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**FOR BARKING DOGS, PLEASE SEE CHAPTER 6 CONDUCT, PART 1 SECTION 101.D**



## PART 1

**PROHIBITING DOGS RUNNING AT LARGE****§ 101. Definitions. [Ord. 4, 1/31/1994]**

As used in this Part, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

**OWNER** — Any person having a right of property in any dog or having custody of any dog, or any person who harbors or permits a dog to remain on or around his or her property.

**RUNNING AT LARGE** — Being upon any public highway, street, alley, park, or any other public land, or upon property of another person other than the owner, and not being accompanied by or under the control of the owner or any other person having custody of said dog.

**§ 102. Appointment and Duties of Dog Control Officer. [Ord. 4, 1/31/1994; as amended by Ord. 300, 1/23/2017]**

A Dog Control Officer may be appointed by City Council to serve at its pleasure. In the absence of such appointment, any humane society police officer appointed by the Court of Common Pleas of Elk County shall have all of the powers of a Dog Control Officer under this Part. All City police officers, along with the Dog Control Officer, shall have concurrent powers of enforcement as established under this Part and under the Dog Law,<sup>1</sup> as from time to time amended.

**§ 103. Unlawful to Allow Dogs to Run at Large. [Ord. 4, 1/31/1994]**

It shall be unlawful for the owner of any dog or dogs to allow or permit such dog or dogs to run at large in the City of St. Marys.

**§ 104. Seizing of Dogs. [Ord. 4, 1/31/1994; as amended by Ord. 300, 1/23/2017]**

The Dog Control Officer or any police officer may seize any dog found running at large in the City of St. Marys. Such dogs are to be impounded with the Elk County Humane Society.

**§ 105. Licensed Dogs. [Ord. 4, 1/31/1994; as amended by Ord. 300, 1/23/2017]**

The Dog Control Officer, the City Chief of Police, or any City police officer shall, upon detention of any licensed dog running at large, notify the owner by registered or certified mail, with return receipt, that the dog is impounded at a licensed kennel or with the Elk County Humane Society, and to claim such dog within five days after receipt of notice. If the dog is not claimed within the notice period, the dog may be sold or given to the Elk County Humane Society for further disposition in accordance with the Dog Law.

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<sup>1</sup>Editor's Note: See 3 P.S. § 459-101 et seq.

**§ 106. Unlicensed Dogs. [Ord. 4, 1/31/1994; as amended by Ord. 300, 1/23/2017]**

Unlicensed dogs that are found running at large shall be seized and detained for a period of 48 hours at a licensed kennel or at the Elk County Humane Society, except for any dog which is seriously ill or injured or forfeited with the owner's permission. After 48 hours, the dog may be humanely killed or retained by the Elk County Humane Society for further disposition.

**§ 107. Threatening Dogs. [Ord. 4, 1/31/1994; as amended by Ord. 300, 1/23/2017]**

Dogs that, in the opinion of any police officer or the Dog Control Officer, constitute a threat to public health and welfare may be humanely killed by the police officer or the Dog Control Officer.

**§ 108. Penalties. [Ord. 4, 1/31/1994; as amended by Ord. 300, 1/23/2017]**

1. The owner of the dog shall pay a penalty to the City of St. Marys in the amount of \$15 for each time that the dog is detained under this Part.
2. Any person allowing a dog to run at large a third time or thereafter in violation of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to undergo imprisonment for a term not to exceed 30 days.

## PART 2

**REGULATING THE KEEPING OF CERTAIN ANIMALS****§ 201. Definitions. [Ord. 116, 2/21/2000, § 1]**

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**ANIMAL** — Any domestic animal or fowl, any wild animal or any household pet.

**DOMESTIC ANIMAL** — Any animal normally or ordinarily domesticated or raised in this area and climate as livestock or for work or breeding purposes, except an animal ordinarily kept as a household pet.

**HOUSEHOLD PET** — Any cat or other domestic animal normally kept in or permitted to be at large in the dwelling of its owner. Dogs are regulated by a separate ordinance.

**PERSON** — Any person, firm, partnership, association or corporation.

**RUN AT LARGE** — Being upon any public highway, street, alley park or other public land, or upon property of another person other than the owner, and not being accompanied by or under the control of the owner or any other person authorized to have custody of the animal.

**WILD ANIMAL** — Any animal, including bird, fowl or reptile not normally or ordinarily domesticated, not raised in this area and climate as livestock or for work or breeding purposes or not capable of being kept as a household pet.

**§ 202. Keeping of Domestic and Wild Animals Regulated. [Ord. 116, 2/21/2000, § 2]**

It shall be unlawful for any person to keep any domestic animals, except as provided in this section:

- A. Domestic and wild animals shall be kept only in zoning districts where their keeping is permitted.
- B. The keeper of every such domestic or wild animal shall confine the same in an enclosure sufficient to prevent such animal from running at large, and such enclosure shall be of a size and construction conducive to the animal's health and adequate sanitary drainage facilities shall be provided.

**§ 203. Household Pets. [Ord. 116, 2/21/2000, § 3]**

1. If any such pet shall be kept in a dwelling owned or occupied by its owner, such owner shall be required to follow such procedures and practices, as to

the number of such pets to be kept there, and as to sanitation, to insure that no public nuisance shall be created or maintained and no threat to the health of persons living elsewhere than in such dwelling shall be created.

2. The keeper of a household pet shall not permit such pet to run at large.

**§ 204. Violation of State Law. [Ord. 116, 2/21/2000, § 4]**

Any violation of this Part that would also violate any state law shall be prosecuted under state law and not under this Part.

**§ 205. Seizing and Disposing of Animals. [Ord. 116, 2/21/2000, § 5]**

1. The City's Animal Control Officer or any Police Officer or Constable may seize any animal found to be running at large in the City.
2. The Animal Control Officer or Police Officer shall notify the owner of any captured animal which contains a license or other identification of ownership that the animal is impounded and will be disposed of in five days if not claimed. The notice shall be delivered personally or by certified mail. The owner may claim any animal by paying the City the fine provided below plus all costs incurred to capture and maintain the animal.
3. If the animal is not claimed by the owner and all fees paid within five days after service is made on the owner, the City is authorized to dispose of the animal.
4. In the case of all unlicensed or unidentified animals the City may dispose the animal if it is not claimed within 72 hours after its capture.
5. Nothing contained in this section shall prohibit the Animal Enforcement Officer or a Police Officer from immediately disposing of any animal which the officer reasonably believes to constitute a threat to public health and welfare.

**§ 206. Penalties. [Ord. 116, 2/21/2000, § 6]**

1. Each time that an animal is seized, the owner shall pay a fine of \$10 to the City, as well as all reasonable fees for the capture and keeping of the animal.
2. Any person allowing an animal to run at large a third time or more in violation of this part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50 nor more than \$600 plus costs and, in default of payment of said fine and costs, to undergo imprisonment for a term not to exceed 30 days.
3. Any person violating any other provisions of this Part shall, upon summary conviction thereof, be sentenced to pay a fine of not more then \$600 plus

costs and, in default of payment of said fine and costs, to undergo imprisonment for a term not to exceed 30 days.





## PART 3

## ANIMAL DEFECATION

**§ 301. Animal Defecation on Public and Private Property Restricted. [Ord. 4, 1/31/1994]**

No person, having possession, custody or control of any animal, shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e., defecation or urination, upon any gutter, street, driveway, alley, curb or sidewalk in the City of St. Marys, or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park, or upon the grounds of any public park or public area, or upon any private property other than the property of the owner of such animal without the permission of the owner of the property.

**§ 302. Disposal of Animal Feces. [Ord. 4, 1/31/1994]**

Any person having possession, custody or control of any dog or other animal which commits a nuisance, i.e., defecation or urination, in any area other than the private property of the owner of such dog or other animal, as prohibited in § 301 shall be required to immediately remove any feces from such surface. Animal feces shall be disposed of in accordance with the Solid Waste Management Act, 35 P.S. § 6018-101 et seq., and/or the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. § 4000.1501 et seq.

**§ 303. Dogs Accompanying Blind or Handicapped Persons Exempted. [Ord. 4, 1/31/1994]**

The provisions of §§ 301 and 302 hereof shall not apply to a guide dog accompanying any blind person, or to a dog used to assist any other physically handicapped person.

**§ 304. Penalties. [Ord. 4, 1/31/1994]**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

