

## **Chapter 2**

### **Animals**

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**Part 1****Dogs Running at Large****§2-101. Unlawful to Allow Dogs to Run at Large.**

No dog or dogs licensed or unlicensed, as may be required by the laws of this Commonwealth, shall be allowed to run at large within the limits of this Borough. A dog shall be deemed to be running at large when it is off the premises of its owner, or of the person keeping or harboring such dog, and is not on a leash, tether, chain, rope or the like, the overall length of which, including the hand grip, shall not exceed 6 feet and is held by its owner or other person able to control such dog. This provision shall not apply to a dog while participating in an arranged training class, trial or exhibition.

(*Ord. 74-8, 8/6/1974, §1*)

**§2-102. Seizure of Dogs.**

1. It shall be the duty of every police officer of said Borough or the dog warden to seize and detain any dog, whether licensed as required by law or not, found running at large.

2. If such dog is licensed as required by law, it shall be detained and properly kept and fed, and immediate notice, either in person or by registered mail, shall be given to the person in whose name the license was procured to claim such dog within 10 days. If reclaimed, the owner, or his or her agent, shall pay all reasonable expenses incurred by reason of its detention, whereupon such dog shall then be delivered to such owner, or his or her agent. If the dog is not claimed within 10 days, it shall be turned over to the SPCA, or in the inability of the SPCA to take such dog, to dispose of the same in a humane manner in accordance with the Dog Law, 3 P.S. §459-101 *et seq.* [*Ord. 2012-03*]

3. In case any dog found running at large is not licensed as required by law, it shall be the duty of every police officer of said Borough or the dog warden to seize such dog and upon satisfactory evidence that the same has not been licensed as required by law, or that such dog or dogs do not bear proper license tag, to detain and properly keep and feed the dog for a period of 7 days. If reclaimed, the owner shall pay all reasonable expenses incurred by reason of its detention. If the dog is not reclaimed within 7 days, it shall be turned over to the SPCA, or in the inability of the SPCA to take such dog, to dispose of the same in a humane manner in accordance with the Dog Law, 3 P.S. §459-101 *et seq.* [*Ord. 2012-03*]

(*Ord. 74-8, 8/6/1974, §2; as amended by Ord. 2012-03, 12/4/2012*)

**§2-103. Curbing of Dogs and Removal of Dog Feces.**

No person owning, harboring, keeping, or in charge of any dog, shall cause, suffer or allow such dog to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the permission of the owner of said property. The restriction in this Section shall not apply to that portion of any public street lying between the street side of the two sidewalks, which area shall be used to curb such dog under the following

conditions:

A. The person who so curbs such dog shall immediately remove all feces deposited by such dog by any sanitary method.

B. The feces removed from the designated area shall be disposed of by the person owning, harboring, keeping or in charge of any dog curbed in accordance with the provisions of this Part, in a sanitary manner.

(*Ord. 74-8, 8/6/1974, §3*)

**§2-104. Penalties.**

1. The first two times a dog is seized, the owner shall pay a fine of \$15 to the Borough as well as reasonable fees for keeping the animal in a kennel in an amount as established from time to time by resolution of the Borough Council.

2. Any person allowing a dog to run at large a third time in violation of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 74-8, 8/6/1974, §4; as amended by Ord. 2012-03, 12/4/2012*)

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**Part 2****Animal Noise****§2-201. Intent and Purpose.**

The Borough Council of the Borough of Dauphin, finding that excessive levels of sound are detrimental to the physical, mental and social well-being of the people as well as to their comfort, living conditions, general welfare and safety and well-being and, therefore, a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within the Borough.

*(Ord. 2012-03, 12/4/2012)*

**§2-202. Noise Disturbance.**

It shall be illegal within the Borough of Dauphin for any person or persons to own, possess, harbor or control any animal or bird which makes any noise continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for ½ hour or more to the disturbance of any person any time of the day or night regardless of whether the animal or bird is physically situated in or upon private property, said noise being a nuisance; provided, that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated nor is there any other legitimate cause which justifiably provoked the animal or bird.

*(Ord. 2012-03, 12/4/2012)*

**§2-203. Exceptions.**

This Part shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from nuisance suits by the Act of June 10, 1982, P.L. 454, No. 133, §1 *et seq.*, 3 P.S. §951 *et seq.*

*(Ord. 2012-03, 12/4/2012)*

**§2-204. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 2012-03, 12/4/2012)*

