AN ORDINANCE PROHIBITING AND REGULATING THE KEEPING AND RUNNING AT LARGE OF LIVESTOCK AND FOWL AND OTHER ANIMALS WITHIN THE BOROUGH; PROVIDING FOR ISSUANCE OF SPECIAL PERMITS UNDER CERTAIN CIRCUMSTANCES; AND ESTABLISHING PENALTIES FOR THE FAILURE OR REFUSAL TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE

BE IT ENACTED AND ORDAINED BY THE BOROUGH OF NEW FLORENCE, COUNTY OF WESTMORELAND, PENNSYLVANIA, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION I.

No horse, mule, donkey, pony, cow, goat, sheep or animal raised for fur bearing purposes, or further no chickens, fowl, or other poultry shall be kept within the Borough limits unless a special written permit therefor is issued by the Borough Council after inspection of the premises and a finding of fact to the effect that no nuisance will be created thereby. Such special permits shall be issued only where such animals were being lawfully kept in the Borough prior to the enactment of this ordinance. A permit shall be for one year and no renewal shall be issued without a reinspection.

SECTION II.

Notwithstanding any restrictions or prohibitions contained in Section I., animals of any kind and in any number may be kept for exhibition or amusement purposes, temporarily by a licensed circus, upon approval by Borough Council as to the location where such animals are to be kept.

SECTION III.

No person shall suffer or permit any animal of which he is the owner, caretaker or custodian to be at large within the Borough. Any such creature shall be deemed to be at large when it shall be off the premises owned or rented by its owner and unaccompanied by the owner or an agent or employee of the owner. Any such animal may be seized and detained by the Borough and said owner, caretaker or custodian shall be charged a reasonable fee for the holding of said animal, and, in default of redemption of said detained animal by the owner, caretaker or custodian, the Borough shall have the right to sell the animal for the benefit of the Borough.

SECTION IV.

No person shall own, keep, harbor or have in his possession any animal which causes a serious annoyance or disturbance to any individual or to the neighborhood. An individual may be prosecuted pursuant to this Section only if that particular animal is habitually disturbing any individual or being a nuisance to the neighborhood.

SECTION V.

It shall be unlawful for any person to own, keep, care for, have custody of or knowingly permit at any time more than three dogs or cats excluding work dogs to be upon any property in the Borough, excluding properly licensed animal shelters, animal hospitals and clinics and boarding kennels.

SECTION VI.

It shall be unlawful for any person to maintain or operate a kennel or animal pen without having first obtained a license therefore. An application for such license shall be made to the Borough Council. Such application shall specify the precise location upon the premises of the kennel or pen in which the animals are to be kept. No such kennel or pen shall be located less than 15 feet from the nearest residence, public place, or lot line bounding the premises.

Upon receipt of such application, the Borough Council shall cause an investigation to be made and may in their discretion cause a permit to be issued to the applicant for a period of one year.

Every kennel or animal pen shall be kept in a sanitary condition and shall be free and clear from decaying food and filfth of any kind. All kennels or pens shall be cleaned and disenfected on a regular schedule, and shall be kept in a sanitary condition satisfactory to designated representative of the Borough Council who shall have the right to cause an inspection of said premises to be made from time to time.

If a report of the agent of the Borough consistently indicates that the person conducting such kennel or animal pen does not comply with the provisions of this ordinance and with the Borough ordinances regulating health, safety and sanitation, Borough council may revoke any permit granted hereunder.

SECTION VII.

The provisions of this ordinance are severable and if any sentence, section or part of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions.

SECTION VIII.

Any person, firm or corporation violating any provision of this ordinance shall be fined not less than \$25.00 nor more than \$100.00 for each offense, and a separate offense shall be deemed to be committed on each day during or on which a violation occurs or continues.

SECTION IX.

Any violation of this ordinance is hereby declared to be a nuisance. In addition to any relief provided by this ordinance, the Borough may apply to the Court of Common Pleas of Westmoreland County for an injunction to prohibit the continuation of any violation of this ordinance.

ORDAINED AND ENACTED this 1974 day of NECEMBER,

NEW FLORENCE BOROUGH COUNCIL

BY: Eugene a. Gererassi

ATTEST:

Margareh & Beyle

Secretary

EXAMINED AND APPROVED this 197H day of $\triangle ECEMBER$, 1985.

Disollie PSforey
Mayor