

BOROUGH OF WEST NEWTON
WESTMORELAND COUNTY

Ordinance No. 1992-3

AN ORDINANCE OF THE BOROUGH OF WEST NEWTON ESTABLISHING RULES AND REGULATIONS RELATIVE TO DEFECATION ON PUBLIC AND PRIVATE PROPERTY REGARDING DOGS AND FURTHER ESTABLISHING RULES AND REGULATIONS RELATIVE TO DOGS BEING REQUIRED TO BE ON A LEASE AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED AND ENACTED by the Town Council of the Borough of West Newton, Westmoreland County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

ARTICLE I

SECTION 1: SURE TITLE

This Ordinance shall be known and cited as the West Newton Borough Dog Control Ordinance.

SECTION 2: PURPOSE OF ORDINANCE:

The purpose of this Ordinance is as follows:

To control the running at large of dogs in the Borough of West Newton, to control dogs defecating on public and private property, to control the disposal of dog fecal matter, and to restrict and regulate the same.

ARTICLE II

SECTION 3: DEFINITIONS:

Person: Any individual(s), partnership, firm association, or corporation of singular or plural including executive officers

of any association or corporation and the partners of any partnership or firm.

Dog: Any animal generally recognized under scientific terms and principals as a canine.

SECTION 4. RESTRICTION OF DEFECACTION ON PUBLIC AND PRIVATE PROPERTY

No person having possession, custody or control of any dog shall knowingly or negligently permit any dog to commit any nuisance, i.e., defecation upon any gutter, street, driveway, alley, curb, or sidewalk in the Borough of West Newton or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants or upon the outside walls, walkways, driveways, alleys, curbs, or stairways of any building abutting on a public street or park or upon the grounds of any public park or public area or upon any private property other than the property of the owner of said dog.

For purposes of this Ordinance, it is assumed that the owner of a dog has possession, custody, or control of said dog and is fully responsible for the actions of said dog so long as he or she is the owner.

SECTION 5. DISPOSAL OF FECES

Any person having possession, custody or control of any dog which commits a nuisance, i.e. defecation in an area other than the private property of the owner of such dog, as prohibited above shall be required to remove any feces from such surface and either:

- a. Carry the same away for disposal in the sanitary system;
- b. Place the same in a non-leaking chemical container causing disintegration. If a chemical container is used, the ultimate disposal must be made in accordance with the Department of Environmental Resources regulations concerning solid waste disposal.

SECTION 6. EXEMPTIONS

The provisions of Sections 1 through 5 hereof shall not apply to a guide dog accompanying any blind person or to a dog used to assist any other physically handicapped person.

ARTICLE III

SECTION 7. LEASH REQUIREMENT:

It shall be unlawful for the owner or keeper of any dog or dogs to allow or permit such dog or dogs to run at large in the Borough of West Newton.

SECTION 8: LEASH TO BE USED WHEN OFF PREMISES OF OWNER:

It shall be unlawful for the owner or keeper of any dog to fail to keep at all times such dog secured by means of a leash and collar when such dog is beyond the premises of the owner or keeper.

SECTION 9: SEIZURE AND IMPOUNDMENT:

Any police officer or dog warden may seize any dog found at large in the Borough of West Newton. Such dogs are to be impounded in a licensed kennel pursuant to State law.

SECTION 10: PROCEDURE FOR LICENSE DOGS UPON IMPOUNDMENTS:

The owners of licensed dogs are to be notified, 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 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 applicable dog laws. For purposes of this law, if the mail has been refused or not claimed, the five (5) days will still run from the date of return.

SECTION 11. PROCEDURE FOR UNLICENSED DOGS UPON IMPOUNDMENT:

Unlicensed dogs that are seized are to be held in such kennels for forty eight (48) hours and if not claimed may be destroyed in accordance with the applicable dog laws.

SECTION 12: VIOLATIONS AND PENALTIES

Any person violating any provision of this Article shall be subject to a fine of \$15.00 plus costs for the first or second violation. Any person found in violation of this Article a third time shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) and/or to imprisonment for a term not to exceed ninety (90) days. In addition to any fine, any person violating this Article shall pay the reasonable fees for keeping the animal in a kennel and its disposal if the animal must be destroyed.

THIS ORDINANCE shall become effective immediately.

ORDAINED AND ENACTED THIS 13th DAY OF July, 1992.

Armond N. Luzzi
President of Council

ATTEST:

Timothy Fleckma
Secretary

EXAMINED AND APPROVED by me this 13th day of July, 1992.

George Thuransky
Mayor