

ORDINANCE NO. 2-97

AN ORDINANCE OF THE BOROUGH OF HARRISVILLE PROHIBITING DOGS RUNNING AT LARGE; PROVIDING FOR THE APPOINTMENT OF A DOG WARDEN; ESTABLISHING PROCEDURES FOR THE DISPOSITION OF LICENSED, UNLICENSED AND THREATENING DOGS; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Borough of Harrisville hereby ordains:

Section 1. Definitions As used in this ordinance, the following terms shall 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.

Section 2. Appointment and Duties of Dog Warden. A Dog Warden shall be appointed by the Harrisville Borough Council to serve during its pleasure, which may be the current Law Enforcement Authorities of Harrisville Borough. Such dog warden along with the Law Enforcement Officials shall have concurrent responsibility for the enforcement of this ordinance and of the Dog Law of 1982, (3P.S. 459-101 et seq., as hereinafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania); provided, that he shall not have the power to make arrests under this Act of Assembly or any other Act of Assembly or ordinance of the Borough.

Section 3. Unlawful to Allow Dogs to Run at Large. 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.

Section 4. Seizing of Dogs. The dog warden or any police officer or constable may seize any dog found at large in the Borough. Such dogs are to be impounded in a licensed kennel.

Section 5. Licensed Dogs. The Law Enforcement Officials shall notify the owner of a licensed dog by registered or certified mail, with return receipt, that the dog is impounded and will be disposed of in five 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 1982 Dog Law.

Section 6. Unlicensed Dogs. Unlicensed dogs that are seized shall be held in such kennel for 48 hours and if not claimed may be destroyed in accordance with the 1982 Dog Law.

Section 7. Threatening Dogs. Dogs that, in the opinion of nay police officer or dog warden, constitute a threat to public health and welfare may be killed by the police or dog warden.

Section 8. Penalties. The first two times a dog is seized, the owner shall pay a fine of fifteen dollars (\$15.00) to the Borough as well as reasonable fees for keeping the animal in a kennel as fixed pursuant to a Resolution of the Borough.

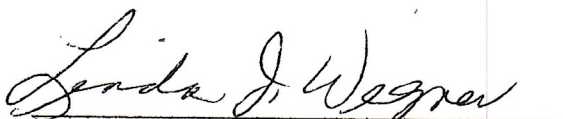
Any person allowing a dog to run at large a third time in violation of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00); and in default of payment, to imprisonment for a term not to exceed thirty (30) days.


Section 9 Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed:

Section 10. 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 Borough that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

Section 11. Effective Date. This ordinance shall become effective on September 8, 1997.

BE IT SO ORDAINED.


Secretary


President of Borough Council


Mayor of Harrisville Borough