

TITLE 20 ANIMAL PROTECTION

Chapter 20.100—Violations and Penalties

Sections:

- 20.100.010 General penalty for violations.
- 20.100.015 Notice of violations.
- 20.100.020 Appeal process.

20.100.010. General penalty for violations. Any person who violates any provision of this title, performs any unlawful act as defined in this title or fails to perform any act required by this title, shall be guilty of a violation and, shall be assessed a fee of not less than ten dollars (\$10.00) and not more than three hundred dollars (\$300.00). Each day of the violation may be subject to an additional fee. Provided however, that if in a violation of section 20.80.010 of this Code, the owner or responsible person was negligent or committed an intentional or reckless act which contributed to the violation, the minimum fine shall be \$100.00. (Ord. No. 923, §1, 12-20-93; Ord. No. 962, §2, 5-15-95; Ord. No. 1168, §6, 2-5-01)

20.100.015. Notice of violations. In addition to, or in lieu of, other procedures provided in this title for enforcement of violations, an animal protection officer may issue a notice of ordinance violation (NOV) to any person who violates any provision of this title, or who performs any unlawful acts as defined in this title, or who fails to perform any act required by this title. Such notice shall impose a fee, as set by resolution, which shall be paid to the borough, as specified on the notice, within fifteen (15) calendar days after the date of the notice, in full satisfaction of the assessed fee. In the event that such penalty is not paid within the time period prescribed and, in addition to any other available remedies, the fee may be forwarded to a collection agency for collection of fees and costs. (Ord. No. 923, §1, 12-20-93; Ord. No. 962, §3, 5-15-95)

20.100.020. Appeal process.

- (a) A hearing officer and an alternate shall be appointed by the borough manager for the purpose of hearing appeals requested by recipients of notice of violations (NOVs) pursuant to this section.
- (b) A request for appeal must be made in writing and submitted to the borough manager on a form approved by the director of animal protection within fifteen (15) calendar days after the date of the NOV. The borough manager will appoint a hearing officer and a hearing date will be determined. The hearing officer shall then inform the appellant and the department in writing of the date, time and location of the hearing. Should the appellant or the department of animal protection desire to postpone the hearing for a later date, the party requesting a delay shall submit a written request for the delay to the hearing officer. If such a request is made the hearing may be postponed for up to fifteen (15) calendar days or longer, for good cause, as determined by the hearing officer, via the manager's office, who shall provide the parties with notice of any change in the date, time, and location of the hearing.
- (c) The contents of the written appeal shall state:
 - (1) The name and mailing address of the appellant;
 - (2) The number or other sufficient identification of the notice of violation;
 - (3) Any facts, documents, photographs, witness statements or other evidence supporting the appeal;

- (4) A statement of the reasons for the appeal;
- (5) A statement as to whether the appellant requests a hearing before an administrative hearing officer or desires to have the administrative hearing officer decide the matter without a hearing. If the appellant waives hearing, the hearing officer may determine the case based upon the written statements of the appellant, the issuing officer and any witnesses and upon the hearing officer's own observations;
- (6) The signature of the appellant and the date of signing;
- (7) The appeal must contain a deposit in the amount of the fine being appealed. Upon judgement in favor of the appellant, the deposit will be refunded. Should the hearing officer find in favor of the department of animal protection, the deposit will be applied to any fine imposed for the NOV; and
- (8) Such other information as the animal protection director may require.

(d) A second notification for nonpayment or a failure to apply for a hearing shall result in an additional fee of twenty-five dollars (\$25.00) plus the original fee and the loss of right of appeal.

(e) Additional NOVs may be issued for every day a person is in violation prior to request for appeal for said violation.

(Ord. No. 962, §4, 5-15-95; Ord. No. 1134, §1, 4-17-00)