

ORDINANCE NO. 1136

AN ORDINANCE OF THE BOROUGH OF TYRONE, A HOME RULE MUNICIPALITY, CONTROLLING ANIMAL DEFECATION ON PUBLIC PROPERTY AND PRIVATE PROPERTY; PRESCRIBING PENALTIES FOR OWNERS WHO ALLOW ANIMALS TO LEAVE EXCREMENT ON PUBLIC OR PRIVATE PROPERTY; ALLOWING FOR CERTAIN EXCEPTIONS; ALLOWING FOR FILING OF A PRIVATE CRIMINAL COMPLAINT; AND ESTABLISHING AN EFFECTIVE DATE.

The Borough of Tyrone hereby ordains the following:

SECTION 1. ANIMAL DEFECATION ON PUBLIC AND PRIVATE PROPERTY

RESTRICTED.

No person, having ownership, possession, custody or control of any dog, cat or other animal, shall knowingly or negligently permit any dog, cat or other animal to commit any nuisance, i.e. defecation, upon any gutter, street, alley, curb or sidewalk in the Borough, or upon the grounds of any public park, playground, recreation area or other public area, or upon any private property.

SECTION 2. RIGHT TO FILE PRIVATE CRIMINAL COMPLAINT.

Any owner of private property upon which any animal commits defecation shall have the right to file a private criminal complaint against the person having ownership, possession, custody or control of said animal with the district justice.

SECTION 3. DISPOSAL OF ANIMAL FECES.

Any person having possession, custody or control of any dog, cat or other animal which commits a nuisance, i.e. defecation, in any area as prohibited in Section 1 hereof shall be required to immediately remove any feces from such surface and either:

1. Carry same away for disposal in a toilet.
2. Place same in a non-leaking container for deposit in a trash or litter receptacle.

SECTION 4. DOGS ACCOMPANYING BLIND OR HANDICAPPED PERSONS EXEMPTED.

The provisions of Sections 1 and 3 hereof shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any other physically handicapped person.

SECTION 5. PENALTIES.

Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of at least Twenty-five and no/100 (\$25.00) Dollars and not more than Five Hundred and no/100 (\$500.00) Dollars, or imprisonment for a term not to exceed thirty (30) days.

SECTION 6. REPEALER.

Any ordinance or resolution or part thereof inconsistent with the terms of this Ordinance is hereby repealed.

SECTION 7. 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 of this Ordinance. It is hereby declared as the intent of the Borough Council of the Borough of Tyrone that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

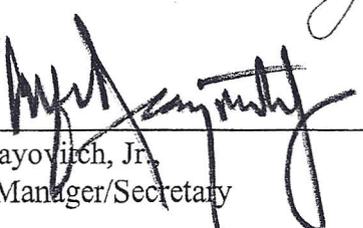
SECTION 8. EFFECTIVE DATE.

This Ordinance shall become effective upon the earliest possible date provided by law.

ORDAINED AND ENACTED as an Ordinance of the Borough of Tyrone by the Borough

Council on this 11th day of May, 1998.

ATTEST:



Alfred Drayovich, Jr.
Borough Manager/Secretary

BOROUGH OF TYRONE

By Patricia S. Stoner

Patricia S. Stoner, Mayor/President