

## AGENDA

### Public Safety & Quality of Life Committee

October 12<sup>th</sup>, 2016 – 5:30 pm

Committee Members: Bill Scott - (Chair)  
Jordan Norley  
Jim Jones

Department Head: Chief Scott Bohn; Fire Chief Mike McDonald

1. Comments, suggestions, petitions by residents in attendance regarding items not on the agenda.
2. Monthly Fire Department Report
3. Presentation by Council Representation, Diane LeBold concerning protecting abused dogs in the Borough.
4. Discuss traffic issue on unit block on W. Biddle
5. Discuss creating a 3<sup>rd</sup> Lieutenant position
6. Discuss purchase of Body Cameras
7. Discuss 2017 Budget
8. Discuss September minutes
9. Other Business

## Judy Benes

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**From:** Bill Scott <ward1scott@aol.com>  
**Sent:** Wednesday, October 05, 2016 11:52 AM  
**To:** Judy Benes  
**Cc:** lebold2003@hotmail.com; Michael A. Cotter  
**Subject:** Fwd: Dog protection ordinance  
**Attachments:** Pottstown animal ordinance relevant section.docx; Dog law PA.docx

Judy,

Please put on the Public Safety Agenda the following item:

**"Presentation by Council Representative Lebold concerning protecting abused dogs in the Borough."**

Also, please add to the Agenda copies of Diane's letter and the attachments above.

Thank you.

## Bill Scott

William J. Scott, Jr.  
405 North Franklin Street  
West Chester, Pennsylvania  
19380-2418  
**610 436 4644**

-----Original Message-----

From: Diane LeBold <dlebold@west-chester.com>  
To: Bill Scott <ward1scott@aol.com>  
Cc: Michael A. Cotter <macotter@west-chester.com>; Scott L. Bohn <sbohn@west-chester.com>  
Sent: Tue, Oct 4, 2016 1:20 pm  
Subject: Dog protection ordinance

Bill -- I'm hoping you'll be willing to add an agenda item to next week's Public Safety committee meeting to discuss creating some protections for dogs that are left essentially uncared-for with minimal protection in freezing cold and excessively hot weather.

Because state dog law treats dogs essentially as property, the SPCA currently can't do much when a dog is left out in excessively cold or hot conditions if they appear to have access to food and water -- even if there's clearly no interaction with the animal and the animal is kept in what most of us would consider an inadequate shelter.

I've attached the relevant document -- an ordinance adopted in Pottstown in the fall of 2015, with the relevant sections on page 2 highlighted in yellow. I think these sections would apply to situations we occasionally encounter in the borough. They aren't frequent, but when they do occur, our police currently don't have much authority to resolve the problem. And, in my thinking, even one or two dogs left to bad treatment are too many.

Our dog ordinance in Chapter 37 of the code is clearly antiquated (it talks about a borough dog catcher!) and doesn't do anything to address the issue.

I've also attached a relevant section of the state dog law, which, as you can see, doesn't address the issue of adequate protection for dogs and doesn't even specify the length of the chain, if one is used. This document also includes a notice of the requirement to license every dog over 3 months, which could be another tool for dealing with the kinds of neglect we occasionally see in town.

I brought this forward earlier this year and Lt. Iacono kindly talked to the folks in Pottstown. If I remember correctly, Lt. Iacono's conclusion was that Pottstown was having a serious problem with abusive treatment of pit bulls, and developed the ordinance to back up creation of an animal enforcement officer position, so it wasn't entirely relevant to our situation.

It's true that we don't have that level of a problem, but when the problem does arise -- as it has on S. Matlack Street several times since I've lived here -- I think we need an ordinance with some real teeth (so to speak) so our police are able to deal with it effectively.

Thanks for any consideration you can give to this.

Diane

From Pottstown animal ordinance

SECTION 7. Section 204, Shelter Standards, of Part 2, Keeping of Certain Animals, of Chapter 2, Animals, of the Code of Ordinances of the Borough of Pottstown, as amended, shall be amended to read as follows;

204. Shelter Standards.

All animals kept outdoors must have access to weatherproof shelter as prescribed below:

A. Animals shall be provided with access to shelter which protects them against inclement weather, keeps them dry and allows them to preserve a normal body temperature. -Animals shall be provided with a house or structure that is in good repair and complies with the following requirements:

1. The house or structure shall have a roof and at least three enclosed sides;
2. It shall be of a suitable size to accommodate the animal in both standing and lying positions;
3. It shall be moisture-proof, windproof, ventilated, and in cold temperatures shall promote the retention of body heat;
4. It shall be made of durable material with a solid, moisture-proof floor raised at least two inches from the ground;
5. It shall have a significant quantity of suitable clean bedding material consisting of hay, straw, cedar shavings or the equivalent to provide insulation and protection against cold and dampness;
6. All animals must be afforded one or more separate areas of shade large enough to accommodate the entire body of the animal at one time and protect it from the direct rays of the sun;
7. Drinking water must be available in a clean, liquid state. Snow or ice is not an acceptable water source;
8. The house or similar structure and the surrounding area shall be free from excessive dirt, trash, and waste. Tethering that does not allow an animal to defecate or urinate in an area separate from an area where it must, eat, drink, or lie down is prohibited;
9. Use of leashes or leads shall contain a swivel or be attached to a swivel and shall be placed and attached so that the animal cannot become entangled with the leash or lead of other animals or another object;
10. The lead shall be a type commonly used for the size and type of animal involved and shall be attached to the animal by means of a well-fitted buckle-type collar. The lead shall be at least three (3) times the length of the animal as measured from the tip of its nose to the base of its tail, but no less than fifteen (15) feet in length and shall allow the animal convenient access to the house or structure;
11. It shall be prohibited to put a heavy chain around an animal's neck, tie an animal using a huge logging chain, and/or put any kinds of weights on them including but not limited to weight vests, weighted collars, and weighted harnesses. A tether that weighs more than 1/a of the animal's body weight is prohibited;

12. It shall be prohibited to secure an unattended animal using aversive collar inclusive of but not limited to prong, pinch, and choke chain collars;
13. No animal may be housed on a temporary or permanent basis in any shelter constructed of uninsulated metal;
14. In severe weather conditions of high winds and/or heavy rains or frozen precipitation with temperatures above 32 degrees Fahrenheit, houses or similar structure shall have a windbreak at the entrance;
15. In extreme cold temperatures, if the temperature falls below 32 degrees Fahrenheit, animals may not be left outside for more than a half hour;
16. In extreme heat temperatures, if the temperature rises above 90 degrees Fahrenheit animals may not be left outside for more than a half hour.
17. Any animal confined within an outdoor enclosure/pen for more than two hours must have adequate space to exercise. A minimum of one hundred square feet is required for any animal. Dogs over 80 pounds must have an additional fifty (50) square feet. An additional fifty (50) square feet is required for each additional dog kept within the same enclosed area. The area must be maintained in a sanitary condition and be free from debris or stored material.

B. Garages, sheds, screened or enclosed porches, and alcoves may be considered shelter or protection from the weather provided:

1. During the spring and summer, the structure is ventilated so as to provide movement of air;
2. In a heated structure during fall and winter, an area must be provided for the animal that contains bedding (blankets, straw, etc.) sufficient to keep the animal insulated from the floor of the structure; and
3. In an unheated structure during fall and winter, an enclosure must be provided consisting of four walls and a top (which may be an igloo-type house), and is sufficiently large enough that the animal is able to stand up and tum around while inside; said enclosure is for the purpose of retaining the body heat of the animal; bedding blankets, straw, etc.) must also be provided.

C. Any time that an animal is left outside, tethered or not, and the owner is absent from the property, a suitable structure (dog house, shed, garage, screened porch, alcove, or working pet door) must be provided as shelter for animal and if tethered, the tether must be positioned so the animal may enter the structure easily.

Dog Law of Pennsylvania Act of 1982

Section 305. Confinement and housing of dogs not part of a kennel.

(a) Confinement and control.--It shall be unlawful for the owner or keeper of any dog to fail to keep at all times the dog in any of the following manners:

- (1) confined within the premises of the owner;
- (2) firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured; or
- (3) under the reasonable control of some person, or when engaged in lawful hunting, exhibition, performance events or field training.

(b) Housing.--It shall be unlawful for the owner or keeper of a dog to house the dog for any period of time in a drum, barrel, refrigerator or freezer regardless of the material of which the drum, barrel, refrigerator or freezer is constructed.

(305 amended Oct. 9, 2008, P.L.1450, No.119)

From padoglicense.com

**Please be advised that Pennsylvania State Law mandates that all dogs 3 months of age or older must be licensed. Dog Licenses must be purchased by January 1st of each year REGARDLESS of when the license was purchased the previous year. State Dog Wardens are performing "License and Rabies Compliance Checks" throughout the Commonwealth using PADogLicense.com Real Time system to track unlicensed dogs. State Dog Wardens may issue fines up to \$300.00 plus court cost per dog for violation of this law.**

## Judy Benes

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**To:** CasualtyResearch@aol.com  
**Subject:** FW: RTK Response attached  
**Attachments:** vender.pdf

Judy K. Benes

Judy K. Benes  
Executive Assistant to Borough Manager  
Borough of West Chester  
jbenes@west-chester.com  
610-344-3246 (W)  
610-436-0009 (F)

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-----Original Message-----

From: scanner@west-chester.com [mailto:scanner@west-chester.com]  
Sent: Wednesday, October 05, 2016 1:15 PM  
To: Judy Benes <jbenes@west-chester.com>  
Subject: Scanned document from WC Recreation

This E-mail was sent from "RNP00267336BB70" (MP C3001/LD630C).

Scan Date: 10.05.2016 13:14:37 (-0400)  
Queries to: scanner@west-chester.com

To: William Scott, Esq.  
Borough Council Ward #1

PK

From: Residents of 1st block of W. Biddle St

Subject: A) Parking  
B) Traffic

Date: August 10, 2016

### A. Parking

Parking has become dangerous and extremely difficult for the residents of the 1st block of W Biddle St.

A large part of the cause is that the Borough seems to be misinterpreting the regulation and rules for Parking Zone D as they were originally enacted.

The first block of W Biddle St contains some of the most historic townhouses in north West Chester. These treasures were built individually between 1803 and 1833. The four townhouses each have sub-basements which were connected by underground passages. They then were connected to the Darlington home at the corner of Lafayette and High Sts. Those passages were once part of the Underground Railway but are now sealed.

Efforts have been made by the homeowners over the years to maintain the facades to the historic period of their construction. There are no off-street parking options and no way to reconfigure the properties to allow for off-street parking. Recognizing these unique assets of the Borough as well as the problems for the homeowners that maintaining them cause, Parking Zone D was enacted for the benefit of the homeowners on the block.

As implemented, however, we have noted a number of problems:

- residents of properties which front on Church and High Sts have been granted permits which adds additional vehicles to the already scarce number of available parking spaces.
- staff members of businesses on High and Church have been granted Zone D parking permits.
- customers of businesses on High and Church are routinely provided with visitor hangtags and use those to fill the available spaces which block

CC: Mac, Scott Bohn, Parking. 9/15/16.

\* Rec'd by Mayor Committee via First Class Mail. (ma) \*

residents from convenient parking sometimes for the whole day and into the evening.

- each of these businesses have street parking or off-street parking available to their staff and customers and yet they continue to occupy the scarce parking available to the W Biddle St homeowners.

Hence we are requesting a review of the utilization of the Zone D parking permit program for the coming year and a plan of correction including a revocation of those permits which are not in compliance.

## **B. Traffic**

Both East and West Biddle Sts have become the default commuter route through West Chester to avoid the congestion and traffic signals on Chestnut St. This has increased the volume of traffic tremendously. The speed of those entering the first block of W Biddle from both High St and from East Biddle St is dangerously fast and puts the homeowners and their families at risk. Drivers routinely accelerate from High St to the stop sign on Church. Then they "drift" through the stop sign.

There are any number of children including pre school age children who reside on this block. In addition we have long term homeowners who have now retired and are now compromised by disabilities and/or age. Our automobiles have been sideswiped and otherwise damaged by reckless drivers speeding down the block. Fortunately, none of we residents have actually been hit by one of these reckless drivers as yet. But we are holding our breath that none of the residents or god forbid children are injured in the future.

Therefore, we are seeking relief from this dangerous situation. We would suggest the following:

- add speed signs which dictate the speed limits
- add signs alerting drivers to pedestrians and children
- additional street lighting for safety ( there is only one for the whole block which is blocked by trees)
- add a speed bump mid block
- upgrade the sidewalks to eliminate the uneven nature of the brick walkways as the Borough has done further in town—many pedestrians walk on the street to avoid the uneven sidewalks.
- petition the State for an additional traffic signal at Biddle and High Sts.

In conclusion, we homeowners and taxpayers of West Chester in Ward 1 seek your best leadership to address these issues. Thank you in advance for your advocacy on our behalf.

- # 11 Wayne & Linda Stevenson 484-888-2330
- # 13 Paul and Christin Kobacke 484-354-3308
- # 15 David A. and Natalie Patten 610-368-6397

cc: Mayor  
Borough Manager  
Police Chief

## AGENDA

### Public Safety & Quality of Life Committee

September 14<sup>th</sup>, 2016 – 5:30 pm

Committee Members: Bill Scott - (Chair)  
Jim Jones

Department Head: Chief Scott Bohn; Fire Chief Mike McDonald

1. Comments, suggestions, petitions by residents in attendance regarding items not on the agenda.  
None
2. Monthly Fire Department Report  
37 Borough Responses – 141 hours of service averaging 14 persons a call. No injuries, no Borough property loss
3. Discuss Crime Watch Project  
2-0 “Expression of Support” – For Discussion at work session. Would like to review as part of budget. Requests the “installation time period”.
4. Update on transition to County Emergency Radio System  
No action taken- Discussion on County/engineers recent data collection. Report expected by October 1, 2016.
5. Discuss August minutes  
Approved 2-0
6. Other Business  
Penn and Biddle St. – Communication was sent prior to meeting.  
Police Report - Information provided (orally). Information sent prior to meeting.