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PART 1

ANIMAL CONTROL

§2-101. Intent and Purpose of this Part.

This Part is enacted to regulate the maintenance, keeping or possession of animals within the Borough of Rockledge in order to promote the health, safety and general welfare of its inhabitants. It is the intent that this Ordinance shall be supplemental to any laws of the Commonwealth of Pennsylvania currently in effect or hereinafter adopted regarding animals within the Commonwealth of Pennsylvania and specifically in the Borough of Rockledge.

(Ord. 556, 12/13/1999, §1)

§2-102. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Part:

ANIMAL — shall be construed in a broad sense to include not only animals so-called but also birds, fish, reptiles and insects.

BOARD — Board of Animal Regulation.

BOROUGH — Borough of Rockledge.

BOROUGH COUNCIL — Borough Council of the Borough of Rockledge.

MENAGERIE — a collection of animals which are not listed herein, as permitted animals under this Part which are kept in cages or enclosures for exhibition and supervision by a full-time professional trainer.

PERMITTEE — that person or person to which a permit is issued under the terms of this Ordinance.

PERSON — any individual, partnership, association, corporation, estate or trust, as well as all officers, agents, servants, employees or others acting for any of the same, and said term shall apply in the singular or plural, as the case may require.

PET SHOP — a retail shop primarily engaged in the business of selling animals and maintaining, keeping or possessing any animal for which a permit may be issued by the Board under that section of this Part which allows animals by permit, at any time during the calendar year or any part thereof.

ZOOLOGICAL GARDEN — a collection of animals not listed as a permitted animal in this Part and which is maintained in a park or garden by an educational,

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nonprofit or governmental corporation under the supervision of at least one professional zoologist.

(Ord. 556, 12/13/1999, §2)

§2-103. Permitted Animals.

Any person is permitted to maintain, keep or possess within the Borough of Rockledge any of the following animals, which classifications shall be strictly construed:

- A. Cage birds, including parakeets, parrots, canaries, finches, lovebirds, myna birds and other birds ordinarily kept in cages in households, but excluding wild birds captured or rescued and kept in cages.
- B. Cats (*Feline catus*).
- C. Dogs (*Canes familiaris*), except dingoes.
- D. Frogs (*Salientia*).
- E. Goldfish and carp (*Cyprinidae*).
- F. Guinea pigs (*Cavia cutleri*).
- G. Hamsters (*Cricetus* and *Mesocricetus*).
- H. Lizards (*Sauna*), except those listed under animals prohibited in the Borough.
- I. Rabbits, restricted to European-type rabbits (*Oryctolagus cuniculus*) commonly kept as pets or livestock.
- J. Rats, white (*Rattus norvegicus*).
- K. Salamanders (any tailed amphibian).
- L. Snakes, nonpoisonous and native to the Borough of Rockledge.
- M. Toads (*Sallentia*).
- N. Tropical fish, limited to those customarily maintained in a household aquarium, except piranhas.
- O. Turtles (*Chelonia*).

(Ord. 556, 12/13/1999, §3)

§2-104. Prohibited Animals.

No person is permitted to maintain, keep or possess within the Borough of Rockledge any of the following animals, which classifications shall be broadly construed:

- A. All poisonous animals, including rear-fanged snakes.
- B. Apes; chimpanzees (*Pan*), gibbons (*Hylobates*), gorillas (*Gorilla*), orangutans (*Pongo*) and siamangs (*Symphalengus*).
- C. Baboons (*Paplo*, *Mendrius*).
- D. Bears (*Ursidae*).
- E. Bison (*Bison bison*).
- F. Cheetahs (*Acinoayx jubatus*).
- G. Coyotes (*Canis latrans*).
- H. Crocodilians (*Crocodylia*) 30 inches in length or more.
- I. Constrictor snakes 6 feet in length or more.
- J. Deer (*Cervidae*); includes all members of the deer family, for example, white tailed deer, elk, antelopes, moose.
- K. Elephants (*Elephas* and *Loxodonta*).
- L. Game cocks, i.e., fighting birds.
- M. Hippopotamuses (*Hippopotamidae*).
- N. Hyenas (*Hysenidae*).
- O. Jaguars (*Panithera onca*).
- P. Leopards (*Panthers pardus*).
- Q. Lions (*Panthera leo*).
- R. Lynxes (*Lynx*).
- S. Monkeys, old world (*Carcopithecidae*).
- T. Ostriches (*Struthio*).

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- U. Piranha fish (Characidae).
- V. Pumes (Felis concolor) also known as cougars, mountain lions and panthers.
- W. Rhinoceroses (Rhinocerotidae).
- X. Sharks (class chondrichthyss).
- Y. Snow leopards (Panthera uncl).
- Z. Swine (Suidae).
- AA. Tigers (Panthero tigris).
- BB. Wolves (Canis upus).
- CC. Cattle.
- DD. Poultry.
- EE. Sheep.
- FF. Goats.
- GG. Horses.

(Ord. 556, 12/13/1999, §4)

§2-105. Animals Allowed with Permit.

1. No person other than a registered veterinarian in the course of his/her professional duties is permitted to maintain, keep or possess within the Borough of Rockledge any animal not specifically mentioned in §2-104 above, unless application for a permit shall have been made by such person to the Board of Animal Regulations and a permit shall have been issued therefor. Among such animals for which a permit may be issued by the Board are the following:
 - A. Costimundis (Nasua).
 - B. Crocodilians (Crocodilia) under 30 inches in length, includes baby alligators and calmans.
 - C. Eagles (Aquila and Hailaeetus), subject to State and Federal laws.
 - D. Falcons (Falcedinae), subject to State and Federal laws.
 - E. Foxes (vulpes and Urocyon).

- F. Iguanas (Iguanidae).
 - G. Jaguarundis (Herpailurus).
 - H. Kinkajous (Herpailurus).
 - I. Margays (Felis tigrina).
 - J. Monkeys (white-throated capuchins and other Cebus monkeys, night monkeys or douroucoulis (Actes), marmoseis (Callimico, Callithrix and Leontocibus), squirrel monkeys (Saimir) and wooly monkeys (Legothrix)).
 - K. Ocelots (Fels pardais).
 - L. Otters (Lutnnae).
 - M. Raccoons (Procyon).
 - N. Skunks (Mephtinge).
 - O. Snakes, nonpoisonous and not native to the Borough of Rockledge, including pythons and boas under 6 feet in length.
2. The application for a permit shall have attached thereto a registered veterinarian's health certificate for each animal to be covered by the permit and shall be verified by an affidavit and shall set forth the following:
- A. Type and number of animals to be covered by the permit.
 - B. Purpose of keeping such animals.
 - C. Period for which permit is requested.
 - D. Description of the quarters in which the animals will be kept, including plans and specifications thereof where appropriate.
 - E. Circumstances, if any, under which the animals will be removed from quarters.
 - F. Biographical information of applicant and any other person to be placed in charge of the animals, with particular emphasis on the knowledge of such persons about the animals in question and experience of such persons in handling the animals in question.
 - G. Such additional information as the Board of Animal Regulation may require,

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(Ord. 556, 12/13/1999, §5)

§2-106. Board of Animal Regulation.

1. The Borough Council shall appoint a Board of Animal Regulation consisting of three or more members. This Board shall have the power to review or cause to be reviewed each applicant for a permit and may either approve or reject such application or require modification of the application. When the Board has approved the application, the Borough Manager shall issue the permit. The permit shall be personal and not transferable and shall be issued for a calendar year or part thereof. The Borough Manager, on recommendation of the Board, shall also have the power to revoke a permit.
2. The Board shall also have the power, with the consent of the Borough Council, to make such rules and regulations as it shall deem necessary to carry out the purpose of this Part, and, on request of the Borough Manager, to determine whether any person is violating any provisions of this Part or the rules and regulations adopted hereunder. In making such determination, the Borough Manager shall consider the following standards:
 - A. All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
 - B. Permittee shall use every reasonable precaution to ensure that animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any person or by any means.
 - C. Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near to each other as to cause other animals to fear or to be abused, tormented or annoyed.
 - D. Permittee shall maintain premises so as to eliminate offensive odors or excessive noise.
 - E. Permittee shall not permit any condition causing disturbance of the peace and quiet of the permittee's neighbors.
 - F. Animals must be maintained in quarters so constructed as to prevent their escape. Permittee assumes full responsibility for recapturing of any animal that escapes from the permittee's premises. Permittee shall make adequate provisions and safeguards to protect the public from the animals.
 - G. Every person shall conform to all present and future laws of the Commonwealth of Pennsylvania and the United States of America, the ordinances of the Borough of Rockledge and the rules and regulations of the Board, in any way connected with animals including, but not limited to, laws prohibiting cruelty to animals.

(Ord. 556, 12/13/1999, §6)

§2-107. Zoological Gardens and Menageries.

The Board of Animal Regulation may approve a permit for a permanent zoological garden or a menagerie, limiting the latter for a period of not more than 30 days in any 1 calendar year, which may include animals which are otherwise prohibited under §2-104 hereof, provided that:

- A. The Board is satisfied that the applicant and all other persons placed in charge of such animals are experts in and possess knowledge in the care and handling of such animals.
- B. The highest standards are applied in safeguarding the public and no human being may live or reside within 100 feet of the quarters in which the animals will be kept.
- C. Applicant must provide the Board with a certificate of public liability insurance which has a minimum liability limit of \$1,000,000, issued by an insurance carrier satisfactory to the Board.

(Ord. 556, 12/13/1999, §7)

§2-108. Fees.

The applicant for any permit hereunder shall, at the time of application, pay to the Borough Manager the following fees:

- A. Pet Shop or Zoological Garden. In an amount to be established, from time to time, by resolution of Borough Council for each calendar year or part thereof. There will be no charge for a traveling educational exhibit maintained by an established Humane Society or zoological garden. [Ord. 590]
- B. Menagerie. In an amount to be established, from time to time, by resolution of Borough Council, plus an additional \$10 per day for the duration of the permit. [Ord. 590]
- C. All Other Applicants. In an amount to be established, from time to time, by resolution of Borough Council for the first calendar year or part thereof, and renewable thereafter for a fee of in an amount to be established, from time to time, by resolution of Borough Council each calendar year or part thereof.

(Ord. 556, 12/13/1999, §8; as amended by Ord. 590, 3/14/2005, §1)

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§2-109. Animals as Nuisances.

1. **Offensive Odors or Excessive Noise.** No person shall keep or harbor any animal in the Borough so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health or safety of the public, or otherwise permit the commission or existence of a nuisance as defined hereinafter.
2. **Howling Animals.** Any animal which, by habitual barking, howling or yelping, disturbs the peace or endangers the health or safety of persons, is hereby declared to be committing a nuisance. It shall be unlawful for any owner or person having custody of such animal to permit it to commit such nuisance or to continue to commit such nuisance.
3. **Animals Creating Nuisances.**
 - A. Any animal which scratches, digs or defecates upon any lawn, tree, shrub, plant, building or any other public or private property, other than the property of the owner or person in charge or control of such animal, the latter of which is subject to other restriction within this Part, is hereby declared to be a nuisance.
 - B. Horses and ponies being used for transportation shall be exempt from this provision when in the right-of-way of a public street but not when in the right-of-way of a sidewalk.
4. **Nuisances on Public or Private Property.** No person being the owner or in charge or control of any animal, shall allow or permit such animal to commit a nuisance on any school grounds, Borough park or other public property or upon any private property other than that of the owner or person in charge or control of such animal, without the permission of the owner of said property. Where the owner or person in charge or control of such animal immediately removes all feces deposited by such animal and disposes of same in a sanitary manner, such nuisance shall be considered abated.
5. **Drainage of Animal Waste.** No person being the owner or in charge or control of any animal shall keep or harbor such animal in an outdoor run or enclosure which results in animal waste which drains on premises other than that of the owner or person in charge or control of such animal.

(Ord. 556, 12/13/1999, §9)

§2-110. Rabies Control.

1. **Definitions.** As used in this Part, the following terms shall have the meanings indicated:

ANIMAL — applies to dogs and all other animals which are susceptible to rabies.

OWNER — includes any person having a right of property interest in any animal and any person who keeps or harbors an animal or has an animal in his or her care or allows said animal to remain on or about any premises occupied by such person.

VETERINARIAN — a graduate of a recognized school of veterinary medicine who is licensed to practice in the Commonwealth of Pennsylvania.

2. Reports.

A. **Persons Bitten by Animals.** It shall be the duty of any person who has knowledge that an animal has bitten or injured any person in this Borough to immediately report the incident and the whereabouts of such animal to the Rockledge Police Department. It shall be the duty of the owner of every such animal to immediately confine the animal in such a manner so as to prevent it from escaping or running at large.

B. **Animal Bitten by An Animal Suspected of Rabies.** It shall be the duty of any person who has knowledge that an animal in this Borough has been bitten or otherwise injured by or been exposed to or been in contact with an animal infected with or suspected of being infected with rabies, to immediately report this fact and the whereabouts of such animal to the Rockledge Police Department.

C. **Animals Infected with Rabies.** It shall be the duty of any person, who has knowledge that an animal in this Borough is infected with or suspected of being infected with rabies to immediately report this fact and the whereabouts of such animal to the Rockledge Police Department. Any animal suspected of being infected with rabies shall immediately be removed to and confined under the supervision of a veterinarian. Disposition of such animal shall be as agreed upon by the Montgomery County Health Department and the veterinarian.

D. **Reports of Treatment for Animal Bites.** It shall be the duty and obligation of any person treating any persons for animal bites to report such treatment to the Rockledge Police Department.

3. Confinement and Examination of Suspected Animals.

A. Any animal suspected of having rabies or which has bitten a person or another animal shall be confined by the owner for an observation period of 10 days from the date of the bite or on which the injury occurred, at the home of the owner or at some other location selected by such owner, under the supervision of a veterinarian, in such manner as will prevent said animal from escaping or running at large.

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- B. Immediately upon being placed in confinement, the animal shall be examined by a veterinarian employed by the owner. A written report of the results of such examination shall be submitted by the owner and/or the veterinarian to the Rockledge Police Department, within 24 hours from the time of the bite or injury. Such report must be signed and dated by the veterinarian.
- C. If, at any time during the said 10-day observation period, the animal develops symptoms indicative of rabies, such fact shall be communicated to the Montgomery County Department of Health and The Rockledge Police Department. Removal or relocation of the animal under such conditions shall be at the discretion of the Montgomery County Department of Health but at the expense of the owner.
- D. If at any time during the said 10-day observation period the animal should die, the owner shall immediately notify the veterinarian concerned and also the Montgomery County Department of Health. Disposition of the body under such conditions shall be according to the regulations of the Montgomery County Department of Health or State law. The term "immediately" shall be construed to mean within an hour of the time of death.
- E. At the end of the said 10-day observation period, the animal shall be subject to further examination by a veterinarian, at the discretion of the Montgomery County Department of Health. Such examination, if required, shall be at the expense of the owner. Thereafter, at the discretion of the Montgomery County Department of Health, the animal may be released from confinement.
- F. Any animal which is suspected of having rabies or which bites a human being or severely injures a household pet shall be confined in quarters approved by a designated employee of the Department of Health, a State Dog Warden or employee of the Department of Agriculture, an animal control officer or a police officer. Such animal may be detained and isolated in an approved kennel or at the animal owner's property. The location of where such an animal will be detained is at the discretion of the investigating Rockledge Police officer. All animals so detained must be isolated for a minimum of 10 days. Any costs incurred in the detaining and isolation of such animal shall be paid by the offending animal's owner or keeper.
- G. In the event the owner of an animal which must be confined for observation, is unknown or unable to act for any reason, the Rockledge Police Department shall carry out the obligations of the owner under this Section of this Part, at the expense of the owner.
- H. The investigating Rockledge Police Officer shall be responsible for notifying the bite victim of the medical results of the offending animal's confinement. Any cost to the victim for medical treatment resulting from an attacking or biting animal must be paid fully by the owner or keeper of such animal.

(Ord. 556, 12/13/1999, §10)

§2-111. Emergencies.

In the event of an emergency as evidenced by the incidence of rabies in Rockledge Borough or as declared by the Pennsylvania State Department of Health or any other authorized Federal, State or County agency, the Borough Council can take whatever action is necessary to protect the health, safety and welfare of the public, and to issue temporary regulations to meet such emergency. Any temporary regulations thus issued shall be in writing, and a certified copy thereof filed with the Borough Manager which will be available for inspection by the public upon request. A copy of such temporary regulations shall also be posted in the Rockledge Municipal Building for inspection by the public.

(Ord. 556, 12/13/1999, §11)

§2-112. Control of Vicious Animals.

1. Complaints, Prohibited Acts, Registration and Liability Insurance. Persons who have been attacked by an animal, or owners of a household pet which has been seriously wounded or killed by an animal, may file a complaint in trespass.
 - A. Any person or anyone on behalf of such a person who has been attacked by an animal, or the owner of a household pet which has been seriously wounded or killed by an animal, may file a complaint in trespass before a district justice, charging the owner or keeper of such animal with harboring a vicious animal. A copy of such complaint shall be served upon the person so charged, in the same manner and subject to the same laws regulating the service of summons and complaints in civil suits, directing that person to appear for a hearing of at a time fixed therein. If such person shall fail to appear at the time fixed or if, upon a hearing of the parties and their witnesses, the district justice shall find the person so charged is the owner or keeper of the animal in question and that the animal has, viciously and without cause, attacked a human being or seriously wounded or killed a household pet, such official shall order said owner or keeper to henceforth keep such animal securely confined. Confinement of such animal shall be upon the premises of the owner or keeper within a building or in a covered enclosure which is secure. The district justice shall also require the owner or keeper of the vicious animal to post bond with sufficient surety to insure payment of damages or injuries caused by the vicious animal, for which the owner or keeper is liable.
 - B. It shall be unlawful for the owner or keeper of any vicious animal, after receiving such order, to permit the animal to go off the premises of the owner or keeper, unless the animal is securely restrained by a leash and muzzled.

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Any such dog found running at large may be killed by any constable, police officer or State Dog Warden without liability for damages for such killing.

- C. Should an animal which has been declared vicious according to the provisions of this Part, subsequently attack a person or seriously wound or kill a household pet, the owner or keeper of such animal may be notified by any constable, police officer or State Dog Warden to have the vicious animal killed immediately. It shall be unlawful and a violation of this Part for the owner or keeper, after notification, to allow the animal to leave or to be removed from the premises while alive, except for the purpose of removal to a veterinarian or animal shelter for euthanasia purposes. The killing of such animal does not remove the liability of the owner or keeper for damages caused by the animal. Upon failure of the owner or keeper to comply with the order of the constable, police officer or State Dog Warden to have the animal killed, the constable, police officer or State Dog Warden may order the killing of such animal wherever found.
2. No person shall own, keep or harbor any animal for the purpose of animal fighting, nor shall any person train, torment, badger, bait or keep any animal for the purpose of causing or encouraging such animal to perform unprovoked attacks upon human beings or household pets.
3. Any person who owns, keeps or harbors a vicious animal must register the animal with the Borough on a form to be provided by the Borough. Such form shall require the following information: the name, address and telephone of the animal's owner; the address where the animal is harbored (if different from the owner's address), the animal's breed, sex, color, rabies certificate and Montgomery County tag number (dogs) and other distinguishing physical characteristics of the animal, as well as proof of liability insurance of not less than \$100,000 for such registration. There shall be no fee for such registration.

(Ord. 556, 12/13/1999, §12)

§2-113. Exceptions for Dogs Used for Law Enforcement.

Section 2-110(3) of this Part, which provides for the confinement and examination of suspected animals, and the provisions of this Part, shall not apply to dogs owned or used by any municipal, State or Federal Police Department or agency in the official performance of the functions or duties of such department or agency.

(Ord. 556, 12/13/1999, §13)

§2-114. Dog Control.

1. Running at Large Prohibited; Leashing. Hereafter, it shall be unlawful for any owner of any dog or dogs, licensed or unlicensed, to permit such dog or dogs to run

at large off the premises of the owner or keeper, unaccompanied by the owner or keeper. When not on the premises of the owner or keeper, a dog must be leashed at all times when on foot. The leash shall be of sturdy material and not more than eight feet in length.

2. Detention of Dogs at Large. It shall be the duty of the Borough Police to seize and detain any dog or dogs, whether licensed or unlicensed, which are found running at large, either upon the public streets or highways of the Borough or upon the property of other than the owner or keeper of such dogs. The Borough Police are hereby authorized and empowered to go upon any premises and enter any building to seize and detain any dog or dogs which have been found running at large, unaccompanied by the owner or keeper, when said police are in the immediate pursuit of any such dog or dogs.
3. Disposal of Unlicensed Dogs. It shall be the duty of every police officer to dispose of any dog which does not bear a proper license tag and which is found running at large.
4. Notice to Claim Licensed Dog; Expenses. Any dogs or dog bearing a proper license tag and seized by a Police Officer of the Borough shall be detained, properly kept and fed; and immediate notice, either personally or by registered mail, shall be given to the person in whose name the license was procured, or his agent, to claim such dog within 3 days of receipt of said notice. The owner of a dog so detained shall pay \$10 a day to cover expenses incurred by reason of its detention before the dog is released to its owner.
5. Disposal of Unclaimed Dogs. Any dog or dogs not claimed in accordance with the provisions of this Section shall be disposed of in accordance with the provisions of the Acts of Assembly of the Commonwealth of Pennsylvania or any other State law or regulation.
6. Security Dogs. Dogs that are harbored permanently on a business property for security purposes are to be confined at all times. When the owner leaves the premises at the close of the business day, the dog must be confined by the owner, either in a building or on the property or in an enclosure. During business hours, the dog will be confined and at no time will the animal be allowed to run loose either within or outside the property.

(Ord. 556, 12/13/1999, §14)

§2-115. Enforcement.

Any person, firm or corporation who shall violate this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. In addition, the Borough

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may institute any appropriate action or proceeding, whether by legal process or otherwise, to restrain, correct or abate a continuing violation of any provision of this Part or of any rules and regulations made pursuant hereto.

(Ord. 556, 12/13/1999, §15; as amended by Ord. 590, 3/14/2005, §1)

PART 2

ANIMAL DEFECATION

§2-201. Animal Defecation on Public and Private Property Restricted.

No person, having possession, custody or control of any animal, shall knowingly or negligently permit any dog or other animal to commit any nuisance, i.e., defecation upon any gutter, street, driveway, alley, curb or sidewalk in the Borough of Rockledge, or upon the floors or stairways of any building or place frequented by the public or used in common by tenants, or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park, or upon the grounds of any public park or public area, or upon any private property other than the property of the owner of such animal.

(Ord. 489, 6/8/1992, §1)

§2-202. Disposal of Animal Feces.

Any person having possession, custody or control of any dog or other animal which commits a nuisance, i.e. defecation, in any area other than the private property of the owner of such dog or other animal, as prohibited in §2-201 shall be required to immediately remove any feces from such surface and place same in a nonleaking container for deposit in a trash or litter receptacle.

(Ord. 489, 6/8/1992, §2)

§2-203. Dogs Accompanying Blind or Handicapped Persons Exempted.

The provisions of §§2-201 and 2-202 hereof shall not apply to a guide dog accompanying any blind persons, or to a dog used to assist any other physically handicapped person.

(Ord. 489, 6/8/1992, §3)

§2-204. Penalties.

Any person, firm or corporation who shall violate this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 489, 6/8/1992, §4; as amended by Ord. 590, 3/14/2005, §1)