

BOROUGH OF CONSHOHOCKEN
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF CONSHOHOCKEN, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 2 ANIMALS TO ESTABLISH ADDITIONAL RULES AND REGULATIONS REGARDING THE KEEPING OF ANIMALS IN THE BOROUGH OF CONSHOHOCKEN; REPEALING PRIOR INCONSISTENT ORDINANCES AND PARTS OF ORDINANCES; PROVIDING FOR A SAVINGS CLAUSE; AND CONTAINING AN EFFECTIVE DATE.

WHEREAS, the Borough Council of the Borough of Conshohocken is duly empowered by the Borough Code to enact certain regulations relating to the public health, safety and welfare of the citizens of the community of the Borough of Conshohocken;

WHEREAS, the Borough Council of the Borough of Conshohocken has established, *inter alia*, regulations relating to the keeping of animals within the Borough of Conshohocken at Chapter 2 *Animals* of the Code of the Borough of Conshohocken; and

WHEREAS, Chapter 2 *Animals* has not been updated in over 30 years, and the Borough Council of the Borough of Conshohocken has identified, through feedback from the Borough's residents and property owners, certain amendments to Chapter 2 *Animals* that will serve to protect the health, safety, and welfare of all those present in the Borough.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Conshohocken as follows:

SECTION 1.

Chapter 2 *Animals*, Part 1 *Curbing of Dogs* is hereby repealed in its entirety, and replaced with the following new Part 1 titled *GENERAL REGULATIONS* with the following provisions:

PART 1 GENERAL REGULATIONS

§ 2-101. Land Subject to this Part.

For purposes of this Part, unless otherwise provided, all of the following lands, which include streams, creeks, ponds, lakes, and other bodies of

water and watercourses, which are within the jurisdiction of the Borough of Conshohocken are subject to this Part, and are referred to in this Part as “Land Subject to this Part”:

- a. **Public Lands**—any and all streets, roads, street and utility rights-of-way, easements, common thoroughfares, sidewalks, passageways, bypaths, play areas, parks, ballfields, places where people congregate or walk, and any other public lands whatsoever.
- b. **Private Lands**—all privately-owned lands except:
 - i. Those lands owned by the person who is the owner, custodian, keeper, or person in possession of the animal involved.
 - ii. Any lands for which permission had been received from the owner, occupant, tenant, or other authorized person who is in charge, has custody, or is in possession of those lands.

§ 2-102. Running at Large (Off-Leash) Prohibited. It shall be unlawful for any owner, custodian, keeper, or person in possession of any animal to allow that animal to run at large at any time on Lands Subject to this Part, unless accompanied by and under the immediate hand control, by means of a leash, of such owner, custodian, keeper, or person in possession of such animal. It shall be a violation of this Part to cause, permit, suffer, or allow animals to leave lands not subject to this Part (e.g. land owned by the owner, custodian, keeper, or person in possession of the subject animal) and enter those lands that are subject to this Part. An example of a violation of the foregoing sentence would be an animal on the property of the owner of that animal that is permitted, suffered, or allowed to enter a neighboring property without the permission of the owner, occupant, tenant, or other authorized person in charge of, or with custody of, the neighboring property.

§ 2-103. Animal Waste Requirements.

- a. No person owning, harboring, keeping, with custody, in possession, or in charge of any animal shall cause, permit, suffer, or allow such animal to soil, defile, defecate, or commit any nuisance upon the Lands Subject to this Part, whether Public Lands or Private Lands.
- b. **Removal of Waste Required.**
 - i. In the event any animal has defecated upon any of the Lands Subject to this Part, whether Public Property or Private Property, the owner, custodian, keeper, person in possession, in charge of, or accompanying the animal shall

immediately remove all feces deposited by the animal by any sanitary method. Provided, that compliance with this section shall not operate as a defense or mitigation of any other violation of this Part.

- ii. Every person who is the owner, keeper, custodian, or in possession, or in charge of any animal on any privately owned lands, including those lands not otherwise subject to this Part, shall cause all feces from that animal to be collected at least twice a week, and then disposed by any accepted sanitary method.

§ 2-104 Animal Noise. Noise generated by animals within the Borough shall be subject to the provisions of Chapter 10 *Health and Safety*, Part 5 *NOISE CONTROL*.

SECTION 2.

Chapter 2 *Animals* is hereby amended by adding a new Part 3 titled *Stray/Feral Cat Regulations* with the following provisions:

PART 3 STRAY/FERAL CAT REGULATIONS

§ 2-301 Definitions. As used in this part, the following terms shall have the meanings stated:

Feral Cat—an unowned, free-roaming cat that is partially socialized or unsocialized to humans and tends to resist contact with humans.

Feral Cat Colony—a group of feral cats living in one territory and/or in close proximity, often near food sources and shelter.

Stray Cat—any cat whose owner or keeper from time to time allows the cat to run free off of the property of the owner or keeper. Cats found running at large (off-leash) pursuant to § 2-102 of this Part shall be presumed to be stray cats.

§ 2-302 Feeding of Stray/Feral Cats Prohibited. It shall be unlawful for any person to feed stray or feral cats where such feeding causes a nuisance to neighbors or creates a condition contrary to the health, safety, and welfare of the community. Conditions where a feral cat colony is created and/or sustained shall be presumed to be a nuisance and a condition contrary to the health, safety, and welfare of the community for purposes of this Part.

SECTION 3.

Chapter 2 *Animals* is hereby amended by adding a new Part 4 titled *Violations and Penalties* with the following provisions:

PART 4 ENFORCEMENT, VIOLATIONS AND PENALTIES

§ 2-501 Enforcement.

It shall be the duty of the duly authorized Animal Control Officer of the Borough of Conshohocken to enforce this Chapter. In the absence of such duly authorized Animal Control Officer this Chapter shall be enforced by the Conshohocken Police Department or such other person or persons duly authorized by the Borough to enforce this.

§ 2-502 Violations and penalties.

- a. Any violation of this Chapter may result in an action being brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses. A separate offense shall arise for each day or portion of a day in which a violation is found to exist, or for each regulation of this section which is found to have been violated. Fines and penalties shall be issued on an escalating basis, plus costs, as follows:

1st Offense:	\$50
2nd Offense:	\$100
3rd Offense:	\$200
4th Offense and Up:	\$500

Upon conviction of violation of the foregoing Parts of this Chapter, and In default of payment of the foregoing fines and costs, a term of imprisonment not to exceed 30 days may be imposed.

- b. Any person found guilty of violating this Chapter may be assessed court costs and reasonable attorney fees incurred by the Borough in the enforcement proceedings brought in accordance with this section.

- c. Any and all costs incurred by the Borough in connection with enforcement of this Chapter over and above the penalties, fines, fees, and costs set forth in section a and section b of this ordinance, shall be billed directly to the offending party.
- d. This section may be enforced through an action in equity brought in the Court of Common Pleas of Montgomery County.
- e. **Private Civil Actions Authorized.** All persons are authorized to commence private civil actions against persons violating the provisions of this Chapter by filing a complaint, or other appropriate form of action, with the magisterial district judge or any other court of competent jurisdiction.

SECTION 4.

Any and all other ordinances or parts of ordinances in violation or in conflict with the terms, conditions and provisions of this ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 5.

The terms, conditions and provisions of this ordinance are hereby declared to be severable, and, should any portion, part or provision of this ordinance be found by a court of competent jurisdiction to be invalid, non-enforceable or unconstitutional, the Council hereby declares its intent that the ordinance shall have been enacted without regard to the invalid, non-enforceable, or unconstitutional portion, part or provision of this ordinance.

SECTION 6.

This ordinance shall become effective immediately.

ORDAINED and **ENACTED** an ordinance of the Borough of Conshohocken this _____ day of _____, 2022.

BOROUGH OF CONSHOHOCKEN:

COLLEEN LEONARD, COUNCIL PRESIDENT

ATTEST:

STEPHANIE CECCO,
BOROUGH SECRETARY

Approved this _____ day of _____,
2022

YANIV ARONSON, MAYOR