

CHAPTER 2

ANIMALS

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Part I

Dogs Running at Large

§101. Definitions. As used in this Part, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

OWNER - any person having a right of property in any dog or having custody of any dog, or any person who harbors or permits a dog to remain on or around his or her property.

RUNNING AT LARGE - being 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 other person having custody of said dog.

(Ord. 178, 6/5/1950; as revised by Ord. 412, 10/4/1993)

§102. Appointment and Duties of Animal Law Officer. An Animal Law Officer shall be appointed by the Borough Council to serve during its pleasure. Such Animal Law Officer along with the police officers shall have concurrent responsibility for the enforcement of this Part and of the Dog Law of 1982, (3 P.S. §459-101 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania); provided, that he shall not have the power to make arrests under this Act of Assembly or any other Act of Assembly or ordinance of the Borough. (Ord. 178, 6/5/1950; as revised by Ord. 412, 10/4/1993)

§103. Unlawful to Allow Dogs to Run at Large. It shall be unlawful for the owner of any dog or dogs to allow or permit such dog or dogs to run at large in the Borough. (Ord. 178, 6/5/1950; as revised by Ord. 412, 10/4/1993)

§104. Seizing of Dogs. The animal control officer or any police officer or constable may seize any dog found at large in the Borough. Such dogs are to be impounded in a licensed kennel. (Ord. 178, 6/5/1950; as revised by Ord. 412, 10/4/1993)

§105. Licensed Dogs. The Animal Control Officer shall notify the owner of a licensed dog by registered or certified mail, with return receipt, that the dog is impounded and will be disposed of in five (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 sold or destroyed in accordance with the 1982 Dog Law. (Ord. 178, 6/5/1950; as revised by Ord. 412, 10/4/1993)

§106. Unlicensed Dogs. Unlicensed dogs that are seized shall be held in such kennel for forty-eight (48) hours and if not claimed may be destroyed in accordance with the 1982 Dog Law. (Ord. 178, 6/5/1950; as revised by Ord. 412, 10/4/1993)

§107. Threatening Dogs. Dogs that, in the opinion of any police officer or Animal Law Officer, constitute a threat to public health and welfare may be killed by the police or Animal Law Officer. (Ord. 178, 6/5/1950; as revised by Ord. 412, 10/4/1993)

§108. Penalties. The first two times a dog is seized, the owner shall pay a fine of fifteen (\$15.00) dollars to the Borough as well as reasonable fees for keeping the animal in a kennel as fixed pursuant to a resolution of the Borough Council. Any person allowing a dog to run at large a third time in violation of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars plus costs and, in default of payment, to imprisonment for a term not to exceed thirty (30) days. (Ord. 178, 6/5/1950; as revised by Ord. 412, 10/4/1993)

Part 2

Public Nuisances

§201. Public Nuisances Declared. The barking, yowling or making of any loud or harsh noise by any dog or cat or any other domesticated or non-domesticated animal confined on any property within the Borough of Emporium; and the defecating or urinating upon or the befouling or otherwise desecrating any sidewalk or park, or upon the floor or wall of any common hallway in any multiple dwelling, or upon any entranceway, stairway or wall immediately abutting on a public street, or upon the floor or wall immediately abutting on the entrance to any theater, shop, store, office or other building used in common by the public, anywhere in the Borough of Emporium, by any such animal constitute and are hereby declared to be a public nuisance. (Ord. 382, 11/2/1981, §1)

§202. Penalties. Any person, the owner of or having custody or control of any animal described in §201, who shall allow such animal to commit any nuisance as defined in §201, shall, upon conviction thereof, be sentenced to pay a fine not exceeding six hundred (\$600.00) dollars and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 382, 11/2/1981, §2; as amended by Ord. 412, 10/4/1993)

