

BOROUGH OF PORTLAND  
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2010-1

**AN ORDINANCE OF THE BOROUGH OF PORTLAND, NORTHAMPTON  
COUNTY, PENNSYLVANIA, REQUIRING CURBING OF DOGS AND  
PROVIDING FOR FINES AND PENALTIES FOR VIOLATION THEREOF**

WHEREAS, Borough Council believes it is in the best interest of the Borough, and necessary to ensure the health, safety and welfare of Borough residents, to regulate and require dog owners to properly control and clean up after their dogs.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Portland, Northampton County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

1. It shall be unlawful for the owner of any dog, or any person in charge of any dog, while within or frequenting the Borough, to permit any dog to be unattended, to run at large, to cause annoyance to persons or damage to persons or property, or to trespass upon, litter or deface any premises, pavement, public highway or park within the Borough.

2. Dogs must at all times be either restrained by a leash or other appropriate device of control so that the dog cannot stray beyond the premises on which it is secured, or is under the reasonable control of the owner or person in charge of the dog, which for the purpose of this Ordinance shall be termed "curbing." Curbing shall be permitted only on public streets, public grounds, and on private property with the express permission of the owner of such property.

3. Any person who curbs a dog within the Borough shall immediately remove all feces deposited by such dog by any sanitary method and same shall be deposited in the owner's garbage or disposed of in some other sanitary method. For purposes of this Ordinance, sanitary methods of removing and disposing of feces shall be the immediate and proper removal of such feces, immediately followed by wrapping or protecting such deposit and depositing it into a repository intended for disposal of residential or municipal waste so as to prevent

unsightly disposal, smell or interference with the health and welfare of the community.

4. Failure of any dog owner or person in charge of a dog to curb and restrain his dog as set forth in the preceding paragraphs shall subject the owner or person in charge to the penalties provided by this Ordinance.

5. The provisions of this Ordinance do not apply to blind persons using dogs as guides.

6. Any person who violates any provision of this article shall:

a. upon the first violation, receive a written notice from the Borough Police Officer, animal control officer or other agent designated by the Borough; and

b. upon a second violation committed within a period of six months after the first violation and upon conviction of such second violation, be sentenced to pay a fine of not more than \$50.00, plus costs of prosecution and, in default of payment of such fine and cost, to imprisonment of not more than three (3) days; and

c. upon a third violation committed within a period of three months after the second violation and upon conviction of such third violation, be sentenced to pay a fine of not less than \$100.00, and not more than \$500.00, plus costs of prosecution and, in default of payment of such fine and cost, to imprisonment of not more than ten (10) days; and

d. upon a fourth violation committed within three months after the third violation and upon conviction of such third violation, be sentenced to pay a fine of not less than \$500.00, plus costs of prosecution, and may be sentenced to imprisonment for not more than 30 days and, in default of payment of such fine and cost, to imprisonment of not more than thirty (30) days.

e. upon any subsequent violation and upon conviction of such subsequent violation, be sentenced to pay a fine of not more than \$1,000.00 and/or to a term of imprisonment consistent with the provisions of 18 Pa.C.S. § 1105.

7. Any adult citizen of the Borough who is an owner or tenant of real property upon which dog defecation has occurred, and for which the person owning or in charge of the defecating dog has not fully complied with the requirements of this Ordinance, may institute a private action under this Ordinance against the person who violated or neglected to comply with the provisions of this Ordinance. For purposes of this section, the area of public sidewalk and the area of grass between the sidewalk and the curb line of the public street shall be deemed to be areas for which citizen-initiated action is proper, in addition to the privately-owned real property of which the citizen is an owner or tenant. Such action shall be commenced by the filing of a civil complaint with the Magisterial District Justice. At no time throughout such citizen-initiated proceedings shall such citizen be, or be deemed to be an agent, officer or employee of the Borough. Upon adjudication by the Magisterial District Justice that a violation of this Ordinance has occurred under this section, the penalties set forth in section 6 hereof shall apply. Upon collection of the civil penalty and the costs of proceedings from such adjudicated violator, the Magisterial District Justice shall be authorized to repay to the citizen who initiated the action the amount such citizen advanced as filing and/or services fees, then to pay over to the Borough the remaining amount so collected.

8. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

9. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be illegal or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

10. This Ordinance shall be immediately effective.

DULY ENACTED AND ORDAINED, this 12th day of July, 2010, by Portland Borough Council in public session duly assembled.

ATTEST:

BOROUGH OF PORTLAND,  
NORTHAMPTON COUNTY

Carol A. Hummel  
Borough Secretary

Sherron S. [Signature]  
Council (Vice) President

APPROVED this 12th day of July, 2010

Mayor of Portland Borough:

Kay Bucci  
Kay Bucci, Mayor

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