

BOROUGH OF BELLEVUE
COUNTY OF ALLEGHENY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 19 - 05

**AN ORDINANCE OF THE BOROUGH OF BELLEVUE, A HOME RULE
MUNICIPALITY IN THE COUNTY OF ALLEGHENY, IN THE COMMONWEALTH
OF PENNSYLVANIA PROHIBITING THE KEEPING OF DOGS OUTDOORS IN
EXTREME TEMPERATURES.**

WHEREAS, the Pennsylvania Borough Code, at 8 PA Section 1202, authorizes the Council of the Borough of Bellevue to make regulations necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience, comfort and safety of the borough, and to regulate the keeping or funning of large of animals, including pets such as cats, dogs and rabbits; and

WHEREAS, THE Pennsylvania Crimes Code includes provisions relating to Cruelty to Animals, at 18 Pa C.S. Section 5531 et seq., criminalizing neglect, cruelty and aggravated cruelty to animals; and

WHEREAS, municipal police officers as well as agents of a society or association for the prevention of cruelty to animals, incorporated under Pennsylvania law, are authorized to enforce the animal cruelty provisions of the Pennsylvania Crimes Code, 18 Pa C.S. Section 5531 et seq.; and

WHEREAS, when a person leaves a dog outdoors for long periods of time during extreme weather or temperatures this may lead to suffering, injury or death of the dog and may constitute neglect, cruelty or aggravated cruelty to animals as defined in the Cruelty to Animals provisions of the Pennsylvania Crimes Code; and

WHEREAS, the Council of the Borough of Bellevue deems it advisable for the health and safety of the Borough and its residents to Prohibit keeping a dog outdoors during extreme weather or temperatures; and

Now, therefore, the Council of the Borough of Bellevue enacts as follows:

1. SUBJECTING DOGS TO EXTREME WEATHER OR TEMPERATURES

It shall be unlawful for any person to leave any dog outside and unattended during any period in which a severe weather warning has been issued for Allegheny County by the National Weather Service for a continuous period of time greater than one-half hour if the temperature during such period remains entirely either:

(a) Below thirty-two (32) degrees Fahrenheit; or

(b) Above ninety (90) degrees Fahrenheit

Outside, for purpose of this section shall mean any unattended dog that is outside subject to the weather and elements, which expressly includes, but not limited to a dog in a securely fenced in yard, a dog in a kennel, a dog tethered or tied out. The dog shall be considered "outside" regardless of access to an outdoor doghouse or similar structure.

2. IMPLEMENTATION AND ENFORCEMENT

(a) Officers of the duly Borough of Bellevue Police Department are the primary agents responsible for enforcing this Ordinance. Additionally, all of those vested with the authority as an enforcement officer or agent under the Pennsylvania Animal Cruelty Law are also permitted to enforce this Section.

(b) In addition to the Borough of Bellevue Police Department and any other law enforcement authority with jurisdiction, the Human Society agent(s), or any officer, employee or agent of the Borough, is hereby authorized to notify any owner or occupant of any premises in violation of this Ordinance, either personally or by posting such notice upon the premises, that such owner must bring the violation into compliance with this Ordinance within one (1) day of receipt of such notice. Upon the failure of such owner or occupant to bring his or her violation into compliance with this Ordinance within such period of time, any of the foregoing individuals authorized by the Borough to enforce upon such premises and to temporarily remove such dog from the property.

(c) Any removed dog will be held at a facility designated and authorized by the Borough Manager of the Borough of Bellevue, or designee. Prior to any hearing regarding the violation, such dog owner may regain possession of any confiscated dog upon an adequate showing that the violation has been brought into compliance with this Ordinance. No confiscated dog shall be considered surrendered to the confiscating party unless expressly surrendered by the dog owner or adjudicated as forfeited as provided in the Pennsylvania Animal Cruelty Law after a hearing on the matter as provide in this subsection (c).

(d) Any person who violates any provision (s) of this Ordinance shall commit a summary offense and shall, upon being found guilty by a Magisterial District Judge after hearing, pay a fine not less than fifty dollars (\$50.00) and not to exceed seven hundred fifty dollars (\$750.00), together with all enforcement and shelter costs in the event a dog must be confiscated, and all court costs as permitted by law. Each day of violation shall constitute a separate offense, which shall be subject to prosecution as such. Enforcement and prosecution of any violation of this Section may be conducted by the Borough as provided by law or by its agents and counsel as provided in the Pennsylvania Animal Cruelty Law.

3. REPEALER

All ordinances and code sections and parts of ordinances and code section in conflict herewith are repealed to the extent of any such conflict.

4. SEVERABILITY

It is hereby declared that it was the intention of council of the Borough of Bellevue that the provision of this Ordinance shall be severable and that if any Court of proper jurisdiction holds any provisions of this Ordinance, or the application of any provisions of this Ordinance to any circumstances, to be illegal or unconstitutional, then the other provisions of this Ordinance or the applications of such other provisions to other circumstances, shall remain in full force and effect.

3. EFFECTIVE IMMEDIATELY

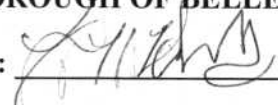
This ordinance shall be effective immediately upon adoption by Council.

ORDAINED AND ENACTED THIS 26th **DAY OF** March, 2019

ATTEST:

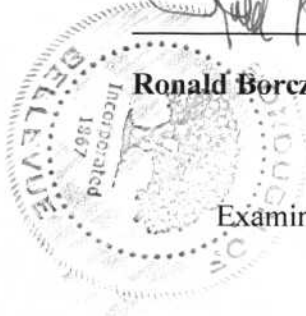
BOROUGH OF BELLEVUE



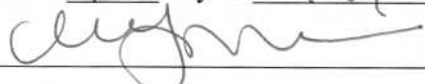
By: 

Ronald Borczyk, DAS

Thomas Hrynda, Council President



Examined and approved this 26th day of March, 2019.



Hon. Emily Marburger, Mayor