

**WEST CALN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 1 of 2021**

AN ORDINANCE OF WEST CALN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE WEST CALN TOWNSHIP CODE OF ORDINANCES TO PROVIDE FOR UPDATED ANIMAL CONTROL REGULATIONS WITHIN WEST CALN TOWNSHIP.

WHEREAS, the Board of Supervisors have determined that the animal control ordinance provisions in effect in the Township require updating and revising;

WHEREAS, the Board of Supervisors have determined to set forth more detailed provisions to encourage residents to properly care and maintain their animals in the Township, and to recoup Township fees when feasible and legal to do so;

WHEREAS, the Board of Supervisors have also determined to repeal any and all animal control ordinances previously adopted by the Township which may conflict with the new ordinance provisions being adopted herein.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of West Caln Township as follows:

SECTION 1. Ordinance No. 08-1 referred to as the "Dog Ordinance" is hereby repealed and shall be replaced by the below ordinance provisions.

SECTION 2. A new ordinance is hereby adopted and is entitled as follows and shall read as follows:

"West Caln Township Animal Control Ordinance"

§ 1. Title.

This Ordinance shall be known as the "West Caln Township Animal Control Ordinance."

§ 2. Definitions.

As used in this Ordinance, the following words shall have the following meanings:

ANIMAL PROTECTIVE SERVICES OFFICER

The person(s) or agency appointed or designated by West Caln Township who shall have the duty of enforcing the provisions of this Ordinance and the provisions of the Pennsylvania Dog Law. Police officers of the West Caln Township Police Department shall also serve in such capacity when needed.

ANIMALS

Includes all mammals, birds, fowl and reptiles normally or ordinarily domesticated (including household pets such as dogs and cats) or raised in this area or climate as livestock or for work or for breeding purposes. Such term shall not include fish.

AT LARGE

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

DANGEROUS DOG

Any or all of the following:

- A. Any dog which bites, inflicts injury, assaults (which assaults shall include dogs at large approaching any person upon the streets, sidewalks or other public grounds or places in a threatening or terrorizing manner without provocation), or otherwise attacks a human being without provocation.
- B. Any dog which is deemed a dangerous dog under and pursuant to the Pennsylvania Dog Law.

OWNER

Includes every person, proprietor, corporation, partnership or association that actually owns an animal or who has an animal in his or its care or permits an animal to remain on or about any premises occupied by him or it. The parent or guardian of any minor claiming ownership of any animal shall also be deemed the owner of such animal.

WILD/EXOTIC ANIMAL

A wild, dangerous, or undomesticated animal or venomous reptile which is not of a species customarily used as an ordinary house pet or livestock and which would ordinarily be confined to a zoo or which would ordinarily be found in the wilderness of this or any other country or which otherwise causes a reasonable person to be fearful of bodily harm or property damage, irrespective of its actual or asserted state of tameness or domestication. This definition includes animals bred or raised

in captivity and hybrids of wild/exotic animals, but not fish or birds.

§ 3. Nuisances prohibited; animal waste.

- A. It shall be unlawful for any person(s), corporation, partnership or other entity whatsoever to harbor, care for, shelter or maintain any animal in such a manner as to disturb or unduly annoy the public through the animal's noise, barking, smell, mischief or other harmful propensities. All animal pens or other areas in which animals are kept shall be maintained in a sanitary condition free of offensive, obnoxious or foul odors.

- B. It shall be unlawful to own, possess, harbor, control or keep any animal which makes noise repeatedly for a period of 30 minutes during the hours of 7:00 a.m. to 10:00 p.m. or repeatedly for a period of 15 minutes during the hours of 10:00 p.m. to 7:00 a.m., regardless of whether the animal is physically situated in or upon private property. Said noise shall constitute a nuisance, provided that, at the time the animal is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal is legitimately situated, nor is there any other legitimate cause which justifiably provoked the animal.

- C. No owner, custodian or keeper of any animal shall allow or permit any such animal to deposit excrement (defecate) upon any property not owned or leased by the owner, custodian or keeper of such animal, without immediately picking up such excrement. This subsection shall not apply to horses being used for transportation in the public streets or alleys or other public property within the Township.

§ 4. Rabies vaccinations required.

All dogs and cats, to include outside cats, in West Cain Township shall be vaccinated against rabies by a licensed veterinarian in accordance with the requirements set forth in the state rabies law and in accordance with Pennsylvania Dog Law.

§ 5. Wild/exotic animals.

No person shall own, harbor, maintain or control a wild/exotic animal or hybrids of wild/exotic animals within West Cain Township.

§ 6. Animals at large; leash requirements.

- A. It shall be unlawful for the owner or person having custody of any animal or the parent or guardian of any minor owning or having custody of any animal to allow the animal to go beyond the boundaries of their premises or to run at large over the streets or public grounds or upon the property of anyone other than the owner or person having custody of such animal. It shall also be unlawful for the owner or person having custody of such animal to permit such animal to pose a danger to pedestrians using adjacent sidewalks and streets.
- B. It shall be the duty of the owner, custodian or keeper of any dog traveling on the streets or public grounds to have the animal on a leash at all times.

§ 7. Seizure and detention, Prohibition against Feeding or Trapping Stray Cats

- A. It shall be the duty of the Animal Protective Services Officer or any police officer of the Township to seize any animal running at large and to convey it to an approved animal shelter, or arrange for it to be transported there, where it shall be detained and impounded in a humane manner.
- B. Upon seizure, the Animal Protective Services Officer or police officer of the Township shall document the seizure. If the animal is licensed, the keeper of the approved shelter used shall document the name and address of the owner and number of the license tag. Police officers can use their discretion to immediately return animals if the owner is easily identified and the return of the animal does not disrupt or inconvenience the police department's operations.
- C. If the Township has entered into an agreement with a designed Animal Protection Services Officer (which may be an agency) and an approved shelter, the processes related to seizure and detention shall be as provided for in the agreement.
- D. Residents of the Township shall not engage in active efforts to feed stray or feral cats, or trap stray or feral cats. If such an effort is to be undertaken, this would fall under the authority of the Animal Protective Services Officer. The unauthorized trapping of stray or feral cats for transportation to an approved shelter shall not become the financial obligation of the Township and the Township shall seek recoupment of

any costs incurred from the resident who has done such trapping and transportation to a shelter. Additionally, the Township may assess fines as established in the Fee Schedule adopted by the Board of Supervisors against residents who continually trap stray or feral cats, and against residents who feed stray or feral cats which becomes a nuisance to neighbors or is conducted in an effort to trap such cats.

§ 8. Notice of detention.

If the owner of a detained animal can be identified by license tag or other means, the owner shall be given immediate notice, either in person or by phone or by regular mail, of the detention and impoundment by the keeper of the shelter to which the animal was delivered. If the owner is unknown, written notice of the impoundment shall be posted at the shelter and at the West Caln Township Police Department for a period of 10 days from the day of seizure, describing the animal, the place and time of seizure and the location of impoundment, or public notification may also be given via a reliable social media platform.

§ 9. Redemption of seized animals.

The owner of an animal which has been detained and impounded may reclaim his animal upon payment of a seizure fees and upon payment of all other reasonable expenses and costs incurred by the keeper of the animal shelter by reason of the detention, impoundment and maintenance of the animal. The expenses and costs incurred by the shelter keeper due to impoundment and maintenance of the animal may be paid by the owner to the shelter keeper in a manner determined by the shelter keeper. In no event shall any animal required to be licensed by law be released from detention and impoundment until it has been licensed. Payment of the seizure fee, expenses and costs shall not bar prosecution of the owner for any violation of law.

§ 10. Recoupment of Fees paid by the Township.

If such animal is claimed by its owner, the owner shall pay all expenses and fees incurred due to the seizure and detention of the animal, which shall include the repayment to the Township of all the costs incurred by the Township and billed by the shelter to the Township due the seizure and keeping of the owner's animal. The Township shall send a bill to the owner upon receipt of the bill sent by the shelter to the Township which documents that those expenses were incurred due the seizure and detention of that owner's animal. The owner shall reimburse the Township for those expenses within fifteen (15) days of receipt of written notice of the amount being owed

to the Township by such owner. Additionally, if a resident of the Township is actively trapping stray or feral cats and transporting them to an approved shelter, those costs shall be passed through to the resident and shall not be the financial burden of the Township.

§ 11. Seizure without detention.

If an animal is found at large and its owner can be identified and located, the animal need not be detained and impounded but may, instead, be taken to and turned over to the owner. In such case, the Animal Protective Services Officer or police officer who seized the animal shall document the occurrence, and the owner, whose animal is seized without detention and impoundment, may be subject to pay the seizure fee in the manner as established in the Fee Schedule adopted by the Board of Supervisors or as otherwise established. Use of the procedure set forth in this section shall not bar a prosecution for any violation of law.

§ 12. Dangerous Animals.

- A. The Animal Protective Services Officer shall have the right and duty to seize any animal that bites a human or animal if he determines such seizure is necessary to ensure that the animal shall be quarantined. If any owner or custodian shall refuse any order of the Animal Protective Services Officer to quarantine the animal and to have it examined by a veterinarian, the Animal Protective Services Officer shall take the action necessary to protect the owner, the animal and the public, and the owner or custodian of the animal shall be liable to the Township for all costs thereof, which may be collected as an additional penalty for violation of this section.

- B. If a biting incident occurs that involves an unclaimed or stray animal, the owner of which cannot be identified, the Animal Protective Services Officer shall attempt to capture the animal or destroy it if necessary.

§ 13. Appointment of Animal Protective Services Officer; powers and duties.

The Supervisors may, by resolution or by a motion to enter into a services contract, appoint an Animal Protective Services Officer (which may be an agency) who shall have the duty of enforcing the provisions of this Ordinance, complying with any terms and processes outlined in a services contract, and the Pennsylvania Dog Law. The Animal Protective Services Officer, in the performance of the duties under the provisions of this

Ordinance, shall be empowered to take all action necessary to enforce this Ordinance and shall be subject to control by the Chief of Police of West Caln Township. Nothing in this Ordinance shall be construed so as to limit any police officer, or other authorized state agency, in enforcing any of the provisions of this Ordinance or the Pennsylvania Dog Law.

§ 14. Violations and penalties.

- A. Except as provided below, any person who has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Board of Supervisors, pay a judgment of not more than \$600, plus all court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Board of Supervisors may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues or is permitted to continue shall constitute a separate violation. All fines and penalties collected for the violation of this Ordinance shall be paid to the Township Treasurer.

- B. The owner of a dangerous dog who fails to comply with this Ordinance or permits a violation of this Ordinance shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. All fines and penalties collected for the violation of this ordinance shall be paid to the Township Treasurer.

SECTION 3. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 5. Effective Date. This Ordinance shall become effective in five days from the date of adoption.

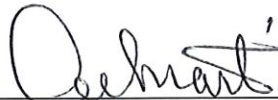
ENACTED AND ORDAINED this 10th day of March, 2021.

ATTEST:

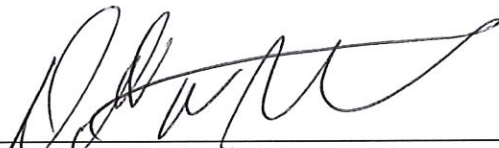


Township Secretary


**WEST CALN TOWNSHIP
BOARD OF SUPERVISORS**



Allen R. Martin, Chairman



Donald W. Martz, Vice Chairman



Joseph G. Hutton, Member