

Ordinance 346

AN ORDINANCE AMENDING THE PROVISIONS OF ORDINANCE NO. 232 PERTAINING TO CONTROLLING ANIMAL URINATION AND DEFECATION ON PUBLIC AND PRIVATE PROPERTY, TO REQUIRE OWNERS TO CLEAN UP AFTER THEIR ANIMALS, AND TO DECRIMINALIZE INCIDENTS OF DEFECATION WHERE OWNERS DO CLEAN UP AFTER THEIR PETS.

WHEREAS, Ordinance 232 prohibits any animal owner to permit an animal to defecate or urinate on any Public or Private property other than on the property of the owner, and imposes penalties for such defecation or urination whether or not the owner effectively cleans up the deposited feces; and

WHEREAS, the real and practical effect of the Ordinance is to prevent any animal owner from walking an animal any place other than on his or her own property without subjecting that owner to the threat of prosecution, fines and or imprisonment; and

WHEREAS, Borough Council recognizes that most dog owners walk their pets on areas other than their own properties and that such a practice is customary and acceptable in this and in most communities; and

WHEREAS, Borough Council does not hereby disturb other laws, the common law and causes of action pertaining to trespassing on private property and any remedies therefor.

**NOW THEREFORE**, The New Britain Borough Council hereby enacts and ordains as follows:

Section 1. Ordinance 232 is repealed in its entirety.

Section 2. No person, firm or corporation having possession, custody or control of any animal on public or private property (other than on private property of the person, firm or corporation) shall fail or refuse, intentionally or negligently, to clean up and carry away for disposal any animal feces deposited there by such an animal. Such feces shall be disposed of in the person's own toilet or trash receptacle.

Section 3. The provisions of Section 2 shall not apply to a guide dog accompanying any blind persons or to a dog used to assist any other physically handicapped person.

Section 4. Nothing in this Ordinance is intended to disturb or repeal existing rights, laws, the common law and or causes of action pertaining to private property and the rights of persons to be secure in their property against all other persons. Accordingly, this Ordinance does not give any person or person's animal any right to trespass, enter upon or utilize any other person's private property for any purpose.

Section 4. Penalties. Any person, firm or corporation who shall violate the provisions of this Ordinance at Section 2, shall, upon conviction, be sentenced to pay a fine of not more than Three Hundred Dollars.

DULY ENACTED AND ORDAINED this 11 day of Sept, 2012.

NEW BRITAIN BOROUGH

By:

  
ROBERT BELCHIC, PRESIDENT

ATTEST:

  
SECRETARY

APPROVED BY:

  
DAVID HOLEWINSKI  
MAYOR

DATE

9/11/2012