

I.

A SECTION OF THE ORDINANCE OF THE BOROUGH OF EAST BRADY PROHIBITING DOGS RUNNING AT LARGE; ESTABLISHING PROCEDURES FOR THE DISPOSITION OF LICENSED, UNLICENSED AND THREATENING DOGS; PRESCRIBING PENALTIES FOR VIOLATION.

I.1 Definitions. As used in this ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

OWNER - Any person having a right of property in any dog or having custody of any dog, or any person who harbors or permits a dog to remain on or around his or her property.

RUNNING AT LARGE - Being upon any public highway, street, alley, park, or any other public land, or upon property or another person other than the owner, and not being accompanied by or under the control of the owner or any other person having custody of said dog.

I.2 Unlawful to Allow Dogs to Run at Large. It shall be unlawful for the owner of any dog or dogs to allow or permit such dog or dogs to run at large in the Borough of East Brady.

I.3 Seizing of Dogs. Any police officer or constable may seize any dog found at large in the Borough of East Brady. Such dogs are to be impounded at a licensed kennel.

I.4 Licensed Dogs. The police officer or constable shall notify the owner of a licensed dog by registered or certified mail, with return receipt, that the dog is impounded and will be disposed of in five days if not claimed. Five days after the return receipt has been received, and the dog has not been claimed, the dog may be sold or destroyed in accordance with the Dog Law of 1982 (3 P.S. section 459-101 et seq. or as amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania).

I.5 Unlicensed Dogs. Unlicensed dogs that are seized shall be held in such kennel for 48 hours and if not claimed may be destroyed in accordance with the Dog Law of 1982.

I.6 Threatening Dogs. Dogs that, in the opinion of any police officer or constable, constitute a threat to public health and welfare may be killed by the police officer or constable.

I.7 Penalties. The first two times a dog is seized, the owner shall pay a fine of fifteen dollars (\$15.00) to the Borough of East Brady as well as reasonable fees for keeping the animal in a kennel as fix pursuant to a Resolution of the Borough of East Brady. Any person allowing a dog to run at large a third time in violation of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00); and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

II.

A SECTION OF THE ORDINANCE FOR CONTROLLING ANIMAL DEFECACTION ON PUBLIC PROPERTY, PRESCRIBING PENALTIES FOR OWNERS WHO ALLOW ANIMALS TO LEAVE EXCREMENT ON PUBLIC, OR OTHER PERSON'S PROPERTY; AND ALLOWING FOR CERTAIN EXCEPTIONS.

II.1 Animal Defecation on Public and Private Property Restricted. No person having possession, custody or control of any animal, shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e. defecation or urination, upon any gutter, street, driveway, alley, curb, or sidewalk in the Borough of East Brady, or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park, or upon any private property other than the property of the owner of such animal.

II.2 Disposal of Animal Feces. Any person having possession, custody or control of any dog or other animal which commits a nuisance, i.e. defecation or urination, in any area other than the private property of the owner of such dog or other animal, as prohibited in section 1 shall be required to immediately remove any feces from such surface and either;

1. Carry same away for disposal in a toilet.
2. Place same in a nonleaking container for deposit in a trash or litter receptacle.

II.3 Dogs Accompanying Blind or Handicapped Persons Exempted. The provisions of section II.1 or II.2 hereof shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any other physically handicapped person.

II.4 Penalties. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600), or to imprisonment for a term not to exceed thirty (30) days.

III.

A SECTION OF THE ORDINANCE PROHIBITING THE KEEPING OF ANIMALS MAKING DISTURBING NOISES, PRESCRIBING PENALTIES FOR VIOLATION AND MAKING CERTAIN EXCEPTIONS.

III.1 Intent and Purpose. The Borough of East Brady, finding that excessive levels of sound are detrimental to the physical, mental and social well-being of the people as well as their comfort, living conditions, general welfare and safety and being therefore a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and the sources of excessive sound within the Borough of East Brady.

III.2 Noise Disturbance. It shall be illegal within the Borough of East Brady for any person or persons to own, possess, harbor, or control any animal or bird which makes any noise continuously and/or incessantly for a period of ten minutes or makes such noise intermittently for a one-half hour or more to disturbance of any person any time of the day or night regardless of whether the animal or bird is physically situated in or upon private property, said noise being a nuisance; provided, that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated nor is there any other legitimate cause which justifiably provoked the animal or bird.

III.3 Exceptions. This section shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from nuisance suits by Act No. 1982-133.

III.4 Penalties. Any person, firm or corporation who shall violate any provision of this ordinance, shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600), and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

IV.

A SECTION OF THE ORDINANCE REGULATING THE KEEPING OF CERTAIN ANIMALS INCLUDING HOUSEHOLD PETS AND PRESCRIBING DEFINITIONS AND PENALTIES FOR VIOLATION.

IV.1 Definitions. As used in this section, the following terms, shall have the meanings indicated, unless a different meaning clearly appears from the context:

ANIMAL - Any domestic animal or fowl, any wild animal or any household pet.

DOMESTIC ANIMAL - any animal normally or ordinarily domesticated or raised in this area and climate as livestock or for work or breeding purposes, or normally kept as a household pet.

HOUSEHOLD PET - any dog, cat, or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.

LARGE ANIMAL - any wild or domestic animal of the bovine, equine or sheep family.

PERSON - any person, firm, partnership, association or corporation.

SMALL ANIMAL - any wild or domestic animal such as a rabbit, hare, guinea pig, rat mouse, or chinchilla; any wild or domestic fowl such as a chicken, turkey, goose, duck, or pigeon (excluding homing pigeons).

WILD ANIMAL - any animal, including bird, fowl, or reptile not normally or ordinarily domesticated; not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes; and not capable of being kept as a household pet.

In this section, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

IV.2 Keeping of Animals Regulated. It shall be unlawful for any person to keep any domestic animals, except household pets, except as provided in this section:

(a) Large animals shall be confined in quarters no part of which shall be closer than one hundred feet (100') from the exterior limits of any dwelling or of any property line.

(b) Small animals shall be kept confined in quarters no part of which shall be closer than twenty-five feet (25') from the exterior limits of any dwelling or of the property line.

(c) The keeper of every such animal shall confine the same in an enclosure sufficient to prevent such animal from running at large, and such enclosure shall be of a size and construction conducive to the animal's health, and adequate sanitary drainage facilities shall be provided.

(d) Every keeper of any animal shall cause the litter and droppings therefrom to be collected daily in a container or receptacle that when closed shall be rat-proof and fly-tight, and after every such collection shall cause such container or receptacle to be kept closed. At least twice a week, every such keeper shall cause all litter and droppings so collected to be disposed of in such manner as not to permit the presence of fly larvae.

(e) Every keeper of any animal shall cause all feed provided therefor to be stored and kept in a rat-proof and fly-tight building, box, container, or receptacle.

IV.3 Household Pets. It shall be unlawful for any person to keep any household pet, except as provided in this section:

(a) If any such pet shall be kept in a dwelling owned or occupied by its owner such owner shall be required to follow such procedures and practices, as to the number of such pets to be kept there, and as to sanitation, to insure that no public nuisance shall be created or maintained and no threat to the health of persons living elsewhere than in such dwelling shall be created.

(b) If any such pet shall be kept in an enclosure outside such dwelling, the provisions of part 2 of this section, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.

IV.4 Penalties. Any person who shall violate any provision of this section shall, upon conviction thereof, be sentenced to pay a fine not exceeding six hundred dollars (\$600), and in default of payment, to undergo imprisonment for a term not to exceed thirty(30) days. Each day that a violation of this section continues shall constitute a separate offense.

V. Violation of State Law. Any violation of this ordinance that would also violate any state law shall be prosecuted under that state law and not under this ordinance.

VI. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

VII. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Council of the Borough of East Brady that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

VIII. Effective Date. This ordinance shall become effective immediately.

ORDAINED AND ENACTED into law this 5th day of January, 1993.

ATTEST:

Darl Eck
Darl Eck, Secretary

President, East Brady Borough

Approved this 5th day of January, 1993

Mayor