

ORDINANCE NO. 1975-4

AN ORDINANCE REGULATING THE KEEPING OF DOGS IN THE TOWNSHIP OF NEWPORT BY PROHIBITING THEM FROM RUNNING AT LARGE: BY MAKING IT UNLAWFUL FOR DOGS TO BE ALLOWED TO DISTURB THE PEACE, INJURE HUMANS OR CREATE A NUISANCE: AND BY PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATION

Be it ordained by the Board of Commissioners of the Township of Newport County of Luzerne, Commonwealth of Pennsylvania, as follows:

-1. Running at large prohibited.

It shall be unlawful for any person who owns or keeps any dog to permit such dog to run at large in violation of the provisions of the Dog Law of 1965 (3 P.S. 460-101 et seq.). Any dog running at large in violation of said law shall be subject to seizure, detention and disposal as provided therein.

-2. Disturbance of the peace.

It shall be unlawful to own, harbor or keep in custody any dog which disturbs the peace by barking, howling or making other loud noises to the annoyance and discomfort of any person in the Township of Newport. Continuous barking, howling or the making of other loud noises by such dog for more than any one (1) hour or continuous barking for periods of less than one (1) hour but more than one-half (1/2) hour, which periods occur on two (2) or more consecutive days, shall be deemed to disturb the peace and to cause the annoyance and discomfort of persons in the Township of Newport.

-3. Warnings.

- A. Any person may request the Township Police Department to warn any person who shall own, harbor or keep in custody any dog which disturbs the peace by barking, howling or making other loud noise to the annoyance and discomfort of persons in the Township of Newport.
- B. A warning by the police shall consist of delivery of a copy of this chapter at the residence in the Township of Newport of any such owner, keeper or custodian. In the absence of any such warning made by said police, the complaining person may request the Secretary of the Township of Newport to provide such warning.
- C. Any such request shall be in writing and shall identify and specify the residence of the owner, keeper or custodian of the dog or other animal and shall identify and specify the residence of the person making the request. Upon receipt of such request, the Secretary shall mail a copy of this ordinance to the person identified as the owner, keeper or custodian of the dog or other animal.
- D. A violation of this ordinance shall be deemed to have occurred upon a second or subsequent violation of -2 above after the date of delivery of the warning.

-4. Injury to humans.

It shall be unlawful for the owner of any dog to permit said dog to injure any human being by biting, jumping on, knocking down or attacking said human being.

-5. Nuisances.

No person owning, harboring, keeping or in charge of any dog shall cause, suffer or allow such dog to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk, or on any public property whatsoever; nor on any private property without the permission of the owner of said property. The restriction in this section shall not apply to that portion of street lying between the curblines which shall be used to curb such dog under the following conditions:

- A. The person who so curbs such dog shall immediately remove all feces deposited by such dog by any sanitary method approved by the Board of Health.
- B. The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or in charge of any dog curbed in accordance with the provisions of this ordinance in a sanitary manner approved by the Board of Health.

-6. Number of animals on premises.

It shall be unlawful to keep more than four (4) dogs, six (6) months age or older on any premises, regardless of the number of owners; provided, however, that this section shall not apply to any premises for which a kennel license has been obtained pursuant to the Dog Law of 1965 (3 P.S. 460-208 et seq.).

-7. Violations and penalties.

Any person who shall be convicted of violating or failing to comply with the provisions of this chapter before any District Magistrate shall be punishable by a fine of not more than three hundred dollars (\$300.), together with costs of prosecution, and in default of payment of such fine and costs, a violator shall be subject to imprisonment in the county jail for a term not to exceed thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of a violation may be punished as provided above for each separate offense.

-8. Severability.

The provisions of this ordinance are declared to be severable and if any section, subsection, sentence, clause or part thereof is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

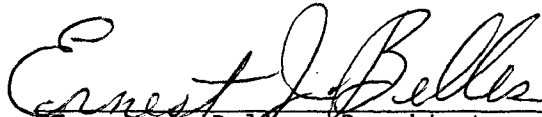
-9. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed to the extent of such conflict or inconsistency, and Ord. No. 91, adopted December 14, 1945, is hereby specifically repealed.


-10. When Effective.

This ordinance shall take effect as provided by law.

ENACTED AND ORDAINED at a regular meeting of the Board of Commissioners of the Township of Newport held the 4th day of June, 1975.


Ernest J. Bellis, President

Attest:


James E. Price, Secretary