

CHAPTER 2

ANIMALS

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Part 1

Keeping of Dogs

§2-101. License Required.

All dogs kept in the Borough of Rutledge must be licensed in compliance with the Dog Law of the Commonwealth.

(*Ord. 321, 8/24/1976, §501.1*)

§2-102. Requirements; Compliance with Rabies Prevention and Control in Domestic Animals and Wildlife Act.

1. It shall be unlawful for the owner or custodian of any dog, whether licensed or not, to fail to keep such dog at all times either:
 - A. Confined within other device, so that it cannot escape.
 - B. Firmly secured by means of a collar and chain or other device, so that it cannot stray beyond the premises of the owner or custodian.
 - C. Under the personal control of and in close proximity to said owner or custodian.
2. It shall be the duty of such owner or custodian of a dog which has bitten or injured any person to report such occurrence immediately to the Rutledge Health Officer, and comply with the provisions of the Rabies Prevention and Control in Domestic Animals and Wildlife Act, 3 P.S. §455.1 *et seq.*, its amendments and supplements, and to pay all costs of examination by a qualified veterinarian, and the orders of the Borough Health Officer. In the absence of such compliance or, in the case of an unidentified dog, the Health Officer shall have such examination made as promptly as possible and the owner or custodian shall be liable to the Borough for the costs thereof, to be collected in any manner authorized by law. [*Ord. 428*]

(*Ord. 321, 8/24/1976, §501.2; as amended by Ord. 428, 7/2/2001*)

§2-103. Dog Catcher.

The Borough may employ a dog catcher, and cause him to be sworn in as a special police officer under the direction and control of the Chief of Police, to whom such special officer shall report. In addition, it shall be the duty of each policeman of the Borough to aid in the enforcement of this Part. An officer may go upon any premises and into any building, other than one occupied as a private dwelling, and there seize any dog that is subject to

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apprehension under the terms of this Part, when such officer is in immediate pursuit of such dog.

(*Ord. 321, 8/24/1976, §501.3*)

§2-104. Possession Back to Dog Owner.

Where the owner or custodian is known, the enforcement officer may deliver immediate possession of the dog to him, or his representative, subject to the following conditions:

- A. That the owner in return for getting his dog back before paying the penalty hereinafter specified agrees to keep and hold it thereafter in compliance with the terms of this Part.
- B. That the owner recognizes the violation of this Part and agrees to pay a penalty of not less than \$10 nor more than \$1,000 to the Borough of Rutledge within 5 days of said violation. [*Ord. 374*]

(*Ord. 321, 8/24/1976, §501.4; as amended by Ord. 374, 7/11/1988*)

§2-105. S.P.C.A.; Reclaiming Dog.

If the enforcement officer is unable for any reason to deliver immediate possession of the dog to its owner, he shall deliver same to the Society for the Prevention of Cruelty to Animals, (S.P.C.A.) and notice shall be given to the owner as soon as possible. The owner may reclaim same at the office of the S.P.C.A. upon complying with that organization's rules, subject to the following conditions:

- A. That the owner, in return for the release of his dog before paying the penalty hereinafter specified, agrees to keep and hold it thereafter in compliance with terms of this Part.
- B. That the owner recognizes the violation of this Part and agrees to pay the Borough of Rutledge a penalty of not less than \$10 nor more than \$1,000 within 5 days following such release. [*Ord. 428*]
- C. For the purposes of this Section, a dog which conducts itself in the manners prescribed above shall raise the presumption that such conduct was with the full knowledge and consent of its owner and in any prosecution under the terms hereof the burden to prove no knowledge and consent shall be upon the owner.
- D. For the purposes of this Section, the adult persons residing in the residence to which the dog regularly returns shall be deemed to be the owners, if no other evidence on this issue is available.

(*Ord. 321, 8/24/1976, §501.5; as amended by Ord. 374, 7/11/1988; and by Ord. 428, 7/2/2001*)

§2-106. Failure to Pay Penalty; Failure to Claim Dog.

1. If the owner fails to pay the applicable penalty within the 5 day period, he shall be subject to prosecution and be charged with violation of this Part. [*Ord. 428*]
2. If the owner fails to claim the dog within 10 days following seizure, it shall be considered abandoned, and subject to disposition in accordance with the rules of the S.P.C.A. Such abandonment shall not, however, relieve the owner from the consequences of violating this Part.

(*Ord. 321, 8/24/1976, §501.6; as amended by Ord. 428, 7/2/2001*)

§2-107. Dog Nuisances.

The Borough Council finds the following failures of dog owners properly to restrain and control their dogs, whether on or off the owners' premises, menace to the public welfare, injurious to persons and property and destructive of peace and quiet, and such failures on the part of owners of dogs shall constitute violations of this Part.

- A. It is hereby made unlawful for an owner or custodian to permit barking by his dog of such intensity and duration as to annoy persons of ordinary sensibility in the enjoyment of their property, or such as to interfere with their sleep.
- B. It is hereby made unlawful for an owner or, custodian to permit his dog to pursue, menace or harass persons lawfully going about their business, whether on private or public property.
- C. It is hereby made unlawful for an owner or custodian to permit his dog to trespass or commit a nuisance upon, or otherwise harm private or public property, or to interfere with the rights of the owners thereof.
- D. It is hereby made unlawful to make a business of raising dogs for sale, or to operate any commercial kennel elsewhere than in a district zoned for such commercial use.

(*Ord. 321, 8/24/1976, §501.7*)

§2-108. Violations and Penalties.

Violations of the provisions of this Part against permitting dogs to run at large shall be subject to the specific voluntary penalties set forth in §§2-104 and 2-105, whichever is applicable. Any person who shall violate any provision of this Part shall, upon conviction

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thereof, be sentenced to pay a fine of not less than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Borough authorities or any person injured in his person or property in consequence of a violation of this Part may institute prosecutions hereunder.

(Ord. 321, 8/24/1976, §501.8; as amended by Ord. 428, 7/2/2001)

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Regulation of Animals

§2-201. Housing Structures.

1. All houses or other buildings or enclosures used for the housing, brooding, breeding or raising of fowl, domestic animals and pets shall at all times be kept clean and in a sanitary condition, free of all vermin, rodents and lice; and no garbage, offal, putrid meat or other offensive or unwholesome matter shall be permitted to remain on or about said premises; and such buildings or enclosures shall be kept free of noxious odors and fumes at all times and shall be cleaned regularly; and manure taken therefrom shall be carefully buried, screened or otherwise suitably covered with clean earth in such a way as to prevent odor or to attract insects.
2. Such buildings or enclosures must at all times be maintained in such a way as to avoid excessive and discordant noises. Flood lights or other excessive or permanent lights are not to be used, and such houses or enclosures are to be lighted and operated in such a way as not to be an annoyance to persons living in the vicinity.
3. All buildings or other enclosures used for the purposes set forth in this Part shall be subject to inspection by the Borough Health Officer upon an order from the Borough Council.

(Ord. 321, 8/24/1976, §502.1)

§2-202. Animals Running at Large.

1. It shall be unlawful to permit fowl, domestic animals or pets to run at large within the Borough; such animals shall at all times be kept within the confines of the property of the owner or occupant thereof; in addition to the possible fine and penalty for violation of this Part, each and every of the said animals, fowl, or pets so running at large are hereby declared to be a public and common nuisance, and it shall be the duty of the Health or Police Officers of the Borough to seize and take into custody and impound every of the said animals or fowl, so found running at large; and if, after 4 days public notice by 10 handbills posted in public places, no person shall come forward, claim the same and pay the fine, and all costs and charges attending the seizing and keeping of the same, every such animal shall be sold at public sale by the Health Officer or proper Borough official; and after retaining all reasonable costs and expenses, he shall pay the balance, if any, into the Treasury of the Borough. If such fowl, domestic animal or pet is not redeemed by the owner thereof and cannot be sold or otherwise disposed of, it may be, after notice has been given destroyed in a humane manner.

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2. Nothing herein contained shall be construed to prevent the leading of a domestic animal by leash or transporting it in a manner whereby it is kept within the control of a proper custodian.

(*Ord. 321, 8/24/1976, §502.2*)

§2-203. Limitation on Number of Animals.

It shall be unlawful for any person to use any building, structure, lot or premises within the limits of the Borough of Rutledge, for the keeping or housing of more than four adult animals, and it shall further be unlawful to keep any dogs, cats, fowl or other animals under such conditions or in such a manner that by their barking, screaming, odor, appearance or character shall disturb the peace, quiet and dignity of the immediate neighborhood.

(*Ord. 321, 8/24/1976, §502.3*)

§2-204. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 321, 8/24/1976, §502.4; as amended by Ord. 374, 7/11/1988; and by Ord. 428, 7/2/2001*)