

ORDINANCE NO. #472 of 1999

AN ORDINANCE OF THE BOROUGH OF BENTLEYVILLE REGULATING THE  
KEEPING OF CERTAIN ANIMALS INCLUDING HOUSEHOLD PETS AND  
PRESCRIBING DEFINITIONS AND PENALTIES FOR VIOLATIONS.

The Borough Council for the Borough of Bentleyville hereby ordains:

**SECTION 1: DEFINITIONS.** As used in this Ordinance, the following terms, shall have the meanings indicated, unless a different meaning clearly appears from the context:

**ANIMAL** - any domestic animal or fowl, any wild animal or any household pet.

**DOMESTIC ANIMAL** - Any animal normally or ordinarily domesticated or raised in this area and climate as livestock or for work or breeding purposes, not normally or ordinarily kept as a household pet.

**HOUSEHOLD PET** - any dog, cat, or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.

**LARGE ANIMAL** - any wild or domestic animal of the bovine, equine or sheep family.

**PERSON** - any person, firm, partnership, association or corporation.

**SMALL ANIMAL** - any wild or domestic animal such as a rabbit, hare, guinea pig, rat, mouse or chinchilla; and any wild or domestic fowl such as a chicken, turkey, goose, duck or pigeon (excepting homing pigeons).

**WILD AND/OR EXOTIC ANIMALS** - any animal, including bird, fowl, or reptile 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.

In this Ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

**SECTION 2. CERTAIN ANIMALS PROHIBITED.** It shall be unlawful for any person to keep any pigs, hogs, swine, wild and/or exotic animals at any place in the Borough of Bentleyville.

**SECTION 3. 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:

1. Large animals shall be confined in quarters no part of which shall be closer than one hundred feet (100') from the exterior limits of any dwelling or of any property line.
2. Small animals shall be kept confined in quarters no part of which shall be closer than twenty-five feet (25') from the exterior limits of any dwelling or of any property line.
3. 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.
4. 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 rat-proof and fly-tight, and after every such collection shall cause such container or receptacle to be kept closed. At least twice a week, every such keeper shall cause all litter and droppings so collected to be disposed of in such manner as not to permit the presence of fly larvae.
5. Every keeper of any animal shall cause all feed provided therefore to be stored and kept in a rat-proof and fly-tight building, box, container, or receptacle.

**SECTION 4. HOUSEHOLD PETS.** It shall be unlawful for any person to keep any household pet, except as provided in this section:

1. 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 insure that no public nuisance shall be created or maintained and no threat to the health of persons living elsewhere than in such dwellings shall be created.
2. If any such pet shall be kept in an enclosure outside such dwelling, the provisions of Section 3 of this Ordinance, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.

**SECTION 5. VIOLATION OF STATE LAW.** Any violation of this Ordinance that would also violate any state law shall be prosecuted under that state law and not under this Ordinance.

**SECTION 6. PENALTIES.** Any person who shall violate any provision of this Ordinance shall, upon thereof, be sentenced to pay a fine not exceeding six hundred dollars (\$600.00), and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

**SECTION 7. REPEALER.** All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed. The following Ordinances or parts thereof are specifically repealed:

**SECTION 8. SEVERABILITY.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council of Bentleyville Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 9. EFFECTIVE DATE.** This Ordinance shall become effective upon passage.

Approved this \_\_\_\_\_ 5<sup>th</sup> \_\_\_\_\_ day of <sup>January</sup> *Irene Saniga*, 19 99.

ATTEST:

PRESIDENT OF COUNCIL

Lena Greenfield *Lena Greenfield*  
SECRETARY

*[Signature]*  
MAYOR