



UPPER UWCHLAN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA  
ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE UPPER UWCHLAN TOWNSHIP  
CODE OF ORDINANCES TO REPLACE CHAPTER 50. ANIMALS  
WITH NEW AND UPDATED PROVISIONS RELATED TO THE  
CONTROL AND MANAGEMENT OF ANIMALS WITHIN THE  
TOWNSHIP.**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Uwchlan Township as follows:

**SECTION 1.** Chapter 50. Animals of the Upper Uwchlan Township Code is hereby repealed in its entirety and replaced to now read as follows:

**Chapter 50. Animals**

Article I. Animal Disturbances and Animal Control.

§50-1. Noise Disturbances.

It shall be illegal within the Township for any person or persons to own, possess, harbor, or control any animal which makes any noise continuously and/or incessantly for a period of 15 minutes or makes such noise intermittently for 1/2 hour or more, to the disturbance of any person of reasonable sensibilities any time of the day or night regardless whether the animal is physically situated in or upon private property, said noise being a nuisance; providing, that at the time the animal is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal is situated nor is there any other legitimate cause which is justifiably provoking the animal.

§50-2. Animals at large; leash requirements.

A. It shall be unlawful for the owner or person having custody of any animal or the parent or guardian of any minor owning or having custody of any animal to allow the animal to run at large over the streets or public grounds, or upon the property of another without permission. It shall also be unlawful for the owner or person having custody of

such animal to permit such animal to pose a danger to pedestrians using adjacent sidewalks and streets.

B. It shall be the duty of the owner, custodian or keeper of any dog traveling on the streets or public grounds to have the animal on a leash at all times.

#### §50-3. Contract authorized.

The Board of Supervisors shall have authority, at its discretion, from time to time, to enter into a contract with an individual or person to act as Animal Control Officer - or as an Animal Protective Services Officer - for the Township. The Animal Control Officer shall be an independent contractor and shall not be the agent, servant or employee of the Township. He/she shall serve for the period of time set out in the contract that is valid at any specific time and shall receive for his services from the Township the amount of money provided in such contract. The Animal Control Officer may be a designated agency or an individual.

#### §50-4. Authority.

The Animal Control Officer is authorized by the Township to preserve the peace and to arrest or to enforce the law under the terms of the Pennsylvania Dog Law of 1965, as amended. The Animal Control Officer and any of his employees shall perform any of the work in the Township referred to in this Chapter and as provided by contract. If deemed warranted by the Board of Supervisors, the Animal Control Officer may be sworn in for the limited services referred to in this Chapter and pursuant to the contract, and shall have limited powers of a police officer.

#### §50-5. Extent of animal control work.

The animal control coverage shall be at the discretion of the Chief of Police and shall include the control of animals responsible for bites and the containing and removal of stray dogs. Nothing in this Chapter shall be construed so as to limit any police officer of the Township in enforcing any of the provisions of this Chapter or the Dog Law.

#### §50-6. Recoupment of Fees paid by the Township.

If a seized animal is claimed by its owner or keeper, or their agent, such person shall pay all reasonable expenses incurred by reason of its detention which shall include the repayment to the Township of all the costs incurred by the Township due the seizure and keeping of the owner's animal. The Township shall send a bill to the owner documenting any and all expenses which were incurred due the seizure and detention of that owner's animal. The owner shall reimburse the Township for those expenses within fifteen (15) days of receipt of written notice of the amount owed to the Township. Additionally, if a resident of the Township is actively trapping stray and feral cats and transporting them to

an approved shelter, those costs shall be passed through to the resident and shall not be the financial burden of the Township.

## Article II. Animal Waste Disposal

### §50-7. Animal defecation without proper removal on public and private property.

No person having possession, custody or control of any animal shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e., defecation or urination, upon any gutter, street, driveway, alley, curb or sidewalk in the Township, or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park, or upon the grounds of any public park or public area, or upon any private property other than the property of the owner of such animal unless permission is otherwise given. The above action shall constitute a nuisance only when the animal feces is not properly removed by, and disposed of, by the animal owner as below described.

### §50-8 Persons to provide container for disposal of animal feces.

Any person having possession, custody or control of any animal in the Township, on property other than the private property of the owner of such animal, shall have in his or her possession a container, bag or other receptacle for the purpose of immediately removing any feces from such surface.

### §50-9. Disposal of animal feces.

Any person having possession, custody or control of any animal which commits a nuisance, i.e., defecation, in any area other than the private property of the owner of such animal shall be required to immediately remove the feces from such surface and either:

- A. Carry same away for disposal in a toilet; or
- B. Place same in a nonleaking container for deposit in a trash or litter receptacle.

### §50-10. Exemptions.

The above provisions shall not apply to a guide dog accompanying any visually impaired person, or to any dog used to assist any other physically disabled person.

Article III. Violations and Penalties.

Any person who violates or permits the violation of any provision of this Chapter shall, upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense, and shall be subject to a fine of not more than \$600, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term of not more than thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of a violation may be punished as provided above for each separate offense. All fines and penalties collected for violation of this Chapter shall be paid to the Township Treasurer.

**SECTION 2. Severability.** If any sentence, clause, section, or part 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 parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 3. Repealer.** All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 4. Effective Date.** This Ordinance shall become effective five days from the date of adoption.

**ENACTED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

**UPPER UWCHLAN TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Gwen A. Jonik, Township Secretary

\_\_\_\_\_  
Sandra M. D'Amico, Chair

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Jamie W. Goncharoff, Vice-Chair

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Jennifer F. Baxter, Member