

BOROUGH OF NORTH APOLLO
ORDINANCE NUMBER 316 OF 2014

AN ORDINANCE OF THE BOROUGH OF NORTH APOLLO, COUNTY OF ARMSTRONG AND COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 2 OF THE BOROUGH OF NORTH APOLLO CODE OF ORDINANCES TO GOVERN AND REGULATE ACTIVITIES WITH REGARD TO DOGS AND CATS WITHIN THE BOROUGH INCLUDING SAFETY PRECAUTIONS AS WELL AS ESTABLISHING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Council of the Borough of North Apollo deem it advisable for the public health and welfare of the Borough to provide prohibitions on activities with regard to animals; and

WHEREAS, the Borough now desires to adopt the following provisions related to unlawful activities regarding dogs and cat within the Borough.

NOW THEREFORE, be it ordained and enacted by the Council of the Borough of North Apollo as follows:

PART I: DOGS

Section 1-101 Definitions

As used in this part, all terms shall be defined in the manner set forth in Section 102 of the Dog Law, 3 P.S. §458-102, as amended, unless a different definition is stated below or 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 within his care, and every person who permits such dog or cat to remain on or about any premises occupied by him. In the event any dog or cat found in violation of this part shall be owned by a person under 18 years of age, the owner shall be deemed to be the parent or guardian of such person in which resides in the same household where the dog or cat is kept.

Running at Large – Being unleashed 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 person having custody of said dog or cat. No dog shall be deemed to be a large if it is:

1. Accompanied by and under immediate supervision and control of the owner or other responsible person.
2. Being used for police work.

Section 1-102 Appointment and Duties of an Animal Control Officer

An Animal Control Officer shall be appointed by the Borough Council to serve at its pleasure. Such Animal Control Officer, along with the Borough Police Officers shall have concurrent responsibility for the enforcement of this part and of the Dog Law, 3 P.S. §459-101 et. seq., as amended; provided that the Animal Control Officer shall not have the power to make arrests under the Dog Law or the Ordinance of the Borough.

Section 1-103 Prohibited Activities

It shall be unlawful for any owner of a dog to permit or to allow such dog in the Borough of North Apollo to:

- a. Be at large.
- b. Engage in habitual howling, barking, crying or whining or conduct itself in such a manner as to unreasonably and habitually annoy any persons.
- c. Cause damage or destruction to any property or create a nuisance by performing its excretory functions upon the premises of a person other than the owner of the dog.
- d. Chase or otherwise harass any person in such a manner as to reasonably cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
- e. Habitually chase, run aside of or bark at motor vehicles or bicycles.

Section 1-104 Unlawful to Allow Dogs Run at Large

It shall be unlawful for the owner of any dog to allow or permit such a dog to run at large in the Borough of North Apollo.

Section 1-105 Tethering

It shall be unlawful for any person to tether, fasten, chain, tie, or restrain or cause an unattended dog to be fastened, chained, tied or restrained to houses, trees, fences, garages, stakes or other stationary or high immobile objects by means of a rope, chain, strap, or other physical restraint for the purpose of confinement, except in circumstances where all the following requirements are satisfied:

- a. The tethering is not for a longer period of time than necessary for the dog owner or custodian to complete a temporary task that requires the dog to be physically restrained for a reasonable period of time; and
- b. The tether is attached to the dog by a non-choke type collar and attached to the stationary object by swivel anchors, latches, or similar devices in a manner which prevents the tether from becoming entangled around any object so to limit the dog's freedom within the tethered area or to prevent the dog, or any of its appendages from becoming entangled by the tether; and

c. The dog has easy access to:

1. Clean drinking water; and
2. Adequate shade and/or shelter within the tethered area.

d. The dog is periodically monitored while tethered for the aforementioned reasonable period of time.

e. The dog is not tethered outdoors during any period in which a severe weather warning has been issued for North Apollo Borough by the National Weather Service.

f. It shall be unlawful for any person to leave any dog outside and unattended during a period in which a severe weather warning has been issued for Armstrong County by the National Weather Service or a continuous period time greater than one-half (1/2) hour if the temperature during such period remains entirely below 32 degrees Fahrenheit or above 90 degrees Fahrenheit. For the purposes of this section outside shall mean any unattended dog that is outside and subject to the weather and elements which expressly include, but is not limited, a dog in a securely fenced yard, a dog in a kennel or a dog tethered or tied out. The dog shall be considered outside regardless of access to an indoor dog house or similar structure.

An agent of any society or association for the prevention of cruelty to animals (SPCA) incorporated under the laws of the Commonwealth of Pennsylvania as provided by 18 Pa.C.S.A. §5511 (PA Animal Cruelty Law) may be appointed by resolution of the Borough to enforce this ordinance.

In addition to any officer, employee or agent of the Borough duly appointed by the Borough or SPCA agent duly appointed by resolution of the Borough is hereby authorized to notify any owner or occupant of any premises in violation of the Ordinance either personally or by posting such notice upon the premises, that such owner must bring the outdoor dog into compliance with this ordinance within one (1) day of receipt of such notice. Upon failure of such owner or occupant to bring his or her tethering situation into compliance with this ordinance within the requisite period of time, any of the foregoing individuals authorized by the Borough to enforce the ordinance are hereby authorized to enter upon such premises and to temporarily remove such dog from the property.

Section 1-106 Seizing of Dogs Running at Large

The Animal Control Officer or any Borough Police Officer or Constable may seize any dog found running at large in the Borough. Such dogs are to be impounded in a licensed kennel.

Section 1-107 Licensed Dogs

1. Any Police Officer, Animal Control Officer or designated employee of the Borough shall notify the owner or custodian of a licensed dog by registered or certified mail, return receipt, that the dog is impounded and will be disposed of in 5 days if not claimed. Five (5) days after the return receipt has been received and the dog has not been claimed, the dog may be disposed by sale or by

giving it to a Humane Society or Association for the prevention of cruelty of animals in accordance with the Dog Law, 3 P.S. §459-302, as amended.

2. The owner or claimant of a dog so detained shall pay a penalty of \$15.00 to the Borough for the seizure and detention and all reasonable expenses incurred by reason of its detention by the Borough before the dog is returned.

Section 1-108 Unlicensed Dogs

Unlicensed dogs that are seized shall be held at a licensed kennel for 48 hours and if not claimed may be humanely killed or given to the Humane Society or Association for the prevention for the prevention of cruelty of animals in accordance with the Dog Law, 3 P.S. §459-302, as amended.

Section 1-109 Dangerous Dogs

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

2. Dogs may be killed only in accordance with the requirements of Section 501 of the Dog Law, 3 P.S. §459-501, as amended, 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 1-110 Issuance of a Citation

Any Animal Control Officer or Borough Police Officer observing a violation of this part in his presence shall issue and serve a non-traffic citation for any such violation.

Section 1-111 Penalties

1. Any person, firm or corporation who violates a provision of this part or fails to comply therewith, or with any of the requirements thereof shall be upon conviction sentenced to pay a fine of not less \$100 nor more than \$600 for each violation, plus court costs and costs of prosecution incurred by the Borough and in default of payment of said fine costs, to imprisonment to the extent permitted by law for punishment of some re-offenses. Procedures for collection of fines and penalties for default of payment shall be in accordance of Chapter 1 of this Code.

2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this part found to have been violated. All fines and penalties for the violation of this part shall be paid to the Borough Secretary.

3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin or bait and violations of this part.

PART II – CATS

2-201 – Vaccination

All cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the recommendations for immunization published by the National Association of State Public Health Veterinarians; provided that a cat may be exempted from this requirement upon presentation of a veterinarian certificate stating that because of infirmity or other physical condition, the inoculations of such cat is not medically appropriate.

2-202 – Owner's Responsibility

1. No person shall keep, harbor or maintain a cat that roams freely. The owner must identify the cat or cats by adorning each cat with an identification collar or tag that clearly and legibly states the cat owner's name, address and telephone number.

2. The owner of a cat must provide proof of a cat's current rabies vaccination upon request of the Borough.

3. No person or residence shall own, harbor or maintain a non-domestic feline or hybrid within the Borough limits.

Subsection A – This Section shall not affect any person owning such animal and living within the Borough limits prior to the effective date of this part.

Subsection B – This part shall not apply to any educational, institutional or zoological institution or circus.

2-203 Prohibited Activities

It shall be unlawful for any owner of a cat to permit or to allow such cat in the Borough of North Apollo to become a public nuisance. Acts of nuisance shall include but are not limited to the following:

- a. Running at large.
- b. Noise disturbance.
- c. Digging in the flower beds, lawns, sandboxes, gardens or damaging of shrubbery, trees, lawns and personal property not belonging to the owner of the cat.
- d. Depositing of feces or related excrement.
- e. Not having current rabies vaccinations and current borough registration.

2-204 Seizing Cats Running at Large

The Animal Control Officer or any Borough Police Officer or Constable may seize any stray cat, abandoned cat, or cat running at large with the limits of North Apollo Borough to the

annoyance or the inconvenience to the residents or pedestrians or operators of motor vehicles. Such cats are to be taken and impounded in a place provided for that purpose. If the owner be known or can be ascertained from a registration, the Borough should notify that owner to reclaim said cat within a period of 48 hours after receiving notice to do so. If the owner is not known or cannot be ascertained or if the cat is not claimed within said 48 hour period, said cat shall be disposed by sale or by giving it to a Humane Society or Association for the prevention of cruelty to animals or to be disposed of in a humane manner. The owner of the cat so detained shall pay a penalty of \$40 to the Borough for the seizure and detention and the costs and expenses incurred by reason of its detention by the Borough before the cat is returned.

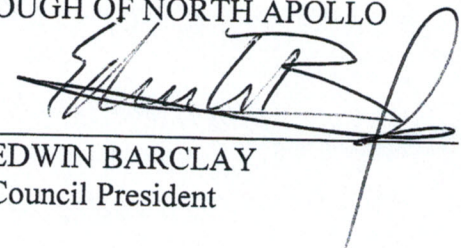
2-205 Penalties

1. Any person, firm or corporation who violates a provision of this park or fails to comply therewith, or with any of the requirements thereof shall be upon conviction sentenced to pay a fine of not less \$100 nor more than \$600 for each violation, plus court costs and costs of prosecution incurred by the Borough and in default of payment of said fine costs, to imprisonment to the extent permitted by law for punishment of some re-offenses. Procedures for collection of fines and penalties for default of payment shall be in accordance of Chapter 1 of this Code.
2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this part found to have been violated. All fines and penalties for the violation of this part shall be paid to the Borough Secretary.
3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin or bait and violations of this part.

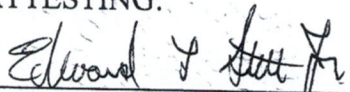
ORDAINED AND ENACTED THIS 3rd DAY OF ^{NOVEMBER} ~~OCTOBER~~, 2014.

BOROUGH OF NORTH APOLLO

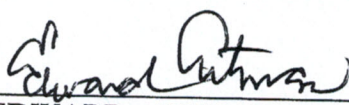
BY:


EDWIN BARCLAY
Council President

ATTESTING:


EDWARD L. STITT, JR.
Borough Secretary

Examined and approved by me this 3rd
day of November, 2014.


EDWARD ARTMAN, Mayor