

WEST NANTMEAL TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2-2022 of 2022

AN ORDINANCE OF WEST NANTMEAL TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF WEST NANTMEAL TO ADOPT A NEW CHAPTER 50 TITLED "ANIMALS" TO PROVIDE CERTAIN REGULATIONS FOR ANIMALS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of West Nantmeal Township as follows:

SECTION 1. Chapter 50 is added to the Code of Ordinances of the Township of West Nantmeal as is provided below:

"CHAPTER 50 - Animals"

§ 50-1. Title.

This Ordinance shall be known as the "West Nantmeal Township Animal Control Ordinance."

§ 50-2. Definitions.

As used in this Ordinance, the following words shall have the following meanings:

ANIMAL PROTECTIVE SERVICES OFFICER

The person(s) or agency appointed or designated by West Nantmeal Township who shall have the duty of enforcing the provisions of this Ordinance.

ANIMALS

Includes all mammals, birds, fowl and reptiles normally or ordinarily domesticated (including household pets such as dogs and cats) or raised in the area of the Township 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 another 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.

DANGEROUS DOG

Any or all of the following:

A. Any dog which bites, inflicts injury, assaults (which assaults shall include dogs at large approaching any person upon the streets, sidewalks or other public grounds or places in a threatening or terrorizing manner without provocation), or otherwise attacks a human being without provocation;

B. Any dog which is deemed a dangerous dog under and pursuant to the Pennsylvania Dog Law.

OWNER

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 of any animal shall also be deemed the owner of such animal.

§ 50-3. Seizure and detention, Prohibition against Feeding or Trapping Stray Cats

- A. It shall be the duty of the Animal Protective Services Officer to seize any animal running at large and to convey it to an approved animal shelter, or arrange for it to be transported there, where it shall be detained and impounded in a humane manner.
- B. Upon seizure, the Animal Protective Services Officer shall document the seizure. If the animal is licensed, the shelter shall document the name and address of the owner and number of the license tag.
- C. If the Township has entered into an agreement with a designed Animal Protection Services Officer (which may be an agency) and an approved shelter, the processes related to seizure and detention shall be as provided for in the agreement.
- D. Residents of the Township shall not engage in active efforts to feed stray or feral cats, or trap stray or feral cats. The unauthorized trapping of stray or feral cats for transportation to an approved shelter shall not become the financial obligation of the Township and the Township shall seek recoupment of any costs incurred from the resident who has done such trapping and transportation to a shelter.

§ 50-4. Notice of detention.

If the owner of a detained animal can be identified by license tag or other means, the owner shall be given immediate notice, either in person or by phone or by regular mail, of the detention and impoundment by the shelter to which the animal was delivered. If the owner is unknown, written notice of the impoundment shall be posted at the shelter for a period of 10 days from the day of seizure, describing the animal, the place and time of seizure and the location of impoundment, or public notification may also be given via the Township website or other social media platform.

§ 50-5. Redemption of seized animals.

The owner of an animal which has been detained and impounded may reclaim his animal upon payment of seizure fees and all other reasonable expenses and costs incurred by the animal shelter by reason of the detention, impoundment and maintenance of the animal. The expenses and costs incurred by the shelter due to impoundment and maintenance of the animal shall be paid by the owner to the shelter in a manner determined by the shelter. Payment of the seizure fee, expenses and costs shall not bar prosecution of the owner for any violation of law.

§ 50-6. Recoupment of Fees paid by the Township.

If such animal is claimed by its owner, the owner shall pay all expenses and fees incurred due to the seizure and detention of the animal, which shall include the repayment to the Township of all costs incurred by the Township and billed by the shelter to the Township due to the seizure and keeping of the owner's animal. The Township shall send a bill to the owner upon receipt of the bill sent by the shelter to the Township which documents the expenses incurred due to the seizure and detention of the animal. The owner shall reimburse the Township for those expenses within fifteen (15) days of receipt of written notice of the amount being owed to the Township by such owner. Additionally, if a resident of the Township is actively trapping stray or feral cats and transporting them to an approved shelter, those costs shall be passed through to the resident and shall not be the financial burden of the Township.

§ 50-7. Seizure without detention.

If an animal is found at large and its owner can be identified and located, the animal need not be detained and impounded but may, instead, be taken to and turned over to the owner. In such case, the Animal Protective Services Officer shall document the occurrence, and the owner, whose animal is seized without detention and impoundment, may be subject to pay the seizure fee in the manner as established in the

Fee Schedule adopted by the Board of Supervisors or as otherwise established.

§ 50-8. Appointment of Animal Protective Services Officer; powers and duties.

The Supervisors may enter into a services contract or appoint an Animal Protective Services Officer (which may be an agency) who shall have the duty of enforcing the provisions of this Ordinance, complying with any terms and processes outlined in a services contract, and the Pennsylvania Dog Law. The Animal Protective Services Officer, in the performance of the duties under the provisions of this Ordinance, shall be empowered to take all action necessary to enforce this Ordinance. Nothing in this Ordinance shall be construed so as to limit any police officer or other authorized state agency in enforcing any of the provisions of this Ordinance or the Pennsylvania Dog Law.

§ 50-9. Violations and penalties.

Except as provided below, any person who has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Board of Supervisors, pay a judgment of not more than \$600, plus all court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Board of Supervisors may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues or is permitted to continue shall constitute a separate violation. All fines and penalties collected for the violation of this Ordinance shall be paid to the Township Treasurer.

SECTION 2. 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 hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

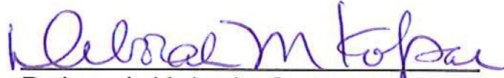
SECTION 3. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. Effective Date. This Ordinance shall become effective in five days from the date of adoption.


ENACTED AND ORDAINED this 9th day of May, 2022.

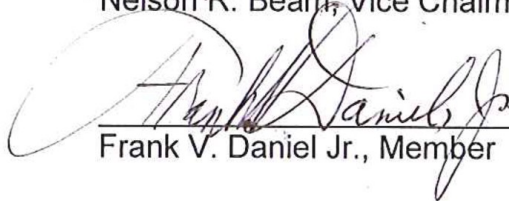
ATTEST:

**WEST NANTMEAL TOWNSHIP
BOARD OF SUPERVISORS**


Deborah Kolpak, Secretary


Gary C. Elston, Chairman


Nelson R. Beam, Vice Chairman


Frank V. Daniel Jr., Member