

§2-101. Permit Required.

It shall be unlawful for any person, firm, corporation or other entity to engage in the keeping or housing of poultry, pigs, cattle, horses or other undomesticated animals in the Borough without first obtaining a permit from the Secretary or Borough Manager for which there shall be no charge. All permits are subject to the approval of Council, and shall be valid only until the second regular Council meeting after originally issued, Council shall consider the effect of keeping or housing such animals may have on the health, safety and welfare of residents, the type of housing to be provided and the methods of retention or fencing proposed or required. Council may require from the applicant any additional information bearing on said health, safety and welfare and may require specified standards of care from the applicant to overcome reasonable objections. Council may extend the expiration date of the original permit for a specified period of time prior to making a final determination. Upon approval, the applicant shall be notified thereof, and his/her permit shall forthwith become valid for an indefinite period; if disapproved, Council shall notify the applicant of the reasons for disapproval, and the applicant shall remove such animals within 30 days. Council may withdraw any permit issued for the keeping or housing of poultry, pigs, cattle, horses or other undomesticated animals at any time whenever such keeping or housing shall have a detrimental effect upon the health, safety or welfare of the Borough or its residents. If any permit be withdrawn, the person, firm or corporation affected shall be notified in writing of the reasons therefor, and be ordered to remove such poultry or other animals within a specified time not less than 30 days from receipt of such notice.

§2-102. Limitation on Number of Dogs and Cats.

It shall be unlawful for any person, firm or corporation having a right of property in any dog or cat, or custody thereof, to keep more than four dogs and cats, in aggregate number, more than 6 months of age, or older, on any premises, regardless of the number of owners, except by permit.

A. Application for Permit. An application for a permit to keep more than four dogs and cats in aggregate number over 6 months of age shall provide the following information, and shall be accompanied by a verified veterinarian's health certificate for each dog or cat to be covered by the permit:

- (1) Type and number of dogs and cats to be covered by the permit.
- (2) The purpose for keeping such dogs or cats.
- (3) The period for which the permit is requested.
- (4) A description of the quarters in which the dogs or cats will be maintained, including plans and specifications thereof, where appropriate, and the facilities for sanitation and disposal of animal wastes.
- (5) The circumstances under which the dogs or cats will be removed from their quarters.
- (6) Information about the applicant and any other person responsible for the animals, with particular emphasis on the knowledge of such person about the animals in question, and the experience of each person to serve in such position of responsibility.
- (7) Such additional information as Council may require.

§2-103. Running at Large.

It shall be unlawful for the owner, or custodian, of any fowl or animal to permit such fowl or animal to run at large within the Borough. Running at large shall include an animal being upon any public highway, street, alley, park, or other public land, or upon the property of a person other than the owner, or custodian, of the animal, without restraint or control. The terms "fowl" and "animal" shall include any domesticated fowl or animal, regardless of whether the species is normally considered domesticated, and shall specifically include dogs and cats, regardless of whether they are licensed. If it be shown that any such fowl or animal was running at large, it shall be presumed, for the purposes of this Section, that such was permitted by the owner, or custodian.

A. Detention of Animal Running at Large. Any police officer or designated animal control service of the Borough shall seize and detain any such fowl or animal found running at large, whether upon the streets, alleys, or highways of the Borough, or upon property other than that of the owner or custodian. Such officer is hereby authorized and empowered to enter upon such premises, or into any building to so seize and detain whenever he/she is in pursuit of such fowl or animal.

B. Noise or Disturbance to be Controlled. It shall be unlawful for any person who is the owner or custodian of any fowl or animal to permit such fowl or animal to make any noise continuously and/or incessantly for a period of 10 minutes, or to permit the making of such noise intermittently for 1/2 hour or more to the disturbance of other persons within the Borough, regardless of whether the fowl or animal is physically situated upon private property; provided, however, that no person is trespassing or threatening to trespass upon such private property upon which the fowl or animal is situated, and there is no other legitimate cause which justifiably provokes the fowl or animal.

C. Befouling Sidewalk or Property. It shall be unlawful for any person owning or having custody of any animal or fowl to knowingly, or negligently, permit such animal or fowl to defecate or urinate upon any public or private way, upon any structure situate in, or adjacent to, a private way, or upon the ground of any public or private property other than that of the owner or custodian of said animal or fowl. This Section shall not be effective if the owner or custodian shall within 5 minutes of the animal's or fowl's defecation dispose of any feces in a toilet or in a non-leaking container for deposit in a trash or litter receptacle.

D. Any person, firm, corporation or other entity who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days. Each day that a violation

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of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

§10-101. Requirement to Cut and Trim Trees.

1. The owner of any property in the Borough shall be required to cut or trim and keep trimmed or cause to be kept trimmed all trees, bushes, shrubbery, flowers or other vegetation standing on or overhanging the sidewalk area, which shall include the area from the street side of any curbing, so that the branches of said trees, bushes, shrubbery, flowers or other vegetation shall have a clearance of at least 14 feet above any street, lane or alley, and 8 feet above the sidewalk.

2. The owner of any property in the Borough shall further be required to trim and keep trimmed or cause to be kept trimmed all trees on his/her property so that such tree shall not interfere with the proper, adequate illumination of any sidewalk area, or any street, lane or alley from street lighting provided by the Council to the extent that it would be injurious or detrimental to residents, pedestrians or other travelers in the area.

§10-102. Requirement to Cut and Trim Weeds.

The owner of any tract or lot of land situated in the Borough shall be required to cut or trim and keep cut or trimmed all grass, weeds or other vegetation growing thereon to prevent the area from being obnoxious or unsightly, and so that the said lot shall conform generally in appearance to surrounding areas. Methods other than cutting or trimming may be utilized so long as there is no interference with or damage to adjoining land. Trees, areas under cultivation as part of a farm or under cultivation for raising edible produce or food are excluded from this Section and these provisions.

§10-302. Nuisance Prohibition.

It shall be unlawful for any person to create, continue, cause, maintain or permit to exist any nuisance at any place within the Borough. Within the context of this Part, nuisances shall include, but not be limited to, the following.

A. The loud playing of radios, televisions, amplifiers, or other sound devices in a manner so that such can be heard, and therefore be an annoyance to another person, off the premises from which the sound is emanating, or in a manner which annoys a reasonable person of normal sensitivities.

B. The operation of mechanically powered devices such as lawn mowers, tractors, power tools, chain saws, model airplanes and cars, and similar mechanically powered devices, between the hours of 10 and 6:30 anywhere within the Borough where such can be heard, and therefore be an annoyance, to a reasonable person of normal sensitivities.

C. Maintaining or permitting the maintenance of any of the following dangerous conditions, structures or premises:

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(1) Open wells, cisterns, septic systems, or underground storage receptacles of any nature;

(2) Open excavations or sinkholes;

(3) Unfinished buildings, foundations or structures which are not being completed in a timely manner under a Borough issued building permit;

(4) Buildings or structures damaged or partly destroyed by fire, weather event or other circumstance, or which are being maintained in a state of disrepair;

(5) Placement or storage of vehicles, materials or equipment at a location and/or in a manner that creates an attractive nuisance, annoyance or safety hazard;

(6) Lakes, ponds, swimming pools or stormwater management facilities not properly safeguarded in a manner so as to abate safety hazards created thereby;

(7) Conditions created by persons on their premises, including but not limited to earth disturbances, accumulation of tires and other debris or materials, that cause ponding of water which may become stagnant and/or foul, and which may be a breeding place for mosquitoes, flies or other insects.

D. Conducting construction work on private property in such a manner that dirt is carried by wind into another property and/or mud is tracked or moved by drainage onto the streets or other properties that adjoin the site on which the construction activity is taking place, and/or in a manner where construction debris or remnants is accumulated on the site without being disposed of in a timely manner, and/or allowing construction remnants to be moved off the site by wind and other means;

E. Conducting any construction or building activity, or operating construction vehicles or equipment on any day of the year between the hours of 10:00 p.m. and 6:30 a.m. without a Special Permit issued by the Borough Manager or designee. This Special Permit shall be issued only if it is demonstrated and documented that the Special Permit is necessary to abate an emergency condition, or otherwise protect public safety. [A.O.]

F. Washing, tracking, or otherwise depositing dirt, mud, soil, stone, grass, petroleum products, chemicals, or other debris or materials onto a public street or alley, without removing the same by sunset on the date of occurrence, and returning the public street or alley to its original condition. [A.O.]

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G. Using any property or operating any business or engaging in other activity so as to permit or cause dust, mud, dirt, acid, noxious or offensive fumes, gases, or odors to be discharged into the air, or to be carried off the premises, or to cause any water to become polluted by sewage, industrial wastes, acids or other substance, or to cause or allow to continue noise of such character to cause annoyance to a person or interference with the normal use of adjacent property.

H. Planting or placing trees, shrubs or other natural or man-made obstructions which would prevent persons operating vehicles on a public street or alley from having the site distance necessary to do so safely.

I. Creating or maintaining "attractive nuisance." An attractive nuisance is a condition which, by its nature, is both an attraction to children or other persons, by appearance and/or accessibility, and inherently dangerous in terms of creating an unusual safety risk. Following is a list, not intended to be exhaustive, of examples of attractive nuisances:

(1) An abandoned or vacant building, structure or storage receptacle, that is left accessible through uncovered and/or unsecured openings;

(2) Appliances or equipment, not normally intended as play apparatus, that is left unsecured and accessible to a child, and which would be attractive for misuse by children.

J. Any building or structure that is unsafe, unsanitary, deficient in adequate means of exit, deemed a fire hazard by reasonable standard, or is otherwise dangerous to public safety or welfare, or which by reason of improper or illegal use, occupancy or maintenance is unsafe, shall be deemed unsafe and abatable as a public nuisance. All such buildings or structures shall be removed or otherwise made safe and secure as deemed acceptable by Council.

K. It is deemed a nuisance in the context of this ordinance to operate any skate board, in-line skates, or similar unlicensed and/or non-motorized recreational apparatus, including bicycles, on any sidewalk in any manner which threatens the safety of another person, or in a manner which may damage the property of another.

L. The accumulation of rubbish, building materials, waste materials, junk, old lumber, tires, paper, cardboard, bricks, stone, blocks, roofing material, metal scraps or other material upon a premises as a fire hazard or as a harborage for snakes, rodents, vectors or other vermin.

M. The result of lighting where light is directed or reflected off a property in a manner that creates a hazard for a motorist, or where the degree of such light leaves the property is greater than 0.25 foot candles as measured vertically between 5 and 10 feet off the ground.

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N. A roof drain system or other stormwater drainage system that is installed so as to direct surface water flow onto the property of another.

O. The outdoor storage of refuse in a manner that permits it to be blown from the premises, or produces an offensive odor that is detected on the property of another.

P. The disposition of household refuse and trash in a refuse receptacle that is placed in an area accessible to the public and intended to be used by the public.

Q. Parking a recreational vehicle or utility trailer on a public street or alley in the same location for more than a 24-hour period in any manner so as to create a hazard for a motorist.

R. The act of repairing, adjusting, tuning, running, or operating a motorized vehicle where the motor is repeatedly "raced" or "revved" to the extent of annoyance of another reasonable person of ordinary sensibility. In the context of this section, the term "repeatedly" shall mean at least twice in any 10-minute period.

§21-102. Responsibility for Removal of Snow and Ice from Sidewalks.

1. The owner of any building or lot of land fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed or cleared away, snow and/or ice from a path of at least 36 inches in width from so much of said sidewalk as is in front of or abuts on said building or lot of land.

2. Except as provided in subsection (3) hereof, snow and ice shall be removed from sidewalks within 24 hours after the cessation of any fall of snow, sleet or freezing rain.

3. In the event snow and/or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in subsection (2), hereof, cause enough sand or other abrasive to be put on the sidewalk to make travel reasonably safe; and shall, as soon thereafter as weather permits, cause to be cleared a path in said sidewalk of at least 36 inches in width.