

ORDINANCE NO. 607

AN ORDINANCE OF THE BOROUGH OF PAXTANG PROHIBITING DOGS RUNNING AT LARGE, PROHIBITED ACTS AND PENALTIES AND PRESCRIBING PENALTIES FOR VIOLATION

BE IT ORDAINED AND ENACTED, and it is hereby ORDAINED and ENACTED by the Borough Council by the Borough of Paxtang, Dauphin County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of the Borough of Paxtang, Part 5, Health and Sanitation, Chapter 3, Animals and Fowl, is hereby amended to read as follows:

Section 5-3001. Definitions.

The following words and phrases, unless the context clearly indicates otherwise, shall have the following meaning ascribed to them in this section:

(A) Owner: Any person having a right of property and any dog, cat, or other animal, or having custody of any dog, cat or other animal, or any person who harbors, keeps, is in charge of permits a dog, cat or other animal to remain on or around his or her property.

(B) Running at Large: Being upon the 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 other person having custody of said dog, cat or other animal.

Section 5-3002. Prohibited Acts

It shall be unlawful for any owner of any dog, cat or other animal to permit any such dog, cat or other animal to run at large in this Borough either upon the public streets, highways, alleys, sidewalks, any public property, upon any property not belonging to or resided in by that person, or upon other property other than the owner of such dog, cat or other animal; provided, an animal which is on a leash under the control and direction of its owner or custodian shall not be deemed to be running at large.

Section 5-3003. Responsibility for Removal of Feces of Dogs, Cats and Other Animals.

Any person who owns, harbors, keeps or is in charge of any dog, cat or other animal shall be responsible for removing and properly disposing of the feces of that animal, should the animal defecate upon any gutter, street, alley, driveway, curb, sidewalk, or upon any public property, or upon the grounds of any public park or public area, or upon any private property not belonging to or resided in by that person, in this Borough. Provided, this section shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any other physically handicapped person.

Section 5-3004. Penalty for Violation.

Failure to observe any provision of this section shall constitute a violation by the

person responsible for doing so, and, upon conviction for any such violation, the violator shall be sentenced to pay a fine of not less than \$75.00 or more than \$600.00 and costs of prosecution, and, in default of payment of fines and costs, to undergo imprisonment for not more than 30 days.

Section 2. The Code of Ordinances of the Borough of Paxtang, Part 8, Offenses and Nuisances, Chapter 2, Nuisances, Section 8-2001 (4) “Nuisance” defined and Section 8-2004, Penalty for Violation, are hereby amended respectively to read as follows:

Section 8-2001. “Nuisance” Defined.

(4) Keeping or harboring any dog, cat or other animal or fowl which, by frequent howling, barking, or other noise or odor, shall annoy or disturb the neighborhood or a number of persons.

Section 8-2004. Penalty for Violation.

Any person who violates any provision of this Chapter, for every such violation, upon conviction, shall be sentenced to pay a fine of not less than \$75.00 or more than \$1,000 in costs of prosecution, and, in default of payment, the fines and costs, to undergo imprisonment for not more than 30 days.

Section 3. Ordinances, resolutions or parts of ordinances and resolutions, insofar as the same are inconsistent or in conflict herewith, are hereby repealed only to the extent that is necessary to give this Ordinance full force and effect.

Section 4. The invalidity of phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of this Ordinance.

Section 5. This Ordinance shall immediately take effect to be enforced from and after its approval and adoption.

Duly Enacted and Ordained by the Borough Council of Paxtang on this 17th day of July, 2007.

ATTEST:

BOROUGH COUNCIL OF PAXTANG

Secretary

By:

Joseph Spackman, President

APPROVED this 17th day of July, 2007.

Keldeen Stambaugh, Mayor