

**UNION CITY BOROUGH  
ERIE COUNTY, PENNSYLVANIA  
ORDINANCE NO. 1120**

AN ORDINANCE PROHIBITING THE DEPOSIT OF ANIMAL REFUSE IN PUBLIC PLACES; REQUIRING THE REMOVAL OF AND PROTECTING FROM ANIMAL REFUSE IN PUBLIC PLACES; PROVIDING FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING A REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

**WHEREAS**, the Union City Borough (hereinafter the "Borough") is responsible for securing the health, safety, and welfare of the citizens of the Borough, pursuant to the Borough Code (the "Code"), at 8 Pa.C.S. §1202; and

**WHEREAS**, the Code, at 8 Pa.C.S. §1731, permits the Borough to provide for the maintenance of roads within the Borough's boundaries; and

**WHEREAS**, the Code, at 8 Pa.C.S. §2001, permits the Borough to provide for sanitary sewer lines within the Borough's boundaries; and

**WHEREAS**, the Code, at 8 Pa.C.S. §1202, permits the Borough to remove and abate nuisances occurring on the Borough's streets; and

**WHEREAS**, the Code, at 8 Pa.C.S. §1202, permits the Borough to exercise its general and specific powers through the adoption of ordinances; and

**WHEREAS**, the Borough has taken notice of animal refuse on public property and roads and has registered citizen complaints regarding the same; and

**WHEREAS**, the Borough is desirous of enacting regulations which will require the control and removal of animal excrement in public places; and

**WHEREAS**, the Borough deems it necessary for the purposes of promoting the health, safety, and general welfare of the Borough to enact the following Ordinance.

**NOW THEREFORE**, on this 9th day of October, 2018, **IT IS HEREBY ENACTED AND ORDAINED** by the Union City Borough, Erie County, Commonwealth of Pennsylvania, as follows:

1. **Recitals.** That the above recitals are incorporated herein as if more fully set forth.
2. **Depositing Animal Refuse in Public Places.** No person shall deposit any dead animal matter, offal, or any solid refuse animal matter in any sewer, watercourse, vacant lot, or pond in the Borough. The depositing of dead animal matter, refuse, or offal in any such place shall be considered to be a public nuisance.

3. **Removal of and Protection from Animal Excrement**

- (a) No person shall allow an animal under his or her control to be upon public property, including the streets and roadways within the Borough's boundaries, without possessing a certain device for the removal and containment of the animal's excrement, nor shall any person fail to remove any excrement deposited by any animal under his or her control. This section shall not apply to guide or service dogs under the control of disabled persons, including but not limited to, blind individuals.
- (b) A properly fitted collection device shall be securely placed on all large animals, including, but not limited to, horses, cows, and donkeys, while such animals are located upon public property, including the streets and roadways within the Borough's boundaries.

4. **Violations and Penalties**

- (a) It shall be unlawful and shall be violation of this Ordinance for any person to commit, allow, and/or permit the occurrence of a public nuisance, this includes violation of those acts and omissions prohibited by this Ordinance.
- (b) Each violation and each day a violation continues shall constitute a separate offense.
- (c) Upon determination of a violation of this Ordinance by the Magisterial District Justice having jurisdiction, and conviction of the same, a fine of not less than \$250 and not more than \$500 for each violation, in addition to costs and attorney's fees incurred by the Borough, shall be imposed on the person who violates this Ordinance.

5. **Repealer.** All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

6. **Severability.** If any sentence, clause, section, or amendment 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 amendments of this Ordinance. It is hereby declared as the intent of the Borough Council that the Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or amendment thereof not been included herein.

7. **Effective Date.** This Ordinance shall become effective upon approval and execution of the Mayor.

**DULY ORDAINED AND ENACTED** this 9th day of October, 2018, by the Borough Council of the Union City Borough, Erie County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Cindy Wells  
Cindy Wells, Borough Secretary

[Signature]  
President of Borough Council

APPROVED

Natalie Kulmott  
Mayor

**SECRETARY CERTIFICATE**

I certify that the above is a true copy of the Borough of Union City, Erie County, Pennsylvania, Ordinance No.1120 adopted by the Union City Borough Council on October 9th, 2018 and advertised in the Corry Journal on September 18<sup>th</sup>, 2018.

Cindy Wells  
Cindy Wells, Secretary

