

ORDINANCE NO. 2014-02

AN ORDINANCE OF DOUGLASS TOWNSHIP, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 2, ANIMALS, OF THE DOUGLASS TOWNSHIP CODE OF ORDINANCES BY ADOPTING AN ORDINANCE PRESCRIBING THE AUTHORITY OF THE ANIMAL CONTROL OFFICER, THE GOVERNANCE OF ANIMAL ACTIVITY IN DOUGLASS TOWNSHIP AND THE PENALTY FOR THE VIOLATION OF SAID GOVERNANCE. IT IS HEREBY ORDAINED BY DOUGLASS TOWNSHIP, MONTGOMERY COUNTY, AS FOLLOWS:

WHEREAS, it is necessary and prudent for Douglass Township to establish regulations governing the control of animals located within the Township as to ensure the safety, peace, comfort and enjoyment of the Township's citizens; and

WHEREAS, the Second Class Township Code, 53 P.S. § 66506 et. Seq., authorizes the Douglass Township Board of Supervisors to make and adopt any ordinances not restrained by the Constitution of laws of the Commonwealth of Pennsylvania necessary for the proper management, care and control of the Township and its finances and the maintenance of peace, good government, health and welfare of the Township and its citizens, trade, commerce and manufacturers; and

WHEREAS, the Second Class Township Code, 53 P.S. § 66527 et. Seq., authorizes the Douglass Township Board of Supervisors to establish ordinances to secure the safety of persons or property within the Township and to define disturbing the peace within the limits of the Township; and

WHEREAS, the Second Class Township Code, 53 P.S. § 66529 et. Seq., authorizes the Douglass Township Board of Supervisors to establish ordinances to prohibit nuisances; and

WHEREAS, the Second Class Township Code, 53 P.S. § 66530 et. Seq., authorizes the Douglass Township Board of Supervisors to establish ordinances that prohibit and regulate the running at large of dogs; and

WHEREAS, the Second Class Township Code, 53 P.S. § 66531 et. Seq., authorizes the Douglass Township Board of Supervisors to appropriate monies to foster, encourage or assist the operation of humane societies, animal shelters or animal control centers or programs; and

WHEREAS, Douglass Township has determined that the penalties prescribed for the violations of this proposed ordinance are reasonable and just;

NOW THEREFORE, BE IT ORDAINED by the Douglass Township Board of Supervisors, Montgomery County, Pennsylvania, and is hereby ENACTED and ORDAINED by the authority of same as follows:

SECTION 1. Chapter 2 of the Douglass Township Code of Ordinances is hereby amended to provide as follows:

**CHAPTER 2
ANIMALS**

Part 1

Prohibition of Animals Causing Nuisances

- § 101. Short Title
- § 102. Definitions
- § 103. Keeping of an Animal
- § 104. Control of an Animal
- § 105. Noise Nuisance
- § 106. Running at Large
- § 107. Animal Defecation on Public and Private Property
- § 108. Prohibition of Offensive Property Conditions
- § 109. Exemptions
- § 110. Notice of Violations
- § 111. Penalties
- § 112. Severability

Part 2

Seizure of Animals

- § 201. Seizure and Impoundment of Animals
- § 202. Return of Animal
- § 203. Unidentifiable Owners
- § 204. Licensed Animal
- § 205. Unlicensed Animal
- § 206. Authorization of Compliance
- § 207. Severability

Part 3

Animal Control Officer

- § 301. Contract with Animal Control Officer
- § 302. Authority of Animal Control Officer
- § 303. Scope of Work
- § 304. Severability

Part 1
Prohibition of Animals Causing Nuisances

§ 101. Short Title. This Chapter and its parts shall be known and may be cited as the "Animal Control Ordinance of 2014."

§ 102. Definitions. The following words and phrases when used in this Part shall have the meaning ascribed to them in this Section, unless the context clearly indicates a different meaning.

ANIMAL - Any animal or bird that is kept as a domestic pet by an individual, including, but not limited to, dogs, cats, rabbits and parrots. This term does not include livestock, poultry or horses that are maintained as part of a working farm, horse farm, or ranch.

ANIMAL CONTROL OFFICER - The individual or representative of the individual officially contracted by Douglass Township enforce the provisions of this Chapter.

NUISANCE - The unreasonable, unwarranted or unlawful use of public or private property that substantially interferes with another person's enjoyment of his or her rights or property by exposing that person to harm, annoyance, inconvenience or discomfort.

OWNER - Any person, firm, corporation or other legal entity that has the lawful right, proprietorship or ownership in an animal, or has the lawful right to possess the animal at the time that a violation under this Chapter occurs.

REASONABLE CONTROL - An owner controlling an animal by using a collar and leash, a harness, or another humane alternative that provides an owner with the same level of control over an animal as he or she would enjoy with a collar and leash.

RUNNING AT LARGE - When an animal is traveling upon any land in the Township, besides the private property of its owner, while not under the reasonable control of its owner or the person in legal possession of it.

§ 103. Keeping of an Animal. Unless personally accompanying the animal off of one's property, it shall be the duty of an owner to keep his or her animal restricted to a temperate, sanitary and humane area of his or her property at all times in such a manner as to prevent the animal from being able to run at large upon any public or private land that the animal does not have express permission to travel upon.

§ 104. Control of an Animal. It shall be the duty of an owner to have his or her animal leashed at all times that he or she is traveling with that animal upon public property. Further, the Owner must maintain reasonable control over the animal during these travels as to prevent it from entering onto private or public property without the express permission to do so.

§ 105. Noise Nuisance. It shall be unlawful for a person to own or possess an animal that makes excessive noise, or performs actions that cause excessive noise, for fifteen (15)

minutes or greater each one (1) hour and is a nuisance to any person, at any time, regardless of the physical location of the animal.

§ 106. Running at Large. It shall be unlawful for any owner to permit his or her animal to run at large in the Township. Further, an animal shall be presumed to be running at large if it is not located on its owner's property and is not under the reasonable control of its owner or legal possessor.

§ 107. Animal Defecation of Public and Private Property. It shall be unlawful for any owner to knowingly or negligently permit his or her animal to defecate upon or defile any public or private property not owned by the owner, unless the owner immediately removes the noxious items of the animal from the property and disposes of it in a sanitary fashion.

§ 108. Prohibition of Offensive Property Conditions. It shall be unlawful for an owner to shelter or possess animals on his or her own property in a manner that causes a nuisance to surrounding property owners or the general public, which includes, but is not limited to, maintaining property conditions that are unsanitary or create noxious fumes or smells.

§ 109. Exemptions. Guide dogs that are being used to aid the blind or otherwise handicapped persons are exempted from § 107 of this Part. Further, guide dogs aiding the blind or otherwise handicapped persons are free to travel with that person upon otherwise restricted property to the extent authorized by state or federal law.

§ 110. Notice of Violations.

1. The Douglass Township animal control officer or his or her authorized representative must provide written notice to an owner before he or she may officially issue a citation for a violation of this Chapter. Such notice must be delivered to the owner in one of the following ways:

- A. By certified mail, with return receipt requested and postage prepaid;
- B. By personal delivery to the owner, which is to be confirmed by the owner signing a copy of the notice; or
- C. By personal delivery to an adult member of the owner's residence, which is to be confirmed by the accepting adult member of the residence signing a copy of the notice.

2. Written notice issued to an owner for a violation of this Chapter shall contain the following:

- A. The name and address of the owner;
- B. The violation of this Chapter that occurred;
- C. The time at which this violation had occurred;

- D. The name of the Douglass Township Animal Control Officer;
- E. The date and time when the notice was sent;
- F. A warning that legal action may be pending for the violation of this Chapter and the request that any continuing or additional Nuisances be ceased immediately.

§ 111. Penalties. Any person convicted of violating any provision contained within this Chapter shall be sentenced to pay a fine of not less than Fifty Dollars (\$50.00) and not more than Six Hundred Dollars (\$600.00), in addition to court costs, reasonable attorney's fees and any other expenses incurred by the Township caused by the violation. Enforcement of this Chapter shall be by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

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

Part 2

Seizure of Animals

§ 201. Seizure of Animals. The Douglass Township animal control officer, any Township police officer, or any Township constable may seize any dog, cat or other domesticated animal found running at large throughout the Township.

§ 202. Return of Animal. If the animal control officer, police officer or constable can readily identify the name and address of an animal's owner upon seizing the animal, he or she will return the animal to the owner's home address. He or she will then provide that owner with the notice of a pending citation as required by § 108 of this Chapter at his or her earliest convenience.

§ 203. Unidentifiable Owners. If the animal control officer, police officer or constable that has seized an animal cannot readily identify that animal's owner, he or she will transport the animal to the Douglass Township kennel.

§ 204. Licensed Animals. In the event that a seized animal is licensed, but the owner's name or address was not readily available at the animal's initial seizure, the animal control officer shall notify its owner, by certified mail with return receipt requested, that the animal will be held at the Douglass Township kennel for one (1) week. After one (1) week has passed and

the animal's owner has not claimed it, the animal control officer will transport the animal to the local SPCA. At this time, the seized animal shall no longer be the responsibility of the Township.

§ 205. Unlicensed Animals. In the event that a seized animal is unlicensed, the animal will be held at the Douglass Township kennel for three (3) days. If the animal is not claimed within three (3) days, the Animal Control Officer will transport the animal to the local SPCA. At this time, the seized animal shall no longer be the responsibility of the Township.

§ 206. Authorization of Compliance. The Township Secretary is hereby authorized to make the appropriate arrangements with the Douglass Township kennel and the local SPCA in order to fulfill the requirements of this Part.

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

Part 3

Animal Control Officer

§ 301. Contract of the Animal Control Officer. The Douglass Township Board of Supervisors is authorized, at its discretion, to enter into a contract with an individual to serve as the animal control officer for the Township. The animal control officer shall be an independent contractor and shall not be an employee or representative of the Township. This contract shall have a duration of no more than three (3) years and shall be prepared by the Township Solicitor.

§ 302. Authority. The animal control officer, along with any Township police officer or constable, shall have the authority to enforce the provisions of this Chapter through the seizure of animals running at large and through the issuance of citations. The animal control officer and his or her employees, if any, shall be formally sworn in to ensure their full compliance with the limited nature of his or her authority under this Chapter.

§ 303. Scope of Duties. The animal control officer and his or her employees shall report directly to the Township Chief of Police and shall be responsible for performing the tasks prescribed within this Chapter, which include, but are not limited to, seizing animals running at large, investigating reported noise nuisances caused by animals, providing the required notice to owners that have violated this Chapter, transporting seized animals from the Douglass Township kennel to the local SPCA in accordance with this Chapter, and issuing citations for the violation of this Chapter.

§ 304. Severability. If any sentence, clause, section or part of this Part is for any reason found to be unconstitutional, illegal or invalid, such as unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of

this Part. It is hereby declared as the intent of the Board of Supervisors of the Township that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

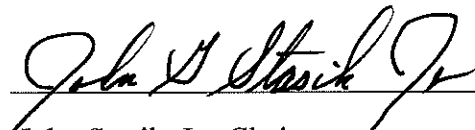
SECTION 2. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by a Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. Douglass Township reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 3. That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

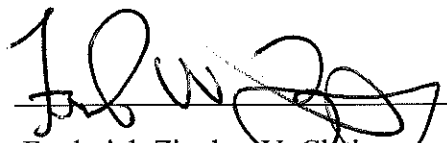
SECTION 4. This Ordinance shall become effective immediately upon approval.

ENACTED AND ORDAINED this 6th day of OCTOBER, 2014.


**DOUGLASS TOWNSHIP
BOARD OF SUPERVISORS**



John Stasik, Jr., Chairman

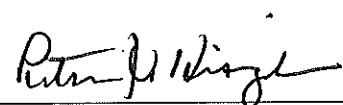


Frederick Ziegler, ~~V. Chairman~~



Anthony Kuklinski vice chairman

Attest



Peter J. Hiryak *TWP. MOURBLO*