

TOWNSHIP OF WEISENBERG
ORDINANCE NO. 16- 5

AN ORDINANCE OF THE TOWNSHIP OF WEISENBERG, LEHIGH COUNTY, PENNSYLVANIA, IMPOSING UPON OWNERS OF ANIMALS A DUTY TO KEEP SUCH ANIMALS UNDER RESTRAINT; AND A DUTY TO PREVENT DEFECATION BY ANIMALS UPON PRIVATE OR PUBLIC PROPERTY WITHOUT IMMEDIATE AND PROPER REMOVAL; ESTABLISHING PENALTIES FOR VIOLATION; AND CONTAINING REPEALOR AND SEVERABILITY CLAUSES.

WHEREAS, the Board of Supervisors has determined that Weisenberg Township has not enacted ordinances regulating proper control of animals by their owners; and

WHEREAS, the Board of Supervisors finds that the proper control and restraint of animals by their owners is necessary to protect the public health, safety and welfare.

IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Weisenberg, Lehigh County, Pennsylvania, as follows:

SECTION 1

Definitions

As used in this Ordinance, the term "owner" shall mean and include the registered owner of an animal, the person responsible as keeper of an animal and/or the custodian charged with or having responsibility of oversight of an animal.

As used in this Ordinance, the term "animal" shall mean all non-human vertebrate and non-invertebrate species including but not limited to livestock, pets, fowl, birds and reptiles. For the purpose of this Ordinance, "animal" does not include any non-domesticated animal that exists naturally in the wild or is reintroduced or stocked into the wild by a governmental agency. Examples include, but are not limited to, wild deer, wild turkey, ducks, geese, groundhogs and squirrels. Bees and other insects used for agricultural or food production purposes are also exempt from the provisions of this Ordinance.

SECTION 2

Owner to Keep Animal Under Restraint

It shall be unlawful for the owner of any animal to allow such animal to run at large, at any time, either upon any street or public grounds of the Township, or upon the private property of any person or entity other than the owner.

SECTION 3

Defecation Upon Public or Private Property

- A. It shall be unlawful for any owner of an animal to cause, suffer or allow such animal to soil, defile, defecate on or commit any nuisance on any street, sidewalk, passageway or other public property or on any private property without the prior express permission of the owner of such property.
- B. The owner of an animal must immediately remove any feces deposited by the owner's animal upon any public or private property other than that of the owner and dispose of same in a proper and sanitary manner.

SECTION 4

Penalties for Violation. Enforcement

- A. Any person first violating any provision of this Ordinance, upon conviction by the District Justice having appropriate jurisdiction, shall pay a fine of Fifty Dollars (\$50.00), plus all costs of prosecution, and shall further be obligated to pay all attorneys' fees incurred by the Township in enforcement proceedings.
- B. The fine prescribed for a second violation of this Ordinance and payable upon conviction by the District Justice, shall be One Hundred Dollars (\$100.00). The fine prescribed for a third and all subsequent violations of this Ordinance and payable upon conviction shall increase by Fifty Dollars (\$50.00) for each subsequent violation.
- C. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Ordinance which is found to have been violated.
- D. This Ordinance shall be enforced by an action brought before a District Justice in the same manner provided for enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

SECTION 5

General Repealer

All Ordinances or parts of any Ordinances inconsistent herewith are hereby repealed.

SECTION 6

Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person, property or circumstances is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions which shall be and remain in full force and effect. It is hereby declared the legislative intent that this Ordinance would have been adopted had such valid or unconstitutional provision of its application not been included herein.

SECTION 7

Effective Date

The provisions of this Ordinance shall become effective on the fifth (5th) day following enactment.

DULY ENACTED AND ORDAINED on this 8th day of August, 2016.

ATTEST:



Brian C. Carl – Secretary

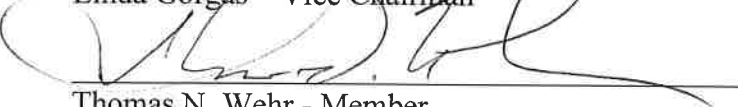
TOWNSHIP OF WEISENBERG



Robert G. Milot – Chairman



Linda Gorgas – Vice Chairman



Thomas N. Wehr - Member

It is hereby certified that the Ordinance set forth above was duly adopted at a meeting of the Board of Supervisors on



Brian C. Carl - Secretary