

Chapter 61**ANIMALS**

- § 61-1. **Purpose.**
- § 61-2. **Interrelationship between chapter and state law.**
- § 61-3. **Construction.**
- § 61-4. **Definitions.**
- § 61-5. **Regulated activities.**
- § 61-6. **Sanitary maintenance; animals prohibited.**
- § 61-7. **Interference with enforcement officer prohibited.**
- § 61-8. **Limited liability of officials.**
- § 61-9. **Enforcement.**
- § 61-10. **Violations and penalties.**

[HISTORY: Adopted by the Borough Council of the Borough of Newtown 9-8-1987 by Ord. No. 423, approved 9-8-1987; amended in its entirety 4-8-2003 by Ord. No. 643, approved 4-8-2003. Subsequent amendments noted where applicable.]

§ 61-1. Purpose.

This chapter is enacted for the purpose so that all animals in Newtown Borough be kept under the control of their owners at all times so that they will not injure persons; damage property; create a nuisance; attack or wound persons or other domestic animals; to prevent animal fecal matter from accumulating; and to better protect the health and safety of the residents of Newtown Borough and their property.

§ 61-2. Interrelationship between chapter and state law.

This chapter is to be administered in conjunction with and in addition to the provisions of Title 3, Chapter 8, Pennsylvania Statutes, entitled "Dogs," and all other applicable provisions of laws, rules and regulations of Pennsylvania law.

§ 61-3. Construction.

The provisions which apply to the owner of an animal apply equally to any person having its custody or possession.

§ 61-4. Definitions.

The following words and phrases are hereby defined and shall be construed as hereinafter set forth, unless the context clearly indicates otherwise:

AT LARGE — Off the premises of the owner or person charged with the responsibility of control, and not under the direct control of the owner or person charged with the responsibility of control by means of a leash or other such restraint.

CAT — Every cat, regardless of sex or age.

DANGEROUS ANIMAL — An animal which has bitten a person who was not a trespasser with criminal intent on the owner's premises at the time of the incident; an animal which causes serious injury or death to another animal; or an animal which causes reasonable fear of bodily injury to a person acting in a peaceable manner outside the owner's premises.

DOG — Every dog, regardless of sex or age.

LEASH — A physical restraint made of leather, chain, rope or other reasonably strong material, which is securely attached to an animal's collar or harness and which is intended to be held by an owner of an animal or attached to an immovable object.

NUISANCE — The causing of unreasonable noise, smell, litter or other property damage; the chasing of automobiles, motorcycles, bicycles or other vehicles; the persistent or frequent entry on school grounds while school is in session.

OWNER — Any person or organization which owns, possesses or has custody of an animal.

§ 61-5. Regulated activities.

The following activities are regulated and/or prohibited in Newtown Borough:

- A. An dog is not permitted to run at large. A dog which is off the premises of the owner or the premises of a person having its custody and is not on a leash is prima facie running at large. A dog which is engaged in field trials, training or legally hunting may run at large.
- B. A dog must be kept on a leash and under control at all times in all parts of Newtown Borough, including without limitation in all Newtown Borough parks or open space, along all sidewalks and other pedestrian rights-of-way, in all parking lots, all school property and cemeteries. Dogs in a sanctioned obedience or training show shall not be required to be on a leash while they are actually participating in such an event.
- C. It shall be unlawful to own or possess a dangerous animal, except when such dangerous animal is confined or muzzled.
- D. It shall be unlawful to own or possess an animal creating a nuisance.
- E. It is unlawful for an owner to fail or refuse to reclaim his or her animal and pay the required costs required within seven days after receiving oral or written notice of its impoundment.

§ 61-6. Sanitary maintenance; animals prohibited.

- A. It shall be the responsibility of all animal owners to keep their animals from scratching, digging, defecating or urinating upon any lawns, trees, shrubs, plants, buildings or other public or private property, excluding the property of the animal owner. The owner of any animal, in the event that such animal defecates on any property other than that of the owner, shall immediately remove and dispose of all feces deposited in a sanitary manner.
- B. It is the responsibility of the owner of any animal to properly clean and otherwise maintain his or her habitat to prevent the creation of any nuisance or health hazard.
- C. Peaceable Kingdom Playground. Unless required because of a handicap or disability, it shall be unlawful for any animal owner to permit their animal or any animal under their control into that area or portion of the Peaceable Kingdom Playground at Linton Memorial Park along Lincoln Avenue and Centre Avenue known as the "tot lot." The "tot lot" is, for purposes of this section, that area enclosed within the fence.

§ 61-7. Interference with enforcement officer prohibited.

It shall be unlawful for any person to interfere with the Animal Control Officer or police officer who is engaged in the proper performance of his or her duty under this chapter.

§ 61-8. Limited liability of officials.

No officer, agent, employee, representative or contractor of Newtown Borough shall render himself or herself personally liable for any damage that may accrue to any person or property as a result of any act required or permitted in the discharge of required duties in the enforcement of this chapter.

§ 61-9. Enforcement.

Every police officer of the Newtown Borough Police Department or any person who may be designated by Newtown Borough as an Animal Control Officer shall have the power and duty to enforce the provisions of this chapter, to initiate any proceedings at law or in equity necessary for the enforcement of this chapter and to take any other action necessary to secure compliance with the provisions of this chapter.

§ 61-10. Violations and penalties.

Any owner, person, firm, association or corporation who shall violate or refuse to comply with any provision of this chapter shall, upon conviction in a summary proceeding before any District Justice for the Borough of Newtown or before any judge of any court of competent jurisdiction, be sentenced to pay a fine to the Borough of Newtown of no more than \$300 plus the costs of prosecution and/or imprisonment for a period not to exceed 30 days. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of a violation may be punished as provided above for each such separate offense.