

ORDINANCE NO. 2025 - 5

AN ORDINANCE OF THE BOROUGH OF ROCKWOOD  
WITH REGARD TO ANIMAL NUISANCE

WHEREAS, the Borough Code of the Commonwealth of Pennsylvania authorizes Boroughs to adopt ordinances to protect the public health, safety and welfare; and

WHEREAS it has been deemed by Rockwood Borough (“the Borough”) that possession, maintenance, conditions, and other acts or omissions pertaining thereto, of certain animals, in Rockwood Borough, present a risk or hazard to the public health, welfare, and safety to the residents of the Borough and structures within the Borough;

NOW, therefore, be it ORDAINED and ENACTED by the Council of the Borough of Rockwood, and it is hereby ORDAINED and ENACTED by the authority of said Council as follows:

SECTION 1. SHORT TITLE:

This Ordinance may be referred to as the “Rockwood Borough Animal Nuisance Ordinance.”

SECTION 2. NO KEEPING OR HARBORING OF NUISANCE ANIMALS

No person shall keep or harbor any dog, cat, or other animal in the Borough so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as defined herein.

SECTION 3. ANIMAL NOISE AS NUISANCE:

Any dog, cat or other animal, which by frequent and habitual barking, howling, screeching, yelping or baying, or in any way or manner disturbs the quiet of any person of the community, or which disturbs or endangers the comfort, repose or health of persons, is hereby declared to be committing a nuisance. No owner or person having custody of such animal shall harbor or permit it to commit such a nuisance.

SECTION 4. ANIMAL DAMAGE TO OTHER PROPERTIES:

Any dog, cat or other animal which scratches, digs or defecates upon any lawn, tree, shrubs, plant, building or any other public or private property, other than the property of the owner or person in charge or control of such animal, is hereby declared to be a nuisance.

SECTION 5. ANIMAL WASTE AS NUISANCE

No person being the owner or in charge or control of any dog, cat or other animal shall permit such animal to commit a nuisance on any public property, or upon any private property other than that of the owner or person in charge or control of such 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 dispose of the same in a sanitary manner, such type of nuisance shall be considered abated.

SECTION 6. ENFORCEMENT: AUTHORITY

(A) This Ordinance shall be enforced by officers of the Borough Police Department, and/or by an enforcement officer appointed by proper resolution of Borough Council. It is the specific intention of Borough Council that enforcement may be conducted both by the Borough Police Department and by a duly appointed enforcement officer, in the discretion of Council.

(B) Enforcement may be by citation and action before a magisterial district judge, as referenced in Section 7, Penalties and Remedies, below; or may be by filing of a civil claim in the magisterial district court or the Court of Common Pleas; or by issuance of a civil penalty ticket; or by municipal lien.

(C) The designated agent of the Borough for enforcement of this ordinance shall have a right of reasonable entry upon and into the property of any property owner subject to this Ordinance, in order to safeguard the safety, health, and welfare of the public, to include any exterior of the premises or property area, at a reasonable time; and shall have a right to inspect the interior of property to safeguard compliance with this Ordinance subject to order of court as described below:

(1) In the event that the Borough opts, through its designated agent, to pursue enforcement under this Ordinance as a filing of a citation and action before a magisterial district judge as a summary offense, prior to the filing of any such action, if the designated agent of the Borough has the requisite probable cause to

do so, said designated enforcing agent of the Borough may apply before a court of competent jurisdiction for a search warrant for the purposes of seeking and/or gathering evidence pertinent to a violation of this Ordinance and the pursuit of any such citation.

(2) In the event that the Borough opts to pursue enforcement under this Ordinance by filing a civil claim, the Borough may explicitly file such a claim in law and in equity for purposes of seeking a preliminary injunction, pre-complaint discovery, or other such civil or equitable relief permitted by any relevant civil procedural rules, regulations, or caselaw, for the purposes of enjoining further violation of this Ordinance, or for purposes of seeking and/or gathering evidence pertinent to pursuit of a civil claim for violation of this Ordinance.

#### SECTION 7. ENFORCEMENT: PENALTIES AND REMEDIES

A. Summary Offense: The Borough may, in its discretion, pursue enforcement against any person who fails to comply with this Ordinance, as aforesaid, shall be by action brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The fine shall be in an amount of One Thousand and 00/100 (\$1,000.00) Dollars for each violation. Additionally, imprisonment may be imposed to the extent allowed by law for the punishment of summary offenses. Any person or entity found guilty of violating this Ordinance may be assessed court costs and reasonable attorney fees incurred by the

Borough in any enforcement proceedings. Any penalty imposed in a summary prosecution shall be in addition to any costs or payment made for enforcement charges or administrative charges. Each day the violation of this Ordinance occurs, continues, or is permitted to continue, will constitute a separate offense for which a separate fine and related penalties as referenced above may be imposed.

B. Civil Claim: The Borough may, in its discretion, pursue enforcement against any person who fails to comply with this Ordinance, by filing a civil action for either legal or equitable relief, including any form of damages collectible at law or in equity, before a magisterial district court or in the Court of Common Pleas or any other court of competent jurisdiction, to include recover of costs and expenses as otherwise noted in this Ordinance.–

C. Civil Penalty: . In addition to any remedies available to the Borough under any other section or subsection of this Ordinance, the Borough shall be entitled to collect a civil penalty from any person not complying with this Ordinance at the rate of Ten (\$10.00) Dollars per day for each day after notice has been given of any violation of this Ordinance for which any person subject to this Ordinance remains noncompliant. This civil penalty may be enforced against by any agent of the Borough having enforcement authority pertinent to this Ordinance, by the delivery to the person violating the Ordinance of a ticket indicating the amount of the civil penalty. In the event that the Borough pursues a civil claim to enforce this ordinance against any person receiving any such ticketed civil penalty, the amount recoverable shall be at least the total value of all

pertinent civil penalty tickets issued for violation of the Ordinance, along with any other applicable penalties or costs associated with the violation or violations, under this Ordinance.

D. Municipal Lien: If a property owner permits or causes said property to be maintained in violation of this Ordinance, the Borough may, after providing the owner with written notice under this Ordinance, correct the matter giving rise to the violation at borough expense and may thereafter collect all costs and expenses, to include man-hours used by the Borough for such corrective action, plus 10% incurred in connection with correcting the violation. If a violator of the Ordinance does not take action upon notice, under this Ordinance, and it is necessary for the protection of the public health, safety, and/or welfare for the Borough to proceed to take said action to eliminate any threat to the public health, safety, and/or welfare, upon real property in violation of this Ordinance, the Borough may, in addition to or exclusive of any legal or equitable action to recover the costs and expenses to the Borough for any such action by the Borough, place a municipal lien on such real property associated with a violation.

E. No Remedy Shall be Exclusive: The choice by the Borough to initiate any summary proceedings against any person, firm, partnership, corporation, or other entity, who or which fails to comply with the terms of this Ordinance, nor the initiation of any other form of enforcement of this ordinance, to include civil claim, civil penalty, or municipal lien, shall not serve as the exclusive remedy or means of enforcement of this Ordinance, and the Borough retains all rights provided by law to pursue other remedies



including actions in equity or otherwise in the Magisterial District Court, Court of Common Pleas, or any other court of competent jurisdiction.

F. Costs and Fees Assessable: In the event that legal proceedings are necessary to enforce this Ordinance, the Borough shall be allowed to recover, reasonable counsel fees, in addition to all other legal costs and expenses associated with enforcement which may be legally collectible.

#### SECTION 8. SEVERABILITY AND REPEALER:

If any parts or sections of this Ordinance are adjudicated to be unconstitutional, illegal, or invalid by a court of appropriate jurisdiction, then each and every other part and element shall remain in full force and effect, it being the intention of the Borough to have enacted this Ordinance even without the inclusion of any such parts or provisions held to be unconstitutional, illegal or invalid. Any parts of any Ordinances which are specifically inconsistent with the terms of any prior Ordinance concerning the same subject matter are hereby superseded, only to the extent that they contradict any term of this Ordinance; except that this Ordinance is specifically intended to repeal the "Rockwood Borough Animal Ordinance," being "Ordinance No. 2020-01," in its entirety; as well as Ordinance No. 99-1 (dated January 19, 1999), to the extent it has not already been repealed.

#### SECTION 9. HEADINGS:

Section headings set forth in this Ordinance are merely for convenience purposes, and they shall not be taken to govern or limit the scope of sections set forth in this Ordinance.

SECTION 10. EFFECTIVE DATE:

This Ordinance shall be effective upon enactment.

Attest:

ROCKWOOD BOROUGH COUNCIL

Caryn Romesberg  
Borough Secretary

By Mike Hutchinson *Mike Hutchinson*  
President of Council *Acting Chairperson*

APPROVED this 15 day of July, 2024.5

*BAC*

Melissa Conner Conner  
Mayor