

TOWNSHIP OF TINICUM
DELAWARE COUNTY, PENNSYLVANIA
ORDINANCE NO. 2008 – 825

**AN ORDINANCE OF THE TOWNSHIP OF TINICUM, DELAWARE COUNTY,
PENNSYLVANIA AMENDING AND/OR SUPPLEMENTING THE CODE OF THE
TOWNSHIP OF TINICUM, CHAPTER 6 ANIMALS ESTABLISHING ARTICLE IV
PROHIBITING THE FEEDING OF UNCONFINED WILD AND/OR STRAY ANIMALS;
PROVIDING ENFORCEMENT AND PENALTIES**

BE IT ORDAINED AND ENACTED by the TOWNSHIP OF TINICUM, County of Delaware, Commonwealth of Pennsylvania, that the Code of the Township of Tincum Chapter 6, Domestic Animals is hereby amended as follows:

ARTICLE IV
**PROHIBITING THE FEEDING OF UNCONFINED WILD AND/OR STRAY
ANIMALS**

§6-27. Purpose

The Board of Commissioners of Tincum Township find that the feeding of unconfined wild and/or stray animals is both detrimental to the animals and causes a public health nuisance, a safety hazard that is detrimental to the general health, safety and general welfare of the public.

§6-28. Definitions

As used in this Article, the following terms shall have the meanings indicated:

“Feed” or “Feeding” means the act of furnishing, exposing, placing, depositing, distributing or scattering any food or other substances which is likely to attract, lure or entice unconfined wild and/or stray animals.

Person shall mean any individual, owner, occupier, corporation, company, partnership, firm, association, club, society or any other form of association or organization subject to the jurisdiction of the Township.

Stray animal shall mean an unlicensed or unregistered domesticated animal whose owner is unknown or cannot be located, or any such animal whose owner is known but permits the animal to roam at large on any street, alley, road, range or premises of another without permission.

Wild animal shall mean any species of animal wild by nature, as distinguished from the common domesticated animals. A wild animal is one that can survive in its natural environment without the help or assistance of humans, including but not limited to bears, coyotes, deer, feral cats, foxes, groundhogs, opossums, raccoons, skunks and waterfowl.

§6-29. Prohibited Conduct

1. No person within the Township of Tinicum shall intentionally harbor, maintain, control, feed, cause to be fed or provide or make available food or other substances likely to be consumed by unconfined wild and/or stray animals either on private or public properties within the borders of the Township of Tinicum;
2. No person within the Township of Tinicum may place or allow any device, mechanical feeder, or other instrument designed to attract or entice unconfined wild and/or stray animals on any public or private property within the borders of the Township of Tinicum;

§6-30 Exclusions

1. The feeding of small songbirds or other backyard birds shall be permitted outdoors at such times and in such numbers that:
 - a. Such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and/or creates a nuisance;
 - b. Does not create an accumulation of droppings on the property or surrounding properties in violation of health and safety ordinances;
 - c. Does not become an attractant for rodents or other wild or stray animals;
and
 - d. Bird feeders or other mechanical devices for feeding of small birds shall be placed at least five (5) feet above the ground and utilized so as not to be an attractant to unconfined wild and/or stray animals.

2. The feeding of wildlife is permitted within confined zoos, educational environmental centers or federally protected wildlife preserves.

§6-31 Enforcement

1. Police Officers, Animal Control Officers, or any other designated and authorized personnel of Tincum Township are hereby given the full power and authority to enforce this Ordinance and to seize, impound and transfer any unconfined wild and/or stray animal to a licensed kennel or other facility authorized by law to receive and dispose such animal.
2. Any person found to be in violation of this Ordinance shall be ordered to immediately cease the feeding or harboring of unconfined wild and/or stray animals, removing all food, substances or devices placed on property in violation of this Ordinance.
3. Failure to remove such food or other substances, attractants or devices after notice from the appropriate Tincum Township Official shall constitute a separate violation of this Ordinance.
4. It shall be unlawful for any person to hinder, molest or interfere with anyone authorized or empowered to perform any duty or responsibility under this Ordinance.

§6-32 Penalties

Any person, firm or corporation who shall violate any provision of this Article, upon conviction thereof, an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Civil Procedure, shall be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding ten (10) days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each Section of this Article that is violated shall also constitute a separate offense.

§6-33 Repealer

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict. The Township reserves the right at any time by Ordinance to amend or otherwise modify or repeal this Ordinance.

§6-34 Severability

Should any section, subsection, paragraph, sentence, laws or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and for this purpose, the provisions of this Ordinance are hereby declared to be severable.

§6-35. Effective Date

This Ordinance shall become effective immediately upon its adoption.

ORDAINED AND ENACTED into an Ordinance and passed by the Tinicum Township Board of Commissioners on the 15th day of September, 2008.

TOWNSHIP OF TINICUM
BOARD OF COMMISSIONERS

BY:


MICHAEL J. MESSINA, PRESIDENT

ATTEST:


JEAN L. MCCOY, TOWNSHIP SECRETARY