

DOG AND CAT ORDINANCE

AN ORDINANCE SETTING FORTH REGULATIONS FOR PERSONS OWNING, KEEPING OR HARBORING DOGS AND CATS IN THE BOROUGH OF DUPONT, AND PRESCRIBING DUTIES, RESPONSIBILITIES WITH REFERENCE THERETO AND PRESCRIBING PENALTIES FOR NON-COMPLIANCE OF REGULATIONS

Be it ordained, and it is hereby ordained by the Borough of Dupont.

Article I: Definitions

For the purpose of this ordinance, the following words and phrases shall have the meaning described to them as follows:

- A. Person Any person – Any person or persons, partnership, association, company or firm, or corporation.
- B. Animal – Any Dog or Cat.

Article II: Injury to property:

Section 1. (Injury to Property) – It shall be unlawful for any person owning or possessing a dog or cat to permit such dog or cat to go upon any sidewalk, parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up garage or injure any lawn, flower bed, plant, scrub, tree or garden in any manner whatsoever or to defecate thereon.

Section 2. (Waste Products Accumulation) – It shall be unlawful for any person to cause or permit a dog or cat to be on property, public or private, not owned or possessed by such person, unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located on property owned or possessed by such person. This section shall not apply to a person who is visibly or physically handicapped.

Article III: Manner of Keeping:

Section 1. (Pens, Yards or Runs) – All pens, yards, or runs or other structures where any animal is kept shall be of such construction so as to be easily cleaned and shall be kept in good repair and a clean condition as reasonably possible.

Section 2. (Fences) – Fences which are intended as enclosures for any animals shall be securely constructed, shall be adequate for the purpose, shall be kept in good repair, and shall not be allowed to become unsightly.

Article IV: Dogs and Cats Running at Large:

Section 1. (Prohibition) – It shall be unlawful for any person owning or possessing any dog or cat to permit the same to run at large. For the purposes of this paragraph, “running at large” shall be defined to be the presence of a dog or cat at any place except upon the premises of the owner. A dog or cat shall not be considered to be running at large, if it is on a leash and under control of a person physically able to control it.

No dog or cat shall be permitted in any cemetery. No dog or cat shall be allowed in any parks, beaches, or any swimming areas opened to the public in the Borough.

Section 2. (Impounding Dogs and Cats) – Whenever any police officer or other person designated by the Chief of Police shall find any dog or cat running at large as defined in this Ordinance he shall if possible pickup and impound such animal in such place as the Chief of Police may direct.

Whenever any impounded dog or cat shall bear an identification, such as a collar, or license tag, the owner shall be notified forthwith. Any dog or cat impounded shall be held for a period of seven (7) days. There shall be no required hold period before returning any impounded cat to the owner unless such cat is suspected of having rabies (in which case the impounded cat or dog shall be held for a period of seven (7) days. At the end of the seven days, the impounded dog or cat shall be disposed of, unless the owner shall reclaim such dog or cat and pay the police department or pound the reasonable cost of keeping such dog or cat, as well as any pouncing fee, usually charge by the pound.

Article V: Keeping Barking Dogs and Crying Cats:

Section 1. (Harboring) – It shall be unlawful for any person knowingly to keep and harbor any dog which habitually barks, howls or yelps or any cat which habitually cries or howls to the great discomfort to the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance.

Section 2. Petition Complaining of Vicious or Barking Dogs and Crying Cats –

- a. Whenever any person shall complain to the police department that a dog which habitually barks, howls, or yelps, or a cat which habitually cries or howls is being kept by any person in the Borough, the police department shall notify the owner of said dog or cat that a complaint has been received and that person should take whatever steps necessary to alleviate the howling, yelping or crying.
- b. The warning given to the person alleged to be keeping a dog or cat as set forth in (a) above is not effective, then a verified complaint of at least two citizens not of the same family may be presented to the police department alleging that a vicious dog or a dog which habitually barks, howls or yelps or a cat which cries or howls is being kept by any person within the Borough. The police department shall inform the owner that such dog or cat that said petition has been received and shall cite the owner of the dog or cat in violation alleged in said petition.

Article VI: Keeping of Numerous Dogs and Cats in the Borough:

Section 1. Nuisance – The keeping of an unlimited number of dogs and cats in the Borough for a considerable period of time detracts from and in many instances is detrimental to the healthful and comfort of a life, for which such areas were created. The keeping of an unlimited number of dogs and cats, therefore is declared to be a public nuisance.

- a. Dogs shall mean any canine, regardless of age, or sex.
- b. Cat shall mean any feline, regardless of age, or sex.

Section 2. Number of Dogs and Cats Limited. – It shall be unlawful for any person or persons to keep more than five (5) dogs and five (5) cats within the Borough with the exception of a litter of pups, a litter of kittens, or a portion of a litter to be kept for a period not exceeding five (5) months from birth or

possession. The provisions of this section shall not apply to an establishment wherein dogs or cats are kept for breeding, sporting, or boarding.

Article VII: Violations and Penalties; Separate Violations :

- a. Any person who shall violate any provisions of this Ordinance shall upon conviction thereof of each violation be subject to a fine of not less than ~~\$10.00~~ nor more than \$50.00 (plus cost of prosecution. In default of the payment of such fine plus costs, such persons shall be sent to the county jail for a period not exceeding ten (10) days.
- b. Each day that such violation exists, will be considered a separation violation.

Article VIII: Severability:

Should any portion whatsoever of this Ordinance be held invalid or unenforceable for any reason by any Court of competent jurisdiction, such portion shall be deemed severable, but only to the extent of such holding. Such holding shall not affect the remaining portions hereof.

Article IX: INCONSISTENCE ORDINANCES REPEALED:

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

1980 Ordinance.

Retyped to computer 3-1-13 by Patricia McDonald, Borough Manager.