

# CHAPTER 78: ANIMALS

[HISTORY: Adopted by the Borough Council of the Borough of Newport as indicated in article histories. Amendments noted where applicable.]

## GENERAL REFERENCES

Noise — See Ch. 145.

Parks and recreation — See Ch. 159.

## Article I. Keeping of Certain Animals

[Adopted 6-1-1954 by Ord. No. 125; amended in its entirety 4-9-1985 by Ord. No. 238 (Ch. 2, Part 2, of the 1985 Code)]

§ 78-1. Definitions.

- A. As used in this article, 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, or 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 ANIMAL

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.

- B. In this article, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

§ 78-2. Certain animals prohibited.

It shall be unlawful for any person to keep any large animals, pigs, hogs, or other animal which due to its size is likely to cause a nuisance condition, at any place within the Borough of Newport.

§ 78-3. Keeping of animals regulated.

It shall be unlawful for any person to keep any domestic animals, except household pets and these household pets shall be allowed only as follows:

- A. Unless kept in the owner's dwelling, such animals shall be kept confined in quarters no part of which shall be closer than 25 feet from the exterior limits of any dwelling or of any property line.
- B. 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 conducive to good sanitary practices and adequate and sanitary drainage facilities shall be provided.
- C. 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 manner as not to permit the presence of fly larvae.

- D. 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.
- E. 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 dwelling shall be created.

§ 78-4. Violation of state law.

Any violation of this article that would also violate any state law shall be prosecuted under that state law and not under this article.

§ 78-5. Violations and penalties.

[Amended 1-8-2013 by Ord. No. 348] Any person who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$600, and/or to undergo imprisonment for a term not to exceed 30 days. Each day that a violation of this article continues shall constitute a separate offense.

## **Article II. Control of Dogs**

[Adopted 10-3-1972 by Ord. No. 178 (Ch. 2, Part 1, of the 1985 Code)]

§ 78-6. Owner to control dogs.

[Amended 1-8-2013 by Ord. No. 348] No owner shall fail to exercise proper care and control of his dogs to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, or trespassing upon private property in such manner as to damage property, shall be deemed a nuisance. No person shall suffer or permit any dog in his/her possession to run at large on any unclosed land or trespass upon any enclosed or unclosed lands of another. Owner is responsible for any damage caused by his/her dog. When dog is not on owner's property, it must be kept under reasonable control of owner or handler upon a leash not more than six feet long.

§ 78-7. Removal of excrement.

[Added 4-9-1985 by Ord. No. 238; 1-8-2013 by Ord. No. 348] Any person having possession,

custody or control of any dog or other animal which commits a nuisance, i.e., defecation in any area other than the private property of the owner of such dog or other animal, shall be required to remove feces from such surface immediately and carry same away for disposal in a nonleaking container for deposit in a trash or litter receptacle.

§ 78-8. Proper treatment of dogs required.

No owner shall fail to provide his animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. No person shall beat, cruelly ill treat, torment, or otherwise abuse any dog, or cause to permit any such abuse. No owner of any dog shall abandon such dog.

§ 78-9. Quarantine of dog.

Any dog which bites a person shall be quarantined for 10 days if ordered by the Chief of Police. During quarantine, the dog shall be securely confined and kept from contact with any other animals. At the discretion of the Chief of Police, the quarantine may be on the premises of the owner. If the Chief of Police requires other confinement, the owner shall surrender the dog for the quarantine period to a dog shelter or shall, at his own expense, place it in a veterinary hospital.

§ 78-10. Procedure for rabid dogs.

[Amended 1-8-2013 by Ord. No. 348] No police officer or other persons shall kill, or cause to be killed, any dog suspected of being rabid, except after the dog has been placed in quarantine and the diagnosis of rabies made by a licensed veterinarian. If the veterinarian diagnoses rabies in a dog in quarantine, then the dog shall be killed and the head of such dog sent to a laboratory for pathological examination and confirmation of the diagnosis. Exception to this is in cases where the animal poses a direct or imminent threat to a person or other animal (i.e., is attacking or is about to attack).

§ 78-11. Violations and penalties.

[Amended 4-9-1985 by Ord. No. 238; 1-8-2013 by Ord. No. 348] Any person, firm or corporation who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and/or to imprisonment for a term not to exceed 30 days.