

BOROUGH OF MOUNT JOY

Lancaster County, Pennsylvania

ORDINANCE NO. 02-2022

AN ORDINANCE TO AMEND THE MOUNT JOY BOROUGH CODE OF ORDINANCES, CHAPTER 92, ANIMALS, TO REVISE REGULATIONS GOVERNING THE KEEPING OF ANIMALS AND ANIMAL NUISANCES AND TO REVISE ENFORCEMENT AND PENALTY PROVISIONS.

BE AND IT IS HEREBY ORDAINED AND ENACTED by Borough Council of the Borough of Mount Joy, Lancaster County, Pennsylvania, as follows:

Section 1. The Mount Joy Borough Code of Ordinances, Chapter 92, Animals, Article I, Keeping of Animals, §92-1, Definitions; Word Usage, Subsection A, shall be amended to provide as follows:

In this article, the following terms shall have the meanings indicated:

ANIMALS – Includes all mammals, birds, fowl and reptiles normally or ordinarily domesticated (including household pets such as dogs and cats) or raised in this area or climate as livestock or for work or for breeding purposes. Such term shall not include fish.

AT LARGE – Being upon any public highway, street, park or any other public land, or upon property of a person other than the owner, and not being accompanied by and under the control of the owner or any other person having custody of such animal.

BOROUGH – Mount Joy Borough, Lancaster County, Pennsylvania.

OWNER AND/OR CUSTODIAN – Includes every person, proprietor, corporation, partnership or association that actually owns an animal or who has an animal in his or its care or permits an animal to remain on or about any premises occupied by him or it. The parent or guardian of any minor claiming ownership or custody of any animal shall also be deemed the owner and/or custodian of such animal.

Section 2. The Mount Joy Borough Code of Ordinances, Chapter 92, Animals, Article I, Keeping of Animals, §92-2, Keeping of Pigs; Maintenance of Pig Pens; 92-3, Keeping of Fowl and Rabbits; 92-4, Keeping of Horses and Cattle, and 92-5, Violations and Penalties shall be deleted in their entirety and new Sections 92-2, Maintaining Animals; 92-3, Dangerous Dogs; 92-4, Keeping of Free Roaming/Feral Cats, 92-5, Identification and Rabies Vaccinations Required, and 92-6, Violations and Penalties, shall be added which shall provide as follows:

§ 92-2. Maintaining animals.

The owner and/or any custodian of an animal shall maintain all animals and the housing for all animals in a safe and sanitary manner and in compliance with the Chapter 195, Property Maintenance, and Chapter 270, Zoning.

§ 92-3. Dangerous dogs.

The Borough Police Department is hereby authorized to enforce the provisions of The Dog Law governing dangerous dogs 3 P.S. §§459-502-A through 459-509-A.

§ 92-4. Keeping of free roaming/feral cats.

No person shall keep or feed free roaming/feral cats within the Borough without having the cat(s) spayed/neutered/ear tipped and vaccinated for rabies.

§ 92-5. Identification and rabies vaccinations required.

The owner and/or custodian of any dog or cat shall provide such dog or cat with an identification collar or tag that has the owner's name, phone number and address. The owner and/or custodian of any dog or cat, to include both indoor and outdoor dogs and cats in the Borough shall have such animal vaccinated against rabies by a licensed veterinarian in accordance with the requirements set forth in the Pennsylvania state rabies law. The owner and/or custodian of any female cat 'in heat' shall keep such cat inside.

§ 92-6. Violations and penalties.

Any person who violates or permits the violation of any provision of this Article shall be liable upon summary conviction therefor to fines and penalties of not less than \$100.00 nor more than \$1,000.00 plus all costs of prosecution, including attorneys' fees, which costs, fines, and penalties may be collected as provided by law. Each day that a violation continues and each Section of this Article which is violated constitutes a separate violation.

Section 3. The Mount Joy Borough Code of Ordinances, Chapter 92, Animals, Article II, Noise and Other Nuisances, §92-17, Defiling or defecating on property prohibited; removal of feces, and §92-18, Animals Running at Large; Seizure and Boarding Fees, shall be amended by changing the titles and texts to provide as follows:

§92-17. Animal waste.

- A. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

ANIMAL -- A dog, cat or other animal kept for amusement or companionship.

OWNER OR CUSTODIAN -- Any person who harbors, feeds, boards, possesses, keeps or has custody or control of an animal.

SOIL/DEFILE -- to make unclean from excrement.

WASTE -- solid matter expelled from the bowels of the animal; excrement

- B. No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area owned by Mount Joy Borough, unless such owner immediately removes and disposes of all feces deposited by such animal in a sanitary manner.
- C. No owner or custodian of any animal shall cause or allow such animal to be on any property owned by Mount Joy Borough, without having in his/her immediate possession a device for the removal of feces and depository for the transmission of excrement to a proper receptacle located on the property owned or possessed by such person.
- D. No owner or custodian of any animal shall cause or allow such animal to be on any property owned by Mount Joy Borough, to fail to remove feces left by such animal and dispose of it properly as described in §92-17.E.
- E. Proper disposal of animal waste shall be limited to burial where lawfully permitted, flushing in the toilet, bagging for disposal in the owner or custodian's waste receptacle, and bagging for disposal in a waste receptacle in a public park or park area.
- F. Disposal of animal waste in storm drains is prohibited.
- G. Disposal of animal waste in public compost is prohibited.
- H. The provisions of this section shall not apply to the ownership or use of any properly identified service animals, animals when used for police activities, or tracking animals when used by or with the permission of the appropriate authorities.

§92-18. Animals running at large; leash requirements; seizure and boarding fees.

The following fees shall be imposed upon the owners or custodians of dogs running at large within the Borough.

- A. It shall be unlawful for the owner or person having custody of any animal or the parent or guardian of any minor owning or having custody of any animal to allow the animal to go beyond the boundaries of their premises or to run at large over the streets or public ground or upon the property of anyone other than the owner or person having custody of such animal. It shall also be unlawful for the owner or person having custody of such animal to permit such animal to pose a danger to pedestrians using adjacent sidewalks and streets.
- B. It shall be the duty of the owner or custodian of any dog traveling on the streets or public grounds to have the animal on a leash at all times.

- C. Boarding fee for dogs held more than two hours at a Borough facility: To be established from time to time by Borough Council by resolution.
- D. Seizure fee: To be established from time to time by Borough Council by resolution.
- E. When a dog owner claims a dog held at a Borough facility, the dog owner shall pay all charges due and owing to the Borough in full prior to the release of the dog to the owner.
- F. When a dog has been transferred to the Humane League or other kennel operator designated by the Borough, the dog owner shall be billed the fee established from time to time by resolution of Borough Council, in addition to all other charges due and owing for the seizure of the dog and for the time the dog has been boarded at a Borough facility. Charges shall be due and payable within 10 days of receipt of an invoice from the Borough.

Section 4. The Mount Joy Borough Code of Ordinances, Chapter 92, Animals, Article II, Noise and Other Nuisances, §92-20, Violations and Penalties, shall be amended to provide as follows:

§ 92-20. Violations and penalties.

Any person who violates or permits the violation of any provision of this Article shall be liable upon summary conviction therefor to fines and penalties of not less than \$100.00 nor more than \$1,000.00 plus all costs of prosecution, including attorneys' fees, which costs, fines, and penalties may be collected as provided by law. Each day that a violation continues and each Section of this Article which is violated constitutes a separate violation.

Section 5. All other sections, parts and provisions of the Code of Ordinances of the Borough of Mount Joy shall remain in full force and effect as previously enacted and amended.

Section 6. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 7. This Ordinance shall take effect and be in force from and after its enactment as provided by law.

DULY ORDAINED AND ENACTED this 1 day of August, 2022, by Borough Council of the Borough of Mount Joy, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF MOUNT JOY
Lancaster County, Pennsylvania

Attest: *Jean M. Reif*
(Assistant) Secretary

By: *William A. Hill*
~~(Vice)~~ President
Borough Council

[BOROUGH SEAL]

Examined and approved as an Ordinance this 1 day of August, 2022.

By: *[Signature]*
Mayor

CERTIFICATE

I, the undersigned, (Assistant) Secretary of the Borough of Mount Joy, Lancaster County, Pennsylvania ("Borough") certify that: The foregoing is a true and correct copy of an Ordinance of Borough Council of the Borough which duly was enacted by affirmative vote of a majority of the members of Borough Council of the Borough of Mount Joy at a meeting duly held on the 1st day of August, 2022; and was examined and approved by the Mayor; such Ordinance has been duly recorded in the Ordinance Book of the Borough; such Ordinance has been duly published as required by law; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that Borough Council of the Borough of Mount Joy met the advance notice and public comment requirements of the Sunshine Act, 65 Pa. C.S. §701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Borough of Mount Joy or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to enacting such Ordinance.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough of Mount Joy, this 1st day of August, 2022.

Jean M. Dooly
(Assistant) Secretary

[BOROUGH SEAL]

