

ARTICLE 705  
Keeping of Animals

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CROSS REFERENCES

Animals at large - see 3rd Class §2403(8) (53 P.S. §37403(8))

Power to regulate animals - see 3rd Class §2403 (8), (9)  
(53 P.S. §37403(8), (9))

Dogs - see GEN. OFF. Art. 717

705.01 PURPOSE; GREATER STANDARDS TO PREVAIL.

(a) This article is enacted to regulate the maintenance, keeping or possession of animals within the City of York, Pennsylvania, in order to promote the health, safety and general welfare of its inhabitants.

(b) Where the provisions of this article impose greater restrictions than those of any other statute, ordinance, regulation or resolution, the provisions of this article shall be controlling. Where the provisions of any other statute, ordinance, regulation or resolution impose greater restrictions than this article, the provision of such other statute, ordinance, regulation or resolution shall be controlling.  
(Ord. 02-8. Passed 4-8-02.)

**705.02 DEFINITIONS; WORD USAGE.**

(a) The following definitions shall apply in the interpretation and enforcement of this article:

- (1) "Animal" means any domestic animal or fowl, any wild animal or any household pet, including birds, fish, reptiles and insects.
- (2) "Domestic Animal" means any animal normally or ordinarily domesticated or raised in this area or climate as livestock or for work or breeding purposes or normally or ordinarily kept as a household pet.
- (3) "Household Pet" means any dog, cat or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.
- (4) "Keeper" means any person, firm or corporation owning or actually keeping, having, using or maintaining any of the animals herein referred to.
- (5) "Menagerie" means a collection of animals kept in cages or exhibition by a full-time professional trainer.
- (6) "Officer" means any police officer or duly appointed animal control officer or code enforcement officer or his or her designee.
- (7) "Owner" means any person having a right of property or having custody of any animal, or any person who harbors or permits an animal to remain on or around his or her property.
- (8) "Person" means any person, firm, partnership, association or corporation.
- (9) "Wild Animal" means any animal, including bird, fowl, reptile or insect not normally or ordinarily domesticated, not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes; or not capable of being kept as a household pet.

(b) In this article the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine.  
(Ord. 02-8. Passed 4-8-02.)

**705.03 KINDS OF ANIMALS PERMITTED.**

Any person is permitted to maintain, keep or possess within the City of York, subject to the numerical limitations of Section 705.06, any of the following animals which classification shall be strictly construed:

Cage birds (the term includes parakeets, parrots, canaries, finches, lovebirds, myna birds and other birds ordinarily keep in cages in households; it excludes wild birds captured or rescued and kept in cages, as well as poultry).

Cats.

Dogs.

Ferrets.

Frogs.

Gerbils.

Goldfish and carp.

Guinea pigs.

Hamsters.

Lizards.

Mice, white.

Rabbits, restricted to European type rabbits commonly kept as pets.

Rats, white.

Salamanders (any tailed amphibian).

Snakes, nonpoisonous.

Toads.

Tropical fish, limited to those customarily maintained in a household aquarium, except piranhas.

Turtles.

Vietnamese pot bellied pig.

(Ord. 02-8. Passed 4-8-02.)

#### 705.04 KEEPING OF ANIMALS REGULATED.

It shall be unlawful for any person to keep any domestic animals, except household pets, except as provided in this section:

- (a) The keeper of every such animal shall confine the same in an enclosure sufficient to prevent such animal from running at large, and such enclosure shall be of a size and construction conducive to the animal's health, and adequate sanitary drainage facilities shall be provided. The enclosure shall not be within one hundred (100) feet of any dwelling or public street.
  - (b) Every keeper of any animal shall cause the litter and droppings therefrom to be collected daily in a container or receptacle that when closed shall be ratproof and flytight and, after every such collection, shall cause such container or receptacle to be kept closed. At least once a week every such keeper shall cause all litter and droppings so collected to be disposed of in such a manner as not to permit the presence of fly larvae.
  - (c) Every keeper of any animal shall cause all feed provided therefor to be stored and kept in a ratproof and flytight building, box, container or receptacle.
- (Ord. 02-8. Passed 4-8-02.)

#### 705.05 HOUSEHOLD PETS.

It shall be unlawful for any person to keep any household pet except as provided in this section:

- (a) If any such pet shall be kept in a dwelling owned or occupied by its owner, such owner shall be required to follow such procedures and practices, as to the number of such pets to be kept there and as to sanitation, to ensure that no public nuisance shall be created or maintained and no threat to the health of persons living in the dwelling or elsewhere than in such dwelling shall be created.
  - (b) If any such pet shall be kept in an enclosure outside such dwelling, the provisions of Section 705.04 of this article, insofar as the same applies to domestic animals, shall be applicable to the keeping of such household pet.
- (Ord. 02-8. Passed 4-8-02.)

**705.06 LIMITATIONS ON NUMBER OF ANIMALS.**

Except for species of fish, it shall be unlawful to keep more than six animals six months of age or older on any premises, regardless of the number of owners, unless said premises is a zoo, petting zoo, menagerie, kennel, aviary, cattery, pet shop or veterinary clinic which has received zoning approval to operate as such, as well as the appropriate licenses and/or certifications required for said operation.

(Ord. 02-8. Passed 4-8-02.)

**705.07 ENFORCEMENT OF PROVISIONS.**

The enforcement of the provisions of this article will be jointly shared by the Bureau of Police and the Bureau of Permits and Health Licensing as defined by "officer" in the definitions. The officer is hereby authorized to enter upon any premises within the City of York for the purpose of investigating possible violation of this article.

(Ord. 02-8. Passed 4-8-02.)

**705.08 APPLICATION FOR PERMIT TO EXCEED THE NUMBER OF PERMITTED ANIMALS.**

(a) The application for a permit for the keeping of more than six animals from the permitted list shall have attached thereto a registered veterinarian's health certificate for each animal to be covered by the permit, shall be verified by an affidavit and shall set forth the following:

- (1) The type and number of animals to be covered by the permit.
- (2) The purpose of keeping such animals.
- (3) The period of time for which the permit is requested.
- (4) A description of the quarters in which the animals will be kept and the facilities for sanitation and disposal of animal wastes.
- (5) The circumstances, if any, under which the animals will be removed from their quarters.
- (6) Biographical information about the applicant and any other person to be placed in charge of the animals.
- (7) Such additional information as the officer may require.

(b) In addition to such verified information, the officer shall consider all other relevant conditions, including but not limited to:

- (1) The odor emanating or likely to emanate from the premises to persons off the premises.
- (2) The noise emanating or likely to emanate from the premises to persons off the premises.
- (3) The attitudes of the applicant's neighbors to the proposed permit.
- (4) The security with which the animals will be restrained.
- (5) Prior complaints regarding animals at the premises.

(Ord. 02-8. Passed 4-8-02.)

**705.09 ISSUANCE OF PERMIT; REVOCATION; PERMIT STANDARDS.**

(a) The officer shall have the power to review or cause to be reviewed each application for a permit and may either approve or reject such application or require modification of the application. When the officer has approved the application, he/she shall issue the permit. The permit shall be personal and not transferable and shall be issued for a calendar year or part thereof. The officer shall also have the power to revoke the permit for cause.

(b) The officer shall also have the power to make such rules and regulations as he/she shall deem necessary to carry out the purposes of this article. He/she shall be responsible to determine whether any person is violating any provisions of this article or the rules and regulations adopted hereunder. In making such determination the officer shall consider the following standards:

- (1) All animals and animal quarters shall be kept in a clean and sanitary condition with adequate ventilation.
  - (2) The permittee shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.
  - (3) Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear or to be abused, tormented or annoyed.
  - (4) The permittee shall maintain the premises so as to eliminate offensive odors or excessive noise.
  - (5) The permittee shall not permit any condition causing disturbance of the peace and quiet of his/her neighbors.
  - (6) Animals must be maintained in quarters so constructed as to prevent their escape. The permittee assumes full responsibilities for recapturing any animal that escapes from his/her premises. The permittee shall make adequate provisions and safeguards to protect the public from the animals.
  - (7) Every person shall conform to all present and future laws of the Commonwealth of Pennsylvania and the United States of America, the ordinances of the City of York and the rules and regulations that may accompany this article in any way connected with animals, specifically including anticruelty laws.
  - (8) Any and all animals must be kept healthy and free from sickness and disease at all times. Should the officer question the health of any animals, he/she shall have the authority to require an examination of a doctor of veterinary medicine with such examination to be at the owner's expense.
  - (9) The permittee shall be responsible and liable for the actions of all persons employed by or otherwise associated with him/her as such actions relate to the permittee's obligation to comply with this article.
  - (10) Every owner and occupant of a structure or property shall be responsible for the extermination of insects, rodents, vermin or other pests in all areas of the premises.
- (Ord. 02-8. Passed 4-8-02.)

#### 705.10 PERMIT FEES.

The applicant for any permit to exceed the limitation of permitted animals contained in Section 705.06 shall, at the time of his/her application, pay to the City of York a nonrefundable fee of twenty dollars (\$20.00) to cover the costs of processing the permit application and the issuance of the permit. Upon issuance, the permit shall be for the calendar year or part thereof and thereafter renewable for a like fee of twenty dollars (\$20.00) each calendar year or part thereof.

(Ord. 02-8. Passed 4-8-02.)

**705.11 IMMUNIZATION.**

No person shall keep any dog or cat as a pet within the City unless such pet is immunized against rabies by the time it has reached eight months of age. Such immunization must be repeated in accordance with the recommendations of the vaccine manufacturer.  
(Ord. 4-1985 §1. Passed 6-18-85.)

**705.12 DISEASED ANIMALS.**

No person shall bring within the City any sick or diseased animal, or any goods, wares, rags or other material, produce or wares infected with any contagious disease.  
(Ord. 4-1985 §1. Passed 6-18-85.)

**705.13 INCITING ANIMALS TO FIGHT.**

(a) No person shall incite or urge any dog, fowl or other animal to fight, either for amusement, sport or wager.

(b) No person shall breed any dog, fowl or other animal for the purpose of fighting, either for amusement, sport or wager.  
(Ord. 14-1999. Passed 11-16-99.)

**705.14 CRUELTY TO ANIMALS.**

No person shall cruelly beat, injure or wound any animal or fowl.  
(Ord. 4-1985 §1. Passed 6-18-85.)

**705.99 VIOLATIONS AND PENALTIES.**

Any person who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) and not exceeding one thousand dollars (\$1,000), plus costs, and in default of payment, to undergo imprisonment for a term not to exceed thirty days (30 days). Each prohibited animal and each animal in excess of the maximum limit of animals shall constitute a separate violation, and each day that a violation of this article continues shall constitute a separate offense.  
(Ord. 1-2009. Passed 1-6-09.)