

Chapter 2

Animals

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Part 2

Animals Running at Large

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Part 1**Dogs****A. Running at Large****§2-101. Dogs Running at Large Unlawful.**

It shall be unlawful for the owner, custodian or keeper of any dog to allow such dog to run at large at any time either upon any of the streets, roads or public property within the Borough of Ivyland or upon the property of another, not the owner, custodian or keeper of such dog unless accompanied by and under the immediate control of such owner, custodian or keeper.

(Ord. 1996-2, 2/7/1996, §1)

§2-102. Public Nuisance; Seizure and Impoundment.

Every dog running at large within the limits of the Borough of Ivyland is hereby declared to be a public nuisance, and any such dog may be seized and impounded on sight by an official authorized to seize and impound dogs by Ivyland Borough.

(Ord. 1996-2, 2/7/1996, §2)

§2-103. Payment of Costs.

If the owner of an impounded dog subsequently claims such dog, said owner shall pay all costs incurred in seizing and impounding such dog prior to having the dog returned.

(Ord. 1996-2, 2/7/1996, §3)

§2-104. Penalties.

1. The first two times a dog is seized, the owner shall pay a fine of \$15 to the Borough as well as reasonable fees for keeping the animal in a kennel in an amount as established from time to time by resolution of the Borough Council.

2. Any person allowing a dog to run at large a third time in violation of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fines and cost, to a term of imprisonment not to exceed 30 days.

(Ord. 1996-2, 2/7/1996, §4; as amended by Ord. 2011-3, 11/9/2011)

B. Dog Nuisances**§2-111. Definitions.**

The following words and phrases as used in this Part 1B shall have the meanings ascribed to them in this Section, unless the context clearly indicates a different meaning. The masculine includes the feminine, the singular includes the plural, and the plural includes the singular:

Borough—the Borough of Ivyland.

Person—any individual, partnership, limited partnership, association, corporation, trust or other legally recognizable entity.

(*Ord. 2002-5, 5/8/2002, §1*)

§2-112. Unreasonable Barking, Howling, Whining, and Other Noises.

It shall be illegal for any person to permit or allow any dog owned, kept, maintained, or in the custody or control of such person to disturb the peace and quiet of the neighborhood by repeated, habitual or excessive barking, howling, yelping, or whining, or making other loud or unusual noises. For purposes of this Section, barking, howling, yelping, whining, or making other loud or unusual noises is presumed to be excessive if it continues for more than 30 consecutive minutes between the hours of 7 a.m. and 9 p.m., or for more than 15 consecutive minutes between the hours of 9:01 p.m. and 6:59 a.m. Any complainant wishing to report a violation of this Section shall document the dates and times of such violations, and shall deliver such documentation to the Ivyland Borough Police Department.

(*Ord. 2002-5, 5/8/2002, §2*)

§2-113. Removal of Dog Wastes.

Any person who owns, keeps, or maintains custody or control of a dog shall be responsible for picking up and properly disposing of any dog feces that such dog may leave upon the property of another, or upon any sidewalk, street, or alley, or any publicly-owned property.

(*Ord. 2002-5, 5/8/2002, §3*)

§2-114. Dogs Not Allowed on Publicly-Owned Property.

Any person who owns, keeps, or maintains custody or control of a dog shall not permit such dog to go upon any publicly-owned lands, including Ivyland Borough park-grounds, but not including Borough streets and sidewalks, and not including the Borough dam property.

(*Ord. 2002-5, 5/8/2002, §4*)

§2-115. Nuisances and Threats to Health of Others Prohibited.

Any person who owns, keeps, or maintains custody or control of a dog shall exercise and follow such practices and procedures as may be required to ensure that no nuisances are created, and that there is no threat to the health of persons living on the premises where any such dog is kept, or to the health and quiet enjoyment of persons living elsewhere. Any such person shall exercise proper sanitation and odor control to

ensure that no odors from dogs or dog wastes are detectable beyond the property line of the premises where such dog is kept.

(*Ord. 2002-5, 5/8/2002, §5*)

§2-116. Enforcement.

This Part 1B shall be enforceable by the Ivyland Borough Police Department, or by the Ivyland Borough enforcement officer, or by any other person who may be so authorized by Borough Council.

(*Ord. 2002-5, 5/8/2002, §6*)

§2-117. Fines and Penalties.

Any person, firm or corporation who shall violate any provision of this Part 1B, upon conviction thereof, shall be sentenced to a fine of not less \$50 for a first offense nor more than \$1,000, and a fine of not less than \$100 for a second or subsequent offense nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 2002-5, 5/8/2002, §7; as amended by Ord. 2011-3, 11/9/2011*)

§2-118. Borough's Other Remedies.

In addition to the fine and penalties provided for in the preceding Section, the Borough may exercise any other right or remedy available to it in order to enforce the requirements of this Part 1B, including an equitable action to restrain activities in violation of this Part 1B.

(*Ord. 2002-5, 5/8/2002, §8*)

§2-119. Ratification of *Ord. 1996-2*.

Nothing herein shall be construed to repeal or amend Ivyland Borough *Ord. 1996-2* [Part 1A] which prohibits dogs running at large within Ivyland Borough. In the event of a conflict between *Ord. 1996-2* [Part 1A], or any other Borough ordinance, and this Part 1B, the provisions of this Part 1B shall prevail.

(*Ord. 2002-5, 5/8/2002, §9*)

Part 2**Animals Running at Large****§2-201. Animals Running at Large.**

1. From and after the passage of this Part, horses, cows, sheep, hogs and all other animals shall not be permitted to run at large, or to be pastured on any of the public highways, sidewalks or public grounds within the said Borough. If necessary such animals may be driven through the said Borough, provided they are attended by a sufficient number of persons to insure safety.

2. Any damage done by such animals in passing through the said Borough shall be collected from the owners or owner of the animals doing such damage with costs and said animals held until the damages with costs have been fully paid.

(*Ord. 2, 9/19/1905, §1*)

§2-202. Poultry Running at Large.

Any person or persons keeping poultry of any kind within the said Borough shall keep the same enclosed or fenced in such a manner as to prevent its escape or running at large.

(*Ord. 2, 9/19/1905, §2*)

§2-203. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 2, 9/19/1905, §3; as amended by Ord. 2011-3, 11/9/2011*)

