling of dogs as pets in the Township; and,

**WHEREAS**, the Township Supervisors believe there is a need to amend the Township Code to expand the regulations to include not only dogs, but all domestic pets/animals.

**NOW THEREFORE**, the Board of Supervisors hereby ordains and enacts as follows, incorporating the above recitals by reference:

**SECTION 1. SHORT TITLE.**

This Ordinance shall be known as the North Franklin Township “Keeping of Animals Ordinance.”

**SECTION 2. AMENDMENT TO CHAPTER 112 ANIMALS, ARTICLE 1.**

§ 112-1 - Definitions; word usage.

- A. The following words and terms, as used in this article, shall have the meanings hereby respectively ascribed thereto, except where the context clearly indicates a different meaning:

**ANIMAL** - Any domestic animal or fowl, any wild animal or any household pet.

**DOMESTIC ANIMAL** - Any animal as hereinafter defined as a household pet, a large animal or a small animal.

**EXOTIC ANIMAL** - Any animal that is not normally domesticated in the United States or is wild by nature. Exotic animals include but are not limited to any of the following orders and families, whether bred in the wild or captivity, and also any of their hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified.

- A. Nonhuman primates and prosimians (monkeys, chimpanzees, baboons).
- B. Felidae (lions, tigers, bobcats, lynx, cougars, leopards, jaguars, not domesticated cats).
- C. Canidae (wolves, coyotes, foxes, jackals, not domesticated dogs).
- D. Ursidae (all bears).
- E. Reptilia (all venomous snakes, all constricting snakes).
- F. Crocodilia (alligators, crocodiles).
- G. Proboscidea (elephants).
- H. Hyaenidae (hyenas).
- I. Artiodactyla (hippopotamuses, giraffes, camels, not cattle or swine or sheep or goats).
- J. Procyonidae (raccoons, coatis).
- K. Marsupialia (kangaroos, opossums).
- L. Perissodactyla (rhinoceroses, tapirs, not horses or donkeys or mules).
- M. Edentata (anteaters, sloths, armadillos).
- N. Viverridae (mongooses, civets, and genets).

**FERAL CAT** - An unowned free-roaming cat that is partially socialized or unsocialized to humans and tends to resist contact with humans.

**HOUSEHOLD PET** - Any dog, cat, or other domestic animal normally and ordinarily kept in or permitted to be at large on the premises of its owner.

**LARGE ANIMAL** - Any domestic animal of the bovine, equine, sheep or hog family.

**NUISANCE** - An animal shall be considered a nuisance if it habitually trespasses upon or damages either private or public property or annoys or harms lawful users or occupants thereof.

**OWNER** - Any person having a right of property in, having custody of or who harbors or permits a dog, cat, domestic animal or any non-domesticated animal to remain on or around his or her property, excluding feral cat caregivers as defined herein.

**PERSON** - Any person, firm, partnership, association or corporation.

**PUBLIC NUISANCE** - Any animal or animals that:

- A. Physically attack or molest passersby or passing vehicles;
- B. Attack or threaten other animals;
- C. Damage public or private property;
- D. Bark, whine, howl, or make other sounds common to its species in an annoying, excessive or continuous manner;
- E. Are repeatedly at large or unrestrained; or
- F. Any amount of animals, whether one or more in number, which constitute a nuisance due to odor or the actual number of animals on or within the owner's property that is deemed to be offensive in nature.
- G. Any person who feeds, leaves out food for wild animals, feral cats, etc.

**RUNNING AT LARGE** - Being upon any public highway, street, alley, park or other public land or upon property of another person other than the owner and not being firmly secured by means of a collar and chain or other device so that it cannot stray or not being accompanied by or under the reasonable contact of some person.

**SMALL ANIMAL** - Any domestic animal such as a rabbit, hare, guinea pig, rat, mouse or chinchilla; and any domestic fowl such as a chicken, turkey, goose, duck or pigeon (except homing pigeons).

**STRAY CAT** - Any cat whose owner or keeper from time to time allows the cat to run free off of the property of the owner or keeper.

**WILD ANIMAL** - Any animal, 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 normally or ordinarily kept as a household pet.

**VICIOUS DOG** - A dog determined to be a dangerous dog under Article V-A, Dangerous Dogs, of the Dog Law (3 P.S. § 459-502-A et seq.).

- B. In this article, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

§ 112-2 - Keeping of wild animals.

It shall be unlawful for any person to keep any wild animal at any place within the Township, except where the same shall be specifically permitted under State, Federal or Local law, or in a park, zoological garden or similar establishment for exhibit to the public or to any portion thereof.

§ 112-3 - Keeping of domestic animals.

It shall be unlawful for any person to keep any domestic animals, except household pets, except as provided in this section.

- A. Large animals shall be confined in quarters no part of which shall be 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 25 feet from the exterior limits of any dwelling or of any property line.
- C. The keeper of every such domestic animal shall confine the same in an enclosure sufficient to prevent such animal from running at large, and such enclosure shall be maintained in a clean and sanitary condition at all times. Such enclosure shall be of a size conducive to good sanitation practices, and adequate and sanitary drainage facilities shall be provided.
- D. Every keeper of a domestic animal shall cause the litter and droppings therefrom to be collected daily in a container or receptacle of such type that, when closed, it shall be ratproof and flytight 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 a domestic animal shall cause all feed provided therefor to be stored and kept in a ratproof and flytight building, box, container, or receptacle.

§ 112-4 - Keeping of household pets.

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

- A. If any such 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 pets to be kept there, and as to sanitation, to insure that no nuisance or 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 pet shall be kept in an enclosure outside such dwelling, the provisions of § 112-3 of this article, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.

#### § 112-5 - Violations and penalties.

Any person who violates or permits a violation of this article shall, upon being found liable therefor, pay a fine of not more than \$600, plus court costs and reasonable attorneys' fees incurred by the Township in the enforcement proceedings. If the penalty is not paid, the Township shall initiate a civil action for collection in accordance with the Pennsylvania Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Township may enforce this article in equity in the Court of Common Pleas of Washington County.

#### § 112-6 - Interpretation.

Any violation of this article that would violate any state law shall be prosecuted under that state law.

#### § 112-7 - Defecation and destruction by animals on public or private property.

- A. Any animal which scratches, digs or defecates upon any lawn, tree, shrub, plant, building or any other public or private property, other than the property of the owner or person in charge or control of such animal, is hereby declared to be a nuisance.
- B. No person having possession, custody or control of any animals shall knowingly or negligently permit any dog or other animal to commit any nuisance upon any gutter, street, driveway, curb or sidewalk in the Township, or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, curbs or stairways of any building abutting on a public street or park, or upon the grounds of any public park or public area, or upon any private property other than the property of the owner of such animal.
- C. Any person having possession, custody or control of any dog or other animal which commits a nuisance in any area other than the private property of the owner of such dog or other animal, as prohibited in Subsection B of this section, shall be required to immediately remove the said feces from such surface and carry the feces in a nonleaking container.
- D. On or after the effective date of this ordinance, it shall be unlawful for any person or persons who are the owners or custodians of any pet to permit any pet owned by him, her or them, or under his, her or their supervision and control, to run at large on the public streets and highways (including state and county highways) of the Township or upon the

property of persons other than the owners of such pets. An animal must be firmly secured by means of a collar and chain or other device so that it cannot stray or must be accompanied by or under the reasonable control of some person.

- E. It shall be unlawful for any owner of any cat to permit such cat to run free outside the residence of its owner.
- F. It shall be unlawful for any person to continue to feed stray or feral cats, where such feeding causes a nuisance to neighbors or creates a condition contrary to the health, safety, and welfare of the community.

§ 112-8 - Vicious or dangerous dogs.

Vicious or dangerous dogs shall be regulated in accordance with Article V-A of the Dog Law, 3 P.S. § 459-502-A et seq.

§ 112-9 - Barking dogs.

- A. Nuisance defined with respect to dogs. A dog owner shall be presumed to have created or maintained a nuisance if he, she, or it shall:
  - (1) Permit the dog to cause annoyance or discomfort to or to disturb the peace of the citizens, residents, or other persons lawfully in the Township by barking, yelping, howling, or causing any other unseemly noise.
  - (2) Permit the dog to make any loud or harsh noise or disturbance with such frequency as to interfere with or disturb the peace, quiet, rest, sleep, or repose of any person within the Township.
- B. Presumptions of disturbance of the peace; annoyance. It shall not be necessary to establish that any occurrence has lasted for any specific period in order to find a violation of this article.
- C. Permission. At the trial or hearing on any charge of violation of this article, if it shall be determined that a dog has disturbed the peace, quiet, rest, sleep or repose of any person within the Township or has caused the annoyance or discomfort of such persons by barking, yelping, howling or causing any other unseemly noise as hereinbefore set forth, it shall be conclusively presumed that the dog owner has permitted the occurrence to have happened.

§ 112-10 - Exotic animals.

- A. Keeping of exotic animals prohibited. It shall be unlawful for any person to own, possess, keep, harbor, bring, or have in one's possession an exotic animal within the Township of North Franklin. It shall be unlawful for the owner, possessor, or any other person in control of a lot, tract, or parcel of land within the Township or any residence or business premises situated thereon to knowingly permit any other person to be in possession of an exotic animal or exotic animals upon the premises.



- B. Exceptions. The following shall be exempt from these regulations under the conditions noted:
- (1) Licensed humane societies or designated no-kill shelters;
  - (2) Animal Control Officers; and
  - (3) Licensed veterinary hospitals or clinics.
- C. Violations and penalties. Whoever violates the provisions of this section shall be fined and/or punished in accordance with § 112-12 herein.

§ 112-11 - Appointment of Animal Control Officer; duties.

- A. Appointment. An Animal Control Officer may be appointed by the Board of Supervisors at its sole discretion.
- B. Animal control procedures; call to duty. The Animal Control Officer shall be available during contracted hours and may be called to duty at the discretion of the Township Board of Supervisors or its designee.
- C. Transportation of animals. If it is determined that the transportation of an animal is necessary, the Animal Control Officer shall transport said animal in his/her vehicle.
- D. Seizure of animals. The Animal Control Officer may seize any animal that is the subject of an alleged violation and cause that animal to be held as required pursuant to the provisions of this article and any other applicable state and/or federal statute. At all times hereto, the Animal Control Officer shall seize, house, transport and care for any animal under his/her supervision as humanely as possible. Upon seizure of any animal, the Animal Control Officer shall attempt to locate the owner of the animal and return said animal to the owner. When the owner of said animal cannot be located within a reasonable period of time, the Animal Control Officer may turn said animal over to a no-kill shelter and/or a shelter which does not supply animals for research.
- E. Dangerous or vicious animals. The Township will handle a dog determined to be dangerous in accordance with the Pennsylvania Dog Law.
- F. Suspected rabid animals. Upon complaints of suspected rabid animals, the Animal Control Officer shall be notified immediately. If the Animal Control Officer determines that the destruction of a suspected rabid animal is deemed necessary, such destruction must be accomplished in the least public manner possible, as humanely as possible, and such that the head of the animal is not damaged and is preserved for analysis to confirm rabies.
- G. Wild or exotic animals. For complaints involving wild animals and protected animals, the Animal Control Officer shall be notified and respond to the complaint unless the Animal Control Officer determines that a state game official is better suited to respond to the

complaint. If such a determination is made, the Animal Control Officer shall notify such official of the same.

- H. Animals considered to be a nuisance. The Animal Control Officer shall be charged with investigating and prosecuting any owners for being in possession of any animal(s) that are considered to be a nuisance and/or public nuisance as described by this article and in accordance with § 112-13 herein.

#### § 112-12 - Violations and penalties.

- A. Penalties. On the first two occasions that an owner violates any section of this article, unless otherwise specified, the owner of such animal shall pay a fine not less than the amount of \$150 to the Township, as well as reasonable fees incurred by the Township for keeping any animal in a kennel or other structure. Upon conviction of a third or subsequent offense involving a violation of this article, the owner of the animal involved shall be guilty of a misdemeanor of the third degree per each violation and, upon conviction thereof, be sentenced to pay a fine of no less than \$300 but no more than \$1,000 and may be subject to imprisonment for not more than one year in jail.
- B. Additionally, any animal which attacks a human being, or another domestic animal may be ordered destroyed when, in the court's judgment, such vicious animal represents a continuing threat of serious harm to human beings or other animals. In addition, any person found guilty of violating any part of this article shall pay all expenses, including Township Solicitor's fees, shelter, food, veterinary expenses for identification or certification of the breed of the animal or any veterinary expenses necessitated by the seizure of any animal for the protection of the public, and such other expenses as may be required for the destruction of any such animal. Any such other expenses and/or fees shall be chargeable to the owner as costs of suit.

#### § 112-13 - Exemptions.

The provisions shall not apply to a guide dog accompanying any blind person or to a dog used to assist any physically handicapped person (or other medically approved conditions) or to animals used in any police or fire activities of the Township.

**SECTION 3. REPEALER.** Any Township Ordinances or provisions of the Township Code which are inconsistent herewith are hereby repealed to the extent of any such inconsistency.


**SECTION 4. SEVERABILITY.** If any sentence, clause, section or other 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 would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall become effective five (5) days after adoption.




ENACTED AND ORDAINED this 15 day of November, 2022.

ATTEST:

  
Secretary  
(SEAL)

BOARD OF SUPERVISORS  
NORTH FRANKLIN TOWNSHIP

  
Chairperson, Board of Supervisors

  
Supervisor

  
Supervisor

Approved by the Township Solicitor:

By:   
Gary L. Sweat, Esq.