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PART 1
DOGS RUNNING AT LARGE

§ 101. Prohibitions. [Ord. 11/15/1954; as amended by Ord. 604, 2/21/1978; by Ord. 613, 10/17/1978; by Ord. 655, 8/16/1984]

1. It shall be unlawful for the owner or keeper of any dog to fail to keep such dog at all times either confined so it cannot escape the premises of the owner or firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured or on a leash and under the reasonable control of the owner or handler.
2. The term "owner" shall include every person having a right of property in such dog, every person who keeps or harbors such dog or has it in his care and every person who permits such dog to remain on or about any premises occupied by him. The word "handler" shall include every person other than an owner who has custody and control of such dog.
3. It shall be unlawful for the owner or keeper of any female dog to permit such female dog to go beyond the premises of such owner or keeper at any time she is in heat, unless such female dog is properly confined.
4. It shall be unlawful for the owner, handler or keeper of any dog to permit such dog to enter the area comprising the Elizabethtown Community Park, leashed or unleashed.
5. It shall be unlawful for the owner, handler, custodian or keeper of any dog to allow such dog to run at large at any time, either upon any of the streets, alleys or public grounds in the Borough of Elizabethtown or upon the property of another, other than the owner, handler, custodian or keeper of such dog.
6. It shall be unlawful for the owner, handler, custodian or keeper of any dog to allow such dog confined on that person's premises to disturb or unduly annoy the public by reason of noise produced by excessive, continuous or untimely barking. "Untimely barking" shall include noise or barking which shall interrupt the rest or sleep of members of the public.
7. It shall be unlawful for the owner, handler, custodian or keeper of any dog to allow such dog under his control to defile or defecate on any sidewalk, walkway or the property of another. It shall be the duty of the person in control of a dog which defecates on any sidewalk, walkway or the property of another to promptly clean up and remove all feces discharged and to dispose of such feces in a lawful and sanitary manner.
8. It shall be the responsibility of the owner(s) of every dog to ensure that the dog has been inoculated with canine distemper and rabies shots, and such

proof shall be required to be presented to any police officer or Borough Health Officer upon demand.

§ 102. Seizure of Dogs; Notice of Seizure to Owners; Redemption. [Ord. 11/15/1954; as amended by Ord. 604, 2/21/1978; by Ord. 829, 11/15/2001; by Ord. 935, 1/19/2012]

1. It shall be the duty of every police officer to seize and detain any dog which is found running at large, either upon the public streets or highways of the Borough of Elizabethtown or upon the property of someone other than the owner of such dog and unaccompanied by the owner or keeper. It shall be the privilege of every police officer to kill any dog which is found running at large and is deemed, after due consideration by the police officer, to constitute a threat to the public health and public welfare. The Chief of Police or his/her agents shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed and shall cause immediate notice, either personal or by registered or certified mail, to be given to the person in whose name the license was procured, or his agent, to claim such dog within five days.
2. The owner of a dog so detained shall pay a penalty, in an amount as determined from time to time by resolution, to the Borough and all reasonable expenses incurred by reason of its detention to the detaining parties before the dog is returned.
3. If, after five days from the giving of such notice, such dog has not been claimed, the Chief of Police or his/her agent shall dispose of such dog by sale or by destruction in a humane manner. No dog so caught and detained shall be sold for the purpose of vivisection.

§ 103. Violations and Penalties. [Ord. 11/15/1954; as amended by Ord. 558, 12/19/1972, § 1; by Ord. 604, 2/21/1978; by Ord. 829, 11/15/2001]

Any owner, handler, custodian or keeper of any dog who shall violate any of the provisions of § 101 of this Part may, upon conviction thereof, be sentenced to pay a fine of \$25 and the costs of prosecution for the first offense; not less than \$35 nor more than \$100 and costs of prosecution for each subsequent offense; provided, however, that such fine and costs may be in addition to any payments required to be made under § 102 of this Part.

PART 2
KEEPING OF CATS

§ 201. Duties and Responsibilities of Owners and Handlers. [Ord. 655, 8/16/1984, § II; as amended by Ord. 829, 11/15/2001]

1. The term "owner" shall include every person having a right of property in such cat and every person who keeps or harbors such cat or has it in his/her care, and every person who permits such cat to remain on or about any premises occupied by them. The word "handler" shall include every person other than an owner who has custody and control of such cat.
2. It shall be unlawful for the owner, handler, custodian or keeper of any cat to allow such cat under his control to defile or defecate on any sidewalk, walkway or the property of another. It shall be the duty of the person in control of the cat which defecates on any sidewalk, walkway or the property of another to promptly clean up and remove all feces discharge and to dispose of such feces in a lawful and sanitary manner.

§ 202. Penalties. [Ord. 655, 8/16/1984, § III; as amended by Ord. 829, 11/15/2001]

1. The Borough Police Department shall be empowered to enforce any and all parts of this Part upon notification of such violation, a record of which shall be on file in the Borough Office and a copy maintained by the Borough Health Officer.
2. Any owner, handler, custodian or keeper of any cat who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$5 plus costs for the first offense, \$10 plus costs for the second offense and not more than \$600 plus costs for the third and subsequent offense 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 continues shall constitute a separate offense.

PART 3
ANIMAL DEFECATION

§ 301. Animal Defecation on Public and Private Property Restricted. [Ord. 829, 11/15/2001]

No person, having possession, custody or control of any animal, shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e. defecation or urination, upon any gutter, street, driveway, alley, curb or sidewalk in the Borough, or upon the floors or 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 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.

§ 302. Disposal of Animal Feces. [Ord. 829, 11/15/2001]

Any person having possession, custody or control of any dog or other animal which commits a nuisance, i.e. defecation or urination, in any area other than the private property of the owner of such dog or other animal, as prohibited in § 301, shall be required to immediately remove any feces from such surface and either:

- A. Carry same away for disposal in a toilet.
- B. Place same in a nonleaking container for deposit in a trash or litter receptacle.

§ 303. Dogs Accompanying Blind or Handicapped Persons exempted. [Ord. 829, 11/15/2001]

The provisions of §§ 301 and 302 hereof shall not apply to a guide dog accompanying any blind person, or to a dog used to assist any other physically handicapped person.

§ 304. Penalties. [Ord. 829, 11/15/2001]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

