

D. Any dog or other animal which is suspected to be rabid.

E. Ill, injured or threatening dogs.

(1) Any dog or other animal off the premises of the owner reported to, or observed by, a certified Animal Control Officer to be ill, injured or creating a threat to public health, safety or welfare or otherwise interfering with the enjoyment of property.

(2) If any animal so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag of the owner or the person keeping or harboring said animal is known, any person authorized by the governing body shall forthwith serve on the person whose address is given on the collar or on the owner or the person keeping or harboring said animal, if known, a notice in writing stating that the animal has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after the service of the notice.

(3) A notice under this section may be served either by delivering it to the person on whom it is to be served, or by leaving it at the person's usual or last known place of abode or at the address given on the collar, or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode or to the address given on the collar.

(4) When any dog so seized has been detained for seven days after notice, when notice can be given as above set forth, or has been detained seven days after seizure, when no notice has been given as above set forth, and if the owner or person keeping or harboring said dog has not claimed said dog and paid all expenses incurred by reason of its detention. No dog or other animal so caught and detained or procured, obtained, sent or brought to a shelter shall be sold or otherwise made available for the purpose of experimentation. Any person who sells or otherwise makes available any such dog or other animal for the purpose of experimentation shall be guilty of a disorderly persons offense.

(5) After observation, any animal seized under this section suspected of being rabid shall be immediately reported to the Health Officer.

F. The Animal Control Officer shall also have all such duties and authorities held by the Borough's Dog Warden

ARTICLE IV Wildlife Feeding

[Adopted 5-20-2003 by Ord. No. 2003-13; amended in its entirety 5-16-2006 by Ord. No. 2006-11]

§ 72-7. Purpose.

The purpose of this article is to prohibit the feeding of unconfined wildlife in any public park

§ 72-8. Definitions.

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

FEED — To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

WILDLIFE — All animals that are neither human nor domesticated

§ 72-9. Prohibited conduct.

A. No person shall feed, in any public park or on any other property either public or private in the Borough of Butler, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers), or unconfined wildlife at environmental education centers.

B. No person shall feed wild geese, ducks or other waterfowl anywhere in the Borough, either on public or private property. This shall not be construed to prohibit humane acts in individual cases, such as the temporary nurturing of a wounded or abandoned waterfowl on one's own premises.

§ 72-10. Enforcement; violations and penalties.

A. This ordinance shall be enforced by Animal Control, the Health Department and the Police Department of Butler or any other designated official.

B. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately subject to penalties. Any person, firm or corporation who is found to be in violation of any of the provisions of this article shall, upon conviction, be punished by a fine not to exceed \$1,000 or by imprisonment in the county jail for a period not to exceed 90 days, or by both such fine and imprisonment, and each violation of any of the provisions of this article and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

ARTICLE V

Pet Waste

[Adopted 5-16-2006 by Ord. No. 2006-11]

§ 72-11. Purpose.

The purpose of this article is to establish requirements for the proper disposal of pet solid waste in Borough of Butler, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 72-12. Definitions.

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

IMMEDIATE — The pet solid waste is removed at once, without delay.

OWNER/KEEPER — Any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

PET — A domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

PET SOLID WASTE — Waste matter expelled from the bowels of the pet; excrement.

PROPER DISPOSAL — Placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

§ 72-13. Requirement for disposal.

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

§ 72-14. Exemptions.

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this article while such animal is being used for that purpose.

§ 72-15. Enforcement; violations and penalties.

- A. This ordinance shall be enforced by Animal Control, the Health Department and the Police Department of Butler or any other designated official.
- B. Any person, firm or corporation who is found to be in violation of any of the provisions of this article shall, upon conviction, be punished by a fine not to exceed \$1,000 or by imprisonment in the county jail for a period not to exceed 90 days, or by both such fine and imprisonment, and each violation of any of the provisions of this article and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

ARTICLE VI

Kennels, Pet Shops, Shelters and Pounds

§ 72-16. Definitions.

KENNEL — Any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

PET SHOP — Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs and or cats for sale are kept or displayed.

POUND — An establishment for the confinement of dogs and or cats seized either under the provisions of this chapter or otherwise.

SHELTER — Any establishment where dogs and or cats are received, housed and distributed.

§72-17 License Required.

Any person who keeps or operates or proposes to establish a kennel, pet shop, shelter or a pound shall, in the case of a renewal of the license, apply to the Health Department. Application for the creation of new establishments shall be made to the Mayor and Council of the Borough. Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishments. [Amended 12-21-1999 by Ord. No. 1999-27]