

Borough of New Hope, PA

Bucks County

Ordinances:

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Chapter 105. Animals Article I. Dog Control [Adopted 6-10-1963 by Ord. No. 152; amended in its entirety 8-13-1990 by Ord. No. 1990-2 (Ch. 2, Part 1 of the 1990 Code)]

Article I. Dog Control

§ 105-1. Definitions. As used in this article, the following terms have the meanings indicated, unless a different meaning clearly appears from the context:

OWNER Any person having a right of property in any dog or having custody of any dog, or any person who harbors or permits a dog 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 or under the control of the owner or any other person having custody of said dog.

§ 105-2. **Unlawful to allow dogs to run at large.** It shall be unlawful for the owner of any dog or dogs to allow or permit such dog or dogs to run at large in the Borough of New Hope.

§ 105-3. Seizure of dogs. Any police officer or Dog Warden may seize any dog found at large in the Borough of New Hope. Such dogs are to be impounded in a licensed kennel. 8/12/2015 Borough of New Hope, PA <http://ecode360.com/print/NE2409?guid=11743820&children=true> 2/2 [1] A. B. C.

§ 105-4. Notification of owners of licensed dogs. Owners of licensed dogs are to be notified by registered or certified mail, with return receipt, that the dog is impounded and will be disposed of in five days if not claimed. Five days after the return receipt has been received, and the dog has not been claimed, the dog may be sold or destroyed in accordance with the 1982 Dog Law. [1] Editor's Note: See 3 P.S. § 459-101 et seq.

§ 105-5. Unlicensed dogs. Unlicensed dogs that are seized are to be held in such kennel for 48 hours, and, if not claimed, may be destroyed in accordance with the 1982 Dog Law.

§ 105-6. **Threatening dogs.** Dogs that, in the opinion of any police officer or Dog Warden, constitute a threat to public health and welfare may be killed by the police or Dog Warden.

§ 105-7. **Violations and penalties.** The first time a dog is seized, the owner shall pay a fine of **\$15** to the Borough of New Hope as well as reasonable fees for keeping the animal in a kennel. The second time a dog is seized, a fine of up to **\$100** may be assessed, plus the costs of keeping the animal. Any person allowing an animal to run at large a third time in violation of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than **\$600** and costs, or in default of payment thereof, shall be subject to **imprisonment** for a term not to exceed 30 days.

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Article II. Defecation on Public Property

§ 105-8. Definitions.

For the purpose of this article, the following words shall have the following meanings:

ANIMAL

Any domestic pet, including, but not limited to, dogs and cats or any domesticated wild animals kept as pets, including, but not limited to, raccoons, skunks, ferrets and like creatures.

§ 105-9. Animal defecation on public and private property restricted.

A person having possession, custody or control of any animal shall not permit such animal to defecate or urinate:

- A. Upon any gutter, street, driveway, alley, curb or sidewalk in the Borough of New Hope.
- B. Upon the floors or stairways of any building or place frequented by the public or used in common by the tenants.
- C. Upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park.
- D. Upon the grounds of any public park or public area.
- E. Upon any private property other than the property of the owner of such animal.

§ 105-10. Disposal of animal feces.

Any person having possession, custody or control of any animal which defecates or urinates in any area other than the private property of the owner of the animal as prohibited in § 105-9 shall be required to immediately remove any feces or waste from such surface and either:

- A. Carry same away for disposal in a sanitary facility.
- B. Place same in a nonleaking container for deposit in a trash or litter receptacle.

§ 105-11. Dogs accompanying blind or handicapped persons exempted.

The provisions of §§ 105-9 and 105-10 hereof shall not apply to a guide dog accompanying any blind person, or to a dog used to assist any other physically handicapped person.

§ 105-12. Violations and penalties.

Any person, firm or corporation who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 or to imprisonment for a term not to exceed 30 days.

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Article V. Animal Noise

§ 105-21. Unlawful conduct.

A. It shall be a nuisance and unlawful for any person or business entity owning, possessing, controlling, harboring or keeping one or more of any animal or bird, either willfully or through the failure to exercise proper control, to allow such animal to bark, bay, howl, cry, squawk, crow or make any other similar noise continually, continuously and/or intermittently for any extended period of time, at any time of day, in such a manner as to disturb or annoy any person of normal and reasonable sensitivities, regardless of whether the animal or bird is situated on public or private property.

B. The standard of "disturb or annoy any person of normal and reasonable sensitivities" is the "reasonable person" standard, i.e., the noise is such that a person of normal and reasonable sensitivities, under the same or similar circumstances, would suffer annoyance or discomfort.

C. Exception. Subsection A shall not apply to noise made by animals or birds at trespassers or threatening trespassers on private property on or to which the animal or bird is situated or properly restrained, or as a result of any threat or provocation by a person not on the property.

§ 105-22. Evidence of violation.

A. Evidence of a violation of this article may be based upon complaints from neighboring inhabitant(s), hereby defined as persons living, working or occupying space within 300 yards of such animal owner or keeper's premises; or if the animal wanders outside or off of such premises, within 300 yards of any place where such animal wanders outside of such premises.

B. In addition to the evidence described in Subsection A above, credible evidence of a violation of this article may include, but shall not be limited to, the personal experience of the investigating police officer, audio and/or video recordings, sound-monitoring logs, photographs, maps or declarations/statements of witnesses.

§ 105-23. Enforcement; investigation procedures.

A. The New Hope Borough Police Department is charged with enforcement of the provisions of this article. Any full- or part-time New Hope Borough police officer may issue a summary citation for any violation of this article that shall specify the nature, date and time of the violation.

B. The Police Department may follow the procedures in this Subsection B in responding to all complaints of a violation of this article. However, the procedures provided for this Subsection B are discretionary and not mandatory.

(1) Upon receiving a complaint from any person, either orally or in writing, of a violation of this article, the police may send the owner or keeper of the animal a courtesy warning letter. The letter shall notify the owner or keeper that the New Hope Borough Police Department has received a complaint regarding the animal that may constitute a violation of this article, describing the substance of the complaint. The letter will specify a reasonable amount of time

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for the owner and/or keeper to abate the animal noise. The letter will also explain the process and potential costs/consequences of a summary citation, and will encourage the parties to attempt to resolve the complaint privately.

(2) Upon sending out the courtesy warning letter, the New Hope Borough Police Department will enter the date and the address of the animal owner or keeper in the incident report records of the Police Department.

(3) If at the end of the abatement period the New Hope Borough Police Department determines, either through renewed complaint from the original complainant or other credible evidence, that the unlawful noise has not abated, the investigating/assigned officer may issue a citation as provided in this article.

C. In addition to the above, New Hope Borough may initiate any action for injunctive relief to prohibit or abate any activity in violation of the provisions of this article.

§ 105-24. Violations and penalties; nuisances.

A. Any person or business entity who shall violate any of the provisions of this article shall, upon summary conviction thereof, be punishable by a minimum fine of \$100. Each violation of the provisions of this article shall be deemed to be a separate and distinct offense. When second and/or subsequent violations are committed by the same person or entity within any twelve-month period, the fine shall be double the amount of the previous fine up to a maximum of \$1,000 for each separate and distinct offense.

B. The Borough hereby declares any unlawful conduct under this article to be a nuisance. In any action for injunctive relief to prohibit or abate any activity in violation of the provisions of this article, the Borough may collect the costs thereof together with attorneys' fees in the manner provided by law for the collection of municipal claims or by civil action.

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