

**ORDINANCE NO. 1269**

**AN ORDINANCE OF THE BOROUGH OF DONORA ESTABLISHING RULES AND REGULATIONS FOR OWNERSHIP OF DOGS, CATS AND OTHER DOMESTICATED AND NONDOMESTICATED ANIMALS**

BE IT ORDAINED AND ENACTED, by the Council of the Borough of Donora in regular meeting assembled, and it is hereby ordained and enacted by virtue of the Authority in them vested, as follows, to wit:

**SECTION I:** The Donora Borough Council or such official's designee is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein.

**SECTION II: DEFINITIONS**

The following words and phrases used throughout this Ordinance shall have the following meanings:

1. **Animals** - are considered to be dogs, cats, and other domesticated and non-domesticated animals kept as pets and/or for rodent control and/or for protection.

2. **Owner** - Any person owning, keeping, feeding, harboring or having custody of animals, or who allows animals to reside or remain about his premises, shall be considered an "animal owner".

3. **Vaccination** - the practice of inoculations with a vaccine to afford protection from rabies, as required by the Pennsylvania Department of Environmental Resources.

4. **Vicious Propensity** - A propensity or tendency of animals to show any act which might endanger the safety of persons and/or property of others.

**SECTION III: NUISANCES; RESPONSIBILITIES OF OWNERS  
KEEPING ANIMALS**

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It shall be unlawful for any owner to have an animal that becomes a nuisance in the Borough. Acts of nuisance shall include, but are expressly not restricted, to the following:

a. No owner shall allow any animal to run at large in this Borough, either upon the public streets or highways or upon property other than that of the owner of such dog, cat or other animal. Any animal on the public streets or highways of the Borough shall be on either a leash or a restraining device.

b. No owner shall allow any animal confined on that person's premises to make any loud or harsh noise or disturbance which interferes with or deprives the peace, quiet, rest or sleep of any person within the Borough.

c. No owner shall allow an animal owned by him or under his control to defile, corrupt or otherwise desecrate any sidewalk, walkway or the property of another or to destroy or damage the property of another.

d. All owners keeping any animal shall remove all refuse, food and excrement as often as necessary to

prevent unpleasant odors and conditions contributing to the breeding of flies.

e. No owner shall keep any animal with known vicious propensity.

f. No owner shall allow an animal to dig into flower beds, lawns, children's sandboxes, gardens, or to damage shrubbery, trees, lawns or personal property not belonging to the owner of the animals.

g. No owner shall permit an animal to enter upon any area designated as a tot lot in any publicly owned park or playground.

h. All owners of animals shall comply with all rabies vaccination requirements of the laws of the Commonwealth of Pennsylvania with regard to animals.

#### **SECTION IV - AUTHORITY TO REMEDY NON-COMPLIANCE**

1. If the owner of animals in violation of this Ordinance does not comply with a notice to abate the violation which constitutes a nuisance or health hazard, within the time period described, the Borough shall have the authority to take measures to correct the conditions and collect the cost of such correction plus ten percent (10%) of all costs. The Borough, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending person's premises to accomplish the foregoing. The enforcement authority of this provision shall contain the right

to use reasonable force and to use all other enforcement provisions of this chapter to accomplish the enforcement of the provisions of this Ordinance.

**SECTION V - SEIZURE; REDEMPTION; FEES; DISPOSAL**

1. The Borough Code Officer or the person or agency designated by the governing body of the Borough shall enforce the provisions of this chapter. Upon receipt of a written complaint that an animal is a public nuisance, the Code Officer will investigate said complaint and, if found to be legitimate, the Code Officer shall authorize the seizure of the animal by the issuance of a humane-type of animal trap to trap said animal. Traps will only be set during daylight hours. Trapping at night is prohibited.

2. Any person who is issued a trap must notify the Code Officer as soon as possible after an animal is apprehended. The Code Officer and or the person or agency designated by the governing body of the Borough will transport and deliver the animal to the Humane Society for holding. If the Humane Society refuses to take the animal, the animal will be delivered to a Veterinarian contracted with the Borough and held for 72 hours prior to being disposed of in a humane manner. If the animal so apprehended bears any identification of ownership, the Code Officer shall, on the date of apprehension, notify the owner that the animal has been apprehended and that it may be claimed at a designated location subject to the provisions of this chapter.

3. Any animal may be claimed by its owner at the veterinarian during the custodial period. The owner shall pay all costs for the care, necessary treatment, maintenance and disposal of said animal at the prevailing veterinarian rate.

4. Any animal which has been seized pursuant to this chapter and which has not been reclaimed during the custodial period, may be disposed of in a humane manner in accordance with standards generally followed by the Humane Society or as provided by the contracted veterinarian service.

#### **SECTION VI - LICENSING AND REGISTRATION**

1. In order for the Borough to distinguish between a stray animal or an owned animal, the Borough shall require the licensing of all animals within the limits of the Borough of Donora. Licenses will be issued by the Borough and must be affixed to the animal's collar which must be worn by the animal at all times. License fees will be adopted by Resolution by Borough council from time to time with a copy of the most recent Resolution, establishing Animal License Fees, kept on file at the Borough Office.

2. Licenses will be required to be purchased on a yearly basis. Any animal six (6) months or older must be licensed and be appropriately vaccinated for rabies. A license will not be issued without the proof of a rabies inoculation certificate.

**SECTION VII - VIOLATIONS AND PENALTIES**

1. It shall be unlawful for any person to own, keep, feed or harbor any animal which has been found to violate the provisions of this chapter. Any person found to violate the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) an/or imprisonment for a term not to exceed ninety (90) days.

**SECTION VIII - SAVINGS CLAUSE**

1. If any provision or part of this ordinance is adjudged to be invalid or unconstitutional, such adjudication shall not effect the validity of this ordinance or chapter as a whole or any part or provision not adjudged to be invalid or unconstitutional.

**ORDAINED and ENACTED** into Ordinance this 21<sup>st</sup> day of SEPTEMBER, 1994.

By: Karen L. Polkakis  
President of Council

**EXAMINED and APPROVED** this 26<sup>th</sup> day of SEPTEMBER, 1994.

John Lynelli  
Mayor

ATTEST:

Robert A. Paraschos  
Borough Secretary