

ORDINANCE NO.124

AN ORDINANCE OF BARRETT TOWNSHIP, MONROE 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 BARRETT 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 "Barrett 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 having 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 Barrett 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 allow the dog to repeatedly cause annoyance to the citizens, residents or other persons lawfully in Barrett 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 complaint or information that a dog is doing any of the acts prohibited by this Ordinance, the Barrett Township Police Department shall make investigation, and if the complaint or information 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.

(b) In conjunction with any proceeding under this Ordinance, or upon complaint or information otherwise received, the Barrett Township Police Department shall investigate and take appropriate action to enforce all provisions of the Pennsylvania Dog Law ("Dog Law"), Act of December 7, 1982, P.L. 784, 3 P.S. 459-101, et seq., as amended from time to time.

SECTION 5: SEIZING OF DOGS

Any police officer or dog warden may seize any dog found at large in Barrett Township. Such dogs are to be impounded and/or can be picked up at the impoundment by the State Dog Warden.

SECTION 6: LICENSED DOGS

Owners of licensed dogs are to be notified by registered or certified mail, with return receipt or certified mail, with return receipt, that the dog is impounded and will be disposed of in five days if not claimed. Five days after the return receipt has been received, and the dog has not been claimed, the dog may be sold or destroyed in accordance with the Dog Law.

SECTION 7: 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 Barrett 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 \$100.00 and not more than \$1,000.00 and costs of prosecution and restitution and shall be subject to imprisonment in the County Jail for not more than ninety (90) days, provided that each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

SECTION 8: OTHER REMEDIES

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

SECTION 9: REPEALER

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 10: 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 11: EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment.



Brock Weiss-CHAIRMAN



Rick Scudato

Ronald Christman



NOTICE OF PUBLIC HEARING TO CONSIDER, AND NOTICE OF PROPOSED ENACTMENT OF, AN ORDINANCE OF BARRETT TOWNSHIP, MONROE COUNTY, PENNSYLVANIA, REGARDING THE CONTROL AND POSSESSION OF DOGS

TAKE NOTICE that the Supervisors of Barrett Township will hold a public hearing with respect to a proposed Ordinance regarding the control and possession of dogs, on Wednesday, April 12, 2000 at 7:30 o'clock P.M. at the Barrett Township Municipal Building, R.R.#2, Cresco, Pennsylvania. At the time of the public hearing, the Supervisors will listen to comments by members of the public concerning the proposed Ordinance. If substantial amendments are not offered to the draft, the Supervisors intend to consider enactment of the Ordinance immediately following the public hearing.

The title of the proposed Ordinance is:

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The Ordinance shall become effective five (5) days after enactment. The full text of the proposed Ordinance may be examined at the Barrett Township Municipal Building during regular business hours. Copies of the proposed Ordinance may be obtained at the Barrett Township Municipal Building for a charge not greater than the actual cost of reproduction of the copy.

CRAMER, SWETZ, McMANUS & ROACH, P.C.
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