

ORDINANCE NO. 2000-05 DOG ORDINANCE

AN ORDINANCE OF COVINGTON TOWNSHIP, LACKAWANNA COUNTY, PENNSYLVANIA, REGARDING THE CONTROL AND POSSESSION OF DOGS, AND MAKING IT UNLAWFUL TO PERMIT DOGS TO RUN AT LARGE, TO HOWL, YELP OR BARK, OR TO CAUSE ANNOYANCE TO THE CITIZENS, RESIDENTS OR OTHER PERSONS IN COVINGTON 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 "Covington Township Dog Ordinance". The Ordinance is adopted pursuant to the provision of Section 1530 of the Second Class Township Code, 53 P.S. 66530.

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 restraint or control of the owner, or any other person having custody of said dog.
- (c) **PERSON.** The word "person" as used in the 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.

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(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 Covington Township.

(b) It shall be unlawful for the owner of any dog to permit such dog 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 Covington 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 Covington Township Police Department shall make investigation, and if the complaint or

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information is found to be true, a WARNING first will be delivered and shall consist of personal delivery of a copy of this ordinance to such owner, keeper or custodian, or to someone in their household, or by mailing a copy of the ordinance if the violator resides outside of Covington Township, and that any future complaints shall be prosecuted by issuing a summary citation, against the owner of the dog, prepared in accordance with the Pennsylvania Rules of Criminal Procedure.

(b) In conjunction with any proceeding under this Ordinance, or upon complaint or information otherwise received, the Covington Township Police Department 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- 101, et seq., and amendments thereto in accordance with the provisions of said law.

SECTION 5: SEIZING OF DOGS

Any police officer may seize any dog found at large in Covington Township. Such dogs are to be impounded at the Lackawanna County Humane Society

SECTION 6: LICENSED DOGS

Owners of licensed dogs (that are known) are to be notified by registered or certified mail, with return receipt or certified mail, with return receipt, or personally hand delivered a letter, that the dog is impounded at the Lackawanna County Humane Society, and that said dog may be disposed of if not claimed.

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 Covington 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 that \$50.00 and not more than \$500.00 and costs of

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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 Covington Township may seek to abate said nuisance by instituting appropriate legal proceedings.

SECTION 9: 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 10: EFFECTIVE DATE

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

9/5/00

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