

ORDINANCE NUMBER 2019-24

CALLERY BOROUGH, BUTLER COUNTY, PENNSYLVANIA

AN ORDINANCE REGULATING DOMESTIC ANIMALS BY REQUIRING LICENSES, RABIES VACCINATIONS, SHELTER AND CARE; PROHIBITING ANIMALS FROM RUNNING AT LARGE; PROVIDING FOR THE SEIZURE, DETENTION AND RELEASE OF ANIMALS AT LARGE; CONVEYING UNCLAIMED ANIMALS; PROHIBITING CERTAIN ANIMALS; REQUIRING REMOVAL OF WASTE; REGULATING EXCESSIVE OR PERSISTENT NOISE; REQUIRING THAT INJURIES AND DAMAGE CAUSED BY ANIMALS BE REPORTED; AND IMPOSING PENALTIES FOR VIOLATIONS.

WHEREAS, it is the duty of Borough council to take reasonable measures to protect the health, general welfare, and safety of residents and maintain clean and safe public areas for Borough residents and visitors; and

WHEREAS, council believes that restrictions on domestic animals running at large, prohibiting certain animals within the Borough, mandating a duty to clean up waste produced by animals, restricting excessive or persistent noise made by animals, and requiring that animal bites be reported will alleviate the health hazards and safety risks created by these animals and promote the general welfare, comfort, and well-being of residents.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED, pursuant to the authority vested by the Borough Code, that Chapter 27, Animals, of the Borough of Callery Code of Ordinances is hereby revised in its entirety to read as follows:

**CHAPTER 27
ANIMALS**

**ARTICLE 1
DOMESTIC ANIMAL CONTROL**

§ 27-101. SHORT TITLE.

This Ordinance shall be known and may be cited as the "Callery Borough Domestic Animal Control Ordinance."

§ 27-102. DEFINITIONS.

(A) For purposes of this Article, the following terms shall have the following meaning, unless the context clearly indicates a different meaning:

BOROUGH – Callery Borough, Butler County, Pennsylvania.

DOMESTIC ANIMAL – Dog, cat, or any equine animal or bovine animal, sheep, goat, pig, poultry, bird, fowl, confined hares, rabbits and mink, or any wild or semi-wild animal maintained in captivity.

RUNNING AT LARGE - An animal upon any public highway, street, alley, park or any other public land or upon property of another person other than the owner and not being firmly secured by means of a collar, chain or other device so that it cannot stray or not being accompanied by or under the reasonable control of a natural person shall be deemed to be running at large.

WILD or SEMI-WILD ANIMAL - A domestic animal which is now or historically has been found in the wild, including, but not limited to, bison, deer, elk, llamas or any species of foreign or domestic cattle, such as ankole, gayal and yak.

(B) In this Article, the singular shall include the plural and the masculine shall include the feminine and the neuter.

§ 27-103. UNLAWFUL TO KEEP CERTAIN ANIMALS.

(A) It shall be unlawful for any person, firm or corporation to keep any wild or semi-wild animal, or undomesticated animal, bird, rodent, or venomous reptile within the Borough which is not customarily kept as an ordinary house pet and which would ordinarily be confined to a zoo or found in the wild.

(B) It shall be unlawful for any person, firm or corporation to keep any cattle, swine, horses, goats, sheep, mules, donkeys, ponies or other livestock, hares, rabbits, mink, or chickens or other fowls within the Borough.

§ 27-104. COMPLIANCE WITH STATE LAW.

All owners of dogs, cats or any other domestic animals shall comply with all applicable federal, state, and local laws and regulations regarding such animals, including, without limitation, licensing and rabies vaccinations.

§ 27-105. LICENSING.

Any dog over the age of three (3) months in the Borough must be licensed as required by law and must wear a dog tag or collar displaying the owner or custodian's name and address or telephone number.

§ 27-106. RABIES VACCINATION.

(A) Any person owning or keeping a dog or cat over 3 months of age in the Borough shall have the dog or cat vaccinated against rabies.

(B) Any person owning or keeping a dog or cat over 3 months of age in the Borough shall, upon request of a police officer or animal control officer, produce, within 48 hours, a valid certificate of vaccination.

§ 27-107. SHELTER AND CARE.

(A) It shall be unlawful for the owner, custodian or keeper of any dog, cat, or other domestic animal to fail or refuse to provide adequate water, food, care, and access to shelter which protects the animal against inclement weather, keeps them dry, and allows them to preserve a normal body temperature.

(B) It shall be unlawful for any person to feed, keep, or harbor any dog, cat, or other domestic animal in the Borough so as to create offensive odors, excessive noise, or unsanitary conditions which may endanger the health, comfort, or safety of the public.

(C) No person shall leave a dog, cat, or other domestic animal in any unattended motor vehicle without adequate ventilation, sanitary conditions, or in such a manner as to subject the animal to extreme temperature which may adversely affect the health or safety of the animal.

(D) It shall be unlawful for an owner or occupant of private property within the Borough to allow domestic animal waste to accumulate so as to become a nuisance or unsanitary condition which may endanger the health, comfort, or safety of the public.

§ 27-108. RUNNING AT LARGE PROHIBITED.

(A) It shall be unlawful for the owner, custodian, or keeper of any domestic animal to allow the animal to run at large at any time, upon any of the streets, alleys, cemeteries, school yards, or other public or private grounds in the Borough, unless accompanied by and under the immediate control of the person having custody.

(B) Any domestic animal running at large in violation of this Article shall be subject to seizure, and detention, as provided herein.

§ 27-109. SEIZURE, DETENTION AND RELEASE OF ANIMALS AT LARGE.

(A) It shall be the duty of police and animal control officers who witnesses any domestic animal running at large in the Borough, or who receive information of any such animal running at large, to seize and detain such animal in accordance with the laws of the Commonwealth of Pennsylvania.

(B) If the owner of a seized dog or cat or other domestic animal can be identified by license tag, microchip, or other method of identification the owner shall be given immediate notice of seizure either in person or by phone and the animal may be returned to the owner upon payment of a seizure fee, payable to the Borough, as established from time to time by resolution of council or by law.

(C) In the event the owner cannot be immediately notified, the owner shall be notified of the seizure and detainment by personal service or by registered or certified mail, return receipt requested, or as otherwise required by law. The owner may redeem their animal within five (5) days after receipt of the notice, or such time as may otherwise be required by law, upon payment of the reasonable expenses incurred by reason of such detention, plus a seizure fee, payable to the Borough, as established from time to time by resolution of council or by law.

(D) Domestic animals required by law to be licensed shall not be released from detention until a valid license has been issued.

(E) If the owner of the seized animal cannot be identified, written notice of the detainment shall be posted at the Borough building and the lobby of the U. S Post Office in the Borough for a period of five (5) calendar days from the date the notice is posted. The notice shall describe the animal, the place and time of the seizure and the location of detention. The owner may redeem their animal within five (5) days from the date of posting of the notice, or such time as may otherwise be required by law, upon payment of the reasonable expenses incurred by reason of such detention, plus a seizure fee, payable to the Borough, as established from time to time by resolution of council or by law.

§ 27-110. CONVEYING UNCLAIMED ANIMALS.

(A) In the event the owner of a seized dog or cat does not reclaim their animal and pay the reasonable charges, as provided by this Article or by law, within five (5) days after the receipt of the notice of seizure, or five (5) days after the Borough receives the postal return receipt, the dog or cat may be conveyed by adoption, sale, or by giving it to a humane society or association for the prevention of cruelty to animals, or humanely euthanized.

(B) In the event the owner of any other domestic animal does not reclaim their animal and pay the reasonable charges, as provided by this Article or by law, within five (5) days after date the notice of seizure is posted, the animal may be conveyed by adoption, sale, or by giving it to a humane society or association for the prevention of cruelty to animals, or humanely euthanized.

(C) No unclaimed animal shall be sold for the purpose of vivisection or research or be conveyed in any manner for such purposes.

§ 27-111. DUTY TO REMOVE WASTE.

(A) It shall be the duty of the animal's owner, custodian, or keeper to immediately remove and sanitarily dispose of fecal waste deposited by their domestic animal upon public streets or public or private property (other than the property of the animal's owner or person having custody).

(B) Exception. Any vision or mobility-impaired person who relies upon a dog specifically trained for such purpose shall be exempt from compliance with this Section.

§ 27-112. EXCESSIVE OR PERSISTENT NOISE.

(A) It shall be unlawful to own, harbor, or keep in custody any dog or other domestic animal which disturbs the peace within the Borough by its excessive or persistent barking, howling, screeching, crying, yelping or baying, or in any way or manner making other loud noises causing annoyance or discomfort to any person in the Borough.

(B) Excessive or persistent barking, howling or the making of other loud noises by any domestic animal for more than thirty (30) minutes during the hours of 7:00 A.M. to 10 P.M. or for more than fifteen (15) minutes during the hours of 10:00 P.M. to 7:00 A.M. regardless of whether the animal is physically situated in or upon private property, shall be deemed to disturb the peace.

(c) Exception. At the time the animal is making such noise, a person is trespassing or threatening to trespass upon private property in or upon which the animal is legitimately situated or is there another legitimate cause which justifiably provoked the animal.

§ 27-113. INJURY/DAMAGE CAUSED BY DOMESTIC ANIMALS.

(A) The owner, custodian, or keeper of any dog, cat or other domestic animal which bites or attacks any person, regardless of whether or not such animal has been vaccinated for rabies protection, shall be and is hereby required and directed to report the incident to the Borough's Police Department and, if required, to quarantine the animal for a period of fifteen (15) days upon the premises of the owner, custodian, or keeper or as required by law.

(B) Exception. When a dog that bites or attacks a human being is a service dog or a police work dog in the performance of duties, the dog need not be confined if it is under the active supervision of a licensed Doctor of Veterinary Medicine.

(C) The cost of repairing damage to any personal or real property located within the Borough caused by any domestic animal, shall be the responsibility of the animal's owner or custodian.

(D) Recovery for any such damages may be pursued by the victim of the damage by civil action in the local courts. Nothing herein shall require the Borough to pursue recovery of damages for a resident

§ 27-114. ENFORCEMENT.

(A) Police officers, State dog wardens, animal control officers, and humane society police officers shall have the express authority to enforce the provisions and requirements of this Article.

(B) It shall be unlawful for any person to interfere with any such officer or agent in the enforcement of this Article.

§ 27-115. PENALTIES FOR VIOLATIONS.

(A) Enforcement as a Summary Offense. This Article regulates the health, safety, general welfare and well-being of the Borough. As such, enforcement of this Article shall be by action brought before a magisterial district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Borough solicitor may assume charge of the prosecution without the consent of the District Attorney as permitted under the Pennsylvania Rules of Criminal Procedure No. 83(c) (relating to trial in summary cases).

(B) Any person or entity responsible for failing to remove domestic animal waste or allowing an animal to disturb the peace shall, upon conviction, be sentenced to pay a fine of Twenty-Five Dollars (\$25) for the first offense, Fifty Dollars (\$50) for the second offense, and up to One Hundred Dollars (\$100) for each subsequent offense, plus costs of prosecution.

(C) Any person or entity responsible for any domestic animal found running at large within the Borough shall, upon conviction, be sentenced to pay a fine of Three Hundred Dollars (\$300), plus any costs for detention, costs of prosecution and penalties, including without limitation a seizure fee penalty payable to the Borough.

(D) Any person or entity responsible for violating any of the remaining provisions of this Article shall, upon conviction, be sentenced to pay a fine of Five Hundred Dollars (\$500), per violation plus costs of prosecution and penalties. Every day that a violation of this Article continues shall constitute a separate offense.

§ 27-116. MUNICIPAL LIABILITY.

The Borough and its agents, officials, and representatives shall not, under any circumstances, be liable or responsible for damages caused to any person, property, or waterway by reason of the provisions of this Article, or by reason of the conduct any activity in compliance or non-compliance with the terms and provisions of this Article. The person or party responsible for any such damages shall be solely responsible for any and all claims, damages, and/or pollution caused as a result or consequence of the activity.

§ 27-117. SUPPLEMENTARY PROVISIONS.

This Article is intended as a supplement to the Dog Law of the Commonwealth of Pennsylvania, 3 P.S. § 459-101 et seq., and any amendments thereto, and it is the intent of council that all applicable Sections shall be interpreted consistently with the Act.

§ 27-118. CONFLICTS WITH OTHER LAWS.

Any regulations of the Commonwealth of Pennsylvania or the government of the United States of America shall supersede the regulations promulgated by this Article where such regulations are more stringent than the regulations of this Article.

§ 27-119. REPEALER.

All ordinances or parts of Ordinances which are inconsistent with any provision of this Article are hereby repealed.

§ 27-120. SEVERABILITY.

The provisions of this Article are severable, and if any clause, sentence, subsection, section, article or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article or part thereof rendered. It is hereby declared to be the intent of the council that this Article would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article or part thereof had not been included therein.

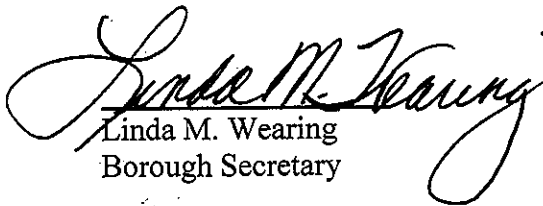
§ 27-121. EFFECTIVE DATE.

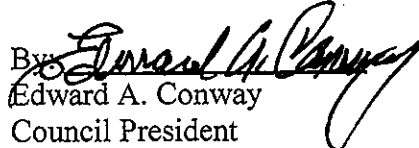
This Article shall become effective five (5) days after adoption.

ENACTED AND ORDAINED, this the 7th day of January 2019, by Callery Borough council in public session duly assembled.

CALLERY BOROUGH

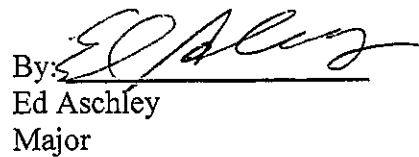
ATTEST:


Linda M. Wearing
Borough Secretary

By: 
Edward A. Conway
Council President

(SEAL)

APPROVED

By: 
Ed Ashley
Major

Date: January 7, 2019

