

**WINDSOR BOROUGH  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 4-2016**

**AN ORDINANCE OF WINDSOR BOROUGH, YORK  
COUNTY, PENNSYLVANIA, PROVIDING FOR THE  
KEEPING OF CERTAIN ANIMALS IN WINDSOR  
BOROUGH, THE CARE AND MAINTENANCE THEREOF,  
VIOLATIONS AND PROVIDING A PENALTY FOR THE  
VIOLATION THEREOF**

**BE IT ENACTED AND ORDAINED** by the Borough of Windsor, York County, Pennsylvania (the "Borough"), and it is hereby enacted and ordained by the authority of the same, as follows:

**WHEREAS**, the Borough finds it to be in its best interests to regulate the keeping of domestic and other animals within the Borough; and

**WHEREAS**, the Borough is authorized by the Borough Code, 8 Pa.C.S. §§ 1202 to enact ordinances to regulate the keeping of domestic and other animals within the Borough.

**Section 1. Short Title.** This Ordinance shall be known as the "Windsor Borough Animal Control Ordinance".

**Section 2. Purpose of Ordinance.** The regulations in this Ordinance have been promulgated with the purpose of promoting the public health, safety and general welfare by regulating the keeping of domestic and other animals within the Borough.

**Section 3. Definitions:** The following words and terms as used in this Ordinance, shall have the meanings hereby respectively ascribed thereto, except where the context clearly indicates a different meaning:

**ANIMAL** – any domestic animal, wild animal or household pet.

**DOG LAW** — the Pennsylvania Dog Law, 3 Pa.CS. §§ 459-501-A.

**DOMESTIC ANIMAL** – any animal as hereinafter defined as a household pet or any other animal not a wild animal.

**HOUSEHOLD PET or 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.

**LARGE ANIMAL** – any domestic animal of the bovine, equine, sheep or hog family.

**PERSON** – any person, firm, partnership, association, or corporation.

**SMALL ANIMAL** – any domestic animal such as a rabbit, hare, guinea pig, rat mouse, or chinchilla; and any domestic fowl such as chicken, turkey, goose, duck, or pigeon.

**SPCA** – the Society for the Prevention of Cruelty to Animals, incorporated under the Pennsylvania Animal Cruelty Law, 18 Pa. C.S. §5511, or any successor organization having a similar purpose incorporated under a similar statute.

**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.

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

**Section 4. Certain Animals Prohibited.** It shall be unlawful for any person to keep any wild animal at any place within the Borough except where the same shall be permitted under the Windsor Borough Zoning Ordinance.

**Section 5. Household Pets and Domestic Animals.** It shall be unlawful for any person to keep any household pets or domestic animals, except as provided in this section:

1. If any such household pet or domestic animal 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 public nuisance shall be created or maintained and no threat to the health of persons in such dwelling or elsewhere shall be created.

2. If any such household pet or domestic animal shall be kept in an enclosure outside such dwelling, the provisions of Section 11 of this ordinance, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.

3. The maximum number of household pets and domestic animals shall be not more than eight (8) within any dwelling or on any residential property.

**Section 6. Appointment and Duties of the Animal Control Officer.** An Animal Control Officer shall be appointed by the Borough Council to serve at the pleasure of the Council. Such Animal Control Officer along with the police officers or constable shall have concurrent responsibility for the enforcement of this Ordinance and of the Dog Law, provided that such Animal Control Officer shall not have the power to make arrests under this Act of Assembly or any other Act of Assembly or ordinance of the Borough.

**Section 7. Barking Dogs.**

1. Between the hours of 10:00 p.m. and 6:00 a.m., prevailing time, dogs shall not be kept outside or confined in an open-air enclosure where the dog's barking may disturb the quiet of the neighborhood. Dog owners must confine his or her dog within a relatively soundproof building with closed windows and doors during these hours.

2. Between the hours of 10:00 p.m. and 6:00 a.m., prevailing time, a dog owner shall not keep a dog outside or confined in an open-air enclosure where the dog's barking may disturb the quiet of the neighborhood. A dog owner must confine the dog within a relatively soundproof building with closed windows and doors during these hours.

**Section 8. Dangerous Dogs.** A dog that is determined to be dangerous under §502-A of the Dog Law, shall be restrained or otherwise kept in accordance with Article V-A of the Dog Law.

**Section 9. Defecating on Public or Private Property.**

1. It shall be unlawful for any person owning, keeping or walking any domestic animal, including dogs, to permit his or her domestic animal to defecate upon any public or private property within the Borough, other than the property of the owner of the domestic animal, except if the person immediately removes and cleans up the domestic animal's feces from the public or private property.

2. It shall be unlawful for the owner of any domestic animal to permit the accumulation of feces from the domestic animal in a pen or enclosure, including a yard, or at any place within the Borough where such accumulation creates a threat to the health of any person or the odor therefrom pollutes the air inhaled by any neighbor or other person.

3. 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 rat-proof and fly-tight, and after 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.

**Section 10. Tethering.**

1. If a pet is tethered outside, the tether shall be attached to the pet by a non-choke type collar and attached to the stationary object by swivel anchors, latches, or similar devices in a manner which prevents the tether from becoming entangled around any object so as to limit the pet's freedom within the tethered area, or prevent the pet, or any of its appendages, from becoming entangled by the tether. The pet shall have easy access to clean drinking water and adequate shade and/or shelter within the tethered area. The pet shall be periodically monitored while tethered at reasonable intervals of time. No pet shall be tethered or left outdoors for a continuous period of time greater than one-half hour if the temperature during such period remains below 32 degrees Fahrenheit or above 90 degrees Fahrenheit during any period in which severe weather warning has been issued for York County by the National Weather Service.

2. The Animal Control Officer, any police officer or constable, at such officer's or constable's discretion, or any agent of the SPCA are all hereby designated as the enforcement officers to administer and enforce the provisions of this section. Each such officer, including any agent of the SPCA, shall have all of the powers and responsibility to enforce this section as provided herein along with all of those powers vested in such officer under the

Pennsylvania Animal Cruelty Law. An agent of the SPCA shall carry and display the proper credentials when enforcing this section.

3. Any enforcement officer as designated by this section is hereby authorized to notify any owner or occupant of any premises in violation of this section, either personally or by posting such notice upon the premises, that such owner must bring the outdoor pet tethering violation into compliance with this section within 24 hours of receipt of such notice. Upon the failure of such owner or occupant to bring the violation into compliance with this section within such period of time, the enforcement officer is authorized by the Borough to announce himself or herself and to enter upon such premises, unless ordered not to do so by the owner or occupant, and to temporarily remove the pet from the property. If a pet is removed, then the enforcement officer shall leave a notice in a conspicuous place advising the owner or occupant that the enforcement officer has removed the pet, and what steps the owner or occupant needs to take to regain possession of the pet.

**Section 11. Animals at Large.** It shall be unlawful for any person to keep any domestic animals, except as provided in this section.

1. An owner shall at all times keep his or her domestic animals from running at large in the Borough.

2. Large animals shall be confined in quarters no part of which shall be closer than one hundred (100) feet from the exterior limits of any dwelling or of any property line.

3. Small animals shall be kept confined in quarters no part of which shall be closer than five (5) feet from the exterior limits of any dwelling or of any property line.

4. 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 of a size conducive to good sanitation practices and adequate and sanitary drainage facilities shall be provided.

5. The Animal Control Officer or any police officer or constable, at such officer's or constable's discretion, may seize any domestic animal found at large in the Borough. Such domestic animals are to be impounded in a licensed kennel.

**Section 12. Storing of Feed.** Every keeper of a domestic animal shall cause all feed provided therefore to be stored and kept in a rat-proof and fly-tight building, box, container, or receptacle.

**Section 13. Rabies Prevention and Control.** Every keeper of a dog or cat over 3 months of age shall abide by the vaccination requirements set forth in 7 Pa. Code Chapter 16. In addition, any domestic animal suspected of having or having been exposed to rabies shall be subject to the quarantine requirements set forth in 7 Pa. Code Chapter 16.

**Section 14. Licensing.** In accordance with 3 P.S. §459-201(a), the owner of any dog over the age of three (3) months must obtain a dog license certificate from the county treasurer and renew the license certificate each year on or before January 1. Alternatively, if the

owner of the dog qualifies for a lifetime license, one may be obtained from the county treasurer in accordance with 3 P.S. §459-201(b).

**Section 15. Penalties.** The Borough's Animal Control Officer, applicable law enforcement officials and such other persons as may be designated by resolution of the Council are authorized to make an initial determination of a violation of this Ordinance, and to enforce the provisions of this Ordinance. Any person found guilty of violating this Ordinance in a summary offense proceeding shall be subject to a fine of not less than \$25.00 and not greater than \$1,000.00 per violation, plus all costs of enforcement including reasonable attorney fees, or may be subject to imprisonment to the extent allowed by law for the punishment of summary offenses. Each day that a violation continues or each section of this Ordinance that is found to be violated shall be considered a separate violation.

**Section 16. Validity.** In the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair the remaining provisions, sections, clauses or parts of this ordinance, and all of such remaining provisions shall be and shall remain in full force and effect.

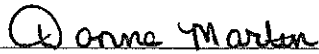
**Section 17. Repealer.** This Ordinance repeals and replaces Ordinance No. 16-89 in its entirety. All other ordinances or parts of ordinances conflicting with the provisions of this ordinance, are hereby repealed insofar as they are inconsistent with this ordinance.

**Section 18. Effective Date.** This ordinance shall take effect immediately in accordance with law.

Enacted and Ordained by the Borough of Windsor, York County, Pennsylvania, this 3<sup>rd</sup> day of October, 2016.

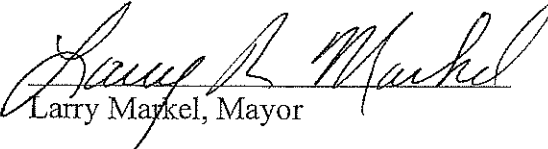
ATTEST:

WINDSOR BOROUGH COUNCIL

  
\_\_\_\_\_  
Donna J. Martin, Secretary

  
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Matthew L. Dietz, Chairman

Approved this 3<sup>rd</sup> day of October, 2016

  
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Larry Markel, Mayor