

Borough of Lilly

LILLY, PENNSYLVANIA

ORDINANCE

Ordinance No.: October 2024-3

*An Ordinance of the Lilly Borough Council
Regulating the Keeping of Certain Animals*

WHEREAS, Section 1202 of Pennsylvania's Borough Code (8 Pa.C.S. §101, et. seq.) authorizes boroughs to prohibit or regulate the keeping or running at large of livestock, fowl and any other animal; and

WHEREAS, Section 1202 of the Borough Code authorizes boroughs to make regulations as may be necessary for the health, safety, general welfare, cleanliness, beauty, convenience, comfort and safety of the borough's residents; and

WHEREAS, Section 1202 of the Borough Code authorizes boroughs to regulate streets, public squares, common grounds and sidewalks.

NOW THEREFORE, the Lilly Borough Council hereby **ORDAINS AND ENACTS** as follows:

Section 1. ***Short Title.*** This Ordinance shall be known as the Lilly Borough Animal Regulation Ordinance.

Section 2. ***Definitions.*** The following words and phrases shall be defined as follows unless otherwise indicated:

"Animal" means all quadrupeds, non-human vertebrate and invertebrate species, whether wild or domestic, both male and female, commonly considered to be part of the animal kingdom.

"Borough" the Borough of Lilly, Cambria County, Pennsylvania.

“Fowl” means birds that are barnyard, domesticated or wild, including those valued for their meat and eggs, such as chickens, hens and pheasants.

“Livestock” means any wild or domesticated animals of all species not normally kept as pets, including but not limited to, horses, cattle, swine, sheep, turkeys, donkeys, pot-bellied pigs, geese, ostriches, llamas, alpacas, goats and other animals normally kept on a farm, but excluding fowl.

“Owner” is intended to and shall mean and include every person, firm or corporation having a right of property in an animal, every person, firm or corporation who keeps or harbors an animal or has it in his or her care for however long and every person, firm or corporation who permits an animal to remain on or about any premises occupied by the person, firm or corporation.

“Person” Includes any natural person, partnership, association, firm or corporation. The singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

“Run at Large” means the presence of any animal or livestock upon any public property or upon private property other than the owner’s and not under the control of the owner either by leash, cord or chain.

“Wild or Exotic Animal” any animal of a species prohibited by Title 50, C.F.R. or otherwise controlled by the Commonwealth of Pennsylvania. It shall also include any animal which is wild, fierce, dangerous, noxious or naturally inclined to do harm.

Section 3. ***Conditions for Keeping Rabbits or Pigeons.*** No person shall keep any rabbits or pigeons anywhere in the Borough unless the rabbits or pigeons shall at all times be confined to the premises of the owner.

Section 4. ***Unlawful to Keep Pigs, Hogs or Swine of Any Kind.*** It shall be unlawful for any person to keep any pig, hog or swine of any kind or maintain any pig pen or hog pen anywhere in the Borough.

Section 5. *Keeping of Certain Animals Prohibited.* No person shall keep, shelter or harbor any wild or exotic animal or livestock as a pet or act as a temporary custodian of such animal or keep, shelter or harbor such animal for any other purpose or in any other capacity. Exempting only any zoological park, veterinary hospital (not boarded) or clinic, humane society or circus, sideshow, amusement show or facility used for educational or scientific purposes; which provides proper cages, fences and other protective devices adequate to prevent such animal from escaping or injuring the public or causing a health hazard due to fecal matter or otherwise.

Section 6. *Prohibition of the Sale, Exchange, Adoption or Transfer of Wild or Exotic Animals or Livestock.* No person shall sell, offer for sale, adoption, exchange or transfer, with or without charge, any wild or exotic animal or livestock.

Section 7. *Prohibiting Animals to Run at Large.* It shall be unlawful for any person to permit any animal to run at large.

Section 8. *Regulations for the Keeping of Fowl.* Any owner of fowl shall comply with the following:

- (a) No owner shall keep more than six fowl.
- (b) No owner shall keep a rooster.
- (c) No owner shall slaughter fowl unless authorized by the county or state health department.
- (d) Fowl shall be kept in a secure, predator-resistant and well-ventilated roofed structure which shall:
 - (i) provide a minimum of three square feet per fowl; and
 - (ii) be fully enclosed, moisture resistant, raised off the ground or rest on a hard surface such as concrete or patio block; and
 - (iii) be in compliance with current building codes.

- (e) Fowl shall be kept in the structure and any attached and fenced yard enclosure at all times. The structure and fenced yard together shall provide at least sixteen square feet per fowl.
- (f) Fowl shall be kept in the structure from dusk until dawn.
- (g) No structure or fenced yard enclosure shall be located within any front or side yard. No structure or fenced yard enclosure located in a rear yard shall be located closer than fifteen feet to any abutting property line.
- (h) The structure and fenced yard enclosure shall be kept in a clean, sanitary and healthy condition.

Section 9. ***Public Nuisances.*** The following are declared to be public nuisances which subject the owners to the Penalty provisions of this Ordinance set forth in Section 10 hereof:

- (a) The keeping of any animal which by its frequent and habitual barking, howling, screeching, yelping or baying or in other manners is vocally disruptive, thus disturbing the quiet, comfort or health of another person; or
- (b) Any animal which is kept in such a manner as to create offensive odors, noise or unsanitary conditions; or
- (c) Any animal which scratches, digs or causes damage to any lawn, shrub, tree, plant, building or other structure on public or private property, other than the property of the owner.

Section 10. ***Penalty for Violation.*** Any person, firm or corporation who violates any provision of this Ordinance shall, upon conviction in a summary proceeding before a magisterial district judge be sentenced to pay a fine of up to one thousand dollars (\$1,000.00) along with the costs of prosecution and, in default of payment of such fine and costs, to incarceration in the Cambria County Prison for up to ninety days. Each day that a violation of this Ordinance continues shall constitute a separate violation.

Section 11. ***Repealer.*** Any ordinance or part of an ordinance conflicting with the provisions of this Ordinance shall be repealed to the extent of such conflict.

Section 12. Severability. If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance. Borough Council hereby declares that it would have adopted this Ordinance and each section, sub-section, phrase and word thereof, irrespective of the fact that any one or more of the sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

ORDAINED AND ENACTED this second day of October, 2024

BOROUGH OF LILLY

By: William D. Patterson
William D. Patterson - President

Attest: Claudine M. Falger (Seal)
Claudine M. Falger - Secretary

APPROVED this _____ day of October, 2024

Michael C. Sklodowski
Michael C. Sklodowski - Mayor