

**ORDINANCE NO. 2-2000
TOWNSHIP OF SCHUYLKILL**

AN ORDINANCE OF THE TOWNSHIP OF SCHUYLKILL OF GENERAL NUISANCE AND KEEPING OF BARKING DOGS AND HOWLING CATS AND PROHIBITING THE DEFECATION BY ANIMALS UPON PUBLIC AND PRIVATE PROPERTY AND DESIGNATING SUCH DEFECATION AS BEING A NUISANCE, PROHIBITING NOISE DISTURBANCE OF ANIMALS AND DESIGNATING SUCH NOISE DISTURBANCE AS A NUISANCE, IMPOSING A DUTY UPON OWNERS OF ANIMALS TO DISPOSE OF ANIMAL FECES, EXEMPTING DOGS ACCOMPANYING BLIND OR HANDICAPPED PERSONS, AND FIXING A FINE FOR VIOLATION HEREOF

BE IT ENACTED AND ORDAINED by the Township Supervisors of Schuylkill, Schuylkill County, Pennsylvania as follows:

A. Harboring: It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensitibilities. Such dogs and cats are hereby declared to be a public nuisance.

B. Petitions Complaining of Barking Dogs and/or Crying Cats:

1. Whenever any person shall complain to the police department that a dog which habitually barks, howls or yelps or any cat which habitually cries or howls is being kept by any person in the Township, the police department shall notify the owner of said dog or cat that a complaint has been received and that the person should take whatever steps necessary to alleviate the howling, yelping or crying.

2. If the warning given to the person alleged to be keeping a dog or cat as set forth in (1) above is ineffective, then a verified complaint of at least two (2) citizens not from the same family be presented to the police department, alleging that a vicious dog or a dog which habitually barks, howls or yelps, or a cat which habitually cries or howls is being kept by any person within the Township. The police department shall inform the owner of such dog or cat that said petition has been received and shall cite the owner of the dog or cat for the violation alleged in said petition.

C. Dogs Running at Large: It shall be unlawful for any person owning or possessing any dog to permit the same to run at large. For the purposes of the paragraph, "running at large" shall be defined to be the presence of a dog at any place except upon the premises of the owner, or upon the premises of another with the consent of the owner of such premises. A dog shall not be considered to be running at large if it is on a leash.

D. Vicious Animals

I. Keeping of Vicious Animals

a. It shall be unlawful for any person to keep or permit to be kept on his premises any vicious animal as a pet or for display or for exhibition purposes, whether gratuitously or for a fee.

b. It shall be unlawful for any person to harbor or keep a vicious animal within the Township. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer; provided however, that this section shall not apply to animals under the control of a law enforcement or military agency, nor to animals which are kept for the protection of property, provided that such animals are restricted by a leash or chain, cage, fence or other adequate means, from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

c. "Vicious animal" shall mean any animal which has previously attacked or bitten any person or which has behaved in such a manner that a person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons.

E. Defecation by Animals: No person, having possession, custody or control of any animals, shall knowingly or negligently permit any dog or other animal to commit any nuisance upon any gutter, street, driveway, curb or sidewalk in the Township, or upon the floors or stairways or any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, curbs or stairways of any building abutting on a public street or park, or upon the grounds of any public park or public area, or upon any private property other than the property of the owner of such animal. Any person having possession, custody or control of any dog or other animal which commits a nuisance in any area other than the private property of the owner of such dog or other animal, shall be required to immediately remove the said feces from such surface and carry the feces in a non-leaking container.

F. Exclusions: Provisions of this ordinance relating dogs which habitually bark, howl or yelp shall not apply to a "seeing eye dog" which is used to assist a person who is identified as "legally blind".

G. Penalty: Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not less than thirty-five dollars (\$35.00) nor more than one thousand dollars (\$1,000.00), and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

II. Repealer: All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed:

I. Severability: If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Township of Schuylkill that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

J. Effective date: This ordinance shall become effective upon its final adoption by the Township Supervisors of Schuylkill.

ENACTED AND ORDAINED this 5th day of July, 2000

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF SCHUYLKILL

Frank Thompson
FRANK THOMPSON, *Chairman*

Maureen Vanek
MAUREEN VANEK, *Vice-Chairman*

Joseph Boran
JOSEPH BORAN, *Supervisor*

ATTEST:

Mary E. Bibbel
MARY BIBBEL, *Secretary*

CERTIFICATE

I, the undersigned, Secretary of the Township of Schuylkill, Schuylkill County, Pennsylvania, (the "Township"), certify that the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which was duly enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township at a meeting duly held on 7/5/00; that said Ordinance has been duly recorded in the Ordinance Book of the Township; that said Ordinance was duly published as required by law; and that said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 5th day of July, 2000.

Mary E. Bubel
MARY BUBEL, Secretary/Treasurer