

**CAERNARVON TOWNSHIP, BERKS COUNTY, PENNSYLVANIA
ORDINANCE NO. 311**

**AN ORDINANCE OF THE TOWNSHIP OF CAERNARVON, BERKS COUNTY,
PENNSYLVANIA AMENDING ORDINANCE NO. 210 REGULATING THE
KEEPING OF CERTAIN ANIMALS WITHIN THE TOWNSHIP OF CAERNARVON**

BE IT ENACTED AND ORDAINED by the Caernarvon Township Board of Supervisors, Berks County, Pennsylvania, and it is hereby ENACTED and ORDAINED by authority of the same as follows:

SECTION 1. DEFINITIONS

When used in this Ordinance, the following terms shall have the meaning indicated:

ANIMAL - Any nondomestic animal or fowl, amphibian, arachnid, reptile, exotic animal or wild animal.

DOMESTIC ANIMAL - any animal normally or ordinarily domesticated and kept as a household pet, excluding a Farm Animal.

EXOTIC ANIMAL - any animal, including bird, fowl or reptile not normally or ordinarily domesticated; not indigenous to Berks County; or not capable of being kept as a household pet.

FARM ANIMAL - The term includes chickens, ducks, pheasants, quail, swine, pigs, sow, hogs, boar, cattle, cows, heifers, calf, bulls, sheep, goats, lambs, horses, llamas, alpacas, emus, ostriches and other similar animals, which are customary to a farm or agricultural operation, as further defined by the Pennsylvania Department of Agriculture. A "Farm Animal" shall not be considered as a "Domestic Animal" or an "Exotic Animal."

HOUSEHOLD PET - any dog, cat or other Domestic Animal normally and ordinarily kept in or permitted to be at large without confinement in the residential dwelling of its owner, including fish kept in tanks or aquariums.

OWNER - any person having a right of property in any animal or having custody of any animal, or any person who harbors or permits an animal to remain on or around his or her property.

PERSON - any individual, group or combination of individuals, corporation, firm, partnership, association or society.

RUNNING AT-LARGE - being upon any public highway, street, alley, park or any other public land, or upon property of another person other than the owner, and not being accompanied by or under the control of the owner or any other person having custody of said animal.

SECTION 2. ANIMALS RUNNING AT-LARGE

- A. It shall be unlawful for the owner of any animal or animals to allow or permit such animal(s) to run at-large in Caernarvon Township.
- B. Any police officer may seize or arrange for the seizure of any animal found at-large in Caernarvon Township. Such animals are to be impounded in a licensed kennel.
- C. Animals that, in the opinion of any police officer, constitute a threat to public health and welfare may be dealt with in a manner appropriate to address the threat at the reasonable discretion of the police officer.

SECTION 3. CONTROL OF ANIMAL DEFECATION

- A. No owner or person, having possession, custody or control of any animal, shall knowingly or negligently permit any dog or other animal to defecate or urinate upon any gutter, street, driveway, alley, curb or sidewalk in Caernarvon Township, or upon the floors or stairways of any building or place frequented by the public or used in common by tenants, or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park, or upon the grounds of any public park or public area, or upon any private property other than the property of the owner of such animal.
- B. Any owner or person having possession, custody or control of any dog or other animal which defecates or urinates, in any area other than the private property of the owner of such dog or other animal, as prohibited in paragraph A above shall be required to immediately remove any feces from such surface and either:
 - 1) Carry same away for disposal in a toilet; or
 - 2) Place same in a non-leaking container and deposit same in a trash or litter receptacle.
- C. The provisions of this Section shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any other physically handicapped person.

SECTION 4. ANIMAL NOISE DISTURBANCES

- A. The Caernarvon Township Board of Supervisors, finding that excessive levels of animal noise are detrimental to the physical,

mental and social well-being of the citizens, 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 animal noise within Caernarvon Township.

- B. It shall be illegal within Caernarvon Township for any person or persons to own, possess, harbor or control any animal which makes any noise continuously and/or incessantly for a period of 10 minutes or makes such noise intermittently for 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 declared 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.

C. Exceptions

This Section shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from nuisance suits by Act No. 133 of 1982 (the "Right to Farm Act"), nor any noises from Farm Animal or fowl who are part of an agricultural activity.

SECTION 5. KEEPING OF CERTAIN ANIMALS

A. Certain Animals Prohibited:

It shall be unlawful for any person to bring into, keep, maintain, breed, offer for sale or barter, display for education, use for experimentation or release within Caernarvon Township any of the following animals.

- 1) Any poisonous or venomous biting or injecting species of amphibian, insects, arachnid or reptile, including snakes.
- 2) Any exotic or wild animal including, but not limited to:
 - a. Alligators;
 - b. Apes, Chimpanzees (pan), gibbons (hylobates), gorillas, orangutans (pongo) and siamangs (symphalangus);
 - c. Baboons (papai, mandrillus);

- d. Bears (*ursidae*);
- e. Cheetahs (*acinonyx jubatus*);
- f. Constrictor snakes;
- g. Coyotes (*canis latrans*);
- h. Crocodilians (*crocodilia*);
- i. Elephants (*elephas* and *loxodonta*);
- j. Hippotami (*hippopotamidae*);
- k. Hyenas (*hyaenidae*);
- l. Jaguars (*panthera onca*);
- m. Leopards (*panthera pardus*);
- n. Lions (*panthera leo*);
- o. Lynxes (*lynx*);
- p. Monkey, old world (*cercopithecidae*);
- q. Piranha fish (*characidae*);
- r. Pumas (*felis concolor*); also known as cougars, mountain lions, and panthers;
- s. Rhinoceroses (*rhinoceros tidae*);
- t. Sharks (class *chondrichthyes*);
- u. Snow leopards (*panthera uncial*);
- v. Tigers (*panthera tigris*);
- w. Wolfes (*canis lupus*);
- x. Any other animal which the Township would consider to be a threat to the public's health, safety or welfare.

3) Exceptions

The provisions of Part A shall not apply to pet stores, circuses, or non-residential educational exhibits licensed or authorized to be exhibited in Caernarvon Township or any other State or Federally approved facility licensed for the retention of any such animal.

B. Farm Animals on a residential lot:

1. The keeping of farm animals (other than poultry) on residential lots containing less than five (5) acres shall comply with the following requirements:
 - a. Rabbits and similar animals with weight that is less than 10 pounds per animal
 - Maximum of 50 pounds per acre.
 - b. Sheep, goats and similar animals with weight between 10 pounds and 200 pounds per animal
 - Maximum of 200 pounds per acre.
 - c. Pigs, hogs, swine, llamas, alpacas and similar animals with a weight between 200 pounds and 500 pounds per animal
 - Maximum of 200 pounds per acre.
 - d. Horses, cattle and similar animals with a weight between 500 pounds and 2,000 pounds per animal
 - Maximum of 300 pounds per acre.
 - e. All other farm animals
 - Maximum of 500 pounds per acre.

The total of the combined number of animals noted above per acre on any single residential lot shall not exceed 500 pounds per acre.

For the purposes of this Ordinance, and except as provided in Paragraph 2, below, the following weights shall be assigned to the animals noted:

Rabbits	-	10 lbs per animal
Goats	-	150 lbs per animal
Sheep	-	175 lbs per animal
Pigs, hogs or swine	-	250 lbs per animal
Llamas, alpacas	-	250 lbs per animal
Miniature horses	-	300 lbs per animal
Ponies	-	500 lbs per animal
Horses, donkeys	-	1,000 lbs per animal

Cattle - 1,000 lbs per animal

2. The keeping of poultry as farm animals on residential lots containing less than five (5) acres shall not exceed three chickens or ducks per 1/4 acre of land area. Roosters, peacocks, turkeys and guinea hens shall not be kept or maintained for any purpose on a residential lot within the Township on a property less than five (5) acres.
3. All calculations for the number of animals allowed shall be rounded down to the next whole number.
4. All permitted accessory activities and uses related to the keeping of Farm Animals shall be confined within the rear yard and shall be located a minimum of ten (10) feet from the property line.
5. All permitted Domestic Animals, Farm Animals and Exotic Animals shall be securely contained or fenced.
6. The raising of Farm Animals or livestock as an accessory to a residential use shall be for the use and/or consumption of the resident on which the agricultural accessory use is located.
7. Agricultural activities as an accessory use shall not be permitted as part of a multi-family use.
8. The Property Owner shall be responsible for managing the size and number of the animals being kept, and shall reduce the number being kept as required to keep the total weight of the animals within the required limits. Under no circumstances shall the total weight of all animals on a property exceed 500 pounds per acre.
9. The keeping of honey bees for the purpose of producing honey for the consumption of the property owners / residents shall be excluded from these requirements. The keeping of honey bees for the purposes of selling the bees or any by-products of the bees shall be required to acquire a zoning permit. The number of hives shall be a maximum of one hive per quarter acre. Hives shall be located a minimum of fifty (50') feet from any property line, and shall not be located in any required front yard areas.

C. Penalties

1. Any person who violates any provision of this Ordinance shall be subject to a fine to be imposed by the Board of Supervisors. When the penalty imposed for the violation of an ordinance is not voluntarily paid to the township, the township shall initiate a civil enforcement proceeding before a Magisterial District Judge, who may prescribe civil penalties not to exceed six hundred dollars (\$600) per violation. In addition to or in lieu of civil actions before a Magisterial District Judge, the township may enforce this ordinance in equity before the court of common pleas. In any case where a penalty for a violation of a township ordinance has not been timely paid and the person upon whom the penalty was imposed is found to have been liable therefor in civil proceedings, the violator shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the township in the enforcement proceedings.
2. Each day that a violation of this Ordinance continues shall constitute a separate offense.

SECTION 6. SEVERANCE CLAUSE

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, invalid or beyond the power of the Township to prohibit the validity of the remaining portions of this Ordinance shall be construed to be unaffected, and it is hereby declared as the intent of the Caernarvon Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, invalid or unauthorized provision or provisions not been included herein.

SECTION 7. REPEALER CLAUSE

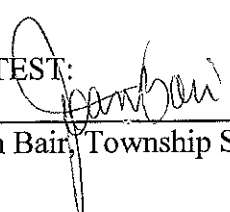
Any Ordinance or parts of Ordinances inconsistent herewith shall be and the same are hereby repealed.

ORDAINED and ENACTED this 8th day of February 2022.

**CAERNARVON TOWNSHIP
BOARD OF SUPERVISORS:**


Sandra Styer, Chair

ATTEST:


Joan Bair, Township Secretary