

BOROUGH OF ROSE VALLEY

ORDINANCE NUMBER 321

AN ORDINANCE TO SET LIMITATIONS ON CERTAIN ANIMALS
AND IMPOSING PENALTIES FOR VIOLATIONS.

The Council of the Borough of Rose Valley hereby Ordains:

Section 1. Definitions. As used in this ordinance, the following terms shall have the meanings indicated herein, unless a different meaning clearly appears from the context:

Animal - any domestic animal or fowl. Any wild animal owned by a person or persons. Any household pet.

Domestic Animal - any animal normally or ordinarily domesticated or raised in the Borough of Rose Valley or the surrounding Delaware Valley. Any animal kept as a household pet.

Household Pet - any dog, cat, or other domestic animal normally kept in, or permitted to be at large in, the dwelling of its owner, whether in the main house, or any outbuilding located on the premises, in a residential area.

Small Animal - any wild or domestic animal such as a rabbit, hare, guinea pig, gerbil, rat, mouse, ferret, mink or chinchilla; and any wild or domestic fowl such as a chicken, turkey, goose, duck, hen or pigeon.

Wild Animal - any animal, including birds, fowl, reptiles not normally or ordinarily domesticated and not normally or ordinarily found or raised in the Borough of Rose Valley or the surrounding Delaware Valley.

Section 2. Dogs to be Licensed.

All dogs kept in the Borough for more than fourteen (14) days in any year must be licensed in compliance with the Dog Laws of the Commonwealth of Pennsylvania.

Section 3. Dogs at Large Prohibited.

At all times, every dog kept in the Borough must be either:

- a. Confined within an enclosure from which it cannot escape; or
- b. Firmly secured by means of a collar and leash, chain, or similar device, so

that the dog cannot stray beyond the premises of the owner or custodian of the dog; or

c. While on any property, public or private, within the Borough, other than the property of the owner or custodian of the dog, secured by means of a collar and leash, chain, or similar device, and under the personal control of such owner or custodian, who must be able to control the dog at all times.

Section 4. Dogs Barking, Harassing or Trespassing Prohibited.

a. No owner or custodian of a dog shall permit barking of such intensity and duration as to annoy persons of ordinary sensibility in the enjoyment of their property or to interfere with their sleep during the night.

b. No owner or custodian of a dog shall permit his dog to pursue, menace or harass persons lawfully going about their business, whether on private or public property.

c. No person shall make a business of breeding or raising dogs for sale, or operate any commercial kennel in any residential district of the Borough.

d. Penalties. Any person who shall violate the provisions of this Section of

the Ordinance, shall, upon conviction thereof, be sentenced to pay a fine for a first offense of not more than twenty-five (\$25.00) dollars; for a second offense occurring within one year of the first offense, a fine of not more than fifty (\$50.00) dollars; and for a third or subsequent offense occurring within one year of the first offense, a fine of not more than three hundred (\$300.00) dollars and/or to undergo imprisonment in the County prison for a term not to exceed ninety (90) days.

Section 5. Employment of Dog Catcher by the Borough.

The Borough may employ a Dog Catcher and swear in the Dog Catcher as a special officer, under the direction and control of the Mayor, to whom such special officer shall report. The dog catcher, when in pursuit of a dog that is subject to apprehension under the provisions of this Ordinance, may enter into any premises and any building, other than one occupied as a private dwelling, and seize any such dog.

Section 6. Disposition of Dogs Running at Large.

a. Delivery of Dog to Owner. When the owner or custodian of a dog running at large in violation of Section 3 of this Ordinance is known, the Dog Catcher may deliver the dog to the owner or custodian, or to his representative immediately, subject to the following conditions:

(1) The owner, custodian, or representative, in consideration of the immediate release of his dog, shall agree to keep and hold such dog thereafter in compliance with the terms of this Ordinance; and

(2) The owner admits that a violation of this Ordinance has occurred and agrees to pay to the Borough, within five (5) days of the violation, a fine, as follows: for a first offense, the sum of twenty-five (\$25.00) dollars; for a second offense occurring within one year of the first offense, fifty (\$50.00) dollars; and for a third or subsequent offense occurring within one year of the first offense, one hundred (\$100.00) dollars.

b. Delivery of Dog to the SPCA.

If the enforcement officer is unable for any reason to deliver the dog immediately to the owner, custodian or their representative, he shall deliver the dog, instead, to the Society for the Prevention of Cruelty to Animals (SPCA) and notice thereof shall be given to the owner or custodian of the dog as soon as possible, by first class mail addressed to the owner or custodian. The owner or custodian may reclaim his dog at the SPCA, upon complying with the rules of that organization, paying all of their costs, and by complying with the requirements set forth in Section 6, a of this Ordinance.

c. Failure to Pay Penalty or Claim Dog.

(1) If the owner or custodian fails to pay the penalty set forth above, within five (5) days, he shall be subject to prosecution in the District Court which has jurisdiction over the Borough of Rose Valley and shall be subject to fines not exceeding three hundred (\$300.00) dollars, and/or to undergo imprisonment in the County prison for a term not to exceed ninety (90) days, for each violation charged.

(2) If the owner or custodian fails to claim the dog within ten (10) days following seizure of the dog, and notice of seizure has been given in accordance with this Ordinance, the dog shall be considered abandoned and subject to disposition in accordance with the rules of the SPCA. Such abandonment shall not relieve the owner or custodian of the dog from the fines and other penalties set forth herein, for violation of this

Ordinance.

Section 7. Removal of Dog Droppings and Penalties for Violations.

- a. Every owner or custodian of any dog shall clean up all dog waste and dog droppings from his dog, which waste or droppings have been deposited on the property of another, whether public or private property.
- b. The dog waste or droppings shall be collected promptly by the owner or custodian of the dog, in a container which can be sealed and the owner or custodian shall cause the container to be sealed promptly after collecting the dog waste or droppings, such that flies and other insects cannot get into the container.
- c. Penalties. Any person who shall violate the provisions of this Section of the Ordinance, shall, upon conviction thereof, be sentenced to pay a fine for a first offense of not more than twenty-five (\$25.00) dollars; for a second offense occurring within one year of the first offense, a fine of not more than fifty (\$50.00) dollars; and for a third or subsequent offense occurring within one year of the first offense, a fine of not more than three hundred (\$300.00) dollars and/or to undergo imprisonment in the County prison for a term not to exceed ninety (90) days.

Section 8. Violation of State Law.

Any violation of this Ordinance which is also a violation of the law of the Commonwealth of Pennsylvania, may be prosecuted under either the state law or under this Ordinance, at the discretion of the Mayor or his designee, the Dog Catcher.

Section 9. Severability.

If any part of this Ordinance is found to be unconstitutional, illegal or invalid for any reason, such unconstitutionality, illegality or invalidity shall not affect, impair or limit the enforcement of the remaining provisions of this Ordinance. It is hereby declared as the intent of the Council of the Borough of Rose Valley that this Ordinance would have been adopted had such unconstitutional, invalid or illegal part of the Ordinance not been included herein at the time this Ordinance was enacted.

Section 10. Effective Date.

This Ordinance shall become effective thirty (30) days after enactment by Council and written approval by the Mayor.

ENACTED and ORDAINED this 5th day of May, 2006

BOROUGH OF ROSE VALLEY

ATTEST: _____ By: _____
Paula W. Healy, Borough Secretary Thomas F. Plummer, President of Council

APPROVED this _____ day of _____, 2006

Gerald Perry, Mayor