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## Chapter 92 — Animals

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### Article I — Animal Control

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## Article I — Animal Control

### § 92-101     **Running at Large.**

It shall be unlawful for any person, whether the owner or person in possession or in control of any animals in the Borough of Alburtis, to permit the running at large upon the streets, alleys, parks, or squares of the Borough of any such animal or animals owned by, in possession of, or under the control of the said owner or person.

**§ 92-102 Fowl.**

It shall be unlawful for any person to permit poultry, chickens, ducks, geese or other barnyard or domestic fowl to run at large upon the streets, lanes or alleys of the Borough of Alburdis or upon lands not in possession of the owner of said poultry, chickens, ducks, geese or other barnyard or domestic fowl.

**§ 92-103 Seizure and Disposition of Animals Running at Large.**

All animals running at large upon the streets, alleys, parks or squares in violation of § 92-102 or § 92-103 shall be subject to seizure under direction of the Mayor, and such animals seized shall be disposed of by sale for the benefit of the Borough or turned over to a humane society for disposition as it deems fit.

**§ 92-104 Dog Retention Fee.**

The fee, payable to the Borough, for retaining a dog shall be Fifteen Dollars (\$15.00).

**§ 92-105 Leashing of Animals.**

No domestic animals shall be permitted upon the streets, alleys, parks, or squares of the Borough unless under leash and accompanied by a person who shall prevent the annoyance of the traveling public by such domestic animal or animals.

**§ 92-106 Defecation of Animals.**

**(a) Property of Another.** It shall be unlawful for the owner of any animal, or any person having the care, custody, or control of any animal, to permit the same to discharge or deposit any fecal matter upon the property of another without immediately removing said matter and disposing of it in a sanitary manner. For purposes of this subsection, the term "property of another" shall include, without limitation, property owned by private individuals, entities, or associations, and property owned by the Borough of Alburdis and other governmental entities.

**(b) Household Pets.** It shall be unlawful for the owner or possessor of any real property in the Borough to permit fecal matter discharged or deposited by any household pet(s) to accumulate on such property for more than twenty-four (24) hours, and it shall be the duty of the owner and possessor of such property to insure that such fecal matter is removed on a daily basis.

**§ 92-107 Violations and Penalties.**

**(a) Civil Penalty.** Any person who violates any provision of this Article shall be subject to a civil penalty of One Hundred Dollars (\$100.00).

**(b) Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Article to any police officer of the Borough and to the Borough Manager. The police officer or the Borough Manager shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (*i.e.* section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

**(c) Civil Enforcement Proceeding.** When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Borough Manager shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

**(d) Separate Offenses.** Each calendar day that a violation exists or continues shall constitute a separate offense. Each violation of a separate section, subsection, paragraph, or other division of this Article shall constitute a separate offense.

**(e) Equitable Remedies.** In addition to or in lieu of enforcement of this Article through a civil action, the Borough may enforce this Article through an action in equity brought in the Court of Common Pleas of Lehigh County. The Borough Solicitor shall have authority to commence the action in equity on behalf of the Borough without explicit authorization of Council in any situation where the Solicitor or the President of Council deems it advisable to act before the next regular Council meeting.

## Appendix

### ¶ 92-A Disposition of Ordinance 7.

<u>Ordinance 7</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ I	§ 49-1	§ 92-102
§ II	§ 49-2	§ 92-107

**¶ 92-B Disposition of Ordinance 97.**

<u>Ordinance 97</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ I	§ 49-3	§ 92-101
§ II	§ 49-4	§ 92-103
§ III	§ 49-5	§ 92-105
§ IV	§ 49-6	§ 92-107
§ V (repealer)		

**¶ 92-C Disposition of 1981 Code, Chapter 49.**

<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 49-1	§ 92-102
§ 49-2	§ 92-107
§ 49-3	§ 92-101
§ 49-4	§ 92-103
§ 49-5	§ 92-105
§ 49-5a (as added by Ord. 292A)	§ 92-106
§ 49-6	§ 92-107

**¶ 92-D Disposition of Ordinance 342, § 12(h).**

<u>Ordinance 342</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 12(h)	never codified to 1981 Code	§ 92-104

**¶ 92-E Source Ordinances.**

Ordinance 7	06-04-1915
Ordinance 97	06-04-1962
Ordinance 215	11-11-1981
Ordinance 292A	08-12-1992
Ordinance 342	12-30-1996
Ordinance 415	10-29-2003
Ordinance 482	05-13-2009
Ordinance 518	03-12-2014
Ordinance 526	01-28-2015