

ORDINANCE 419

WHEREAS, Southmont Borough needs to obtain for the citizens a qualified and professional Animal Control Officer who will perform the functions required by the letter and spirit of the animal control laws; and

WHEREAS, Southmont Borough believes that the continuation and funding of this function is in the best interest of the citizens of Southmont Borough; and

WHEREAS, the care and maintenance of dogs and cats is an important local governmental interest for health and safety reasons and can have far-reaching effects on the lives of our citizens; and

WHEREAS, the Council of Southmont Borough wishes to adopt this Ordinance as an animal control policy and other municipalities receiving animal control services on a regional basis are adopting the same.

NOW, THEREFORE, be it ordained and enacted as follows:

Section I. DEFINITIONS

As used in this Ordinance, certain terms are defined as follows:

- A. **OWNER.** When applied to the proprietorship of a dog or cat, includes every person having a right of property in the dog or cat and every person who keeps or harbors the dog or cat or has it in his or her care, and every person who permits the dog or cat to remain on or about any premises occupied by him or her.
- B. **KENNEL.** Any indoor housing facility wherein dogs are kept for the purpose of breeding, hunting, training, leasing, buying, boarding, sale, show, exchange or placement as pets or other similar purpose and is so constructed that dogs cannot stray therefrom.
- C. **CATTERY.** Any indoor housing facility wherein cats are kept for the purpose of leasing, buying, sale boarding, show, breeding, exchange or placement as pets or other similar purpose and is so constructed that the cats cannot stray therefrom.
- D. **CAT.** Any member of the genus and species known as Felis domesticus, male, female or alter.
- E. **IMPOUND.** To apprehend, catch, trap, net or if necessary to kill any animal by the Animal Control Officer or authorized local agency.

- F. AT LARGE. Any dog or other animal when it is off the property of its owner and not restrained by the owner, keeper or another competent person.
- G. RESTRAINT or RESTRAINED. When a dog or other animal is controlled by leash or chain not exceeding six feet in length or when a dog or other animal is confined to the owners property.
- H. VETERINARIAN. A doctor of veterinary medicine who is graduated from an accredited and recognized school of veterinary medicine, and possesses a license to practice veterinary medicine.
- I. MAMMAL. Any of the Mammalia class of higher vertebrates comprising animals that nourish their young with milk secreted by mammary glands and have the skin more or less covered with hair. For purposes of this Ordinance, man is excluded from the term mammal.
- J. DOG. Any member of the genus and species known as Canis Familiaris, male, female or alter.
- K. IMPOUNDING FACILITIES. Any premises for the purpose of impounding and caring for animals.
- L. NON-DOMESTIC CANINE. Any species of the genus Canis other than Canis Familiaris.
- M. NON-DOMESTIC FELINE. Any species of the genus Felis other than Felis Domesticus.
- N. HYBRID. Any canine whose known ancestry includes a species other than Canis Familiaris or any feline whose known ancestry includes a species other than Felis Domesticus.

Section II. DOGS AT LARGE PROHIBITED.

No person whether as owner or person in possession, shall permit his or her dog to run at large upon the public streets, sidewalks or other public places, or upon the property of another.

A dog shall be restrained by the use of a leash, or a chain not exceeding six (6) feet in length, at all times when upon public places, street and park, and the owner or persons in possession shall carry with them the necessary tools to remove the applicable nuisance hereinafter mentioned.

Section III. HARBORING A NUISANCE; EXCEPTION.

- A. No person shall keep or harbor any dog, cat or other animal in the borough so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as defined herein.
- B. Any dog, cat or other animal, which by frequent and habitual barking, howling, screeching, yelping or baying for a continuous period of one half (½) hour, or in any way or manner disturbs the quiet of any person or the community, or which disturbs or endangers the comfort, repose or health of persons, is hereby declared to be committing a nuisance. No owner or person having custody of the animal shall harbor or permit it to commit a nuisance.
- C. Any dog, cat or other animal which scratches, digs or defecates upon any lawn, tree, shrub, plant, building or any other public or private property, other than the property of the owner or person in charge or control of the animal, is hereby declared to be a nuisance.
- D. No person being the owner or in charge or control of any dog, cat or other animal shall permit the animal to commit a nuisance on any school ground, borough park or other public property, or upon any private property other than that of the owner or person in charge or control of the dog, cat or other animal without the permission of the owner of the property. Where the owner or person in charge or control of the animal immediately removes all feces deposited by the animal and disposes of same in a sanitary manner, the type of nuisance shall be considered abated.
- E. Persons with physical handicaps, defective eyesight or hearing while relying upon a dog specifically trained for these purposes shall be exempt from compliance with subsections C. and D. hereof.
- F. Any female dog or cat in season shall be kept properly confined indoors.

Section IV. SHELTERS.

- A. Dogs and cats shall be provided access to shelter which protects them against inclement weather, keep them dry and allows them to preserve a normal body temperature.

- B. If dog houses with chains are used as shelters for dogs kept outside, the chains used shall contain a swivel or be attached to a swivel and shall be placed and attached so that they cannot become entangled with the chains of other dogs or another object.

The chains shall be a type commonly used for the size and type of dog involved and shall be attached to the dog by means of a well-fitted buckle-type collar. The chains shall be at least three times the length of the dog as measured from the tip of the nose to the base of its tail, but no less than ten (10) feet in length and shall allow the dog convenient access to the dog house.

- C. No animal may be housed on a temporary or permanent basis in any shelter constructed of uninsulated metal.

Section V. NON-DOMESTIC CANINE, NON-DOMESTIC FELINE AND HYBRIDS.

No person or residence shall be permitted to own, harbor or maintain a non-domestic canine, a non-domestic feline or hybrid within the borough limits. This section shall not affect any animal owned by a person living within the borough limits prior to the effective date of this section. This section shall not apply to any educational, institutional, zoological garden or circus.

Section VI. IMPOUNDING, NOTICE, REDEMPTION AND CHARGES.

- A. Animal Control Officer or other authorized agency shall impound every dog or cat at large as determined by the Police Department of Southmont Borough.
- B. After the impounding of any animal, if the animal is licensed, the owner shall be notified and the animal shall be held for ten (10) days from the date of the impounding notice. The owner of any impounded animal may reclaim the animal upon payment of all costs and charges incurred by the Animal Control Officer or authorized agency for impounding and maintenance of the animal (\$15.00 per day).
- C. Upon claiming their impounded animal, the owner of said animal shall also be required to pay an animal collection fee for the services of the Animal Control Officer or authorized agency.

Section VII. DISPOSITION OF UNCLAIMED ANIMALS.

- A. Unlicensed dogs, cats and other animals. Any unlicensed dog, cat or other animal may be adopted or euthanized in some humane manner if not redeemed or claimed within three (3) to seven (7) days after impounding.
- B. Licensed dogs and cats. Licensed dogs may be adopted or euthanized in some humane manner if not redeemed within ten (10) days for the date of an impounding notice to the owner of the licensed dogs.
- C. No animal shall be provided by the Animal Control Officer or other authorized agency to any person or institution for the purposes of medical research.

Section VIII. ANIMAL CONTROL INFORMATION SERVICE AND DUTIES.

In addition to the other duties set forth in this Ordinance, the Animal Control Officer shall:

- A. Provide informational service for the public on all mammal inquiries, including licensing and identification requirements, control, municipal regulations, nuisance report referrals, abuse and cruelty; copies of this Ordinance shall be available and shall be deemed adequate notice;
- B. Provide central mammal lost and found service.

Section IX. PENALTY AND VIOLATION.

- A. This Ordinance shall be enforced by action before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violations of any provision of this Ordinance shall upon conviction in a summary proceeding, be punishable for the first offense by a fine of one hundred dollars (\$100.00), plus costs, and five hundred dollars (\$500.00) for each subsequent offense, and in default thereof in either case, by imprisonment for a term not exceeding seventy-two (72) hours.

Section X.

Any Ordinance or prior enactment inconsistent with the terms of this Ordinance is hereby repealed.

Section XI.