

ORDINANCE NO. 2023- 1

AN ORDINANCE OF THE TOWNSHIP OF HEIDELBERG, LEHIGH COUNTY, PENNSYLVANIA, IMPOSING UPON OWNERS OF ANIMALS A DUTY TO KEEP SUCH ANIMALS UNDER RESTRAINT; AND A DUTY TO PREVENT TRESPASS BY SUCH ANIMALS; ESTABLISHING PENALTIES FOR VIOLATION; AND PROVIDING PROVISIONS FOR A GENERAL REPEALER, VALIDITY CLAUSE, AND EFFECTIVE DATE.

WHEREAS, the Board of Supervisors of the Township of Heidelberg, Lehigh County, Pennsylvania has determined that Heidelberg Township has not enacted ordinances regulating proper control of animals by their owners; and

WHEREAS, the Board of Supervisors finds that proper control and restraint of animals by their owners is necessary to protect the public health, safety, and welfare.

WHEREAS, in order to fit into the Code of Ordinances for the Township this ordinance shall create a Part 5 to Chapter 10 of the Code of Ordinances and be numbered accordingly to fit therein.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Heidelberg, Lehigh County, Pennsylvania, in lawful session duly assembled, it is hereby ordained and enacted by the authority of the same as follows:

SECTION 10-501: DEFINITIONS

As used in this Ordinance, the term "owner" shall mean and include the registered owner of an animal, the person responsible as keeper of an animal and/or the custodian charged with or having responsibility of oversight of an animal.

As used in this Ordinance, the term "animal" shall mean all non-human vertebrate and invertebrate species in the Animalia biological kingdom (including, for example, but not limited to livestock, dogs, cats, mammals, fowl, birds and reptiles.) However, for the purpose of this Ordinance, "animal" does not include any undomesticated animal that exists naturally in the wild or is reintroduced or stocked into the wild by a governmental agency, such that they have no "owner." Examples of such undomesticated animals include, but are not limited to wild deer, turkey, ducks, geese, groundhogs and squirrels. Bees and other insects used for agricultural or food production purposes are also exempt from the provisions of this Ordinance. ****

SECTION 10-502: OWNER TO KEEP ANIMAL UNDER RESTRAINT

It shall be unlawful for the owner of any animal to allow such animal to run at large, at any time, either upon any street or public grounds of the Township, or upon the private property of any person, without permission of the property owner, or entity other than the owner.

SECTION 10-503: Penalties for Violation & Enforcement

- A. Any person first violating any provision of this Ordinance, upon conviction by the District Justice having appropriate jurisdiction, shall pay a fine of One Hundred Dollars (\$100.00), plus all costs of prosecution.
- B. The fine prescribed for a second violation of this Ordinance and payable upon conviction by the District Justice, shall be Two Hundred Dollars (\$200.00). The fine prescribed for a third and all subsequent violations of this Ordinance and payable upon conviction shall increase by One Hundred Dollars (\$100.00) for each subsequent violation with a maximum fine per offense being limited to One Thousand Dollars
- C. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Ordinance which is found to have been violated.
- D. A separate offense shall arise for each animal involved with any violation of this Ordinance. For example, if an owner allowed three of his or her animals to simultaneously run at large upon any street or public grounds of the Township, or upon the private property of any person or entity other than the owner, the owner would have committed three violations of this Ordinance.
- E. This Ordinance shall be enforced by an action brought before a District Justice in the same manner provided for enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

SECTION 10-504: GENERAL REPEALER. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict.

SECTION 10-505: SEVERABILITY. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason declared unconstitutional, illegal, or otherwise invalid by the judgment or decree of a court of competent jurisdiction, then, such portion shall be deemed a separate, distinct and independent provision and such invalidity shall not affect the validity of any of the remaining sections, subsections, paragraphs, sentences, clauses, phrases or portions of this Ordinance.

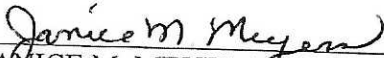
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EFFECTIVE DATE. The provisions of this Ordinance shall become effective five (5) days following enactment.

DULY ENACTED AND ORDAINED this 20th day of July, 2023 by the Board of Supervisors of Heidelberg Township, in lawful session duly assembled.

ATTEST:

TOWNSHIP OF HEIDELBERG



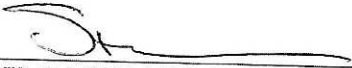
JANICE M. MEYERS, SECRETARY



JONATHAN JAKUM, Chairman



DAVID O. FINK, Vice Chairman



STEVE BACHMAN, Member