

ORDINANCE NO. 131 OF 1991 "DOG CONTROL"

ORDINANCE NO. 131 OF 1991

Borough of Sugarcreek

Venango County, Pennsylvania

AN ORDINANCE REGULATING THE CONTROL OF DOGS WITHIN THE BOROUGH OF
SUGARCREEK

BE IT ENACTED AND ORDAINED, and it hereby is enacted and ordained by the Council of the Borough of Sugarcreek, County of Venango, Commonwealth of Pennsylvania, under Borough Code, Act of February 1, 1965, P.L. No. 1656, Act No. 581, as amended, as follows:

PART 1
D O G S

101. SHORT TITLE: This ordinance (101 to 109 this Part 1) shall be known as the Borough of Sugarcreek Dog Control Ordinance. (Ordinance 89, January 21, 1981, 1)

102. PREFACE: The people and citizens of the Borough of Sugarcreek and their duly elected governmental body are aware, and the Council has found as a fact, that numerous owners of dogs are permitting their animals to run at large upon the public property and the private property of others, that these owners are permitting their dogs to constitute a public nuisance and, through lack of adequate control, are allowing them to cause personal injury to other persons and property damages to the holdings of others, therefore, in response to this situation and in the interest of the safety, health and convenience of the general public, Council has caused this ordinance (101 to 109 this part 1) to be enacted. (Ordinance 89, January 21, 1981, 2)

103. AUTHORITY: This ordinance and the objectives leading to its enactment, are authorized under the following provisions of the Borough Code, to wit: ARTICLE XII, SECTION 1202, PARAGRAPH (13)[53 P.S 46202(13)] and in part under the "Dog Law" being the Act of December 7, 1982, P.L. 784 (3 P.S. S 459-101 et. seq.) (ORDINANCE 89, January 21, 1981, 3)

104. DEFINITIONS: The following words and phrases when used in the ordinance shall have, unless the context clearly indicates otherwise, the meanings given to them in this

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section:

DEPARTMENT: The Sugarcreek Borough Police Department and its members.

DOG: The genus and species known as *Canis familiaris*; regardless of age or sex.

OWNER: When applied to the proprietorship of a dog, includes every person having a right of property in such dog, and every person who keeps or harbors such dog or has it in his care, and every person who permits such dog to remain on or about any premises occupied by him.

PERSONS: Includes State and local officers, or employees, individuals, corporations, co-partnerships and associations. Singular words shall include the plural. Masculine words shall include feminine and neuter.

POLICE OFFICER: Any person employed or elected by this Commonwealth, or by any municipality and whose duty it is to preserve peace or to make arrests or to enforce the law.

KENNEL: is a facility where animals, normally dogs, not owned by the proprietor or keeper, are temporarily sheltered, fed, and watered in return for a fee.

(Ordinance 131, August 21, 1981)

105. DOGS AS PUBLIC NUISANCE: No person being the owners or keeper of a dog, shall permit a dog, or dogs, under their control or responsibility to become a public nuisance. A dog or dogs, shall be considered a public or private nuisance if it:

1. SHALL CONTINUALLY OR PERSISTANTLY, be it (constant or periodically) bark and/or howl for an extended period of time of at least 20 minutes during the hours of 8:00 am to 9:00 pm prevailing time or of 15 minutes during the hours of 9:00 pm and 8:00 am prevailing time.

2. Shall cause personal injury to any person, or persons, or damage the property of a person, or persons, other than that of the owner, custodian or keeper of the offending animal or animals, except where defending the owner, custodian, or keeper from physical assault on premises owned or rented by said person.

Ordinance 89, January 21, 1981, 5; as amended by Ordinance 131, August 21, 1991)

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106. SHELTERS, KENNELS, RUNS, ETC.: No owner, custodian or keeper of any dog, or dogs, shall permit any shelter, kennel, run or similar facility maintained for the housing or exercise area of any dog or dogs, to become a public or private nuisance and/or health hazard by allowing fecal matter to accumulate more than one day or by reason of permitting feed or refuse to accumulate more than one day in and about said shelter areas. Similarly, any owner or keeper of any dog, or dogs, shall insure that their property is free of any accumulations of matter for more than one day which could constitute a public or private nuisance and/or health hazard. (Ordinance 89, January 21, 1981, 6)

107. APPREHENSION AND DETENTION AND PENALITIES: The members of the department may cause any dog found running at large, either upon the public streets or highways of the Commonwealth or upon property of a person other than the owner of such dog, and unaccompanied by the owner or keeper, (BEARING OR NOT BEARING a proper license or legible tattoo) to be seized and detained and to properly keep and provide feed (within its kennel) and shall cause immediate notice by certified mail with return receipt required, to the person whose name the license was procured, or his agent, to claim such dog within five (5) days after the receipt thereof. The owner or claimant of a dog so detained shall pay a penalty of fifteen dollars (\$15.00) to the political subdivision whose police officers make such seizure and detention and a detaining fee in the amount of twelve dollars (\$12.00) will be charged if the animal is detained over a period of eight (8) hours, with an additional detaining fee of six (\$6.00) dollars for each day or part of a day after the first 24 hours detained, prior to the dog being returned to the claimant. ALL DETAINING FEE MONIES COLLECTED WILL BE MAINTAINED IN AN ACCOUNT FOR THE MAINTENANCE OF THE KENNEL AT THE MUNICIPAL BUILDING AND THE PURCHASING OF FOOD AND SANITATION MATERIALS.

108. VIOLATIONS AND PENALTIES: Any person, firm or corporation who shall violate provisions (105-107) of this ordinance shall, upon conviction thereof, be sentenced to pay fines not exceeding three hundred dollars (\$300.00) together with costs of prosecution, or to imprisonment for a term not to exceed thirty (30) days. Ordinance 89, January 21, 1981, 7, as amended by Ordinance 95, July 21, 1982, as amended by Ordinance 131, August 21, 1991)
ALL PENALTIES FOR SECTION 107 ARE COVERED AND LISTED UNDER THAT SECTION

109. SEVERABILITY: If any provision of this ordinance, or the application thereof, to any

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person or circumstances is held invalid, the invalidity does not affect the other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions and applications of this ordinance are severable. (Ordinance 89, January 21, 1981, 8)

All ordinances, or parts of Ordinances, inconsistent herewith hereby are repealed.

ADOPTED this twenty-first (21) day of August, 1991