

ORDINANCE 1-2010

**AN ORDINANCE REGULATING AND CONTROLLING
THE OWNERSHIP AND CONTROL OF ANIMALS IN
RIMERSBURG BOROUGH, CLARION COUNTY, PENNSYLVANIA**

BE IT ORDAINED by Borough Council of Rimersburg Borough:

Section I – Title

This ordinance shall be known as the Rimersburg Borough Animal Control Ordinance.

Section II – Definitions

As used in this ordinance, the following words shall have the following meanings:

- a. Animals – shall include all mammals, birds, fowl and reptiles normally or ordinarily domesticated (including household pets such as dogs and cats) or raised in this area or climate as livestock or for work or for breeding purposes. Such term shall not include fish.
- b. At large – shall mean being upon any public highway, street, park or any other public land, or upon property of another person other than the owner, and not being accompanied by and under the control of the owner or any other person having custody of such animal.
- c. Owner – shall include every person, proprietor, corporation, partnership or association that actually owns an animal, or who has an animal in his or its care or permits an animal to remain on or about any premises occupied by him or it. the parent or guardian of any minor claiming ownership of any animal shall also be deemed the owner of such animal.
- d. Dangerous dog – shall mean any or all the following:
 - (1) any dog which bites, inflicts injury, assaults (which assault shall include dogs at large approaching any person upon the streets, sidewalks or other public grounds or places in a life threatening or terrorizing manner without provocation), or otherwise attacks a human being without provocation;
 - (2) any dog which is deemed a dangerous dog under and pursuant to the Pennsylvania Dog Law.
- e. Wild/Exotic animal – a wild, dangerous, or undomesticated animal or venomous

reptile which is not of a species customarily used as an ordinary house pet or livestock and which would ordinarily be confined to a zoo or which would ordinarily be found in the wilderness of this or any other country or which otherwise causes a reasonable person to be fearful of bodily harm or property damage, irrespective of its actual or asserted state of tameness or domestication. This definition includes animals bred or raised in captivity and hybrids of wild/exotic animals, but not fish or birds.

Section III – Nuisance/Sanitary Conditions

a. It shall be unlawful for any person(s), corporation, partnership, or other entity whatsoever, to harbor, care for, shelter or maintain any animal in such a manner as to disturb or unduly annoy the public through the animal's noise, barking, smell, mischief or other harmful propensities. All animal pens or other areas in which animals are kept shall be maintained in a sanitary condition free of offensive, obnoxious or foul odors.

b. It shall be unlawful to own, possess, harbor, control or keep any animal which makes noise repeatedly for a period of fifteen (15) minutes during the hours of 7:00 a.m. to 10:00 p.m. or repeatedly for a period of five (5) minutes during the hours of 10:00 p.m. to 7:00 a.m. regardless of whether the animal is physically situated in or upon private property. Said noise shall constitute a nuisance; provided, that at the time of the animal is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal is legitimately situated, nor is there any other legitimate cause which justifiably provoked the animal.

c. No owner, custodian or keeper of any animal shall allow or permit any such animal to deposit excrement (defecate) upon any property not owned or leased by the owner, custodian or keeper of such animal, without immediately picking up such excrement. This provision shall not apply to horses being used for transportation in the public streets or alleys or other public property within Rimersburg Borough.

Section IV – Animals Vaccinated Against Rabies

All dogs and cats, to include outside cats, in Rimersburg Borough shall be vaccinated against rabies by a licensed veterinarian in accordance with the requirements set forth in the state rabies law.

Section V – Dangerous Dogs

a. Any person who owns or who has custody of a dangerous dog shall register the dog with the Rimersburg Borough Police on a form provided by the Police Department. Upon registering a dangerous dog the owner or custodian shall display, in a conspicuous manner, a sign

on his premises warning that there is a dangerous dog on the premises. The sign shall be visible and legible from the sidewalk and street.

b. The owner or person having custody of a dangerous dog shall confine such dog by one of the following methods if outside, which shall be inspected and approved by the Rimersburg Borough Police:

(1) A pen or structure with sides and a secure top. Pens must have bottoms secured to the sides or the sides must be imbedded in the ground no less than two (2) feet. Use of this option is subject to all other applicable laws.

(2) A fence at least six (6) feet high above the ground and imbedded in the ground no less than two (2) feet. This fence must prevent any possibility of the dog's escape and must have signs conspicuously place around the entire perimeter of the fence. The use of this option is subject to all other applicable laws.

c. The owner or person having custody of a dangerous dog shall not permit such dog to go beyond confined bounds of the owner's premises unless the dog is securely leashed and muzzled. This leash shall be no more than four (4) feet in length. Dangerous dogs shall have a tag on their collar that will be issued to the owner at the time of registration. No dangerous dogs shall be permitted to go beyond the confined bounds of the owner's premises or the premises of the person having custody without wearing this tag.

d. Any owner of a dangerous dog that transfers ownership to such dog shall notify the Rimersburg Borough Police of the transfer and the new location of the dog. The Rimersburg Borough Police may then notify the responsible municipality. If the new owner resides in Rimersburg Borough, he/she shall register the dangerous dog with the Rimersburg Borough Police. The designation of dangerous dog shall transfer with ownership of such animal.

e. Any dog which is a dangerous dog and not registered with the Rimersburg Borough Police as a dangerous dog may be immediately seized and detained by the Rimersburg Borough police who shall turn the dangerous dog over to an approved animal shelter until the dangerous dog is registered and the owner compiles with other applicable provisions of this Section V of this Ordinance. Upon such seizure, the Rimersburg Borough Police shall, by written notice sent by both regular and certified mail and by personal notification, if possible, notify the owner of such seizure and detention and the requirements to register the dog within ten (10) days of the date of the seizure. The dog shall continue to be detained until such time as the dog is registered in accordance with this Ordinance. Should the owner fail to register the dog with the Rimersburg Borough Police as a dangerous dog within such ten (10) day period, the owner may be prosecuted before the local Magisterial District Justice to have said dog be deemed a dangerous dog in accordance with the Dog Law. All animal shelter fees for seized and detained dogs shall be paid by the owner.

f. Any dog determined to be dangerous by the Rimersburg Borough Police, may be

written notice sent by both regular and certified mail to the owner, notify the owner of the requirements to register that dog as a dangerous dog with Rimersburg Borough Police within ten (10) days of such notice. The dog may be detained by the Rimersburg Borough Police until such time that the dog has been registered.

g. No dog may be declared a dangerous dog for inflicting injury or damage on any person committing a willful trespass or other tort upon premises occupied by the owner of the dog, or teasing, tormenting or abusing or assaulting the dog, or committing or attempting to commit a crime. No dog may be declared dangerous for taking any action to defend or protect a human being within the immediate vicinity of the dog from an attack or assault.

Section VI – Wild/Exotic Animals

No person shall own, harbor, maintain or control a wild/exotic animal or hybrids of wild/exotic animals within Rimersburg Borough.

Section VII – Animals at Large

a. It shall be unlawful for the owner or person having custody of any animal or the parent or guardian of any minor owning or having custody of any animal to allow the animal to go beyond the boundaries of their premises or to run at large over the streets or public grounds or upon the property of anyone other than the owner or person having custody of such animal. It shall be unlawful for the owner or person having custody of such animal to permit animal to pose a danger to pedestrians using adjacent sidewalks and streets.

b. It shall be the duty of the owner, custodian or keeper of any dog traveling on the streets or public grounds to have the animal on a leash at all times.

Section VIII – Seizures and Detention

a. It shall be the duty of any police officer of the Borough to seize any animal running at large, and, to convey it to an approved animal shelter, as provided in Section XIV, where it shall be detained and impounded in a humane manner.

b. Upon seizure, the police officer of the Borough shall complete a seizure form approved by the Chief of Police. Upon detention and impoundment, the keeper of the approved shelter to which the animal is delivered shall make a complete registry entering the breed, color, and sex of the animal, and indicate whether the animal is licensed. The registry shall be made upon a form approved by the Chief of Police. If the animal is licensed, the keeper of the approved shelter used shall communicate with the Treasurer of Clarion County and obtain and enter upon the registry the name and address of the owner and number of the license tag.

Section IX – Notice

If the owner of a detained animal can be identified by license tag or other means, the owner shall be given immediate notice, either in person or by phone or by both regular and certified mail, or the detention and impoundment by the keeper of the shelter to which the animal was delivered. If the owner is unknown, written notice of the impoundment shall be posted at the shelter and at the Rimersburg Borough Building for a period of ten (10) days from the day of seizure, describing the animal, the place and time of the seizure and the location of impoundment.

Section X – Reclaiming of Animal

The owner of an animal which has been detained and impounded may reclaim his or her animal upon payment of a seizure fee as established from time to time by resolution of the Council of the Borough of Rimersburg and upon payment of all other reasonable expenses and costs incurred by the keeper of the animal shelter by reason of the detention, impoundment and maintenance of the animal, provided that such expenses and costs shall not exceed a per day maximum as established from time to time by resolution of the Council. The owner shall pay the seizure fee to the Borough. The expenses and costs incurred by the shelter keeper due to impoundment and maintenance of the animal may be paid by the owner to the shelter keeper in a manner determined by the shelter keeper. All such fees and cost paid by an owner shall be entered on the redemption portion of a form approved by the Chief of Police. In no event shall any animal required to be licensed by law be released from detention and impoundment until it has been licensed. Payment of the seizure fee, expenses and costs shall not bar prosecution of the owner for any violation of law.

Section XI – Seizure Without Detention

Notwithstanding Section VIII, if an animal is found at large and its owner can be identified and located, the animal need not be detained and impounded but may, instead, be taken to and turned over to the owner. In such case, the police officer who seized the animal shall complete a registry as required in Section VIII. The owner, whose animal is seized without detention and impoundment, shall be subject to pay the seizure fee in the manner as set forth in Section X except that if circumstances warrant, payment of the seizure fee may be delayed for a period of fifteen (15) days. Use of the procedure set forth in this section shall not bar a prosecution of any violation of law.

Section XII – Quarantine of Animals

In the event an animal bites any person or other animal:

a. The owner or custodian of the animal shall:

(1) Immediately notify the Rimersburg Borough Police of the incident and complete an animal bite report on such form as the Rimersburg Borough Police shall prescribe;

(2) Quarantine the animal for a period of ten (10) days to observe for signs of rabies at such location and under such conditions as are imposed or required by the Rimersburg Borough Police;

(3) At the expiration of ten (10) days following the day of the biting incident, have the animal examined by veterinarian. A certificate of examination shall be filed with the Rimersburg Borough Police on such form as the Rimersburg Borough Police shall prescribe, completed and signed by the veterinarian. The certificate of examination shall be filed not more than fourteen (14) days following the bite incident; and

(4) If the animal dies within the ten (10) day quarantine period, the animal's head shall be removed by the veterinarian and tested for rabies by the appropriate state laboratory or laboratory designated by the Commonwealth for the purposes; and

(5) All costs, including laboratory preparation, laboratory examination, quarantine and veterinary examination of the animal shall be borne by the owner or custodian of the animal.

b. The Rimersburg Borough Police shall have the right and duty to seize any animal that bites a human or animal if he determines such seizure is necessary to insure that the animal shall be quarantined. If any owner or custodian shall refuse any order of the Rimersburg Borough Police to quarantine the animal and to have it examined by a veterinarian, the Rimersburg Borough Police shall take the action necessary to comply with subsection (a) (2) and (3) hereof and the owner or custodian of the animal shall be liable to the Borough for all costs thereof which may be collected as an additional penalty for violation of this section.

c. The owner of any animal placed under quarantine shall not sell, exchange, lease, lend, give away, allow to stray, remove or allow to be removed, such animal until the quarantine has been revoked.

d. Any animal under quarantine shall be muzzled while outside the confines or structure specified by the Rimersburg Borough Police for the quarantine.

e. If a biting incident occurs that involves an unclaimed or stray animal, the owner of which cannot be identified, the Rimersburg Borough Police shall attempt to capture the animal or destroy it if necessary. The same procedures as outlined in this section concerning quarantine and veterinary examination of the offending animal shall be followed with the costs borne by the

Borough.

Section XIII – Enforcement

The Council may, by resolution, appoints the Rimersburg Borough Police, who shall have the duty of enforcing the provisions of this Ordinance and the Dog Law. The term of the appointment shall be indefinite and subject to termination by the Council of ten (10) days' written notice. The Rimersburg Borough Police in the performance of the duties under the provisions of this chapter shall be empowered to take all action necessary to enforce this chapter, and shall be subject to control by the Chief of Police of Rimersburg Borough. Nothing in this chapter shall be construed so as to limit any police officer of Rimersburg Borough in enforcing any of the provisions of this ordinance of the Dog Law.

Section XIV – Approved Animal Shelter

Animals seized may be impounded only at shelters approved by resolution of the Council. An approved shelter shall comply with all requirements of the Dog Shelter Rules as set forth in 7 Pennsylvania Code Section 23 et seq. The keeper of the approved shelter shall fill out disposition information upon a form approved by the Chief of Police and submit it to the Police Department on a timely basis indicating the final disposition of each animal seized within the Borough and turned over to such keeper for detention and impoundment.

Section XV – Penalties

a. Except as provided below, any person who violates any provision of this ordinance shall, for every such violation, upon conviction thereof before a Magisterial District Justice, be subject to a fine or penalty payable to the Borough of not less than \$50.00 or more than \$600.00 plus costs, and in default of payment thereof shall be subject to imprisonment for not more than thirty (30) days.

b. The owner of a dangerous dog who fails to comply with the provisions of this ordinance shall, upon conviction thereof before a Magisterial District Justice, be subject to a fine or penalty of not less than \$50.00 or more than \$1,000.00 plus costs for the first offense and not less than \$500.00 or more than \$1,500.00 plus costs for a second or subsequent offenses, and in default of payment thereof shall be subject to imprisonment for not more then thirty (30) days.

Section XVI – Repeal

All ordinances and parts of the ordinances inconsistent herewith are hereby repealed.

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All ordinances and parts of the ordinances inconsistent herewith are hereby repealed.

Section XVII – Effective Date

This ordinance shall become effective immediately.

ENACTED this 7TH day of JUNE, 2010.

Attest:

Alicia E. Kline
Secretary, Rimersburg Borough

Richard H. Cooper
President, Rimersburg Borough

Kenneth A. Cooper
Mayor, Rimersburg Borough