

ORDINANCE NO. 97-5

AN ORDINANCE OF THE TOWNSHIP OF UNION, UNION COUNTY, PENNSYLVANIA, PROHIBITING THE RUNNING AT LARGE OF ANIMALS; PROVIDING FOR THE SEIZURE, DETENTION, DISPOSITION, AND HUMANE AND OTHER KILLING OF SUCH ANIMALS; IMPOSING AND COLLECTING PAYMENT OF A PENALTY AND OTHER CHARGES; PROHIBITING DISTURBANCE OF THE PEACE, INJURIES, ATTACKS, NUISANCES, AND DAMAGE AND DESTRUCTION OF PROPERTY BY ANIMALS; PROVIDING FOR THE QUARANTINE OF ANIMALS; ESTABLISHING LIABILITY FOR PROPERTY DAMAGE CAUSED BY ANIMALS; PRESCRIBING PENALTIES FOR VIOLATIONS; AND REPEALING ORDINANCE NO. 96-1, ENACTED APRIL 2, 1996.

Be it enacted and ordained by the Board of Supervisors of the Township of Union, Union County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. The words and phrases when used in this Ordinance, including but not limited to "attack, cat, dog, domestic animal, humanely killed, humane society or association for the prevention of cruelty to animals, kennel, licensed doctor of veterinary medicine, owner, permanent identification or permanently identified, persons and vivisection," shall have, unless the context clearly indicates otherwise, the meanings given to them in Section 102 of the Dog Law of December 7, 1982 (P.L. 784, No. 225), as amended [3 P.S. §459-101, et seq.], except as follows:

a. "Animal" shall mean any dog, cat, household pet, or other domestic animal.

b. "Animal Control Officer" shall mean the person appointed, employed or contractually retained by the Township of Union whose duties shall consist of enforcing the provisions of this Ordinance;

c. "Township" shall mean the Township of Union, Union County, Pennsylvania;

d. "Place of Detention" shall mean any approved and licensed kennel appointed, employed or contractually retained by the Township of Union whose duties shall consist of remaining so approved and licensed, maintaining such establishment, keeping, boarding, feeding and maintaining dogs, cats, household pets or other domestic animals detained as hereinafter provided, and enforcing the provisions of Sections 3, 4, 5 and 6 of this Ordinance; and

e. "Trooper" shall mean any person employed by the Commonwealth of Pennsylvania as a Pennsylvania State Police officer whose duty it is to preserve peace, make arrests and enforce the law.

Section 2. It shall be unlawful for any owner of any animal to permit the same to run at large, either upon the public streets, sidewalks, highways, alleys, or thoroughfares of the Township or upon the property of other than the owner of such animal, and unaccompanied by the owner. Any such animal shall not be considered to be running at large if it is on a leash not longer than six (6') feet in length and under the control of a person physically able to control it.

Section 3. Any animal found running at large as provided in Section 1 of this Ordinance shall be seized and detained by the Animal Control Officer or, in such officer's absence or unavailability, the Pennsylvania State Police or any Trooper; provided, however, that the said officer or Trooper may humanely kill any animal found running at large as provided in Section 1 of this Ordinance who is deemed after due consideration by such officer or Trooper to constitute a

threat to the public health and welfare or may kill any animal such officer or Trooper personally observes or catches in the act of pursuing, wounding or killing any domestic animal, wounding or killing any dog, cat or household pet, or pursuing, wounding or attacking any person, whether or not such animal is licensed.

Section 4. If the animal seized and detained as provided in Section 3 of this Ordinance bears a proper license tag or permanent identification or is otherwise known to be properly licensed, the Animal Control Officer or Trooper detaining such animal shall cause immediate notice to be sent, by registered or certified mail with return receipt requested, to the person in whose name the license was procured, or such person's agent, or who is otherwise identified or known as the owner of such animal, advising such person of the detention of the said animal, of the location of the place of detention, and to claim such animal within five (5) days after receipt thereof. Nothing herein shall prevent or prohibit the said officer or Trooper from also serving the aforesaid notice personally and/or returning the seized animal to the owner thereof at any time, whether before or after the aforesaid five (5) day period.

Section 5. No animal detained as provided in Section 3 of this Ordinance shall be sold for the purpose of vivisection, or research, or be conveyed in any manner for these purposes, but shall be properly kept, boarded, fed and maintained in the place of detention, unless otherwise already returned to the owner thereof,

a. if licensed, for a period of not less than five (5) days after obtaining the postal return receipt as provided in Section 4 of this Ordinance, after which time any such animal that has not then been claimed shall be disposed by the Animal Control Officer or Trooper, or his agent, either by sale, the proceeds derived from which, after deducting the expenses of the animal's detention and sale, shall be paid through the Pennsylvania Department of Agriculture to the State Treasurer for credit to the State Dog Law Restricted Account, or by giving it to a humane society or association for the prevention of cruelty to animals; or

b. if unlicensed, for a period of not less than forty-eight (48) hours, except for any animal seriously ill, injured or forfeited with the owner's permission, during which time any person may view such detained animal during normal business hours and after which time any such animal that has not then been claimed shall be disposed by the Animal Control Officer or Trooper, or his agent, either by humanely killing it or by giving it to a humane society or association for the prevention of cruelty to animals.

Section 6. The owner or claimant of an animal seized and detained as provided in Section 3 of this Ordinance shall pay a penalty in the amount of Fifteen (\$15.00) Dollars to the Township and also all reasonable expenses incurred by reason of such animal's detention in the place of detention before it is returned to the owner or claimant thereof; provided, however, that if the said animal does not bear a license when detained and would otherwise require a license under and pursuant to the aforesaid Dog Law, or any other applicable law or statute of the Commonwealth of Pennsylvania then in effect, proof of proper licensure must be demonstrated to the Animal Control Officer, Trooper or place of detention, as the case may be, prior to returning such animal to the owner or claimant thereof. If proof of proper licensure cannot be demonstrated by such owner or claimant, then the said animal cannot be returned to the owner or claimant thereof until such time as a proper license has been procured.

Section 7. It shall be unlawful for any person to own, harbor or keep in custody any animal within the Township which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such character, intensity and duration as to disturb the peace, quiet and good order of any neighborhood in the Township. Any person who shall allow any animal to habitually remain, be lodged or fed within any dwelling, building, yard or enclosure which such person occupies or owns shall be considered as harboring such animal.

a. Any person may request the Animal Control Officer or, in such officer's absence or unavailability, the Township Secretary, Pennsylvania State Police or any Trooper to warn any person who shall own, harbor or keep in custody any animal which, by frequent and habitual barking, howling or yelping, creates unreasonably loud or disturbing noises of such character, intensity and duration as to disturb the peace, quiet and good order of any neighborhood in the Township.

b. The aforesaid request shall be in writing, shall specifically identify the name, if known, and the address or residence of such owner, harbinger or keeper, shall indicate the name of the person making the request and such person's address, and shall be signed by such person.

c. Any warning given pursuant to subsection a of this Section shall include a copy of this Section and shall be delivered, either personally or by certified mail, to such owner, harbinger or keeper or to the residence within the Township of such owner, harbinger or keeper.

d. A violation of this Section shall be deemed to have occurred if the hereinabove described disturbance continues after the date of delivery of a second warning to such owner, harbinger or keeper.

Section 8. It shall be unlawful for any owner of any animal to permit such animal to injure any person by biting, jumping on, knocking down or attacking such person. The Animal Control Officer, Pennsylvania State Police or any Trooper who has knowledge of an animal which has attacked a person within the Township shall file a written report summarizing the circumstances of such attack with the Pennsylvania State Police and also with the police department having jurisdiction in the municipality where the owner of the animal resides in the event such owner resides outside of the Township.

Section 9. It shall be unlawful for any person to own, harbor or keep in custody any animal in the Township so as to create offensive odors or unsanitary conditions which are a nuisance, menace or hazard to the health, welfare, comfort or safety of the public.

Section 10. It shall be unlawful for any owner of any animal to cause or permit such animal to soil, defile, defecate, urinate, or commit any nuisance on any lawn, yard, common thoroughfare, sidewalk, passageway, bypath, play area, park, or any other place where people congregate or walk, whether public or private property, other than the property of the owner of such animal or of another who consents prior thereto.

a. This Section shall not apply to that portion of the street lying between the curblines, which may be used to curb such animal.

b. The person who so curbs such animal shall immediately remove all feces deposited by such animal by any sanitary method.

Section 11. It shall be unlawful for any owner of any animal to cause or permit such animal to destroy or damage any lawn, tree, shrub, plant, building, or other property, whether public or private, other than the property of the owner of such animal or of another who consents prior thereto, by scratching, digging or by any other means. The owner of any animal which damages or destroys public or private property shall be held liable for the full value of the property damaged or destroyed, in addition to any other penalty imposed for a violation of this Ordinance.

Section 12. Whenever it is established that any animal has bitten any person, or shows signs of being infected with rabies, such animal, upon order of the Animal Control Officer, Pennsylvania State Police or any Trooper, shall either be seized and detained in the place of detention or detained at the property of the owner thereof at the discretion of such officer or Trooper for a minimum period of ten (10) days, during which time it shall be confined and isolated. Any costs incurred in the detaining and isolation of such animal shall be paid by the owner thereof.

a. At the end of the aforesaid detention period, the owner of such animal shall have the animal examined by a licensed doctor of veterinary medicine for signs of rabies. If such animal is found to be rabid, a report thereof shall be immediately made to the Animal Control Officer or Pennsylvania State Police who shall then make whatever arrangements they believe necessary pursuant to law.

b. If such animal is detained at the property of the owner thereof, the said animal shall not be allowed off such property during the aforesaid detention period except on a leash and in the custody of an adult physically able to control it.

c. In the event that the owner of such animal fails to comply with any order issued pursuant to this Section within six (6) hours after such order has been issued and served upon such owner, the Animal Control Officer, Pennsylvania State Police or any Trooper may seize and detain such animal in the place of detention at the expense of the owner thereof.

Section 13. The Board of Supervisors of the Township is hereby authorized and empowered to appoint, employ or contractually retain on behalf of the Township the Animal Control Officer and the place of detention in order to carry out the provisions of this Ordinance, upon such terms, conditions and compensation as may be approved by the said Board.

Section 14. Any person violating, failing or refusing to comply with any of the provisions of this Ordinance, whether or not the animal belonging to such person has been seized and/or detained, shall be guilty of a summary offense and, upon conviction thereof in a summary proceeding before a District Justice, be sentenced to pay a fine of not more than Six Hundred (\$600.00) Dollars, plus costs of prosecution and any penalty as provided in Section 6 of this Ordinance, costs of detention as provided in Section 6 of this Ordinance and restitution for any damage as provided in Section 11 of this Ordinance, and, in default of payment of such fine, penalty, costs and/or restitution, to be imprisoned for a period not in excess of thirty (30) days.

Section 15. Any person who shall obstruct, hinder or prevent the Animal Control Officer, the Township Secretary, Pennsylvania State Police, any Trooper, or any owner, employee, agent or servant of the place of detention in carrying out the provisions of this Ordinance shall be guilty of a summary offense and, upon conviction thereof in a summary proceeding before a District Justice, be sentenced to pay a fine of not more than Six Hundred (\$600.00) Dollars, plus costs of prosecution, and, in default of payment of such fine and costs, to be imprisoned for a period not in excess of thirty (30) days.

Section 16. If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be judged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

Section 17. Ordinance No. 96-1, enacted April 2, 1996, and all ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

Section 18. This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED as an Ordinance of the Township of Union, Union  
County, Pennsylvania, this 9<sup>th</sup> day of December, 1997.

ATTEST:

TOWNSHIP OF UNION:

Shirley L. Doyle  
Shirley L. Doyle, Secretary

R. Nelson Poe  
R. Nelson Poe, Chairman

(SEAL)

Thomas S. Reitz  
Thomas S. Reitz, Supervisor

K. Palmer Felme  
K. Palmer Felme, Supervisor