

CHAPTER 3

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Part 1

Keeping of Certain Animals

§1. Keeping of Pigs and Hogs Prohibited.

No person, firm or corporation shall keep any pig or hog or maintain any pig pen or hog pen at any place within the Borough of Bloomfield, under penalty, upon conviction thereof, of not more than three hundred dollars (\$300.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than ten (10) days. Provided: each day's continuance of a violation of this ordinance shall constitute a separate offense. (Ord. 119, July 8, 1975)

§2. Restrictions on Keeping Certain Animals.

It shall be unlawful for any person, firm or corporation to keep any chickens or other fowl, horses, cattle, goats, rabbits or sheep at any place within the Borough unless such animals shall be kept in a pen, shelter, coop or other proper enclosure, which pen shelter, coop or other enclosure shall not be less than fifty (50) feet from any residential dwelling occupied otherwise than by the person owning or keeping such chickens or other fowl, horses, cattle, goats, rabbits or sheep. (Ord. 120, July 8, 1975, §1)

§3. Conditions Under Which Certain Animals To Be Kept.

The keeping of chickens or other fowl, horses, cattle, goats, rabbits or sheep shall be according to the following:

- (a) All animal quarters shall be kept in a clean and sanitary condition, free from vermin, and shall be dry, airy, well lighted, and not overcrowded.
- (b) Animals shall be kept in good condition, clean, healthy and free from disease.
- (c) No animal shall be permitted to run at large.
- (d) All refuse food and excrement shall be removed as often as necessary to prevent odors from developing therefrom.

(Ord. 120, July 8, 1975, §2)

§4. Penalty for Violation of Regulations on Keeping Certain Animals

Any person who shall violate any provision of this ordinance¹ shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300. 00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. Provided: each day that a violation shall be permitted to continue shall constitute a separate offense. (Ord. 120, July 8, 1975, §3)

¹. Sections 2 to 4 of this chapter.

Part 2

Noise and Defecation Control

§11. Noise and Defecation Control.

The Council of the Borough of Bloomfield, finding that excessive levels of sounds, as well as animal defecation on public and private property, are detrimental to the physical, mental and social well being of the people of this Borough, as well as to their comfort, living conditions, general welfare and safety and being therefore a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound, the source of excessive sound and the defecation of animals within the Borough. (Ord. 199, September 6, 1994, §1)

§12. Noise Disturbance Declared Nuisance.

It shall be illegal within the Borough for any person or persons to own, possess, harbor or control any animal which makes any noise intermittently for one-half (1/2) hour or more to the disturbance of any person any time of the day or night regardless of whether the animal is physically situated in or upon private property, said noise being a nuisance; provided, that at the time the animal is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal is situated, nor is there any other legitimate cause which justifiably provoked the animal. (Ord. 199, September 6, 1994, §2)

§13. Defecation Declared Nuisance.

No person having possession, custody or control of any animal shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e., defecation upon any gutter, street, driveway, alley, curb or sidewalk in the Borough, or upon the floors or stairways of any building or places frequented by the public or used in common by the tenants, or upon the outside wall, walkways, driveways, alleys, curbs or stairways of any building shutting on a public street or park, or upon the grounds of any public park or public areas or upon any private property other than the property of the owner of such animal. (Ord. 199, September 6, 1994, §3)

§14. Removal of Feces.

Any person having possession, custody or control of any dog or other animal which commits a nuisance, i.e., defecation in any area other than the private property of the owner of such dog or other animal as prohibited in Section 13, above, shall be required to immediately remove any feces from such surface and either:

(a) Carry same away for disposal in a toilet.

(b) Place same in a non-leaking container for deposit in a trash or litter receptacle.

(Ord. 199, September 6, 1994, §4)

§15. Exceptions.

The provisions of Sections 13 and 14, hereof, shall not apply to a guide dog accompanying any blind person, or a dog used to assist any other physically handicapped person. (Ord. 199, September 6, 1994, §5)

§16. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) and, in default of payment, to imprisonment for a term not to exceed thirty (30) days, (Ord. 199, September 6 1994, §6)

Part 3

Control of Dogs

§31. Definitions.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context of this Chapter:

“Dog” Any commonly domesticated canine animal, whether running at large or domesticated.

“Owner” Every person having a right of property in such a dog, and every person who keeps or harbors such a dog or has it in his or her care, control or custody as well as every person who permits such a dog to remain on or about any premises occupied by him or her.

“Running at Large” Any dog being upon any public highway, street, sidewalk, park or any other public property, or upon any private property of another person other than the owner and not being accompanied by and under the control of the owner or any other such person having control. For purposes of control, all dogs must be on a leash that complies with Section 32.B. of this Part when not on the Owner’s property. (Ord. 353, 9/7/2021, §31)

§32. Leash Required.

Every dog shall be restrained by the Owner with the use of a leash at all times when not on an Owner's property, and when upon any public or private streets, sidewalks, alleys and public parks of the Borough. The leash must comply with the provisions of Subsection B of this Section. It shall be unlawful for a dog not to be on a leash when required under this Section. B. All leashes must be made of solid material, appropriate in size and strength for the dog. For purposes of this Section, "appropriate in size and strength" means a leash that has a tensile strength of at least three times the dog's weight or 300 pounds, whichever is less. It shall be unlawful for a dog to be on a leash that does not meet the requirements of this Section. (Ord. 353, 9/7/2021, §32)

§33. Unlawful to Allow Dogs to Run at Large.

Every Owner shall control his or her dog. It shall be unlawful for the Owner of any dog to allow or permit the dog to run at large in the Borough. B. In addition to the definition of "Running at Large" found in Section 31, a dog shall also be considered to be running at large if it is left unattended on a leash, tether, chain, rope or similar device which is tied or otherwise fastened to any tree, parking meter, sign post or other item within the public limits of any street, alley or other public property and the Owner of the dog is not immediately adjacent to the dog and in a position to control the dog. C. It shall be the duty of the Owner of any dog to keep the dog confined or secured on the Owner's property so the dog cannot run at large in the Borough. To comply with this Section, a dog must be kept on an Owner's property or premises within a secure enclosure in such a way so that it cannot escape from the property or premises. This requires keeping the dog within a building, structure or fence. If the dog is outside, this requires keeping the dog inside a fence or other secure enclosure that the dog cannot get through, over and/or under. All fences must comply with all other applicable Borough ordinances, including, but not limited to, the Zoning Ordinance. (Ord. 353, 9/7/2021, §33)

§34. Nuisance Prohibited.

It shall be unlawful for the Owner of any dog to permit it to cause a nuisance which is defined as barking unreasonably, excessively, or continuously, trespassing on private or public property and/or running at large, molesting, threatening, attacking, or interfering with persons on public or private property, chasing automobiles or other means of conveyance, attacking other animals, or otherwise unreasonably interfering with another person's enjoyment of his or her property. (Ord. 353, 9/7/2021, §34)

§35. Penalty for Violation.

- A. Any person, firm or corporation who violates any provision of this Part shall, upon conviction thereof before a Magisterial District Judge, be sentenced to pay a fine of not more than Five Hundred Dollars (\$500.00) for each offense, including costs of prosecution and upon failure to pay such fine shall be sentenced to imprisonment for a term not to exceed ninety (90) days for each offense.

- B. Each violation of this Part, upon an owner having been found liable therefore in criminal proceedings, shall be considered a separate offense. (Ord. 353, 9/7/2021, §35)

§§ 36 to 40. (Reserved to accommodate future ordinances)

SECTION II: Repealer.

All provisions of previous ordinances of the Code of the Borough of Bloomfield, which are contrary to this Ordinance, are expressly repealed. (Ord. 353, 9/7/2021, §II)

SECTION III: Savings Clause.

In all other respects, the Code of the Borough of Bloomfield shall remain as previously enacted and ordained. (Ord. 353, 9/7/2021, §III)

SECTION IV: Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect. (Ord. 353, 9/7/2021, §IV)

SECTION V: Effective Date.

This Ordinance shall take effect immediately. (Ord. 353, 9/7/2021, §V)