

CHAPTER 90: ANIMAL REGULATIONS

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§ 90.01 TITLE.

This chapter shall be known as the "Pet Control Ordinance of New Alexandria Borough".
(Ord. 137, passed 11-13-2002)

§ 90.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Includes 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.

BOROUGH. The Borough of New Alexandria.

EXCESSIVE NOISE. 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 15 minutes or longer, or which continues intermittently for 30 minutes or longer.

OWNER. Includes every person having a property right in any animal described in this chapter, 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.

PERSON. Not only refers to natural persons but also includes corporations, partnerships, other entities, organizations or associations, as may be applicable.
(Ord. 137, passed 11-13-2002)

§ 90.03 RUNNING AT LARGE.

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.
(Ord. 137, passed 11-13-2002) Penalty, see § 90.99

§ 90.04 KEEPING OF ANIMALS.

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 § 90.03.
(Ord. 137, passed 11-13-2002) Penalty, see § 90.99

§ 90.05 ANIMALS ON A LEASH.

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.
(Ord. 137, passed 11-13-2002) Penalty, see § 90.99

§ 90.06 ANIMAL BEHAVIOR UNLAWFUL.

It shall be a violation of this chapter 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.

(Ord. 137, passed 11-13-2002) Penalty, see § 90.99

§ 90.07 GENERAL REGULATION.

It shall be a violation of this chapter 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.

(Ord. 137, passed 11-13-2002) Penalty, see § 90.99

§ 90.08 NOISE.

It shall be a violation of this chapter for the owner of any animal as defined herein to permit such animal to create *EXCESSIVE NOISE*, as defined § 90.02, including, but not limited to, allowing such animal to remain in the open and to howl, yelp, bark or cause other excessive noise.

(Ord. 137, passed 11-13-2002) Penalty, see § 90.99

§ 90.09 VIOLATIONS.

The following activities shall not be considered violations of this chapter:

(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; and

(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.

(Ord. 137, passed 11-13-2002)

§ 90.10 IMPOUNDMENT.

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.

(Ord. 137, passed 11-13-2002)

§ 90.11 CONDITION AND ENVIRONMENT.

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 his or her 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.

(Ord. 137, passed 11-13-2002) Penalty, see § 90.99

§ 90.12 COMPLAINT.

(A) Any person may allege a violation of the provisions of this chapter 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.

(B) The following procedures can be used.

(1) Upon receipt of a complaint and affidavit alleging violation of this chapter, 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 chapter 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.

(2) If the notice set forth in division (B)(1) 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 chapter.

(3) 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 chapter as set forth in the complaint and affidavit filed by affiant.

(Ord. 137, passed 11-13-2002)

§ 90.99 PENALTY.

Any person violating any of the provisions of this chapter shall, upon being found liable therefore before a District Justice of the borough, pay a fine of not less than \$25 nor more than \$300, plus all court costs, including reasonable attorney fees, incurred in the enforcement of this chapter. Each violation of this chapter and each day such violation continues shall be deemed a separate offense.

(Ord. 137, passed 11-13-2002)

