

BOROUGH OF WEST EASTON
ORDINANCE NO. 574

AN ORDINANCE OF THE BOROUGH OF WEST EASTON PROHIBITING DOGS AND CATS RUNNING AT LARGE; PROVIDING FOR THE APPOINTMENT OF AN ANIMAL CONTROL OFFICER; ESTABLISHING PROCEDURES FOR THE DISPOSITION OF LICENSED, UNLICENSED AND DANGEROUS DOGS AND CATS; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Council of the Borough of West Easton, Pennsylvania hereby ordains as follows:

Section 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 - when applied to the proprietorship of a dog or cat, includes every person having a right of property in such dog or cat, and every person who keeps or harbors such dog or cat or has it in his care, and every person who permits such dog or cat to remain on or about any premises occupied by him.

RUNNING AT LARGE - being 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 accompanied by or under the control of the owner or any other person having custody of said dog or cat, either by leash, cord, chain or otherwise.

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

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

Section 2. Appointment and Duties of Animal Control Officer. An animal control officer shall be appointed by the Borough Council to serve during its pleasure. Such animal control officer along with police officers of the Borough shall have concurrent responsibility for the enforcement of this ordinance and of the Dog Law, 3 P.S. Sections 459-101 et seq.: provided, that the animal control officer shall not have the power to make arrests under this Act of Assembly or any other Act of Assembly or ordinance of the Borough of West Easton.

Section 3. Unlawful to Allow Dogs and Cats to Run at Large. It shall be unlawful for the owner of any dog or cat to allow or permit such dog or cat to run at large in the Borough of West Easton. Such action is declared to be a nuisance and a danger to the public health and safety.

Section 4. Seizing of Dogs and Cats. The animal control officer or any police officer of the Borough shall seize and detain any dog or cat found running at large in the Borough of West Easton. The animal control officer and any police officer of the Borough are authorized and empowered to go upon any premises to detain any dog or cat which has been running at large when such animal control officer or police officer is in immediate pursuit of such dog or cat. Such dogs or cats are to be impounded and must be treated in a humane manner.

Section 5. Licensed Dogs and Cats. The Borough of West Easton, by its animal control officer, the police or other authorized agent, shall notify the owner of a licensed dog by certified mail, with return receipt, that the dog has been impounded and will be disposed of in five days if not claimed. During the impoundment period, the dog shall be released to its owner upon the payment of all fines and costs and the payment of the Borough's impoundment fee. 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, 3 P.S. Section 459-302. Licensed cats shall be disposed of in accordance with the same procedures.

Section 6. Unlicensed Dogs and Cats. Unlicensed dogs that are seized shall be detained and impounded for forty-eight (48) hours and if not claimed may be destroyed in accordance with the Dog Law, 3 P.S. Section 459-303. During the impoundment period, the dog shall be released to its owner upon the payment of all fines and costs and the payment of the Borough's impoundment fee. Unlicensed cats shall be disposed of in accordance with the same procedures.

Section 7. Dangerous Dogs.

1. A dog determined to be dangerous under Section 502-A of the Dog Law, 3 P.S. Section 459-502A, shall be restrained or otherwise kept in accordance with Article VI-A of the Dog Law, 3 P.S. Section 459-501A et seq.

2. Dogs may be killed only in accordance with the requirement of Section 501 of the Dog Law, 3 P.S. Section 459-501, and otherwise, said dogs must be detained and delivered to the police or a State dog warden. While detained, said dog must be treated in a humane manner.

Section 8. Impoundment of Dogs and Cats. The Borough Council may by resolution designate a person to act as pound master or it may delegate that function to the police or to a humane association, whose duty it shall be to make proper and legal disposition of all dogs and cats as provided in this ordinance.

Section 9. Interference With Officers. Any person who interferes with the animal control officer or the police in the enforcement of this ordinance shall be guilty of a violation of this ordinance.

Section 10. Penalties. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) or to imprisonment for a term not to exceed ninety (90) days, or both. In addition, the violator shall pay a reasonable fee to the Borough of West Easton for keeping the dog or cat impounded, such fee to be fixed by resolution of the Borough Council. Each separate occasion of noncompliance with this ordinance shall constitute a separate violation thereof.

Section 11. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed: Ordinance No. 237 enacted June 7, 1971 and Ordinance No. 476 enacted July 6, 1992.

Section 12. 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 West Easton that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 13. Effective Date. This ordinance shall become effective on August 4, 1997.

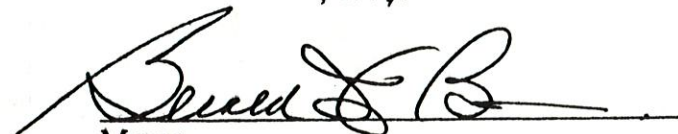

President of Council

ATTEST:


Borough Secretary

Approved this day of

, 1997.


Mayor