

ORDINANCE NO. 180

AN ORDINANCE OF THE BOROUGH OF PORT MATILDA-CENTRE
COUNTY, PENNSYLVANIA, PROVIDING FOR REGULATING THE
KEEPING OF CERTAIN ANIMALS AND DESCRIBING DEFINITIONS
AND PENALTIES FOR VIOLATION.

Section One: Definitions. As used in this Ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

ANIMAL - any domestic animal or fowl, any wild animal or any household pet.

DOMESTIC ANIMAL - any animal normally or ordinarily domesticated or raised in this area and climate and normally or ordinarily kept as a household pet (excepting large animals).

HOUSEHOLD PET - any dog, cat, bird, reptile, or other small animal normally and ordinarily kept in the dwelling of its owner (excepting large animals).

LARGE ANIMAL - any wild or domestic animal of the bovine, equine, ovine, porcine, camelid, or ratite variety (this shall include any miniaturized version of the aforementioned varieties).

PERSON - any person, firm, partnership, association or corporation.

SMALL ANIMAL - any wild or domestic animal such as, but not limited to, a rabbit, hare, any rodent, or reptile; and any wild or domestic fowl such as, but not limited to, a chicken, turkey, goose, duck or pigeon.

WILD ANIMAL - any animal, including bird, fowl or reptile not normally or ordinarily domesticated; not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes; or not capable of being kept as a household pet.

In this Ordinance, the singular shall include the plural, the plural shall include the singular and masculine shall include the feminine.

Section Two: Certain Animals Prohibited. It shall be unlawful for any person to keep any large animal at any place within the Borough whether or not such animals are regarded by their owners as pets.

Section Three: Keeping of Animals Regulated. It shall be unlawful for any person to keep any animals except as provided for in this Section.

1. Large animals are prohibited.
2. The keeper of every such animal shall confine the same in an enclosure sufficient to prevent

such animal from running at large, and such enclosure shall be of a size and construction conducive to the animal's health and adequate sanitary drainage facilities shall be provided.

3. Every keeper of any animal shall cause all feed, water and other items associated provided therefore to be stored in a way that prevents infestation by rats, mice, or other rodents or vectors. Failure to keep all feed, water and other items associated with the keeping of animals in a clean and sanitary condition constitutes a violation of this ordinance.
4. All owners of any animals within the Borough are hereby required to house the same at all times under sanitary conditions so that the keeping of said animals shall not become either a public or private nuisance.
5. Animal feces on private property shall not be allowed to accumulate to the degree that it becomes a public health nuisance or hazard. In cases where animal feces does accumulate on private property, a Borough Official or someone appointed by the Borough may conduct an investigation, after which the accumulation may be declared a public health hazard or nuisance and the owner shall be ordered to remove and dispose of the accumulated feces in an approved manner.

Section Four: Violation of State Law. Any violation of this Ordinance that would also violate any state law, shall be prosecuted under that state law and not under this Ordinance.

Section Five: Penalties. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not exceeding Six Hundred Dollars (\$600.00) plus costs of prosecution, including reasonable attorney fees, and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate and additional offense.

Section Six: Repealer. All ordinances or parts of ordinances, which are inconsistent herewith, are repealed.

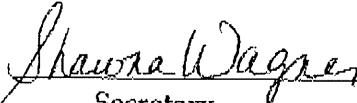
Section Seven: Severability. If any sentence, clause, section or part of this Ordinance is for any reason deemed to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts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

Section Eight: Effective Date. This Ordinance shall become effective on September 21, 2010.

Enacted into an Ordinance this 21 day of September, 2010.

BOROUGH OF PORT MATILDA

BY: 
President

Attest: 
Secretary

EXAMINED and APPROVED this 21 day of September, 2010.

BY: 
Mayor

ORDINANCE NO. 181

AN ORDINANCE OF THE BOROUGH OF PORT MATILDA - CENTRE COUNTY, PENNSYLVANIA, PROVIDING FOR REGULATING THE KEEPING OF DOGS AND DESCRIBING DEFINITIONS AND PENALTIES FOR VIOLATION.

Section One: Definitions. As used in this Ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

ANIMAL or DOG - Any commonly domesticated canine animal whether running at large or domesticated.

In this Ordinance, the singular shall include the plural, the plural shall include the singular and masculine shall include the feminine.

ANIMAL CONTROL AUTHORITY - The Borough Council herein designates, certifies and authorizes the Animal Control Officer, any county health official, a police officer, a state game warden, a contractor designated by Port Matilda Borough to act as the Animal Control Officer, when operating within or immediately contiguous with the Port Matilda area, as the persons and/or agencies authorized to enforce the provisions of this ordinance.

ANIMAL SHELTER - An animal management facility owned or operated by a political subdivision of the Commonwealth of Pennsylvania or a shelter operated by a nonprofit organization to benefit animals under section 501 C of the Federal Internal Revenue Code. Any place designated by the Port Matilda Borough Council, whether within or without the corporate limits of the Borough, for the detention of animals which are seized pursuant to the provisions of this chapter.

NEUTERED - Rendered permanently incapable of reproduction as certified by a licensed veterinarian.

NUISANCE ANIMAL - Any dog that is allowed to become a free roaming animal. Any dog which scratches, digs, or defecates upon any lawn, tree, shrub, plant, building or any other public or private property, other than private property of the owner or person in charge or in control of such dog or is disturbing the peace and quiet by repeated loud noise, is hereby declared to be a nuisance.

OWNER - When applied to the care or custody of an animal, includes every person having a right of property (or custody) of such animal and every person who has such an animal in his/her keeping or who harbors or maintains an animal or knowingly permits an animal to remain on or about any premises occupied by that person.

RUNNING AT LARGE and/or FREE ROAMING ANIMAL - Any described dog that is allowed or that is able to leave the property of the owner at will.

ANIMALS RUNNING AT LARGE:

It shall be unlawful for any dog to run at large on the public streets or highways of the borough or upon the property of any person other than the owner of such animal when unaccompanied by or not under the control of the

owner. Any animal control authority may be authorized and empowered to go upon any premises and enter any building to seize or detain any animal or animals which have been found running at large unaccompanied by the owner when such animal control authority is in immediate pursuit of such animal or animals.

1. A dog shall be deemed to be running at large when:

- A. It is off the premises of its owner and not under the control of the owner. Any leash, tether, chain, rope, or similar device must not exceed the length where the owner can maintain control of the animal.
- B. If such dog shall be left on a leash, tether, chain, rope or similar device, which is tied or otherwise fastened to any tree, sign or post or other item within the public limits of any streets, alley, or other public property and the owner of such dog is not in a position to control the actions of such dog.

SEIZURE AND HOLDING OF ANIMALS:

It shall be the duty of every animal control authority to seize and detain any animal running at large in violation of the previously listed provisions and then cause such animal to be properly kept, fed and maintained at an appropriate animal shelter, and if such animal is licensed, or is otherwise identifiable, to cause immediate notice, either in person or by registered mail, to be given to the person in whose name said license was issued or in whose name said animal was registered, hereinafter provided. In the event that said animal shall not be claimed by said person within ten (10) days after service of the aforesaid notice, then said animal may be offered for adoption by the appropriate animal shelter, the cost of which shall be borne by the shelter.

In the event that any animal seized and detained as aforesaid shall be unlicensed and/or not otherwise identifiable, any such animal control authority shall have the right to detain such animal in an appropriate animal shelter for a period of 72 hours. In the event that the owner of such animal shall not have reclaimed the same within said period of 72 hours, such animal may thereafter be offered for adoption, the cost of which shall be borne by the shelter. Also in this event, the Animal Control Authority shall make reasonable effort to advertise the seizure of said animal.

PAYMENT OF EXPENSES:

The owner of any such animal detained under the authority of this ordinance shall pay all reasonable expenses incurred by reason of the detention of such animal before the same is released from detention, said charges to be fixed by the animal shelter.

VIOLATIONS AND PENALTIES:

Any person violating or failing to comply with any of the animal regulations of this ordinance shall be initially fined not more than \$50.00. If the person neither pays nor responds to the initial fine within seven (7) days after the delivery, mailing or leaving of such notice, a summons will be filed with the appropriate District Justice.

Any person or persons violating any provisions of the ordinance shall, upon

summary conviction before any District Justice, be sentenced to pay a fine of not more than \$600 for the use of The Port Matilda Borough, together with the costs of prosecution and reasonable attorney's fees. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable rules of civil procedure.

GENERAL PROVISIONS:

Any dog which scratches, digs or defecates upon any lawn, tree, shrub, plant, building or any other public or private property, other than the property of the owner in charge of such animal or is disturbing the peace and quiet by repeated loud noise, is hereby declared to be a nuisance.

1. Investigation and complaints:

A. Upon the receipt of a complaint by one or more persons alleging the presence of a nuisance animal(s), the name of the owner of the animal, the address of the owner and the description of the suspected animal(s), the animal control authorities shall investigate the complaint to determine if, in fact the animal is a nuisance animal.

B. The animal control authority shall order the owner of a nuisance animal to prevent the animal from roaming. A citation or order may issued to the owner or temporary owner of a nuisance animal for failure to comply with any applicable section of this ordinance.

ANIMAL DEFECATION ON PUBLIC AND PRIVATE PROPERTY RESTRICTED:

No owner of any dog shall knowingly or negligently permit any dog to commit any nuisance upon any gutter, street, driveway, curb, or sidewalk in the Borough or upon floors of 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 public 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.

DISPOSAL OF ANIMAL FECES:

Any person having possession, custody or control of any dog which commits a nuisance in any area other than the property of the owner of such animal shall be required to immediately remove said feces from such surface and either:

1. Carry same away for disposal; and/or
2. Place same in a nonleaking container for deposit in a trash or litter receptacle.
3. Shall not apply to a guide dog accompanying any blind person or to any certified dog used to assist any other handicapped person.

Effective Date. This Ordinance shall become effective on _____, 2011.

Enacted into an Ordinance this 21st day of June, 2011.

BOROUGH OF PORT MATILDA

BY:


President

Attest: Heather Adams
Secretary

Mayor: 

ORDINANCE NO. 182

AN ORDINANCE OF THE BOROUGH OF PORT MATILDA-CENTRE COUNTY, PENNSYLVANIA, PROVIDING FOR NO PARKING RESTRICTIONS ON BOTH SIDES OF CHERRY AND OAK STREETS: AND PENALTIES FOR VIOLATION:

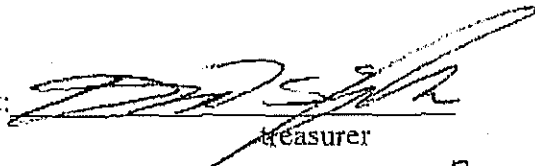
THIS ORDINANCE OF THE PORT MATILDA BOROUGH, AMENDS CHAPTER 15, SECTION 404 OF THE PORT MATILDA BOROUGH CODE, BY EXTENDING A NO PARKING RESTRICTION ON BOTH SIDES OF OAK STREET, BETWEEN BECKWITH ROAD AND BRICK STREET, AND BY ADDING A NO PARKING RESTRICTION ON CHERRY STREET, BETWEEN BECKWITH ROAD AND BRICK STREET AND AMENDING CHAPTER 15, SECTION 406 OF THE PORT MATILDA BOROUGH CODE, INCREASING THE FINE OF NOT LESS THAN \$15.00 AND NOT MORE THAN \$50.00 PLUS COSTS.

This Ordinance shall become effective on June 21, 2011.

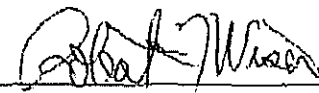
Enacted into an Ordinance this 21st day of June, 2011.

BOROUGH OF PORT MATILDA

BY:  President

Attest:  Treasurer

EXAMINED and APPROVED this 21st day of June, 2011

 Mayor