

## **AN ORDINANCE NO. 384**

An Ordinance prohibiting owners, custodians and keepers of all animals from allowing such animals to run at large; providing for the seizure and impounding of such animals when at large; requiring the reimbursement of charges incurred by reason of such detention of animals and providing for other rules and regulations concerning the keeping and walking of dogs, and prescribing penalty for violation.

The Borough of Parkesburg hereby ordains as follows:

### **PART I**

**SECTION 1 – Definitions:** As used in this ordinance, 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 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.

In this ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

**SECTION 2 – Certain Animals Prohibited:** It shall be unlawful for any person to keep any pigs, hogs or swine at any place within the Borough of Parkesburg.

**SECTION 3 – Keeping of Animals Regulated:**

1. Large animals shall be confined in quarters no part of which shall be closer than one hundred feet (100') from the exterior limits of any dwellings or of any property line.

2. Small animal shall be kept confined in quarters no part of which shall be closer than ten feet (10') from the exterior limits of any dwelling or of any property line.

3. The keeper of every such animal shall confine the same in an enclosure sufficient to prevent such animal from running at large, an such enclosure shall be of a size and construction conducive to the animal's health and adequate sanitary drainage facilities shall be provided.

4. 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 rat-proof and fly-tight and after every such collection, shall cause such container or receptacle to be kept closed. The litter and droppings shall be disposed of in accordance with proper sanitary practices approved by the Department of Health of Chester County.

5. Every keeper of any animal shall cause all feed provided therefor to be stored and kept in a rat-proof and fly-tight building, box, container or receptacle.

**SECTION 4 – Household Pets:** It shall be unlawful for any person to keep any household pet, except as provided in this section:

1. 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 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.

2. If any such pet shall be kept in an enclosure outside such dwelling, the provisions of Section 3 of this ordinance, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.

**SECTION 5 – Violation of State Law:** Any violation of this ordinance that would also violate any state law shall be prosecuted under the state law and not under this ordinance.

**SECTION 6 – Penalties:** Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not exceeding three hundred dollars (\$300.00), and/or to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

**SECTION 7 – Repealer:** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**SECTION 8 – Severability:** If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough of Parkesburg that this ordinance would be been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

## **PART II**

**SECTION 9:** It shall be unlawful for the owner, custodian or keeper of any dog, bearing the current license tag, or any unlicensed dog, to allow such dog to run at large at any time, either upon any of the streets, alleys or public grounds in the Borough of Parkesburg, or upon the property of another than the owner, custodian or keeper of such dog, unless accompanied by and under the immediate control of such owner, custodian or keeper.

**SECTION 10:** It shall be the duty of the official or officials appointed by the Borough Council of the Borough of Parkesburg to convey the dog to a place designated by the Borough Council. Notice of such seizure shall be sent to the owner of such dog in the matter prescribed by the Dog Law of Pennsylvania, and such dog may be redeemed by the owner thereof within the time specified by law, upon payment of the charges incurred by reason of such detention. Rates for such charges shall be determined from time to time by the Borough Council.

**SECTION 11:** Any owner, custodian or keeper of any dog who shall violate any of the provisions of Section 9 of this ordinance may, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days.

Provided: such fine and costs may be in addition to any payments required to be made under Section 10 of this ordinance.

**SECTION 12:** It shall be unlawful to own, harbor or keep in custody any dog which disturbs the peace by barking, howling or making other loud noises by such animal for more than fifteen (15) minutes shall be deemed and presumed to disturb the peace and to cause the annoyance and discomfort of persons in the Borough of Parkesburg.

**SECTION 13:** It shall be unlawful for the owner of any animal to permit said animal to injure any human being by biting, jumping on, knocking down or attacking said human being.

**SECTION 14:** No person owning, harboring, keeping or in charge of any animal shall cause, suffer or allow such animal to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk passageway, bypath, play area, park or any place where people congregate or walk, or on any public property whatsoever, or on any private property without the permission of the owner of said property.

(a) The person who uses such curb for such purpose for the animal shall immediately remove all feces deposited by such animal by any sanitary and reasonable manner.

(b) The feces removed from the aforementioned designated area shall be disposed of in a sanitary manner by the person owning, harboring, keeping, or in charge of any animal curbed in accordance with the provisions of the ordinance.

**SECTION 15:** Any person who shall be convicted of violating or failing to comply with the provisions of this ordinance before any District Justice shall be punishable by a fine of not more than three hundred dollars (\$300.00), together with costs of prosecution and in default of payment of such fine and costs, the violator shall be subject to imprisonment in the County jail for a term not to exceed thirty (30) days.

**SECTION 16:** This ordinance or any provisions thereof shall not prohibit or prevent any actions to proceed under the Dog Law of Pennsylvania or any civil or equitable remedies to be brought by the Borough or any private person, including any actions to abate a public nuisance.

Enacted into an ordinance the 13<sup>th</sup> day of November, 1989.