

ORDINANCE NO. 36

AN ORDINANCE OF MONTGOMERY TOWNSHIP, COUNTY OF INDIANA, AND COMMONWEALTH OF PENNSYLVANIA, REGARDING THE KEEPING AND CARE OF LIVESTOCK AND FOWL WITHIN THE TOWNSHIP, ESTABLISHING REGULATIONS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWNSHIP SUPERVISORS OF MONTGOMERY TOWNSHIP, INDIANA COUNTY, PENNSYLVANIA, IT IS HEREBY ORDAINED AND ENACTED AS FOLLOWS:

Section 1.

The following terms shall have the following meanings:

Fowl – shall mean birds that are barnyard, domesticated, or wild, including, but not limited to chickens, hens, roosters, pheasants, turkeys, ducks, geese, poultry, and guinea fowl.

Livestock – those classes of animals that are customarily kept and housed outside the home or in enclosures such as pens, barns, corrals, or paddock areas. Livestock includes, but is not limited to, horses, cattle (beef and dairy), sheep, pigs, llamas, alpacas, mules, donkeys, and goats.

Person - shall mean any individual, partnership, company, firm, association, society, trust, corporation, or other group or entity irrespective whether the person is a resident or non-resident of Montgomery Township.

Township – shall mean Montgomery Township, Indiana County, Pennsylvania

Section 2.

All persons raising, harboring, or keeping non-commercial livestock, chickens, hens, roosters, and fowl within Montgomery Township shall comply with all applicable local, state, and federal regulations and laws regarding these animals, which include, but are not limited to, the Pennsylvania Nutrient Management Regulations, Title 25, Chapter 83, as required by the Department of Environmental Protection and the minimum standards of animal care as required by the Title 18 of the Pennsylvania Crimes Code regarding animal cruelty provisions

Section 3.

The following are regulations specific to non-commercial livestock:

A. No owner, keeper, or person in charge shall permit or allow their livestock to roam from such property and onto the property of another without the prior written permission.

B. Barbed-wire fencing shall not be permitted for livestock enclosures.

C. The height of the livestock enclosure shall be sufficient to keep the livestock within the enclosure and shall be adequately constructed to prevent the livestock from escaping its confines.

D. All feed and other items associated with the raising, harboring, or keeping of livestock that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.

E. The livestock enclosure and surrounding area shall be kept clean, dry, odor-free, and in a neat and sanitary condition at all times. All manure, uneaten feed, and other trash shall be removed in a timely manner and disposed of by using an approved sanitary methods, including composting or double-bagging manure and placing the manure in the trash for collection. Under no circumstances shall the manure be placed into a sanitary sewer system.

Section 4.

The following are regulations specific to non-commercial fowl:

A. No owner, keeper, or person in charge shall permit or allow their fowl to roam off such property and onto the property of another without the prior written permission.

B. All feed and other items associated with the keeping of fowl that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.

C. The area where the fowl are housed and/or kept shall be kept clean, dry, odor-free, and in a neat and sanitary condition at all times. All manure, uneaten feed, and other trash shall be removed in a timely manner and disposed of by using an approved sanitary methods, including composting or double-bagging manure and placing the manure in the trash for collection. Under no circumstances shall the manure be placed into a sanitary sewer system.

Section 5.

Odors emanating from non-commercial livestock and fowl and/or their manure or other substances produced by them shall not be perceptible beyond the boundaries of the owner's property.

Section 6.

If a non-commercial livestock and/or fowl dies it shall be disposed of in accordance with the Domestic Animal Law, 3 Pa. C. S. A. § 2301 *et. seq.* Dead livestock and fowl shall be disposed of within forty-eight (48) hours after death.

Section 7.

Any person who shall violate any provision of this Ordinance, upon conviction before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of no less than \$100.00 nor more than \$300.00 for each violation. In addition, any person who is found guilty of violating any provision of this Ordinance shall be assessed the costs of suit and reasonable attorneys' fees incurred by the Township in the enforcement proceedings. In default of payment of such fine, costs, and attorney's fees, there shall be a term of imprisonment not to exceed thirty (30) days. Each day that the violation of this Ordinance continues or is found to exist shall constitute a separate offense.

Section 8.

All Ordinances or parts of Ordinances conflicting or inconsistent with this Ordinance are hereby repealed to the extent they are inconsistent.

Section 9.

The provisions of this Ordinance are severable and if any section, subsection, clause, sentence, or part thereof shall be held or declared illegal, invalid, or unconstitutional by any court of competent jurisdiction, the decision shall not affect or impair any of the remaining sections, subsections, clauses, sentences, or parts thereof of this Ordinance. It is hereby declared to be the intent of the Township Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, subsection, clause, sentence, or part thereof had not been included herein.

Section 10.

This Ordinance shall become effective immediately upon enactment and shall continue thereafter for all calendar years unless repealed or modified by an Ordinance passed by the Township Supervisors.

ENACTED, ADOPTED, AND ORDAINED this 8th day of December, 2021.

ATTEST:

Paula Berba
SECRETARY

BOARD OF SUPERVISORS
TOWNSHIP OF MONTGOMERY

BY: William F. Berba

BY: Edward M. Berba

BY: Ken Farn

