

ORDINANCE NO. 263

AN ORDINANCE OF THE BOROUGH OF MILESBERG GOVERNING THE CONTROL AND DISPOSAL OF DOG FECES.

(a) No person owning or having possession, care, custody or control of any dog within the Borough shall knowingly or unknowingly allow or permit any such dog to commit any nuisance, and, more particularly and without limiting the generality thereof, allow any dog to excrete any feces upon any public property, including any sidewalk, street, road, lane or other public thoroughfare of the Borough, any public building, or any public park or playground, or in or upon any private property without the permission of the owner of such property. Negligence of the owner or possessor of any such dog excreting feces upon any public property of the Borough or upon any private property within the Borough shall not constitute a defense to a violation of this section.

(b) Any person owning, possessing or having the care, custody or control of a dog shall immediately remove all feces deposited by such dog and dispose of the same by any sanitary method. Disposal shall not be made on any public property. Disposal of any such feces in any public receptacle for trash or refuse upon the public property of the Borough is hereby expressly prohibited, unless such feces is enclosed in a sealed plastic bag. Further, any person owning, possessing or having the care, custody or control of any dog shall have a positive duty to take any reasonable and proper action to prevent any such dog from committing a nuisance in, on or upon any public property of the Borough or upon any private property without the permission of the owner of such property. Failure to do so shall constitute a violation of this section.

(c) If the owner, possessor or person having the care, custody or control of any dog, which dog excretes feces on public property of the Borough or on any private property without permission of the owner, immediately removes and disposes of all feces so deposited by such dog in accordance with subsection (b) hereof, such owner, possessor or person shall have an absolute defense to any violation charges under this section.

Penalty. Any person violating this Part, shall on conviction before a District Justice, be sentenced to pay a fine of not less than ten (\$10.00) dollars for the first offense, not less than twenty-five (\$25.00) dollars for the second offense within a year, and not less than fifty (\$50.00) dollars for the third offense and all subsequent offenses within a year and the costs of prosecution, and in default of payment of any such fine and costs, be committed to the County jail for a period not to exceed thirty (30) days.

ENACTED INTO AN ORDINANCE, this 14th day of September, 1998 by the Council of the Borough of Milesburg, in lawful session assembled.

ATTEST:

BOROUGH OF MILESBURG:

Paul J. Hall
Secretary

By: James G. Reigh

AND NOW, to wit this 14th day of September, 1998, the within and above Ordinance is approved.

Phyllis J. Jordan
Mayor
