

ORDINANCE 08-2017

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, DISTROY PROPERTY, OR CREATE A PUBLIC 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 a dog 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 the said law shall be subject to seizure, detention, and disposal as provided therein. No person shall permit any dog to go at large upon any street, public place, or private property other than the property of the owner of the animal. All animals using any street, public place, or private property of anyone other than the owner of the animal shall be on a leash not exceeding 6 feet in length including the handgrip but excluding the collar and accompanied by a person able to fully control the animal at all times.

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. Barking, howling, or the making of other loud noises by such dog intermittently for periods of more than one (1) hour, or continuously for more than 30 minutes, shall be deemed to disturb the peace and to cause the annoyance and discomfort of the 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 noises 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 ordinance / chapter to the residence in the Township of Newport of any such dog 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 the 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. Nuisance:
No person owning, harboring, keeping, or in charge of any dog shall cause, suffer, or allow such dog to soil, defile, defecate, or urinate 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 restrictions in this section shall not apply to the portions of the street lying between the curb lines which can be used to curb such dogs under the following conditions:
 - A. The person who 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.
 - C. It shall be unlawful for any person owning, harboring, keeping, or in charge of any animal to do the following:
 - a. Make any loud or harsh noise as described in paragraph 2 above which shall interfere with or deprive the peace, quiet, rest or sleep of any person within the Township of Newport; and / or
 - b. Defile, befoul, corrupt, or otherwise desecrate any sidewalk or walkway, or property of another.
6. Number of animals on premises:

It shall be unlawful to keep more than four (4) dogs, six(6) months of 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 the 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 continuance 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 at a regular meeting of the Board of Commissioners of the Township of Newport held on September 5, 2017.

Paul Czapracki, President

Peter F. Wanchisen, Secretary