

**BOROUGH OF NORTH APOLLO
ORDINANCE NO. 326 OF 2017**

AN ORDINANCE OF THE BOROUGH OF NORTH APOLLO, COUNTY OF ARMSTRONG AND COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE 316 OF 2014 AMENDING CHAPTER 2 OF THE BOROUGH OF NORTH APOLLO CODE OF ORDINANCES TO GOVERN AND REGULATE ACTIVITIES WITH REGARD TO DOGS AND CATS WITHIN THE BOROUGH INCLUDING SAFETY PRECAUTIONS AS WELL AS ESTABLISHING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Borough of North Apollo adopted Ordinance No. 316 of 2014 on the 3rd day of November, 2014 which amended Chapter 2 of the Borough of North Apollo Code of Ordinances to Govern and Regulate Activities With Regard to Dogs and Cats Within the Borough, Including Safety Precautions as Well as Establishing Penalties for Violation Thereof; and

WHEREAS, the Borough now desires to adopt the following provisions related to unlawful activities and the costs associated therewith regarding dogs within the Borough; and

WHEREAS, the Borough contracts with third parties to provide certain services, including responding to emergency calls within the Borough involving animals running at large or animals creating emergency situations;

WHEREAS, the Borough has a financial interest and obligation to the tax paying citizens of North Apollo Borough to ensure that costs and fees are paid by the party incurring the cost and/or necessitating an emergency response to certain calls; and

WHEREAS, the Borough enacts this Ordinance pursuant to the powers granted by the Borough Code of the Commonwealth of Pennsylvania, 8 Pa.C.S. §101, et seq.

NOW THEREFORE, intending to be legally bound, the Borough Council of North Apollo does hereby **ORDAIN AND ENACT** the following:

SECTION I

SECTION 1-112 COSTS

The Borough of North Apollo is currently under contract with third party vendors to perform certain duties for the Borough. These duties include, but are not limited to the collecting and capture of animals running, at large, within the municipality and when the situation involves dogs, holding licensed dogs for a period of five (5) days after having notified the owner, holding all stray dogs for a certain period of time, answering and responding to all calls, including calls referring to road kill dogs and animals, as quickly as possible after receiving the call and patrolling the municipality in search for dogs at large, to prosecute all violators, and to answer emergency calls which are calls answered after normal working hours (after 4:00 p.m., Monday through Friday) or on Saturday, Sunday or holidays, and that require a truck to be dispatched.

In the event that a certain situation arises, which causes the third party vendor, or any other party performing duties similar to those outlined above, to charge the Borough of North Apollo a

fee for services rendered in regard to a dog, whether the service is in relation to an emergency call or otherwise, the Borough of North Apollo shall invoice the record Owner of the dog or any party claiming to be the owner of the dog, for any amounts billed to or paid by the Borough of North Apollo in association with said dog. The payment to the Borough of North Apollo is due and payable upon receipt by the Owner. Any failure of the dog Owner to make payment in full within the proscribed period of time shall subject the Owner to the enforcement provisions outlined in Ordinance Number 316 of 2014 as enacted on November 3, 2014.

SECTION II – REPEALER

All remaining parts and portions of Ordinance 316 of 2014 not in conflict with this Ordinance shall remain in full force and effect.

SECTION III – SEVERABILITY

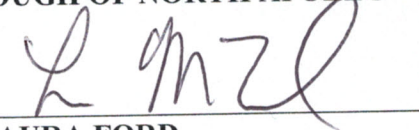
If any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutional, illegal or invalid part or portion shall be removed and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared that it is the intent of the Borough of North Apollo that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herewith.

SECTION IV – EFFECTIVE DATE

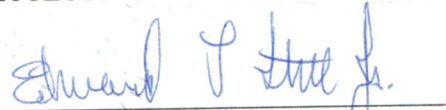
This Ordinance shall be effective upon adoption.

THIS ORDINANCE BEING ORDAINED AND ENACTED BY THE BOROUGH OF NORTH APOLLO THIS 6TH DAY OF FEBRUARY, 2017.

BOROUGH OF NORTH APOLLO

BY: 
LAURA FORD
Council President

ATTEST:

 (SEAL)
EDWARD L. STITT, JR.,
Borough Secretary

APPROVED:

JOHN DURANDETTO, Mayor

This Ordinance was vetoed by Mayor John Durandetto after the meeting of February 6, 2017. Pursuant to Section 3301.3(a)(iii) of the Pennsylvania Borough Code, Council reconsidered the Ordinance at the March 6, 2017, public meeting at which time a majority of all elected Council Members plus one votes, voted to override the Mayor's veto. The vote was determined by a count of yea and nay. All four attending Council Members voted yea, including Laura M. Ford, Patrick Ellenberger, Dana Baustert and Debbie Stankus. Therefore, this Ordinance shall have full force and effect as if it had received the approval of the Mayor.