

ORDINANCE NO. 659

ORDINANCE NO. 659 OF THE BOROUGH OF PAXTANG, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF PAXTANG, CHAPTER 121, ANIMALS.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Council of the Borough of Paxtang, Commonwealth of Pennsylvania, that Chapter 121, Animals, is amended as follows:

Section 1. Purpose.

The purpose of this Ordinance is to ensure the public's safety from potentially harmful domestic animals, to prevent animals from roaming at large, and to preserve the public health through the proper control and responsible guardianship of domestic animals by their owner or keeper at all times so that they will not injure persons or other animals, damage property, or create a public safety threat. The provisions of this Ordinance that apply to the owner of an animal apply equally to any person keeping, or having control, custody, or possession of that animal.

For purposes of public restraint, this Ordinance shall be construed to include any domesticated animal, including, but not limited to, a dog, cat, or similar animal while being walked within the Borough by either a resident or a non-resident which has control or ownership of the animal. For purposes of restraint on private land, this Ordinance shall be construed to include the owner of a domesticated animal, including but not limited to a dog, cat, or similar animal, which owner is a resident of the Borough.

Section 2. Definitions.

The Code of Ordinances of the Borough of Paxtang, Chapter 121, Animals, Article I, Control of Animals, Section 121-1, Definitions, is amended to include the following definitions:

At Large

An animal shall be deemed to be at large when the animal is off the property of the animal's owner and is not under restraint or control.

At Risk

An animal that:

- A. Is found to menace, chase, and/or display threatening behavior or otherwise threaten or endanger the safety of any person, or
- B. Causes physical injury to any domestic animal while at large, or
- C. Repeatedly runs at large.

Dangerous Animal

A dog or cat that:

- A. Without justification attacks a person or domestic animal causing physical injury or death, or
- B. Behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals, or
- C. Is used for dog fighting or other illegal activity, or
- D. Escalates behavior that caused it to be adjudicated as an at-risk or dangerous animal.

Section 3. Restraint of Animals

The Code of Ordinances of the Borough of Paxtang, Chapter 121, Definitions, Article I, Control of Animals, Section 121-2, Prohibited acts, is repealed in its entirety and replaced as follows:

§121-2. Restraint of Animals.

- A. Restraint in public. A person who is walking an animal within the Borough shall prevent the animal from roaming unattended by maintaining control of the animal with a secure leash at all times the animal is not otherwise confined in a building or a secure fenced area. Control shall not be assumed by mere voice commands. The leash shall be attached to a collar which properly fits the animal without slipping off the animal's head and shall not harm the animal. For purposes of this Ordinance, a slip-knot shall not qualify as a collar.
- B. Restraint on private land.
 - (1) A resident shall prevent an animal from roaming unattended beyond the resident's property line by confining the animal therein, and shall provide for the humane care of the animal while so confined.
 - (2) If using a fence, fences for all dogs must be of sufficient height, strength, and repair to safely contain the dogs on the premises and to prevent children from entering the yard or enclosure. Fences to confine dogs adjudicated as "at risk" or "dangerous" must adhere to any additional requirements as specified by state law.
 - (3) Underground fences are not sufficient to contain unsupervised dogs.
 - (4) Unsupervised dogs cannot be tethered as a primary method of confinement. Tethers can be used as a secondary control within an area fenced to prevent children from entering the yard or enclosure.

Section 4. Penalties.

The Code of Ordinances of the Borough of Paxtang, Chapter 121, Animals, Article I, Control of Animals, Section 121-4, Violations and penalties, is repealed in its entirety and replaced as follows:

§121-4. Violations and penalties.

A. Failure to observe any provision of this article shall constitute a violation by the person responsible for doing so, and, upon conviction for any such violation, the violator shall be guilty of a summary offense.

B. A subsequent failure to observe any provision of this article by a violator as described in Subsection (A) above shall constitute a subsequent violation and the violator shall, upon conviction for such violation, be guilty of a summary offense and be sentenced to pay a fine of not more than \$300 plus costs of prosecution.

Section 5. Severability.

If any section, subsection, sentence, clause or phrase or portion of this document is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon its adoption and enactment by Council.

ENACTED AND ORDAINED this 20th day of June, 2017.

WITNESS:

BOROUGH OF PAXTANG

Faye Clark, Secretary

Nathan A. Martin, Council President

APPROVED this 20th day of June, 2017.

Sheilah Borne-Fuller, Mayor