

**SILVER SPRING TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2019-01

**AN ORDINANCE OF SILVER SPRING TOWNSHIP, CUMBERLAND COUNTY,
PENNSYLVANIA, REPEALING ORDINANCE NO. 73-1; PROHIBITING DOGS FROM
RUNNING AT LARGE AND REGULATING THE CONTROL OF ANIMALS; AND
PRESCRIBING PENALTIES FOR VIOLATIONS AND RECOVERY OF COSTS**

BE IT ORDAINED and RESOLVED, and it is hereby ordained and resolved, by the Board of Supervisors of the Township of Silver Spring, County of Cumberland, and Commonwealth of Pennsylvania, as follows:

SECTION 1. Short title.

This chapter shall be known and may be cited as the "Silver Spring Township Animal Control Ordinance."

SECTION 2. Definitions.

The following terms shall be construed in this chapter to have the following meanings, except in those instances where the context clearly indicates otherwise:

DOG - The genus and species known as *Canis familiaris*.

OWNER - Any person having a right of property in any dog, domestic or nondomesticated animal, or having custody or control of any such animal, or any person who permits a domestic or nondomesticated animal (other than wildlife in its natural habitat) to remain on or around his or her property.

RUNNING AT LARGE - Being upon any public highway, street, alley, park or any other public land or upon property of another person other than the owner and not being accompanied by nor under the control of the owner consistent with the Pennsylvania Dog Law, 3 P.S. § 459-305.

SECTION 3. Conduct, activities and conditions constituting violations.

The following activities or conditions are hereby declared to be unlawful:

- A. No owner of any dog shall suffer or permit such animal to run at large in Silver Spring Township, Cumberland County, Pennsylvania.
- B. No owner of any dog, domestic or nondomesticated animal shall allow or permit such dog, domestic or nondomesticated animal to make loud or harsh noises, on a continuous basis, to the extent that it shall disturb or interfere with the peace, quiet, rest or sleep of other persons.
- C. No owner of any dog, domestic or nondomesticated animal shall allow such dog, domestic or nondomesticated animal to defecate, without removal of the defecation, upon any public sidewalk, walkway or property of any other person.

SECTION 4. Violations and penalties.

- A. Any person who shall violate this Ordinance shall, upon being found liable therefor in a summary enforcement proceeding commenced under the Pennsylvania Rules of Criminal Procedure by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorneys' fees incurred by the Township in the enforcement of this Ordinance, and all expenses incurred by reason of the detention of the dog when such dog has been detained. The Township may enforce any judgment pursuant to this Ordinance according to the applicable Rules of Criminal Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Ordinance.
- B. Any owner of a dog that has had to be detained or kenneled by Silver Spring Township pursuant to any provision of this Ordinance shall be liable for all expenses incurred by reason of the detention of the dog even if a summary offense citation is not issued. Kenneling and related expenses shall be paid by the owner prior to the release of the dog.

SECTION 5. Severability

The provisions of this Ordinance are severable. If any sentence, clause, or section 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, or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Silver Spring Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section not been included herein.

SECTION 6. Repeals

Ordinance No. 73-1 is hereby repealed. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith. This Ordinance does not repeal any provision of the Silver Spring Township Zoning Ordinance.

SECTION 7. No Effect on Other Applicable Laws

No provision of this Ordinance shall be construed as limiting the enforcement of any laws of the Township not repealed by this Ordinance, laws of the United States or laws of the Commonwealth of Pennsylvania.

SECTION 8. Effective Date

This ordinance shall become effective five (5) days after enactment.

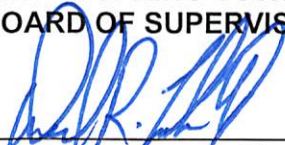
ORDAINED AND ENACTED this 23rd day of January, 2019.

ATTEST:



Theresa Eberly, Secretary

**SILVER SPRING TOWNSHIP
BOARD OF SUPERVISORS**



David R. Lenker, II, Chair

(SEAL)