

**BOROUGH OF BROWNSVILLE
FAYETTE COUNTY
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. O-02-2024

**AN ORDINANCE OF THE BOROUGH OF BROWNSVILLE, FAYETTE COUNTY,
COMMONWEALTH OF PENNSYLVANIA, TO CONTROL DOMESTIC ANIMALS
WITHIN THE BOROUGH**

The Council of the Borough of Brownsville hereby ordains as follows:

Control of Domestic Animals

Purpose

The purpose of this Ordinance is to control domestic animals within the Borough of Brownsville (the "Borough") so that they do not cause a public nuisance or infringe upon the property rights or free and enjoyable use of public and private property of the residents of the Borough.

Definitions

For purposes of this article, the following terms shall have the following meanings:

DOMESTIC ANIMALS

Any living animal, that has been tamed, is not wild, and is kept as a pet, regardless of whether the animal is licensed or unlicensed.

OWNER

Any person having a right of property in any domestic animal or having custody of any domestic animal, or any person who harbors or permits a domestic animal to remain on or about his property. For purposes of this article a "custodian" shall have the same responsibilities and duties as an "owner."

PERSON

Any individual, partnership, association or private corporation and, in the case of associations, the members thereof, and in the case of private corporations, the officers thereof.

RUNNING AT LARGE

Being upon any public highway, street, alley, park, or any other public land, or upon the property of a person other than the owner or custodian, and not being accompanied by or under the control of the owner or any other person having custody of a domestic animal.

Control of domestic animals required.

All domestic animals shall be always under the control of their owner or custodian, by means of leash, harness, rope, tether, fence, cage, training, or other means of restraint, so that the animal does not run at large, move at will, or is otherwise unconstrained from entering on property other than that of its owner or custodian without permission of the other property owner.

Domestic animals on public property.

No domestic animal shall be allowed to enter onto public property either at its will or under the control of its owner or custodian when and/or where the public entity owning the property has prohibited domestic animals from being on the property by regulation or by posting notice on the property. Further, it shall be the responsibility of the owner or the custodian of any domestic animal to be aware of and obey posted regulations, requirements and/or conditions established for allowing domestic animals to be on any public property, and to keep the domestic animal from running at large on public property.

Removal of animal waste

The owner or custodian of any domestic animal shall remove immediately any feces or vomit deposited by his/her domestic animal on any public street or street right-of-way, including the sidewalk and any other part of the street right-of-way, such as the grass boulevard between the street and the private property line; on any public parkland or public use area; or on any property of which such person is not the owner or tenant. The feces or vomit deposited by a domestic animal on any property other than that of the owner or custodian of the domestic animal shall be collected by the owner or custodian in a sanitary fashion and returned to his/her property for sanitary disposal. In addition to the foregoing, the owner or custodian of any domestic animal shall remove immediately any feces or vomit deposited by his/her domestic animal on any property where the owner or custodian is the property owner or tenant and shall collect and dispose of such in a sanitary fashion.

Animal noise disturbance.

- No domestic animal shall be allowed by its owner or its custodian to howl, bark, meow or make any other sound frequently or for a continued duration which creates a noise disturbance which deprives or causes unreasonable interference with the peace, quiet, rest or sleep of any person or persons not the owner or custodian of the animal causing the noise.
- Noise made by any domestic animal will be considered a public nuisance if the noise is continuous or incessant for a period of 15 minutes or such noise is intermittent for one hour or more; provided, that at the time the animal is making such noise no person is trespassing or threatening to trespass upon the private property in or upon which the animal is situated, nor is there any legitimate cause which justifiably provokes the animal.
- It shall be unlawful for any person to continue to own, harbor, possess or otherwise keep an offensively noisy domestic animal, which shall be defined as a domestic animal which has caused its owner or custodian to be cited and convicted of more than two violations of this section. Payment of fine and costs shall be deemed a conviction for purposes of this section.

Mistreatment of domestic animals.

It shall be unlawful for any person or persons whether the owner or custodian of the animal or not, to mistreat, abuse or to cause bodily injury to any domestic animal or otherwise to inhumanely dispose of such animal. For purposes of this section, mistreatment shall include, but not be limited to, not providing for the proper care, shelter, feeding and medical treatment of a domestic animal by its owner or custodian.

Quarantine; notice to police.

Any person or persons who owns or has custody of any domestic animal that has injured any person or any other animal by biting that person or animal, must keep said animal in quarantine for no less than 14 days from the time said person or other animal was bitten, and shall notify the Borough Police Department of the incident within one hour after discovery that the animal bit any person or any other animal.

Rabies inoculation required.

All owners or custodians of domestic animals, of a species for which veterinarians normally recommend a rabies inoculation, shall have said animal inoculated for rabies within two weeks after becoming the owner or custodian of the animal or within two weeks after becoming a resident of the Borough.

Authority to capture domestic animals.

Any domestic animal running at large or otherwise not in the control or under the restraint of its owner or custodian may be captured by a police officer with jurisdiction in Borough or other duly authorized employee or contractor of the Borough. Any animal captured shall be humanely boarded and dealt with in accordance with the laws and regulations of the Commonwealth of Pennsylvania. The owner or custodian of any domestic animal so captured shall be in violation of the terms of this article and may be so cited, and shall be liable for all of the costs of the capture, boarding and disposition of the animal.

Authority to dispose of dangerous animals.

Any domestic animal running at large or out of the control of its owner or custodian that, in the judgment of a duly appointed Borough Police Officer or other duly authorized employee or contractor, poses a threat to the life or physical well-being of any person or persons may be destroyed as humanely as possible by a police officer when, in the judgment of the officer or other duly authorized employee or contractor, capture or containment of the animal is not possible without further risking the health and safety of the public.

Enforcement; violations and penalties.

- Enforcement notice.
 - If it appears to the Borough that a violation of this article has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
 - The enforcement notice shall be sent to the violator and, if applicable, the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.
- Enforcement remedies.
 - Any person who has violated or permitted the violation of the provisions of this article shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$600 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination

of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues and each section of this article which shall be found to have been violated shall constitute a separate violation.

- 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 pursuant to this section.
- District justices shall have initial jurisdiction over proceedings brought under this section.

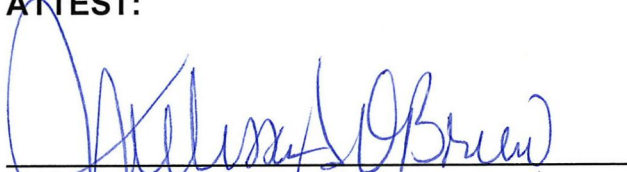
ORDAINED AND ENACTED into law this 12TH day of June, 2024.

THE BOROUGH OF BROWNSVILLE



JAMES LAWVER, COUNCIL PRESIDENT

ATTEST:



MELISSA S. O'BRIEN
SECRETARY / TREASURER

AND NOW, this 12TH day of June, 2024, the above Ordinance is hereby examined and approved.



MAYOR ROSS H. SWORDS, JR.

