

ORDINANCE NO. 5 OF 2006

AN ORDINANCE OF THE TOWNSHIP OF FOSTER, LUZERNE COUNTY, PENNSYLVANIA, REGARDING THE CONTROL AND POSSESSION OF DOGS, AND MAKING IT UNLAWFUL TO PERMIT DOGS TO RUN AT LARGE, TO REMAIN IN THE OPEN AND TO HOWL, YELP OR BARK, OR TO CAUSE ANNOYANCE TO THE CITIZENS, RESIDENTS OR OTHER PERSONS IN FOSTER TOWNSHIP BY BARKING, YELPING, HOWLING, BITING, JUMPING ON, KNOCKING DOWN OR ATTACKING PERSONS OR OTHERWISE DAMAGING OR INJURING PROPERTY, PROVIDING ENFORCEMENT PROCEEDINGS AND REMEDIES AND PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

SECTION 1: TITLE- This Ordinance shall be known and cited as the Foster Township Dog Ordinance.

SECTION 2: DEFINITIONS - The following words, terms and phrases, used herein, shall have the following meaning:

(a) OWNER. The word owner when applied to the proprietorship of a dog, shall include every person having a right of property in such dog, or has it in his care, and every person who permits such dog to remain on or about any premises occupied by him.

(b) RUNNING AT LARGE. The phrase running at large shall mean being upon any public highway, street, alley, park or any other public land, or upon property of another person, other than the owner, and not being accompanied by and under the restraint or control of the owner, or any other person having custody of said dog.

(c) PERSON. The word person as used in this Ordinance shall mean any natural person, firm, association, company, partnership, or corporation.

(d) TO PERMIT. The term to permit as used in Section 3 shall include failure to restrain from the prohibited activity.

(e) CONTINUOUS or EXCESSIVE. Continuous as used in this Ordinance shall mean uninterrupted, unbroken and persistent or so persistently repeated at short intervals as to constitute virtually an unbroken series. Excessive as used in this Ordinance shall mean substantially greater than what is commonly considered usual or common barking by a dog.

(f) Singular words shall include the plural and masculine words shall include the feminine and neuter.

SECTION 3: VIOLATIONS

a) It shall be unlawful for the owner of any dog to permit such dog, whether licensed or not, to run at large in the Township.

(b) It shall be unlawful for the owner of any dog to permit such dog to remain in the open and to howl, yelp, or bark in a continuous or excessive manner for extended periods of time.

(c) It shall be unlawful for the owner of any dog to repeatedly cause annoyance to the citizens residents or other persons lawfully in the Township by continuous or excessive barking, yelping, howling or other similar offensive noise for extended period of time or by molesting pedestrians and motorists.

(d) It shall be unlawful for the owner of any dog or other domestic animal to permit said dog or other domestic animal to molest or injure any human being by biting, jumping on, knocking down or attacking said human being.

(e) It shall be unlawful for the owner of any dog to permit such dog to damage or injure personal property, real estate, shrubs, hedges, flowers or any growing thing, or to permit such dog to repeatedly deposit excrement on property other than his own.

SECTION 4: ENFORCEMENT

(a) Upon receiving a written complaint that a dog is doing any of the acts prohibited by this Ordinance, the Foster Township Code Enforcement Officer shall make investigation, and if the complaint is found to be true, a summary citation prepared in accordance with the Pennsylvania Rules of Criminal Procedure shall be issued against the owner of the dog. All complainants must join in the filing of the summary citation and appear as a witness at the subsequent hearing.

(b) In conjunction with any proceeding under this Ordinance, or upon complaint or information otherwise received, the Foster Township Code Enforcement Officer shall investigate and take appropriate action to enforce all provisions of the Pennsylvania Dog Law, Act of December 7, 1982, P.L. 784, 3 P.S. 459-1 01, et seq., and amendments thereto in accordance with the provisions of said law.

SECTION 5: PENALTY - Any person who shall violate any of the provisions of this Ordinance shall, upon conviction in a summary proceeding brought in the name of the Township, before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than \$300.00 and not more than \$1,000.00, per violation, and costs of prosecution and restitution and shall be subject to imprisonment in the County Jail for not more than thirty (30) days; each days violation of any of the provisions of this Ordinance shall constitute a separate offense.

SECTION 6: OTHER REMEDIES - In addition to any of the remedies provided above, any continual violations of this Ordinance shall be considered a nuisance and the Township may seek to abate said nuisance by instituting appropriate legal proceedings.

SECTION 7: REPEALER - All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 8: SEVERABILITY - The provisions of this Ordinance shall be severable, and if any provisions hereof shall be held to be unconstitutional, invalid or illegal, by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal provisions not been included herein.

SECTION 9: EFFECTIVE DATE - This Ordinance shall become effective five (5) days after enactment.

DULY ENACTED AND ORDAINED this 11 day of Dec,
2006, by Foster Township, Luzerne County, Pennsylvania in public session duly
assembled.

By: *James Hall*
Chairman

Thomas P. Lohme
Vice Chairman

J. Eckrote Jones
Secretary/Treasurer

ATTEST:

J. Eckrote Jones
Foster Township Secretary

(SEAL)