

ORDINANCE NO. 499 OF 2021

**AN ORDINANCE OF MANSFIELD BOROUGH, TIOGA COUNTY, PENNSYLVANIA,
AMENDING CHAPTER 58 "ANIMALS" TO REGULATE THE KEEPING OF
ANIMALS AS LIVESTOCK AND PETS, AND TO IMPOSE PENALTIES FOR
VIOLATIONS.**

WHEREAS, the current Section of the Mansfield Borough Ordinance, specifically Chapter 58, Article 1, governs the keeping of various types of agricultural animals; and

WHEREAS, the language in Chapter 58, Article 1 is outdated and unenforceable; and

WHEREAS, Tioga County is a largely agricultural and rural area while the Borough of Mansfield represents a small town/urban setting; and

WHEREAS, it is the desire of the Mansfield Borough Council to allow for limited urban agricultural activities while ensuring the health, safety and welfare of the community;

THEREFORE BE IT ORDAINED AND ENACTED AS FOLLOWS:

Section 1 – Repeal of Existing Standards

Chapter 58, Article 1 of the Code of the Borough of Mansfield is hereby repealed in its entirety and replaced by this Ordinance.

Section 2 – Prohibition

It shall be unlawful for any person, firm or corporation to keep and raise horses, mules, cows, chickens, ducks, llamas, alpacas, pigs, sheep, goats, bees, deer, elk, moose, reindeer, exotic pets, mice and rats, rodents, rabbits, insects, amphibians, or reptiles except as provided herein.

Section 3 – Horses, Cows, Pigs and Mules

The keeping of horses, cows (including all breeds of cattle), pigs (including boars) and mules is prohibited within the Borough of Mansfield except for lots containing more than ten (10) acres. A single animal of the types listed may be kept on the property. For each additional animal, an additional one-half acre must be provided.

A fence enclosure for such animals must be provided and set back from the property line a minimum of 25 feet. Such enclosures shall be sufficient to prevent animals from leaving the property.

It shall be unlawful to allow manure, urine or feces from such animals or for the carcass of a deceased animal to cross a property line or to be placed within 25 feet of a property line. The

owner of such animals may not cause manure or feces to become a public nuisance due to the failure to properly dispose of such waste.

Section 4 – Goats, Sheep, Llamas and Alpacas

The keeping of goats, sheep, llamas and alpacas is prohibited within the Borough of Mansfield except for lots containing more than five (5) acres. A single animal of the types listed may be kept on the property. For each additional animal, an additional one-half acre must be provided.

A fence enclosure for such animals must be provided and set back from the property line a minimum of 25 feet. Such enclosures shall be sufficient to prevent animals from leaving the property.

It shall be unlawful to allow manure, urine or feces from such animals or for the carcass of a deceased animal to cross a property line or to be placed within 25 feet of a property line. The owner of such animals may not cause manure or feces to become a public nuisance due to the failure to properly dispose of such waste.

Section 5 – Chickens, Ducks, and Other Fowl; Rabbits

The keeping of chickens, ducks and other small fowl as well as rabbits is prohibited within the Borough of Mansfield except for animals kept within a cage. Alternatively, such animals may be kept outside of a cage provided that the lot exceeds 2.5 acres and a fence-like enclosure is placed no more than 25 feet from a property line. Such enclosures shall be sufficient to prevent animals from leaving the property.

For animals kept within a cage, such structures shall comply with all zoning and building code regulations and be properly permitted as accessory structures. Cages and enclosures shall be kept clean and sanitary and provide adequate ventilation and space for the animals. The most current guidelines provided by the PA Department of Agriculture and/or Penn State Cooperative Extension shall be used in making such determination.

It shall be unlawful to allow manure, urine or feces from such animals or for the carcass of a deceased animal to cross a property line or to be placed within 25 feet of a property line. The owner of such animals may not cause manure or feces to become a public nuisance due to the failure to properly dispose of such waste.

Section 6 – Bees

The keeping of nonaggressive species of honey bees shall be permitted, provided that the property owner complies with all regulations and licensing set forth by the PA Department of Agriculture and current Commonwealth statutes in effect.

Section 7 – Exotic Animals and Bison

It shall be unlawful to keep within the Borough of Mansfield any animal classified as “exotic” by the PA Game Commission or any buffalo or bison.

Section 8 – Insects, Reptiles, Rodents

The keeping of reptiles, amphibians, insects (other than honey bees), arachnids, scorpions, mice, rats and rodents as pets shall be prohibited in any outdoor area, except within an enclosed structure sufficient to prevent such animals from escaping. Such keeping outside of an enclosed structure may be declared an infestation and a public nuisance.

Section 9 – Deer, Elk, Moose, Reindeer

It shall be unlawful to keep deer, elk, moose, reindeer or similar animals as pets or for agricultural use. This Section shall not be construed as a prohibition on wild deer or similar animals entering private property.

Section 10 – Public Nuisance Defined

It shall be unlawful to allow any animal, whether specifically covered in the Ordinance or not, to cause a public nuisance, (excepting dogs and cats, which are subject to separate Ordinances).

Public nuisances include:

1. Any unprovoked attack of an animal upon any person or upon any animal kept as a pet.
2. Any animal crossing a property line (except allowable honey bees) not in control of the keeper.
3. Failure to provide a required enclosure or the failure or degradation of the required enclosure.
4. Any noise from an animal that is constant and audible from an adjacent property or public right of way.
5. Any odor caused by an animal, its carcass or its urine and/or feces that can be smelled from an adjacent property or public right of way for more than one (1) hour.
6. The decomposition of a carcass or an insect/worm infestation of a carcass.
7. Any animal carcass not properly disposed of within 24 hours of its demise.
8. Allowing any animal waste or carcass to cross a property line or enter a waterway.
9. Storing any waste or carcass closer to a property line than permitted herein.
10. The importation to the Borough of animals with any infectious disease.
11. Any other factor that negatively impacts the health, safety and welfare of the neighboring property owner which can be directly attributed to an animal or its housing/enclosure.

Section 11 – State and Federal Standards

In the event that a current or future rule promulgated by a Commonwealth or Federal agency or a state or federal law conflicts with a provision in this ordinance, then the state or federal regulation shall apply. In the case of a permissive regulation or statute, the more restrictive standard shall apply.

Section 12 – Water Quality

The keeper of any allowable species is solely responsible for compliance with all County, State, and Federal water quality standards and regulations associated with the keeping of any livestock or other animal.

Section 13 – Importation of Infected Animals

No animals mentioned in this Ordinance suffering from communicable disease or a member of a group of animals subject to quarantine for any reason shall be imported into the Borough of Mansfield.

Section 14 – Burial of Animals

The remains of any deceased animal may be buried on the owner's parcel provided that the remains are buried at least three feet deep. Burial is also permitted within any cemetery allowing the burial of animal remains, subject to the cemetery owner's approval.

Section 15 – Penalties and Remedies

Any person, firm or corporation violating any provision of this ordinance shall be guilty of a summary offence and be subject to a fine of up to \$300. Each day a person, firm or corporation is in violation shall be considered a separate offense.

Additionally, upon conviction or guilty plea to a violation of this ordinance, the violator shall immediately remedy the violation or infestation if so declared. If the remedy necessitates the removal of any animal, the violator shall have 30 days to remove such animal(s).

Section 16 – Grandfather Clause

Any animals currently alive and being kept at the time of the adoption of this ordinance which do not comply with Sections 3, 4, and 9 shall be permitted to remain until their demise. Any non-compliant animal kept under section 5 at the time of the adoption of this ordinance shall be provided with the appropriate caging or structure within 60 days of adoption. Any existing non-conforming structure shall be permitted to continue to exist under the current zoning ordinance governing accessory structures. This Section notwithstanding, all animals shall be subject to Section 10.

Section 17 – Repealer

Any and all Ordinances and/or Resolutions, or parts thereof, conflicting herewith are repealed insofar as the matters herein are affected.

Section 18 – Severability

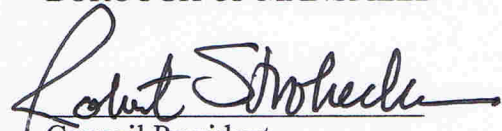
The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered. It is hereby declared the intent of the Mansfield Borough Council that this ordinance would have been adopted if such illegal, invalid, or unconstitutional clause, sentence, subsection, or section had not been included therein.

Section 19 – Effective Date


This Ordinance shall take effect upon approval by the Mansfield Borough Council.

ENACTED AND ORDAINED into law by the Borough of Mansfield, Tioga County, Pennsylvania, this 12 day of May, 2021.


BOROUGH OF MANSFIELD


Council President

ATTEST:


Secretary

APPROVED this 12 day of May, 2021.


Mayor