

ORDINANCE NO. 99-1

AN ORDINANCE OF ROCKWOOD BOROUGH PROHIBITING THE HARBORING OF AN ANIMAL AS A NUISANCE; PROHIBITING OWNERS FROM PERMITTING ANIMALS TO RUN AT LARGE; PROVIDING FOR EXCEPTIONS THEREOF; AND ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the Council of the Borough of Rockwood believes that excessive levels of sound are detrimental to the physical, mental, and social well-being of the people of Rockwood Borough, as well as to their comfort, living conditions, general welfare and safety; and

WHEREAS, the Council of the Borough of Rockwood believes that the allowing of animals to run at large is a harm and threat to the physical, mental, and social well-being of the people of Rockwood Borough, and is a cause of inconvenience, disturbance, alarm, and fright to the people of Rockwood Borough; and

WHEREAS, the Council of the Borough of Rockwood desires to protect the general welfare of the people of the Borough of Rockwood by regulating sanitary conditions of, the emission of offensive odors by, the creation of excessive noise by, and the running at large of, any dog, cat, or other animal located in Rockwood Borough; and

WHEREAS, the Council of the Borough of Rockwood concludes that regulation of these matters is in the best interest of the health, safety, comfort, and welfare of the general public of Rockwood Borough; and

WHEREAS, the Council of Rockwood Borough possesses the authority to regulate the sanitary condition of, the emission of offensive odors by, the creation of excessive noise by, and the running at large of any dog, cat, or other animal.

NOW, THEREFORE, in consideration of the above, be it ORDAINED and ENACTED by the Council of the Borough of Rockwood, and it is hereby ORDAINED and ENACTED as follows:

SECTION 1. SHORT TITLE: This Ordinance may simply be referred to as the "Rockwood Borough Animal Nuisance Ordinance."

SECTION 2. PROHIBITED CONDUCT: It shall be illegal for any person to keep or harbor any dog, cat, or other animal in Rockwood Borough so as to create offensive odors, excessive noise, or unsanitary conditions, or to allow it to run at large, which actions or conditions are a menace to the health, comfort, safety, and general well-being of the public, or to otherwise permit the commission or existence of such a nuisance as same is defined herein.

SECTION 3. NUISANCE DEFINED:

1. Any dog, cat, or other animal which by barking, howling, screeching, yelping, or baying for a period of fifteen (15) minutes, or makes such noises intermittently for a period of one-half (½) hour or more, or in any way or manner disturbs the quiet of any person of the community, or which disturbs or endangers the comfort, repose, or

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health of persons, is hereby declared to be a nuisance. No owner or person having custody of such animal shall harbor or permit it to commit such a nuisance.

2. Any dog, cat, or other animal which scratches, digs or defecates upon any lawn, tree, shrub, plant, building, or any other public or private property, other than the property of the owner or person in charge or control of said animal, is hereby declared to be a nuisance. No owner or person having custody of such animal shall harbor or permit it to commit such a nuisance.

3. Any dog, cat, or other animal which is permitted to run at large is hereby declared to be a nuisance. No owner or person having custody of such animal shall harbor or permit it to commit such a nuisance.

SECTION 4. ABATEMENT OF NUISANCE: No person, being the owner or being in charge or control of any dog, cat, or other animal, shall permit such animal to commit a nuisance on any school grounds, borough parks or any other public property, or upon any private property other than that of the owner or person in charge or control of said dog, cat, or other animal without the permission of the owner of such property. Where the owner or person in charge or control of such animal immediately removes all feces deposited by such animal and disposes of the same in a sanitary manner, such type of nuisance shall be considered abated.

SECTION 5. EXCEPTIONS: Persons with defective eyesight or hearing, while relying upon a dog or other such animal specifically trained for these purposes, shall be exempt from compliance with this Ordinance.

SECTION 6. PENALTIES: Any person who owns or has custody of such an animal as prescribed in this Ordinance and who, in the discretion of the police officer, violates the provisions hereof, shall be first given two (2) written warnings of any such violation, the intention being two (2) violations of any type, and not necessarily two (2) violations of the same type. Thereafter, for any subsequent violation, any person who shall be convicted of a violation of any of the provisions of this Ordinance before the appropriate district justice shall be guilty of a summary offense and shall be sentenced to pay a fine in the amount of Seventy-Five and 00/100 (\$75.00) Dollars for the first offense, in the amount of One Hundred Fifty and 00/100 (\$150.00) Dollars for a second offense, in the amount of Three Hundred and 00/100 (\$300.00) Dollars for a third offense, and in the amount of Six Hundred and 00/100 (\$600.00) Dollars for a fourth or subsequent offense, together with the costs of prosecution, and/or may be subject to imprisonment by a district justice for a term not to exceed sixty (60) days. In default of payment of any fines, the person is also subject to imprisonment by a district justice for a term not to exceed sixty (60) days. For purposes of this section, any violation after the two (2) written warnings will be considered as the

first offense for purposes of prosecution at the level of the district justice. Any subsequent violation shall be considered a second offense, and so forth, as the case may be in accordance with this provision.

SECTION 7. SEVERABILITY: If any provision of this Ordinance is found to be invalid, illegal, or unconstitutional, such findings shall not affect or impair any remaining provisions. It is hereby declared as the intent of the Borough of Rockwood that this Ordinance would have been adopted even if the said invalid, illegal, or unconstitutional sentence, clause, section or part thereof had not been included herein.

SECTION 8. REPEALER: This Ordinance does hereby repeal any and all other ordinances or parts thereof which may be inconsistent herewith, to specifically include the Ordinance enacted September 20, 1994, and referred to as the "Rockwood Borough Dog and Cat Ordinance."

SECTION 9. EFFECTIVE DATE: This Ordinance shall become effective on February 1, 1999.

ORDAINED and ENACTED by the Council of the Borough of Rockwood this 19th day of January, 1999.

Attest:

ROCKWOOD BOROUGH COUNCIL

Breda Wentz
Secretary

By John Bowlby
Council President

I have examined and approved this Ordinance this 19 day of

Jan, 1999.

Donald Warwick

Mayor