

An ordinance of the Borough of Eldred prohibiting dogs running at large, Noise Disturbance and Animal Defecation on Public and Private Property Restricted, and prescribing penalties for violation.

The Council of the Borough of Eldred hereby ordains:

SECTION 1. DEFINITIONS.

As used in this ordinance, the following terms have the meaning indicated, unless a different meaning clearly appears from the context:

OWNER - any person having a right of property in any dog or having custody of any dog, or any person who harbors or permits a dog to remain on or around his or her property.

RUNNING AT LARGE - being upon any public highway, street, alley, park, or any other public land, or upon property of another person other than the owner, and not being accompanied by or under the control of the owner or any other person having custody of said dog.

1. A. It shall be unlawful for the owner of any dog or dogs to allow or permit such dog or dogs to run at large in the Borough of Eldred.

1. B. Any police officer or dog warden may seize any dog found at large in the Borough of Eldred and the dog may be sold or destroyed in accordance with the 1982 Dog Law.

1. C. Dogs that, in the opinion of any police officer or dog warden, constitutes a threat to public health and welfare may be killed by the police or dog warden.

SECTION 2. INTENT AND PURPOSE.

The Borough Council of the Borough of Eldred finding that excessive levels of sound are detrimental to the physical, mental and social well-being of the people as well as to their comfort, living conditions, general welfare and safety and being therefor a public health and welfare hazard, hereby declares it to be necessary to provide for the greater control and more effective regulation of excessive sound and sources of excessive sound within the Borough of Eldred.

2. A. It shall be illegal within the Borough of Eldred for any person or persons to own, possess, harbor, or control any animal or bird which makes any noise continuously and/or incessantly for a period of ten minutes or makes such noise intermittently for one-half hour or more to the disturbance of any person any time of the day or night regardless of whether the animal or bird is physically situated in or upon private property, said noise being a nuisance; provided, that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated nor is there any other legitimate cause which justifiably provoked the animal or bird.

2. B. EXCEPTIONS.

This ordinance shall not be deemed to prohibit or otherwise declare unlawful any agricultural operations protected from the nuisance suits by ACT NO. 1982-133.

SECTION 3. ANIMAL DEFECATION ON PUBLIC AND PRIVATE PROPERTY RESTRICTED.

No person, having possession, custody or control of any animals, shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e. defecation or urination, upon any gutter, street, driveway, alley, curb or sidewalk in the Borough of Eldred, or upon the floors or stairways any building or place frequented by the public or used in common with 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 such animal.

3. A. DISPOSAL OF ANY ANIMAL FECES.

Any person having possession, custody or control of any dog or other animal which commits a nuisance, i.e. defecation or urination, in any area other than the private property of the owner of the of such dog or animal, as prohibited in Section 3 shall be required to immediately remove any feces from such surface and either:

1. Carry same away for disposal in a toilet.
2. Place same in a nonleaking container for deposit in a trash or litter receptacle.

3. B. DOGS ACCOMPANYING BLIND OR HANDICAPPED PERSONS EXEMPTED.

The provisions of Section 3 and 3 A. hereof shall not apply to a guide dog accompanying blind persons, or to a dog used to assist any other physically handicapped person.

SECTION 4. PENALTIES.

Any person, firm or corporation who shall violate any provision of this ordinance, shall, upon their first conviction thereof, be sentenced to pay a fine of not less than Twenty-five (\$25.00) dollars, nor more than Three hundred (\$300.00) dollars and/or to imprisonment for a term not to exceed ninety (90) days.

Upon a conviction for the second time the person, firm or corporation, shall be sentenced to pay fine of not less than One hundred (\$100.00) dollars nor more than Three hundred (\$300.00) dollars, and/or to imprisonment for a term not to exceed ninety (90) days.

Upon a conviction for the third or greater time the person, firm or corporation, shall be sentenced to pay a fine of Three hundred (\$300.00) dollars and/or to imprisonment for a term not to exceed ninety (90) days.

SECTION 5. REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 6. SEVERABILITY.

If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Eldred Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 7. EFFECTIVE DATE.

This ordinance shall become effective on the 14 day of June, 1990.

William Lane

MAYOR

ATTEST

Donna Luce

SECRETARY