

**BOROUGH OF NEW ALEXANDRIA
WESTMORELAND COUNTY, PENNSYLVANIA
ORDINANCE NO. 137**

AN ORDINANCE REGULATING THE MAINTENANCE, KEEPING AND POSSESSION OF ANIMALS, IN THE NATURE OF PETS, WITHIN THE BOROUGH OF NEW ALEXANDRIA, IN ORDER TO PROMOTE THE HEALTH, SAFETY AND GENERAL WELFARE OF ITS INHABITANTS.

BE IT HEREBY ENACTED by the Borough Council of New Alexandria, Westmoreland County, Pennsylvania, at a regular meeting of Borough Council held at the New Alexandria Community Hall, Main Street, New Alexandria, Pennsylvania, on the 13th day of November, 2002, at 7:30 p.m.

SECTION 1: This Ordinance shall be known as the Pet Control Ordinance of New Alexandria Borough.

SECTION 2: DEFINITIONS

- A. The term "owner" shall include every person having a property right in any animal described in this ordinance, including persons who keep, harbor, maintain or care for such animals or pets, and every person who permits such animal to remain on or about any premises owned or occupied or under the control of him or her.
- B. The word "person" not only refers to natural persons but also includes corporations, partnerships, other entities, organizations or associations, as may be applicable.
- C. The term "excessive noise" shall mean barking by a dog or the making of other noise by any animal, including dogs, which is generally continuous and sustained for a period of fifteen minutes or longer, or which continues intermittently for thirty minutes or longer.
- D. All references to the Borough are to the Borough of New Alexandria.
- E. "Animal" shall be construed in a broad sense to include not only dogs, cats and other conventional pets, but also birds, fish, reptiles, insects, fowl or any other species which are kept, maintained or harbored as a pet, or kept, maintained and harbored in such manner as to be reasonably construed to be a pet.

SECTION 3: It shall be unlawful for the owner, custodian or keeper of any animal as defined herein to allow it to run at large, or to remain unattended at any time, either upon any of the streets, alleys or public property in the Borough, or upon the private property of anyone other than the owner, custodian or keeper of such animal, without the permission of the owner of the property and unless accompanied by and under the immediate control of such owner, custodian or keeper of the animal.

SECTION 4: It shall be the duty of the owner, custodian or keeper of any animal described herein, as well as the duty of any parent or guardian of any minor owner or keeper of such animal, to keep it securely tied or penned in an enclosure in such manner that it cannot break loose and run at large as set forth in Section 3 above.

SECTION 5: It shall be the duty of the owner, custodian, keeper or attendant of any animal defined herein, while traversing any public or private property in the Borough to have such animal on a leash, or in a transportable enclosure, as the case may be, at all times, and to prevent such animal from entering upon the property of any person or persons in the Borough without the consent of the owner of such property.

SECTION 6: It shall be a violation of this ordinance for the owner, custodian, keeper or attendant of any animal as defined herein to permit it to threaten, attack, come in contact with, or injure any human being or other pet animal, by any action, such as, but not limited to, biting, jumping upon, knocking down or attacking such human being or other pet animal.

SECTION 7: It shall be a violation of this ordinance for the owner, custodian or keeper of any animal defined herein to damage or injure any real or personal property of another, including both public and private property, by any action such as but not limited to, running over or across the said property, burrowing or digging in such property, or by allowing such animal to defecate or urinate upon any property. If such animal defecates upon property other than that of the owner or keeper of the animal, the owner or keeper must immediately clean up the feces and make proper disposition of it, so as not to endanger the health and safety of the public. If an animal shall defecate upon the property of the owner or keeper of such animal, the owner or keeper must clean up the feces and make proper disposition of it within a reasonable period of time, so as not to endanger the health and safety of neighboring property owners or the public.

SECTION 8: It shall be a violation of this ordinance for the owner of any animal as defined herein to permit such animal to create excessive noise, as defined herein, including, but not limited to, allowing such animal to remain in the open and to howl, yelp, bark or cause other excessive noise.

SECTION 9: The following activities shall not be considered violations of this ordinance.

- A. Barking by hunting dogs, provided that such activity takes place on property where hunting is permitted and is in season.
- B. Barking by a guide dog while accompanying a blind or other impaired person, or by any dog used to assist a physically handicapped person.

- C. Barking, yelping, howling or other such noise by a dog or other animal that was the result of a person or animal trespassing or threatening to trespass upon the property upon which such animal is maintained.
- D. Barking, yelping, howling or other such noise by a dog or other animal which was the result of an animal being provoked by a source or condition outside the control of the owner, custodian or keeper of such animal.

SECTION 10: The animal control officer appointed or retained by the Borough, the Borough's Code enforcement officer as well as any police officer, constable or other peace officer is hereby authorized to seize and impound any animal defined herein, found to be running at large and unattended at any time in the Borough, and to impound same in any pound or kennel designated by the Borough or legally maintained for that purpose. Notice of such seizure shall be sent to the owners of a licensed dog in the manner prescribed by law, and such dog may be redeemed by the owner thereof within the time specified by law upon the payment of the reasonable expenses incurred by reason of such detention. Following a reasonable attempt to locate and notify the owner of any unlicensed dogs, or other animals as defined herein, and in the event that the owner cannot be located or does not redeem such animal, such animal shall be disposed of in accordance with law.

SECTION 11: All animals which are permitted to be owned, kept or maintained in this Borough, shall be kept in a clean and sanitary condition and environment. Adequate ventilation must be maintained. The owner or person having control of such animal shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means. Animals which are enemies by nature, or are temperamentally unsuited, shall not be quartered together or so near each other as to cause the animal to be abused, tormented or annoyed. The owner or person maintaining any animal described herein shall maintain their premises so as to eliminate offensive odors or excessive noise or any other condition which could or does cause the disturbance of the peace and quiet of the community.

SECTION 12: Any person may allege a violation of the provisions of this ordinance by filing a written complaint and affidavit with the Borough, the Borough's code enforcement officer, or the Borough's designated animal control officer, on a form approved by the Borough and paying such fees and charges as may be established. The following procedures can be used:

- A. Upon receipt of a Complaint and Affidavit alleging violation of this Ordinance, the Code Enforcement Officer shall notify the owner, custodian, or keeper of any dog, cat, or other animal in the nature of a pet that a Complaint has been received and that such owner, custodian, or keeper should take whatever steps are necessary to alleviate the conditions set forth in the Complaint. The notice shall advise the owner, custodian or keeper of such animal of an alleged violation of this Ordinance and the penalties set forth herein. Notice under this section shall be sent via Certified Mail, return receipt requested, to the owner, custodian or keeper of such animal at the last known address of such owner, custodian or keeper of such animal.

- B. If the notice set forth in "A" above does not cause the owner, custodian or keeper of an animal to remedy the violation(s) set forth in such Complaint and Affidavit, in the discretion of the Code Enforcement Officer, then such officer shall file a Complaint with a District Justice or other Court having jurisdiction, alleging violation of the provisions of this Ordinance.
- C. Any fees paid pursuant to this section shall be returned to the Affiant upon recovery of costs by the Borough from such person violating this Ordinance as set forth in the Complaint and Affidavit filed by Affiant.

SECTION 13: Any person violating any of the provisions of this Ordinance shall, upon being found liable therefore before a District Justice of the Borough of New Alexandria, pay a fine of not less than \$25.00 nor more than \$300.00, plus all court costs, including reasonable attorney fees, incurred in the enforcement of this Ordinance. Each violation of this Ordinance and each day such violation continues shall be deemed a separate offense.

SECTION 14: If any provision or application of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions or applications of this Ordinance.

SECTION 15: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 16: Any violation of this Ordinance which also is a violation of any state statute or regulation shall be prosecuted under such state statute or regulation and not under this Ordinance.

ORDAINED AND ENACTED into law by the Borough Council of New Alexandria in lawful session this 13th day of November, 2002.

BOROUGH COUNCIL OF NEW ALEXANDRIA

By F. Huston Marris
President

ATTEST:

Susan E. Henry
Secretary