PEQUEA TOWNSHIP, LANCASTER COUNTY
ORDINANCE NO. 220-2023

AN ORDINANCE OF PEQUEA TOWNSHIP, LANCASTER COUNTY, PENNSYLVANIA REPEALING ORDINANCE NO. 046-1983 AND ORDINANCE NO. 199-2016, ESTABLISHING REGULATIONS PROHIBITING DOGS RUNNING AT LARGE; SETTING PROCEDURES FOR THE CONTROL, REMOVAL, AND/OR TRANSPORTATION OF DOGS AND OTHER ANIMALS IN PEQUEA TOWNSHIP; AND PRESCRIBING PENALTIES FOR VIOLATION.

AND NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Pequea Township, Lancaster County, Pennsylvania, AND IT IS HEREBY ENACTED AND ORDAINED by the authority of the same, as follows:

SECTION 1. Definitions. As used in this Ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

ANIMALS -wild or domesticated animals of all species, including dogs, cats, and other household pets.

OWNER - when applied to the proprietorship of a dog or other animal, includes every person having a right of property in such dog or other animal and every person who keeps or harbors such dog or other animal or has it in his care, and every person who permits such dog or other animal to remain on or about any premises occupied by him.

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 or other animal.

SECTION 2. Enforcement by Pequea Township Police Department. The Pequea Township Police Department shall have responsibility for the enforcement of this ordinance and of the Pennsylvania Dog Law, 3 P.S. Section 459-10 1 *et seq*.

SECTION 3. Dogs Running At Large. It shall be unlawful for the owner of any dog(s) to allow or permit such dog(s) to run at large within Pequea Township. Additionally, no person shall permit any dog or other animal except wildlife to run at large on any property owned by Pequea Township. Any person who shall bring any dog or other animal onto Township Property shall at all times attend to and maintain such animal on a leash. Notwithstanding the foregoing, dogs are permitted off-leash in the designated portion of Silver Mine Park, located on the north side of Silver Mine Road, provided the owner maintains control of the animal pursuant to 3 P.S. §459-305 and including any subsequent amendments. Any person who brings a dog or other animal onto Township Property shall remove all feces deposited by the animal.

SECTION 4. Voiding Animal Excrement - No person having possession, custody or control of any animal or the owner of an animal over which no person exercises possession,

custody or control shall allow or permit any dog or other animal to void urine or excrement on any public or private property other than the property of the owner of such dog or other animal.

SECTION 5. Offense Defined - Any person having ownership, possession, custody or control of any dog or other animal which commits a nuisance as defined in Section 4 of this Ordinance, shall be required to immediately remove said feces from such surface and either:

(a) carry same away for disposal in a toilet, or

(b) place same in a non-leaking container for deposit in a trash or litter receptacle.

SECTION 6. Exception - The provisions of this Section shall not apply to a guide dog accompanying any blind person, or to a dog used to assist any physically handicapped person, a licensed service animal, or to animals used in any police or fire activities of the Township.

SECTION 7. Animal Control Procedures.

A. Call to Duty. The Pequea Township Police Department shall respond to calls regarding animals.

B. Transportation of Animals. If it is determined that the transportation of an animal is necessary, the Pequea Township Police Department shall transport said animal in its vehicle.

C. Seizure of Animals. The Pequea Township Police Department may seize any animal and cause that animal to be held as required pursuant to the provisions of this Ordinance.

D. Injured or Dead Animals. Upon the report of an injured or dead animal in Pequea Township, the Pequea Township Police Department will be notified and ordered to report to the scene and assume responsibility for the animal. If it is determined that charges should be placed for incidences of injury, death or mistreatment of an animal, the Pequea Township Police Department may file a citation. Dead animals located on Township property, where the owner of the animal is unavailable, will normally be removed by the Highway Department after notification by the Township. PennDot will be notified to remove dead animals from State roadways.

E. Dangerous or Vicious Animals. Upon report of a vicious animal, the Pequea Township Police Department will report to the scene immediately. If the owner of the animal is unavailable or unknown, the Pequea Township Police Department may utilize a tranquilizer gun or other approved method to subdue the animal and/or take appropriate action to ensure the safety of the Pequea Township residents. A dog determined to be dangerous under Section 502A of the Pennsylvania Dog Law, 3 P.S. Section 459-502A, shall be restrained or otherwise kept in accordance with Article VI-A of the Pennsylvania Dog Law, 3 P.S. Section 459-501-A et seq. Dogs may be killed only in accordance with the requirements of Section 501 of the Pennsylvania Dog Law, 3 P.S. Section 459-501, and otherwise, said dogs must be retained and delivered to the police or State dog warden. While detained, the said dog must be treated in a humane manner.

F. Suspected Rabid Animals. Upon complaints of suspected rabid animals, the Pequea Township Police Department shall be notified immediately. If the Township Police Department determines that the destruction of a suspected rabid animal is deemed necessary, such destruction must be accomplished in the least public manner possible, as humanely as possible, and that the head of the animal is not damaged and is preserved for analysis to confirm rabies.

G. Release to SPCA. When any animal is detained by the Pequea Township Police Department, said animals will be released to the SPCA, if possible, and the Pequea Township Police Department must inform the SPCA personnel of the specific period of time for which the animal is to be held and to whom the animal is to be released.

H. Wild Animals. For complaints involving wild animals and protected animals, the Township Police Department shall be notified and respond to the complaint unless the Township determines that a State game official is better suited to respond to the complaint, and the Township notifies such an official of the same.

SECTION 8. Penalties. - A. If an owner of an animal is cited as violating any section of this Ordinance, they shall pay a fine as set by the Board of Supervisors via resolution. In the event that an animal must be seized by either the Pequea Township Police Department or the Pennsylvania State Police to the SPCA, the owner of said animal shall also pay a fine as set by the Board of Supervisors via resolution.

SECTION 9. SEVERABILITY - The provisions of this Ordinance are severable. If any sentence, clause, or section 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, or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Pequea Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section not been included herein.

SECTION 10. EFFECTIVE DATE - This ordinance shall become effective five (5) days after enactment.

SECTION 11. REPEALS – Ordinance No. 046-1983 and Ordinance No. 199-2016 are hereby repealed in its entirety. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

ENACTED AND ORDAINED into law this **20th** day of **September,** 2023.

ATTEST:

Kimberly S. Ulaky
Secretary

BOARD OF SUPERVISORS

Harry D. Lehman
Chairman

SEAL