

**BOROUGH OF DARBY
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 754

**AN ORDINANCE OF THE BOROUGH OF DARBY AMENDING
CHAPTER 45 ANIMALS BY ADDING A NEW SECTION PROHIBITING
THE FEEDING OF STRAY ANIMALS AND SETTING FORTH THE
PENALTIES FOR THE SAME.**

WHEREAS, the Borough of Darby is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, including but not limited to the Borough Code; and,

WHEREAS, the Legislature of the Commonwealth vests the Borough of Darby with the power and authority to make and adopt all such ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as is expedient or necessary for the proper management, care and control of, inter alia, the Borough's finances, the maintenance of peace, good government, safety and welfare of the Borough, its trade, commerce and manufacturers; and,

WHEREAS, stray animals are becoming more prevalent in the Borough, and feeding of these stray animals tends to increase the number of strays, fosters rats, mice and other vermin, results in garbage and other trash being placed on the streets, and is a nuisance; and,

WHEREAS, as a means to combat the nuisance of stray animals and related matters, and as an exercise of its legislatively granted power and authority, it is appropriate for Darby Borough to adopt an Ordinance prohibiting the feeding of such stray animals; and

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Darby as follows:

SECTION I: The Borough Code of the Borough of Darby, Chapter 45 – Animals, is amended by adding the following Section 45-6, which shall read as follows:

§ 45-6. Feeding of Stray Animals.

A. Definition.

“Stray Animals” shall mean and include, any and all domesticated and/or undomesticated animals including but not limited to cats, dogs, raccoons, skunks, possums, or any other type of animals that does not have a license (if required) and are running at-large without any proof of ownership.

B. Prohibited Conduct.

It shall be unlawful for any person, firm, corporation or association to feed, within the Borough of Darby, any stray animal that is not owned by said person, firm, corporation or association.

C. Violation and Penalties.

Any person who shall violate the terms and provisions of this Section 45-6 shall, upon conviction thereof, be subject to a fine of not less than three hundred dollars (\$300) and costs of prosecution nor more than six hundred dollars (\$600) and costs of prosecution. Added to the fines will be a penalty

of one hundred and sixteen dollars (\$116) for boarding and handling. In default of the payment of such fine and costs, he, she and/or they may be imprisoned for not more than thirty (30) days in the Delaware County Prison. Each offense of feeding one stray animal shall be considered a separate offense for the purpose of this Ordinance.

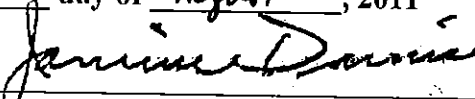
SECTION II: The Borough Manager, Code Enforcement Department, Borough Police Department, and all others employed or appointed by Darby, are authorized to take all action necessary to ensure implementation of and effect the purpose hereof.

SECTION III: All Ordinances and/or Resolutions, or parts thereof, conflicting herewith are repealed insofar as the matters herein are affected.

SECTION IV: The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered. It is hereby declared the intent of the Borough Council that this ordinance would have been adopted if such illegal, invalid, or unconstitutional clause, sentence, subsection, or section had not been included therein.

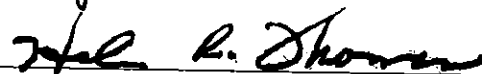
SECTION V: This is effective immediately upon enactment according to law, and shall remain in effect hereafter until revised, amended, or revoked by action of the Council of the Borough of Darby.

Adopted by the Borough Council this 17th day of August, 2011



JANICE DAVIS
PRESIDENT OF BOROUGH COUNCIL

Approved by the Mayor, this 17th day of August, 2011



HELEN R. THOMAS
MAYOR

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the 17th day of August, 2011.



Borough Manager/Secretary