

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 482

(Duly Adopted May 13, 2009)

AN ORDINANCE AMENDING CHAPTER 92 OF THE ALBURTIS CODIFIED ORDINANCES (RELATING TO ANIMALS) TO MAKE IT UNLAWFUL FOR THE OWNER OR POSSESSOR OF REAL PROPERTY TO PERMIT FECAL MATTER OF HOUSEHOLD PETS TO ACCUMULATE ON SUCH PROPERTY FOR MORE THAN TWENTY-FOUR HOURS, AND TO MAKE ANY VIOLATION OF CHAPTER 92 SUBJECT TO PROSECUTION AS A SUMMARY OFFENSE WITH A FINE OF UP TO \$300.00 PER DAY OF VIOLATION, PLUS COURT COSTS AND REASONABLE ATTORNEYS' FEES.

WHEREAS, the Borough of Alburtis is empowered to make such regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the borough, Borough Code § 1202(6), 53 PA. STAT. ANN. § 46202(6), and to make regulations relative to the accumulation of manure, compost and the like, Borough Code § 1202(9), 53 PA. STAT. ANN. § 46202(9);

WHEREAS, Borough Council has determined that the accumulation of fecal matter of household pets on private property in the Borough for periods longer than twenty-four (24) hours is not consistent with the general welfare, cleanliness, convenience, and comfort of the Borough and its inhabitants. Council has also determined that such accumulations can quickly lead to the creation of unhealthful and unsanitary conditions that will constitute a nuisance or a danger to public health; and

WHEREAS, Borough Code § 3301, 53 PA. STAT. ANN. § 48301, provides that any violation or failure to comply with any provision of any borough ordinance shall constitute a summary offense and prosecution for every such offense shall be according to the practice in the case of summary convictions; and

WHEREAS, the Borough Council desires to amend the Codified Ordinances in the manner set forth in this Ordinance;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburdis, Lehigh County, Pennsylvania, as follows:

SECTION 1. Codified Ordinances § 92-106 (relating to Animals—Animal Control—Defecation of Animals) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 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 ~~Section~~ 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.

SECTION 2. Codified Ordinances § 92-107 (relating to Animals—Animal Control—Violations and Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 92-107 Violations and Penalties.

Any person who violates any provision of this Article shall be guilty of a summary offense, and upon conviction therefor, shall be sentenced to pay a fine, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than Three Hundred Dollars (\$300.00), plus the costs of prosecution, in the discretion of the District Magistrate, plus including, but not limited to, all court costs, including and reasonable attorneys' fees incurred by the Borough as a result thereof. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity, other than the Borough, the right to commence any action for enforcement of any provisions of this Article. Each calendar day that a violation of this Article continues shall constitute a separate offense.

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Al-
burtis, this 13th day of May, 2009, in lawful session duly assembled.

BOROUGH COUNCIL
BOROUGH OF ALBURTIS

Steven R. Hill, President

Attest:

Sharon Trexler, Executive Secretary

AND NOW, this 13th day of May, 2009, the above Ordinance is hereby APPROVED.

Robert W. Mader, Mayor