## Ordinance No. 7-5 The Dog Ordinance

# An Ordinance of the Borough of Mercersburg regulating the keeping of dogs within the Borough of Mercersburg.

#### **SECTION 1.** Definitions

As used in this Chapter, the following terms shall have the meaning indicated:

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

OWNER: The word "owner" when applied to the proprietorship of a dog, shall include every person who permits such dog to remain on or about any premises occupied by him.

RUN AT LARGE: The phrase "run at large" shall mean being upon any public highway, street, alley, park or any other public land, or upon property of another person, other than the owner, or any other person having custody of said dog.

TO PERMIT: The term "to permit" as used in Section 3 shall include failure to restrain from the prohibited activity.

CONTINUOUS OR EXCESSIVE: "Continuous as used in this ordinance shall mean uninterrupted, unbroken and persistent or so persistently repeated at short intervals as to constitute virtually an unbroken series. "Excessive" as used in this ordinance shall mean substantially greater than what is commonly considered usual or common barking by a dog.

#### **SECTION 2.** Regulation of dogs

- 1. If dogs are confined in outside quarters (including leashed) they shall be kept no closer than ten (10) feet from the exterior limits of any neighboring dwelling.
- 2. Such owner living in a residential or commercially zoned area shall be required to follow such procedures and practices as to restrict the number of such dogs to be kept, and as to sanitation and odor control, to ensure that no nuisance shall be created and no threat to the health of persons living on the premises where such domestic dogs are kept, or the health and quiet enjoyment of persons living elsewhere.
- 3. Every keeper of any dog shall cause the litter and droppings there from to be collected Weekly in a container or receptacle that when closed shall be rodent-proof and fly-tight, and after every such collection shall cause such container or receptacle to be kept closed. At least once a week, every such keeper shall cause all litter and droppings so collected, to be disposed of in such a manner as not to permit the presence of fly larvae or malodorous condition.
- 4. Every keeper of any dog shall cause all feed provided therefore to be stored and kept in a rodent-proof and fly-tight building, box, container or receptacle. This is to exclude containers used for the purpose of feeding the dogs.

- 5. It shall be illegal for any person to suffer or permit any dog owned, kept maintained or in the custody of control of such person to disturb the peace and quiet of the neighborhood by barking, howling, whining or making other loud or unusual noises continuously or excessively for more than thirty (30) minutes; provided, that at the time the dog is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or dog is situated, nor is there any other legitimate cause which justifiably provoked the animal or dog. A complainant wishing to report the incident shall document the date and times of the disturbance and this document shall be turned over to the Mercersburg Police Department.
- 6. Any person who walks any dog within the Borough shall not permit such dog to be unattended. The dog shall be restrained by leash or other appropriate device of control so that it will not stray. No dog shall be permitted to run at large.
  - 7. Any person who walks a dog shall immediately remove all feces deposited by such dog by any sanitary method and same shall be deposited in the owner's garbage or disposed of in the sanitary method described in section 2.3. The deposit shall be properly wrapped, packaged or protected so as to prevent unsightly disposal, smell or interference with the health and welfare of the community.

#### **SECTION 3.** Violation of State Law

- A. Any violation of this ordinance that would also constitute a violation of any law of the Commonwealth of Pennsylvania shall be prosecuted under such law of the Commonwealth of Pennsylvania and not under this ordinance.
- B. The defendant in any action for violation of this ordinance shall have the burden, by a preponderance of the evidence, of proving the existence and applicability of any such laws of the Commonwealth of Pennsylvania, in order to constitute a valid defense to a prosecution under this ordinance.

#### **SECTION 4.** Violations and penalties

Any person who shall violate any provisions of this ordinance shall be guilty of a summary offense, and upon conviction thereof, shall be sentenced to a fine of not more than Seventy-five (\$75.00) and costs of such proceedings. The continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

This Ordinance shall become effective immediately upon enactment.

### SECTION 5.

The provisions of Sections One, Two, Three, and Four shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any other physically handicapped person.

SECTION 6. ENACTED AND ORDAINED as an ordinance this 14<sup>th</sup> day of November, 2005 by the Mercersburg Borough Council of the Borough of Mercersburg, Franklin County, Commonwealth of Pennsylvania.

Mercersburg Mayor, James C. Zeger

Council President, Joshua C. Meyers

ATTEST:

Secretary, Steven Mellot

Approved this fourteenth day of November 2005.