

TOWNSHIP OF MOUNT PLEASANT

ORDINANCE NO. 137

AN ORDINANCE OF THE TOWNSHIP OF MOUNT PLEASANT, AMENDING CHAPTER 52 OF ITS CODE OF ORDINANCES, ANIMALS, TO ADD PROVISIONS REQUIRING PERSONS WALKING DOGS IN TOWNSHIP PARKS TO REMOVE ANIMAL WASTE AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the Township of Mount Pleasant previously enacted Chapter 52 in its Code of Ordinances regarding the keeping of animals; and

WHEREAS, the Township of Mount Pleasant desires to further amend and supplement Chapter 52 as it relates to duties regarding dog walking and associated pet waste removal in public parks, as follows:

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by Township Board of Supervisors, by authority of same, as follows:

This ordinance shall be hereinafter known and cited as the “Mount Pleasant Township Pooper-Scooper Ordinance.”

SECTION 1. Purpose. The purpose of this Ordinance is to prevent unsanitary conditions in public parks by requiring the owner or custodian of any dog to be responsible for the removal of pet waste deposited by such dog in all public parks.

SECTION 2. Removal and Disposal of Dog Pet Waste from Public Parks.

1. A person who owns or has custody of a dog shall immediately remove and dispose of in a sanitary manner, by placing in a plastic bag or other appropriate device and depositing in a sanitary receptacle, any pet waste deposited by such dog in any public park.
2. Exception: The provisions of this Section shall not apply to a blind person being accompanied by a guide dog.

SECTION 3. Penalties.

1. Any person who violates or permits a violation of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil 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 herewith.

2. Repeat Offences.
 - A. Any person who is cited and found guilty for violation of this Ordinance on more than one occasion shall be precluded from entering a public park while in the custody of a dog.

 - B. Any person, after having been cited and found guilty of violating this Ordinance on more than one occasion, who enters a public park while in the custody of a dog shall be deemed to have committed a criminal trespass and prosecuted as such to the full extent permitted under the law.

SECTION 4. Repealer. All ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, be and the same are hereby repealed.

SECTION 5. Severability. If any sentence, clause, section or part 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, sections, or parts of this Ordinance. It is hereby declared that this Ordinance would have been adopted to have such constitutional, illegal or invalid sentence, clause section or part thereof not been included therein.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon adoption as provided under law.

ORDAINED AND ENACTED into law this _____ day of _____, 2016.

ATTEST:

THE TOWNSHIP OF MT. PLEASANT

Erin Sakalik,
Township Manager-Secretary

Gary R. Farner, Chairman

(seal)

Brian D. Temple, Vice-Chairman

Donald Reed, Supervisor

Approved as to form by:

Thomas P. McDermott, Solicitor