

CHAPTER 44 – ANIMALS

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[HISTORY: Adopted by the Council of the Borough of Delmont by Ordinance N. 2006-4 on March 14, 2006, as amended and restated through 2010.]

§44-1. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated unless a different meaning clearly appears from the context.

DOMESTIC PETS – Animals or fowl customarily found in or at a residential dwelling and kept for company or pleasure, including without limitation, dogs, cats, hamsters and similar rodents, parakeets or canaries and the like. No horse, pony, cattle, goat, sheep or other grazing animal shall be considered a domestic pet.

OWNER – When applied to the proprietorship of a dog, cat, or other domestic pet, includes every person having a right of property in such animal and every person who keeps or harbors such animal or has it in his care, and every person who permits such animal to remain on or about any premises occupied by that person.

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

§44-2. Appointment and duties of Dog Enforcement Officer.

A Dog Enforcement Officer shall be appointed by the Delmont Borough Council to serve at its pleasure. Such Dog Enforcement Officer shall have responsibility for the enforcement of this Chapter and of the Dog Law, 3 P.S. Section 459-101, et seq., provided that the officer shall have the power to make arrests under this act of assembly or to report any violations to the Ordinance Enforcement Officer who will have the responsibility of filing any necessary lawsuit or claim to enforce this chapter.

§44-3. Prohibited acts; exception.

- A. It shall be unlawful for the owner of any dog, cat, or other domestic pet to allow or permit such animal to become a nuisance by affecting adversely the health, safety, welfare, comfort or convenience of the public.

- B. It shall be unlawful for the owner of any dog, cat, or other domestic pet to allow or permit such animal to run at large in the Borough of Delmont.
- C. No person shall keep or harbor any dog, cat or other domestic pet in the Borough so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as defined hereinafter.
- D. Any dog, cat or other domestic pet, which by frequent and habitual barking, howling, screeching, yelping or baying or in any way or manner injures or endangers the comfort, repose, or health of persons, is hereby declared to be committing a nuisance. It shall be unlawful for any owner or person having custody of such animal to harbor or permit it to commit such a nuisance.
- E. Any dog, cat or other domestic pet which scratches, digs, defecates or urinates upon any lawn, tree, shrub, plant, building or any other public or private property, other than the property of the owner or person in charge or control of such animal, is hereby declared to be a nuisance.
- F. No person being the owner or in charge or control of any dog, cat or other domestic pet shall allow or permit such animal to commit a nuisance on any school grounds, or other public property, or upon any private property other than that of the owner or person in charge or control of such dog or cat without the permission of the owner of said property. Where the owner or person in charge or control of such animal immediately removes all feces deposited by such animal and disposes of it in a sanitary manner, such nuisance shall be considered abated.
- G. Any dog that is off the property of the owner or the person keeping or harboring it, unless such dog is on a leash, at "heel" beside a competent person and obedient to that person's command is hereby declared to be a nuisance.
- H. Persons with defective eyesight or hearing who rely upon a dog specifically trained for these purposes shall be exempt from the operation of this chapter.

§44-4. Seizing of animals.

The Dog Enforcement Officer may seize any dog, cat, or other domestic pet found at large in the Borough of Delmont with the same to be impounded in a licensed kennel.

- A. Licensed Animals. The Dog Enforcement Officer shall notify the owner of a licensed animal, by registered or certified mail, with return receipt, that the animal is impounded and will be disposed of in five (5) days if not claimed. Five (5) days after the return receipt has been received, if the animal has not been claimed, the animal may be sold or destroyed in accordance with the Dog Law, 3 P.S. Section 459-302.

- B. Unlicensed Animals. Unlicensed animals 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, 3 P.S. Section 459-303.

§44-5. Dangerous dogs.

- A. A dog determined to be dangerous under Section 502-A of the Dog Law, 3 P.S. Section 459-502(A), shall be restrained or otherwise kept in accordance with Article VI-A of the Dog Law, 3 P.S. Section 459-501(A), et seq.
- B. Dogs may be killed only in accordance with the requirements 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.

§44-6. Violations and penalties.

- A. The first two times that a dog, cat, or other domestic pet is found to constitute a nuisance under the terms of this Chapter, the owner thereof shall be subject to a fine of not less than \$25 nor more than \$100, along with such reasonable fees for maintaining the animal in a kennel as may be determined pursuant to a resolution of the Borough Council.
- B. Any person or owner whose dog, cat, or other domestic pet is found to constitute a nuisance under the terms of this Chapter a third or subsequent time in violation of this Chapter shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 nor more than \$500 and, in default of payment thereof, to imprisonment for a term not to exceed thirty (30) days.
- C. Each day that a violation continues shall constitute a separate violation of this Chapter and shall subject a violator to the appropriate penalty.
- D. Any person found guilty of violating this Chapter shall also be subject to the payment of all costs of prosecution, including the reasonable attorney fees incurred by the Borough in such prosecution.
- E. In addition to the other powers herein set forth for violations of this Chapter, the Borough may institute proceedings in courts of equity.