

## Ordinances

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### Cooke Township Nuisance Animal Ordinance

#### Section 1 General Provisions

##### **A. Title**

This Ordinance shall be known, and may be cited, as the "Cooke Township Nuisance Animal Ordinance."

##### **B. Purpose**

Animal ownership is one of the great American pastimes and privileges, but owning an animal is a major responsibility as well. That responsibility extends not only to proper care and training, but also to the responsibility for the animal's behavior. This Ordinance addresses certain responsibilities of animal owners living in or visiting Cooke Township regarding the effect of their animals on persons, other animals, and property.

##### **C. Other rules and regulations**

1. This Ordinance does not replace federal, state or Cumberland County ordinances. If a conflict arises, the federal, state or county ordinance takes precedence. In particular, note that:

a. The Bureau of Dog Law Enforcement of the Pennsylvania Department of Agriculture enforces State rules and regulations addressing dogs. For example, 7 PA Code 16.45 and as amended covers rabies vaccinations of dogs and cats.

b. The provisions of this Ordinance do not apply to non-captive animals regulated by the Pennsylvania Game Commission under Title 34 *et alia*. The provisions of this Ordinance do apply to all captive animals in Cooke Township including those also regulated by the Game Commission. Note that the Game Commission requires a permit to "*possess, purchase or receive exotic wildlife,*" and it is "*unlawful...to release exotic wildlife into the wild.*"

2. The Cooke Township Sound Ordinance (Ordinance 2001-2, Section C and as may be amended) addresses noise control of animals.

#### Section 2 Definitions

**A. Owner.** Any person owning, harboring or keeping, or providing regular care or sustenance for any animal, whether registered or not, or having custody of any animal, whether temporarily or permanently.

**B. Animal.** For the purposes of this Ordinance, "Animal" shall include any non-human species including mammals, avians, and reptiles, including any wild or semi-wild animal maintained in captivity.

**C. Abandon.** To forsake entirely or to neglect or refuse to provide or perform the legal obligations for the care and support of an animal by its owner or his agent.

### **Section 3** **Nuisances**

**A.** It shall be unlawful for any owner to permit cats, dogs or other animals to become a nuisance in the Township. Acts of nuisance shall include, but are expressly not restricted to any of the following:

**1.** Noise as defined and regulated in the Cooke Township Sound Ordinance (Ordinance 2001-2, Section C and as may be amended): *"It shall be unlawful for any person to own, keep or have in his possession, or harbor, any dog, other animal or bird(s) which, by frequent or habitually howling, yelping, barking or otherwise, cause loud noises, and produce seriously annoying disturbance to any person or to the neighborhood. For the purpose of this Ordinance, an animal making an annoying disturbance shall include an animal that barks, bays, cries, howls or makes any other noise continuously for a period of fifteen minutes at any time of day or night regardless of whether the animal is physically situated in or upon public or private property."*

**2.** Digging into flower beds, lawns, children's boxes, gardens, or otherwise damaging shrubbery, trees or lawns on premises, personal property or other property not belonging to the owner of the cat, dog or other animal.

**3.** Depositing of feces or urine or other bodily waste or by-products on private property not belonging to the owner of the cat, dog or other animal. Acts of nuisance also include the deposition of such waste directly in public roadways and paths in such a manner that persons or vehicles are likely to be soiled in normal passage along the public roadway or path. This provision does not apply to the occasional deposition of manure and urine by horses or draft animals when passing along public roadways or paths.

**4.** Depositing or storing feces or urine or other bodily waste or by-products or other organic refuse on private property in such a manner as to attract numbers of insects, rodents, and other vermin, or to create unwholesome or noxious odors sensible at or beyond the property boundaries.

**B.** No person shall abandon any animal within Cooke Township.

**C.** Animal carcasses or other bodily waste or by-products and similar refuse may not be dumped along Cooke Township roads. This does not apply to remnants of animals legally taken by hunters and trappers within the Township.

**D.** Any owned animal that impinges on another person's property shall be removed promptly by the owner and prevented from doing so again.

**E.** Property owners have the right to humanely trap animals that encroach on their property and shall immediately make reasonable efforts to notify the owner if an owner can be identified. If an owner cannot be identified or does not exist, the trapped animal shall be turned in to a humane society, association for the prevention of cruelty to animals, or similar organization. Any animal so caught and detained shall not be abandoned, nor abused in any way, nor shall the animal be sold for the purpose of vivisection or research. The right specifically enumerated herein does not apply to trapping of furbearers, which is regulated by the Game Commission.

**Section 4****Specific Health and Safety Issues**

**A.** Animal owners in Cooke Township shall comply with all applicable vaccination or other veterinary requirements of the laws of the Commonwealth of Pennsylvania.

**B. Dogs**

**1.** As regulated by existing Pennsylvania law (such as 7 PA Code 16.45 and as amended), dogs over 3 months of age must be licensed and vaccinated against rabies. All dogs must have a collar with current license and rabies vaccination tag attached (note: no license tag is required with permanent tattoo).

**2.** Dogs that bite, menace or in any way pose a direct threat to safety of people or other animals should be reported to a County Dog Warden, animal control officer, or other employee of the Department of Agriculture's Bureau of Dog Law Enforcement so that applicable state laws can be enforced. Per the Bureau of Dog Law Enforcement, to result in enforcement action the report must be made by the affected person and cannot be made through a third party such as a Township official.

**C. Cats**

**1.** As regulated by existing Pennsylvania law (such as 7 PA Code 16.45 and as amended), cats over 3 months of age must be vaccinated against rabies.

**2.** No person shall keep, harbor or maintain a cat that roams freely unless the owner identifies that cat with identification on or attached to a collar that clearly and legibly states the cat owner's name, address and telephone. Confined cats are not required to be so identified.

**Section 5**  
**Enforcement**

**A.** The Cooke Township Supervisors, codes enforcement officer, or other designated official shall be responsible for enforcing the provisions of this Ordinance.

**1.** If the Township determines that a violation of this Ordinance exists, the person(s) responsible for the violation shall be so notified and required to take remedial action within 5 days, or immediately upon receipt of either verbal or written notification if the violation involves a threat to the safety of any person or animal.

**2.** If appropriate corrective action has not been effected within the specified time period, the Township may take appropriate legal action.

**B.** Enforcement of laws, rules and regulations promulgated by other agencies such as the Department of Agriculture or Game Commission shall be the responsibility of those agencies or their designees.

**Section 6**  
**Penalties**

Any person who shall violate or permit the violation of this Ordinance shall, upon being found liable therefore in a civil proceeding commenced by this Township, pay a civil penalty of not less than Fifty (\$50) Dollars and not more than One Thousand (\$1000) Dollars plus all court costs, including reasonable attorney fees, incurred by this Township.

**Section 7**  
**Liability**

Cooke Township, its agents, officials, and representatives, shall not, under any circumstances, be liable or responsible for damages caused to any person or property by reason of the provisions of this Ordinance.

**Section 8**  
**Severability**

The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance.

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