

RANDALL C. RODKEY  
ATTORNEY AT LAW  
201 CAMBRIA SAVINGS BUILDING  
JOHNSTOWN, PENNSYLVANIA 15901

TELEPHONE (814) 535-5823

September 21, 1978

Betsy Hale, Secretary  
Borough of Dale  
810 Bedford Street  
Johnstown, PA 15902

Dear Betsy:

I am returning herewith the original signed copy of Ordinance No. 400, which was the latest Ordinance adopted which amended Ordinances Nos. 377, 373 and 342. This Ordinance should be numbered and placed in the Official Ordinance Book. I am also enclosing two photocopies of the Ordinance for the Borough's use.

If you have any questions concerning this, please do not hesitate to contact me.

Very truly yours,



Randall C. Rodkey

RCR/kab  
Enclosures

*m/a Cager to City - 9. 21-78*

ORDINANCE NO. 400

AN ORDINANCE PROHIBITING DOGS AND CATS FROM RUNNING AT LARGE; PROHIBITING CERTAIN ANIMALS FROM CAUSING A PUBLIC NUISANCE; PROHIBITING CERTAIN ANIMALS FROM BEFOULING OF PROPERTY; PROHIBITING ANIMALS FROM BITING OR CARRYING RABIES: AND PRESCRIBING OF SPECIFIC PENALTIES.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Dale, Cambria County, Pennsylvania, and it is hereby enacted and ordained as follows:

SECTION 1. Definitions

The following terms whenever used in this ordinance, have the meaning indicated in this section, except where the context indicates a different meaning.

- (A) "Dog" shall mean any member of the canine genus.
- (B) "Cat" shall mean any member of the feline genus.
- (C) "Owner" is any person, group of persons, firms, or corporations owning, keeping or harboring a dog or dogs or other animals.
- (D) "Person" shall mean any natural person, corporation, partnership, or association.
- (E) "Kennel" shall mean any establishment wherein dogs or other animals are kept or maintained for any commercial purpose and which is so constructed that dogs or other animals cannot stray therefrom.
- (F) "Impound" shall mean to apprehend, catch, trap, net or, if necessary, to kill any animal by the local police department or authorized local agency.
- (G) "At Large" is any dog or other animal when it is off the property of its owner and not restrained by a competent person.
- (H) "Restraint" occurs when a dog or other animal is controlled by a leash or chain not exceeding (10) Ten feet in length.

(I) "Euthanize" is to put to death in a humane manner.

SECTION 2. DOGS OR CATS NOT TO BE PERMITTED TO RUN AT LARGE

In order to protect the public health and safety, it shall hereafter be unlawful for any person owning or harboring a dog or cat to permit such animal to run at large upon any of the public streets of the Borough or upon the property of other than such person owning or harboring such dog or cat. Any dog or cat not penned or leashed, or not attended by and under the immediate personal control and supervision of its owner or some other person capable of controlling it at all times shall be deemed to be running at large.

SECTION 3. HARBORING A NUISANCE.

It shall be unlawful for any person to keep any dog, or dogs, cats, or any other animals which by frequent howling, barking, baying, yelping and screeching shall disturb the peace of the neighborhood or constitute a health hazard to the citizens of the Borough of Dale.

SECTION 4. SEIZURE AND IMPOUNDING OF DOGS AND CATS RUNNING AT LARGE.

The Borough of Dale is hereby authorized to impound any dog or cat running at large or not restrained properly. These animals shall hereafter be dealt with in accordance with the current State laws and regulations.

SECTION 5. PROHIBITION OF ANIMALS FROM BEFOULING ON PUBLIC OR PRIVATE PROPERTY.

In order to protect the public health and safety, it shall hereafter be unlawful for any person owning, harboring or walking a dog or cat to permit such animal to destroy property or defoul upon any of the public streets or sidewalks of the Borough or upon

the property of other than such person owning, harboring, or walking the dog or cat. Upon any violation of this section the owner or person in control of any dog, cat or animal must immediately clean up any sully or mess caused by such animal and/or restore any property destroyed by the same. In the event any of these conditions are not adhered to, the owner or person in control of the dog, cat, or other animal will be subject to the fines and penalties specified in section (9) of this ordinance. This section of the ordinance shall be enforced against the owners of leashed or unleashed dogs or cats with the utmost strictness.

SECTION 6. ANIMAL BITING.

The local police department or other authorized local agency is hereby authorized to investigate a reported biting incident and to notify the dog or cat owner, that said animal must be quarantined for not less than Ten (10) days following the evening of the day of the bite.

SECTION 7. QUARANTINE OF BITING ANIMAL.

It shall be unlawful for the owner of any dog, cat or other animal which bites any person, regardless of the circumstances, not to confine said animal either within an enclosure at home, kennel, a veterinary hospital, or restrained by leash composed of a chain or other indestructible material, for a period of not less than Ten (10) days following the evening of the day of the bite.

SECTION 8. ANIMALS EXPOSED TO RABIES.

Any dog, cat, or animal which has been exposed to rabies should:

- (A) Be destroyed immediately, or
- (B) Be kept in strict isolation in a kennel or animal hospital for six (6) months, or

- (C) If the animal has been vaccinated previously within one (1) year with an inactivated vaccine or within three (3) years with an approved modified live virus vaccine, the animal must be re-vaccinated and restrained by a leash or confined for thirty (30) days.

SECTION 9. FINES AND PENALTIES.

- (A) Any owner of a dog, cat or any other animal who violates any provision of this ordinance, thus causing the said dog, cat or animal to be impounded by the local authorities or designated agency shall thereby be liable for all costs associated with the impounding of said dog, cat, or animal. These costs shall include collection, harboring, feeding, and destruction if necessary and/or any other costs associated with the impounding procedure and maintenance of the said dog, cat, or animal.

In addition to Paragraph (A) of Section 9, the following fines and penalties are enacted:

- 1) Any owner of a dog, cat, or any other animal who violates any provision of this ordinance shall upon conviction before a magistrate be sentenced to pay not less than Twenty-five (\$25.00) dollars or more than Three Hundred (\$300.00) dollars or in default of payment thereof, shall undergo imprisonment for a period not exceeding Ten (10) days.

SECTION 10. SEVERABILITY CLAUSE.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said Rules and Regulations shall not be affected thereby.

SECTION 11. SPECIFIC REPEALER.

That any ordinance or part of any ordinance conflicting with this ordinance, is hereby repealed insofar as the same affects this ordinance.

ENACTED AND ORDAINED this 28th day of August, 1979.

BOROUGH OF DALE

By Ronald W. Brasley  
President

Attest:

Elizabeth Hall  
Secretary

APPROVED this 28th day of August, 1979.

Paul D. Rogers  
Mayor