

Upon motion by _____, seconded by _____, the following Ordinance was duly enacted, _____ voting in favor of enactment, _____ voting against enactment.

ORDINANCE 2000-15

An Ordinance of Millcreek Township imposing upon owners, keepers and custodians of animals a duty to keep such animals under restraint; declaring unlawful the allowance of disturbing of the peace by animals and allowance of defecation by animals upon private or public property without immediate and proper removal; establishing penalties for violation; and containing repealer and severability clauses.

WHEREAS, the Board of Supervisors has determined that Millcreek Township has not enacted ordinances regulating proper control of animals by their owners, keepers and/or custodians; and

WHEREAS, the Board of Supervisors finds that the proper control and restraint of animals by their owners, keepers and/or custodians is necessary to protect the public health, safety and welfare.

IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Millcreek, Erie County, Pennsylvania, and it is ordained and enacted, as follows:

1.01 Definitions

As used in this Ordinance, the term “owner” shall mean and include the registered owner of an animal, the person responsible as keeper of an animal and/or the custodian charged with or having responsibility of oversight of an animal.

1.02 Owner to Keep Animal Under Restraint

A. The owner of an animal shall keep his or her animal under restraint at all times and shall not permit such animal to run at large in the Township.

A. On property of the owner, an animal must be so controlled or restrained as to prevent the animal from attacking or threatening any person legitimately coming onto the property or being on any sidewalk, street or lot adjacent to the property.

1.03 Disturbance of the Peace

- A. It shall be unlawful for any person to own, harbor or keep in custody any animal which, by harsh noise or disturbance, disturbs, interferes or otherwise deprives the peace, quiet, rest and peaceful enjoyment of the public.
- B. Continuous barking, howling or the making of loud or harsh noise by such animal for a period of more than fifteen (15) minutes on two (2) or more consecutive days or nights, or two such fifteen (15) minute periods on any single day, shall constitute a disturbance of the peace, quiet, rest, sleep and enjoyment of the public and shall constitute a violation of this Ordinance.

1.04 Defecation Upon Public or Private Property

- A. It shall be unlawful for any owner of an animal to cause, suffer or allow such animal to soil, defile, defecate on or commit any nuisance on any street, sidewalk, passageway or other public property or on any private property without the prior express permission of the owner of such property
- A. The owner of an animal must immediately remove any feces deposited by the owner's animal upon any public or private property other than that of the owner and dispose of same in a proper and sanitary manner.

1.05 Penalties for Violation; Enforcement

- C. Any person first violating any provision of this Ordinance, upon conviction by the District Justice having appropriate jurisdiction, shall pay a fine of Fifty Dollars (\$50.00), plus all costs of prosecution, and shall further be obligated to pay all attorneys' fees incurred by the Township in enforcement proceedings as specified in Ordinance Nos. 96-8 and 96-9.
- D. The fine prescribed for a second violation of this Ordinance and payable upon conviction by the District Justice, shall be One Hundred Dollars (\$100.00). The fine prescribed for a third and all subsequent violations of this Ordinance and payable upon conviction shall increase by Fifty Dollars (\$50.00) for each subsequent violation.
- E. All fines and penalties collected for the violation of this Ordinance shall be paid to the Township Treasurer.
- F. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Ordinance which is found to have been violated.

- G. The Millcreek Township Police Department, the Code Administrator and his or her subordinates and the Township's Animal Control officer are authorized to enforce this Ordinance.
- H. This Ordinance shall be enforced by an action brought before a District Justice in the same manner provided for enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

1.06 Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person, property or circumstances is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions which shall be and remain in full force and effect. It is hereby declared the legislative intent that this Ordinance would have been adopted had such valid or unconstitutional provision of its application not been included herein.

1.07 Repealor

All Ordinances or parts of any Ordinances inconsistent herewith are hereby repealed.

BE IT ENACTED this 8th day of August, 2000.

Suzanne R. Weber, Secretary