

Chapter 57

ANIMALS

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

ARTICLE I Animal Wastes

[Adopted 6-11-2003 by Ord. No. 286]

§ 57-1. Defecation prohibited in certain areas.

No person having possession, custody or control of any animal shall knowingly or negligently permit said animal under said person's possession, custody or control, to defecate on or in any location, be it public or private in the Borough of Westfield other than the property of the owner of said animal or the property of the person who has possession, custody or control of said animal. Any such person permitting such restricted action as set forth in this section must take immediate action as set forth in § 57-2 of this article or be found in violation of this article.

§ 57-2. Disposal of animal feces.

Any person having possession, custody or control of any animal that defecates in any restricted area as prohibited in § 57-1 shall be required to immediately remove any feces from such surface and either:

- A. Carry same away for disposal in a toilet: or
- B. Place same in a non-leaking container for deposit in a trash or litter receptacle.

§ 57-3. Urination prohibited in certain areas.

Any person who permits an animal in their possession, custody or control to urinate in or on any public building shall be in violation of this article.

§ 57-4. Exemptions.

The provisions of §§ 57-1 and 57-2 hereof shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any other physically handicapped person.

§ 57-5. Violations and penalties.

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 in default of payment, to be sentenced to imprisonment for a term not to exceed 30 days, or until such fine and costs are paid.

ARTICLE II**Keeping of Animals**

[Adopted 5-30-2007 by Ord. No. 302]

§ 57-6. 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 — An 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 — A 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, corporation or other legal entity.

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.

§ 57-7. Certain animals prohibited.

It shall be unlawful for any person to keep any pigs, hogs or swine at any place within the Borough of Westfield.

§ 57-8. Regulation of domestic animals.

It shall be unlawful for any person to keep any domestic animals, except household pets, except as provided in this section:

- A. Large animals shall be confined in quarters no part of which shall be closer than 100 feet to the exterior limits of any dwelling or of any property line.
- B. Small animals shall be kept confined in quarters no part of which shall be closer than 25 feet to the exterior limits of any dwelling or of any property line.
- C. The keeper of every such animal shall confine the same in an enclosure sufficient to prevent such animal from running at large. Such enclosure shall be of a size and construction conducive to the animal's health, and adequate sanitary drainage facilities shall be provided.
- D. 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 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.
- E. 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.

§ 57-9. Household pets.

It shall be unlawful for any person to keep any household pet, except as provided in this section:

- A. 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 ensure 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.
- B. If any such pet shall be kept in an enclosure outside such dwelling, the provisions of § 57-8 of this article, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.

§ 57-10. Prosecution under 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.

§ 57-11. Violations and penalties.

Any person who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$600 and, in default of such payment, 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.