

TOWNSHIP OF DARBY

DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE 730

BE IT ENACTED AND ORDAINED by the Township of Darby, Delaware County, Pennsylvania, and it is hereby enacted and ordained by the same as follows:

SECTION I

#1. DEFINITIONS:

For the purpose of this article, the following terms shall have the meanings ascribed to them in this section, except where the context in which the word is used clearly indicates otherwise:

ANIMAL

Any dog, cat, domesticated animal or non-domesticated animal.

TOWNSHIP

Township of Darby

CAREGIVER

Any person who provides care, including food, water, shelter and in some cases, medical care to feral cats, and, in accordance with a program approved by the Township to trap, neuter, vaccinate, ear-tip, and return feral cats to the location at which they are trapped.

FERAL CAT

An unowned free-roaming cat that is partially socialized or unsocialized to humans and tends to resist contact with humans.

MOTOR VEHICLE

A vehicle which is self-propelled except one which is propelled solely by human power or electric power obtained by overhead trolley wires, but not operated upon rails.

NUISANCE

An animal shall be considered a nuisance if it habitually trespasses upon or damages either private or public property or annoys or harms lawful users or occupants thereof.

OWNER

Any person having a right of property in, having custody of or who harbors or permits a dog, cat, domestic animal or any non-domesticated animal to remain on or around his or her property, excluding feral cat caregivers as defined herein.

PERSON

A natural person, firm, partnership, association or cooperation.

POLICE OFFICER

Any person employed by the Township whose duty it is to preserve peace or to make arrests or to enforce any law, statute or ordinance of the Commonwealth of Pennsylvania or the Township of Darby.

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 firmly secured by means of a collar and chain or other device so that it cannot stray or not being accompanied by or under the reasonable contact of some person.

SPONSOR

An eligible animal welfare organization appointed by the Township of Darby to run a TNR program in the Township.

STRAY CAT

Any cat whose owner or keeper from time to time allows the cat to run free off of the property of the owner or keeper.

TRAP, NEUTER OR RETURN (TNR)

A non-lethal approach to feral cat population control where feral cats are humanely trapped, sterilized, vaccinated, ear-tipped and then returned to the location where they were originally trapped.

VEHICLE

Every device in, upon or by which any person or property is or may be transported or driven upon any highway, street, road or alley except devices used exclusively upon rails or tracks.

#2. DISTURBING OR LOUD NOISES

No person shall allow any animal confined on that person's premises to make any loud or harsh noise or disturbance which shall interfere with or deprive the peace, quiet, rest or sleep of any person within the Township.

#3. UNSANITARY NUISANCE; EXEMPTIONS

- a. No person shall allow any animal owned by him or his control to defecate on any sidewalk, walkway, or the property of another without immediately cleaning it up.
- b. Any vision or mobility-impaired person who relies upon a dog specifically trained for such purposes shall be exempt from compliance with this section.

#4. RUNNING AT LARGE

- a. No person shall permit any animal owned by him or under his supervision or control, to run at large at any time upon the public streets, alleys, highways, or public grounds of the Township or upon the private property of any such person or upon any property other than property belonging to the owner of such animal or to a person under whose supervision or control of such animal is being kept. An animal must be firmly secured by means of a collar and chain or other device so that it cannot stray, or must be accompanied by or under the reasonable control of some person.
- b. Any police officer, law enforcement officer, animal control officer or code enforcement officer, is hereby authorized and empowered to seize and detail any animal which is found running at large in the Township, or upon any property other than the property of the owner of such animal and unaccompanied by the owner when such police officer, law enforcement officer, animal control officer or code enforcement officer is in immediate pursuit of such animal.

- c. The provisions of this section shall apply to all animals found running at large in violation of this section, regardless of payment for or issuance of any license in respect to the animal involved.
- d. The Board of Commissioners is hereby empowered and authorized to engage the services of a qualified and suitable person to enforce the provisions of this section.

#5. IMPOUNDING

Any police officer, law enforcement officer, animal control officer or code enforcement officer of the Township is hereby authorized to seize and detain any animal running at large in violation of #4 or any animal concerning which information has been received that such animal has been running at large. Any animal so seized shall be held by the Township for forty-eight (48) hours. Immediate notice of such seizure, either personally or by certified mail or email, with return receipt requested, shall be given to the person in whose name the license, if any, was issued, or his agent, to claim such animal within forty-eight (48) hours after receipt hereof. In the event that the animal does not bear a proper license tag, immediate notice, either personally or by certified mail or email, return receipt requested, shall be given to the person, or his agent, known to be the owner of such animal. The owner or claimant of an animal so detained shall pay a penalty of \$200.00 to the Township, together with a charge as set forth from time to time by resolution of the Township per day for room and board or daily charge of the shelter where the animal is kept, whichever amount is greater. No animal shall be returned to the owner or claimant until said penalty and expense or charges shall be paid.

#6. DISPOSITION OF ANY UNCLAIMED ANIMAL

If after forth eight (48) hours of such notice as set forth in #5, such animal has not been claimed, the police officer, law enforcement officer, animal control officer or code enforcement officer shall convey the animal to a shelter, animal rescue, or foster care. No licensed animal shall be adopted, sold or otherwise disposed of unless such licensed animal remains unclaimed five (5) days after notification, evidence by obtaining a return receipt if certified by certified mail or email. Where the owner or agent of an unlicensed animal is not known, the police officer, law enforcement officer, animal control officer or code enforcement officer shall convey such animal to a shelter, animal rescue, or foster care. No animal shall be sold for the purpose of vivisection or research or be conveyed in any manner for such purposes.

#7. TRANSPORTATION OF ANIMALS

No person other than a person actually working a dog or other animal for agricultural purposes shall transport or carry on any public highway, street, road or alley such dog or other animal, unless such dog or animal is safely enclosed within the motor vehicle or protected by a container, cage, cross tether or other device to prevent the dog or animal from falling from, being thrown from or out of jumping from said motor vehicle.

#8. UNATTENDED ANIMAL

No person shall leave a dog or other animal in any unattended motor vehicle without adequate ventilation, sanitary conditions or in such a manner as to subject dog or other animal to extreme temperature which adversely affect the health or safety of the dog or animal.

#9. RESPONSIBILITIES OF CAT OWNERS REGARDING STRAY CATS

It shall be unlawful for any owner of any cat to permit such cat to run free outside the residence of its owner or keeper unless such cat has been:

- a. Neutered or spayed to prevent procreating;
- b. Immunized against rabies in compliance with Pennsylvania law; and
- c. Appropriately "tipped" on the left ear to signify that it has been neutered/spayed and immunized.

#10. FEEDING OF STRAY OR FERAL CATS

It shall be unlawful for any person to continue to feed stray or feral cats, where such feeding causes a nuisance to neighbors or creates a condition contrary to the health, safety and welfare of the community, unless such person participates in a Trap, Neuter & Return program managed by the Township or Sponsor of the Township.

#11. RESPONSIBILITIES OF TNR PROGRAM SPONSORS

Animal welfare organizations may make application to the Township to serve as a Sponsor of a TNR program. Sponsors appointed by the Township shall have the following responsibilities:

- a. Register each feral cat colony they are managing with the Township. Information submitted to the Township shall include general location (neighborhood), number of cats in the colony, and the number of caretakers working with the colony.
- b. Record and report to the Township on an annual basis, the intake and disposition of each feral cat brought to their facility.
- c. Record and report to the Township on an annual basis, the total number of members and the number of sterilized members of each feral cat colony within the Township for which they have implemented a TNR Program.
- d. Record and report to the Township on an annual basis, the number of kittens born into each feral cat colony within the Township for which they have implemented a TNR program.
- e. Address complaints received by the township and passed along to the Sponsor regarding caretaker behavior and serve as an intermediary to address and, where possible, remediate the behavior within a reasonable period of time, based on the matters at issue and utilizing Township resources when necessary.

#12. VIOLATIONS AND PENALTIES

- a. Any person who violates any provision of the Chapter shall be charged with a summary offense and shall be fined not less than \$100.00 nor more than \$500.00 and all costs of prosecution for the first offense, or be imprisoned for not more than ninety (90) days, or both.
- b. For any subsequent offense that occurs within one year of sentencing for the prior violation, a person shall be charged with a misdemeanor of the third degree, and upon conviction, shall be fined not less than \$500.00 nor more than \$1,000.00 plus costs of prosecution, or to imprisonment of not more than one year, or both.
- c. Each day there is a violation may count as a separate violation.

SECTION II

The provisions of this Ordinance, as far as they are the same as those of ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and not as new enactments. The provisions of this Ordinance shall not affect any such suit or prosecuting pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any Ordinance repealed by this Ordinance.

SECTION III

The provisions of this Ordinance are severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provisions not been included herein.

SECTION IV

This Ordinance shall take effect

ENACTED AND ORDAINED THIS 13th day of September, 2017.

TOWNSHIP OF DARBY

BY: Lawrence F. Patterson
Lawrence F. Patterson
President

ATTEST:

Thomas J. Judge, Sr.
Thomas J. Judge, Sr.
Secretary