

**BOROUGH OF NORTH EAST
ORDINANCE NO. 921**

**AN ORDINANCE OF THE BOROUGH OF NORTH EAST
ERIE COUNTY, COMMONWEALTH OF PENNSYLVANIA
REPEALING AND REPLACING ORDINANCE 195
PROHIBITING THE KEEPING OF CHICKENS
AND OTHER DOMESTIC FOWL WITH THE
DOMESTIC ANIMALS AND FOWL ORDINANCE**

WHEREAS, the Borough of North East desires to protect and promote public health, safety and welfare of its residents and as such has established property maintenance standards, code enforcement standards and nuisance ordinances to protect the community; and

WHEREAS, the Borough of North East enacted Ordinance 195 on April 28, 1924, for the purposes of prohibiting the keeping of chickens and other domestic fowls within the limits of the Borough; and

WHEREAS, the Borough of North East seeks to Repeal and Replace Ordinance 195 with Ordinance 921; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the corporate authorities of the Borough of North East, County of Erie, and Commonwealth of Pennsylvania and it is hereby enacted by the authority of the same as follows:

Section 1- Domestic animals and fowl

No person shall keep or house any animals, fowl or domestic fowl within the Borough of North East except dogs, cats, fish or other animals that are kept indoors and commonly classified as pets. This section prohibits the keeping or housing of the following:

- 1.1.1 Animals traditionally kept as farm animals or livestock, including, but not limited to, horses, ponies, cattle, sheep, pigs, goats, rabbits, and other domestic animals normally kept or raised on a farm; and
- 1.1.2 Any animal not domesticated and being incapable by its nature of being domesticated which is normally found in the wild, including, but not limited to: alligators, badgers, bears, beavers, bobcats, chinchilla, chipmunks, cougars, coyotes, crows, deer, doves, dog-wolves, eagles, elk, ferrets, foxes, gophers, grouse, hares, hawks, jaguars, kangaroos, lions, lynx, mink, muskrats, opossums, owls, partridges, peacocks, pheasants, porcupines, prairie dogs, quails, raccoons, skunks, squirrels, tigers, weasels, wild turkeys, wolverines, wolves and woodchucks, wild hybrids or the offspring of any animals that have been bred to a wild animal, poisonous animals, predatory animals, and/or endangered species.

Section 2 - Notice of Violation

If in the opinion of the Enforcement Officer the owner and/or occupant is out of compliance with the standards in this section, the owner and/or occupant shall receive a warning letter from the Enforcement Officer, or other authorized representative describing the violation(s). If the owner and/or occupant does not resolve the problem to the satisfaction of the Enforcement Officer at this stage, the Enforcement Officer shall move ahead with the formal citation process. The owner and/or occupant shall be notified by certified mail or through personal service, of said violation or violations. The citation shall be in writing and shall identify the premises and shall cite the specific violation or violations. The notice shall direct the owner and/or occupant to correct the deficiency and/or deficiencies within a reasonable period of time as specified in the said notice, and shall inform the owner and/or occupant of the fines and penalties which may accrue upon the failure to comply. The notice shall also specify that, in lieu of or in addition to fines and penalties, and subsequent to the period of time specified in the said notice, the Borough of North East may itself correct the deficiencies or contract for the correction thereof and assess the cost thereof as a lien against the premises and/or recover the expenses so incurred in a manner as prescribed by law. A copy of the said notice shall be posted in a conspicuous place on the subject premises and at the Borough of North East; Borough Hall; 31 West Main Street; North East, PA 16428.

Section 3 – Compliance

The owner and/or occupant shall correct any and all noted deficiencies within such period of time as may be specified in the notice. Extension of such specified period of time may be granted by the Borough of North East, in its sole discretion upon good cause shown. Failure to comply with any such notice within the time specified shall constitute a violation of this Section, with each separate day during which a violation continues to exist constituting a separate violation.

Section 4 - Penalties

Any person, firm or corporation who shall violate any of the provisions of this section shall, upon conviction, be sentenced to pay a fine not exceeding one thousand dollars (\$1,000.00), together with costs of prosecution, or to undergo imprisonment for a term not to exceed thirty (30) days, or both.

Section 5 – Inspection

The Enforcement Officer may enter, or may cause, through an authorized representative of the Borough of North East, entry onto premises for the purpose of inspection of any and all premises, properties, buildings and/or structures located within the Borough of North East, upon reasonable (i.e., 24 hour) advance notice, for the purpose of ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner, or his agent, to secure access thereto.

Section 6- Severability

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such as 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 that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof had not been included herein.

Section 7- Effective Date

This Ordinance shall be effective immediately upon passage.
ENACTED INTO AN ORDINANCE THIS 7th DAY OF NOVEMBER 2022.

BOROUGH OF NORTH EAST

Denise McCumber, President of Borough Council

ATTEST:

Patrick J. Gehrlein, Borough Manager

Jon Triana, Mayor