

UNION CITY BOROUGH
ERIE COUNTY, PENNSYLVANIA

ORDINANCE NO. 1168

AN ORDINANCE OF THE BOROUGH OF UNION CITY, ERIE COUNTY, COMMONWEALTH OF PENNSYLVANIA FOR THE REGULATION OF ANIMALS, ANIMAL REFUSE AND ANIMAL NOISES TO BE KNOWN AS THE “BOROUGH OF UNION CITY ANIMAL SAFETY AND SANITATION ORDINANCE”; REPEALING ORDINANCES 845 AND 1120 IN THEIR ENTIRETIES AND PROVIDING FOR A TITLE; DEFINITIONS; REGULATIONS; OWNER RESPONSIBILITIES; LEASHING AND CONFINEMENT REQUIREMENTS; PROHIBITING THE DEPOSIT OF ANIMAL REFUSE IN PUBLIC PLACES; REQUIRING THE REMOVAL OF AND PROTECTING FROM ANIMAL REFUSE IN PUBLIC PLACES; PROVIDING FOR FINES AND 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 Borough recognizes that many of its residents own and care for animals in their homes and on their properties; and

WHEREAS, the Borough also recognizes that animals can be noisy, aggressive and ill-behaved when unsupervised by their owners;

WHEREAS, the Borough further recognizes this behavior in animals can cause fear and alarm in its citizens, especially children and the elderly, and;

WHEREAS, the Borough also recognizes that animals spend a great deal of time outside for activity, sleep and relieving itself of urine and excrement, and;

WHEREAS, on or about August 16, 1977 the Borough adopted Ordinance 845 prohibiting animals from running at large, creating excess noise and befouling the Borough; and

WHEREAS, on or about October 9, 2018 the Borough adopted Ordinance 1120 to compliment Ordinance 845 prohibiting the deposit of animal refuse in public places and mandating the removal of refuse in public places; and

WHEREAS, despite these Ordinances, refuse continues to be observed in public places and animal noise and lack of animal control continues to be reported to the Borough through citizen complaints; 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 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 Borough is desirous of enacting regulations which will require the control and removal of animal excrement in public places and require the regulation of noise and animal behavior; 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 4th day of March, 2024, **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. **Title.** This Ordinance shall be known as the "Borough of Union City Animal Safety and Sanitation Ordinance."
3. **Repeal of Ordinance 845.** Borough Ordinance 845 and any amendments or related ordinances are hereby repealed in their entireties.
4. **Repeal of Ordinance 1120.** Borough Ordinance 1120 and any amendments or related Ordinances are hereby repealed in their entireties.
5. **Definitions.**
 - (a) **Animal.** Dogs, cats, domesticated animal and/or large animals permitted in Union City Borough to reside or for any other reason the animals are permitted in or passing through Union City Borough.
 - (b) **Collection Device.** A securely placed device placed on or behind all large animals, including but not limited to horses, cows and donkeys while such animals are located upon public property, including streets and roadways within the Borough's boundaries.
 - (c) **Excrement.** Solid waste produced by animals in the course of daily life

- (d) **Handler.** A person hired, engaged or designated, with permission, to care for an animal in an Owner's absence or due to the Owner's physical or mental inability to care for the animals day to day needs, including exercising, feeding and cleaning of animal refuse.
- (e) **Owner.** A person who is responsible for the food, shelter, medical needs, care, exercise, cleaning of animal refuse and/or licensing of an animal defined above.
- (f) **Refuse.** Dead animal matter, offal or any part of an animal matter.

6. **Leashing.** All dogs, cats, domesticated animals and/or large animals shall be controlled by a lead, leash and/or harness when on public property in the Borough or property owned by a person not the owner or handler of the animal. Public property includes, roadways, streets, sidewalks and/or parks under the control of the Borough. Public Property does not include the property owned and/or controlled by the Owner and/or Handler.

7. **Noise.** An Owner and/or Handler shall not permit loud or harsh noises which interfere or deprive the peace, quiet rest or sleep of another in the Borough while the animal is confined on Owner and/or Handler's property or while leashed, harnessed or otherwise controlled within the Borough.

8. **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, street, sidewalk or pond in the Borough or property owned by a person other than the owner and/or handler of the animal. The depositing of dead animal matter, refuse, or offal in any such place shall be considered to be a public nuisance.

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

- (a) No Owner and/or Handler shall allow an animal under his or her control to be upon public property, including the streets, roadways and/or sidewalks within the Borough's boundaries or property owned by a person other than the owner and/or handler of the animal, without possessing a device for the removal and containment of the animal's excrement, nor shall any Owner and/or Handler fail to remove any excrement deposited by any animal under his or her control. If an Owner is physically or mentally unable to remove and contain his or her animal's excrement, the Owner shall employ, engage or designate, with permission a Handler to do so.
- (b) An Owner and/or Handler shall properly fit a collection device securely 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.
 - (i) An Owner and/or Handler using such collection device on large animals shall take the contents of the device and dispose of it on the farm, stable or barn where the animals reside.

10. Violations and Penalties

- (a) It shall be unlawful and shall be violation of this Ordinance for any Owner and/or Handler to commit, allow, and/or permit the occurrence of a public nuisance, this includes violation of those acts and omissions prohibited by this Ordinance. The Union City Police Department is the enforcement agency of this Ordinance.
- (b) Each violation, each day the violation continues and each animal shall constitute a separate offense.
- (c) The first offense of a violation of Sections 6, 7 or 9(b) will result in the issuance of a Warning Letter from the Union City Police Department for non-compliance.
- (d) Additional violations of Sections 6, 7 or 9 (b), will be subject to citations issued by the Union City Police Department. Upon determining a subsequent violation and convicting an Owner and/or Handler of the same, the Magisterial District Judge having jurisdiction, shall impose the following graduated fine as follows:
 - (i) Second Offense, a fine of \$50.00;
 - (ii) Third Offense a fine of \$100.00;
 - (iii) Fourth Offense a fine of \$300.00;
 - (iv) Fifth and subsequent offense a fine of \$1000.00.
 - (v) Additional costs and attorney's fees incurred by the Borough, shall be imposed on the Owner and/or Handler who violates this Ordinance.
- (e) The first violation of Sections 8 or 9(a) will be subject to a citation issued by the Union City Police Department and upon determining a violation and convicting an Owner and/or handler of the same, shall impose a fine of \$150.00. Upon determining a subsequent violation of sections 8 or 9(a) and convicting the Owner and/or Handler of the same, the Magisterial District Judge having jurisdiction, shall impose the following graduated fine as follows:
 - (i) Second Offense, a fine of \$200.00;
 - (ii) Third Offense, a fine of \$300.00;
 - (iii) Fourth and subsequent offense a fine of \$1000.00;

- (iv) Additional costs and attorney’s fees incurred by the Borough, shall be imposed on the Owner and/or Handler who violates this Ordinance.

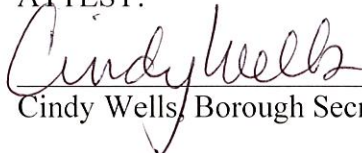
11. **Repealer.** All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

12. **Severability.** If any sentence, paragraph, provision, regulation, clause, phrase, word, section, subsection or amendment of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, by any court of competent jurisdiction or other tribunal, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, paragraphs, provisions, clauses, phrases, word, sections, subsections 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, paragraph, provision, word, section, subsection or amendment thereof not been included herein.

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

DULY ORDAINED AND ENACTED this 4th day of March, 2024, by the Borough Council of the Union City Borough, Erie County, Pennsylvania, in lawful session duly assembled.

ATTEST:



 Cindy Wells, Borough Secretary



 President of Borough Council

APPROVED


 Mayor

SECRETARY CERTIFICATE

I certify that the above is a true copy of the Borough of Union City, Erie County, Pennsylvania, Ordinance No.1168 adopted by the Union City Borough Council on March 4th, 2024 and advertised in the Corry Journal on February 22nd, 2024.



 Cindy Wells, Secretary