

Dogs

ORDINANCE NO. 3-1987

AN ORDINANCE REGULATING THE KEEPING OF DOGS IN THE BOROUGH OF AVOCA 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 AND ENACTED by the Borough Council of Avoca, County of Luzerne and 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 Borough of Avoca. 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 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 Borough of Avoca.

3. WARNINGS

A. Any person may request the Borough Police Department to warn any person who shall 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 Borough of Avoca.

B. A warning by the police shall consist of delivery of a copy of this chapter at the residence in the Borough of Avoca of any such owner, keeper or custodian. In the absence of any such warning made by said police, the complaining person may request the Chief of Police of the Borough of Avoca 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 of the Borough of Avoca shall mail a copy of this ordinance to the person identified as the owner, keeper or custodian of the dog or their animal.

D. Prior to the delivery of the warning notice contained herein, the police shall determine if the animal suspected of disturbing the peace is doing so because indirect contact with another animal. If that is the case, police will use their best efforts to capture and properly dispose of their stray or roaming animal. However, if the police are unsuccessful in this effort, they shall not be precluded from proceeding under this Ordinance in the prosecution of confined animals found to be disturbing the peace.

E. A violation of this ordinance shall be deemed to have occurred upon a second or subsequent violation of Section 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 any 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, not 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 dogs 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 curb 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, nine (9) 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 the chapter before any District Magistrate shall be punishable by a fine of not more than three hundred (\$300.00) Dollars, together with costs of prosecution, and in default of payment of such fine and costs, any 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 inconsistency.

ORDAINED AND ENACTED at a Regular Meeting of the Borough Council held the *3rd* day of *April*, 1987.

BOROUGH OF AVOCA

BY _____
President of Council

ATTEST:

Borough Secretary

APPROVED this _____ day of _____, 1987.

Mayor

LAW OFFICES OF JOSEPH J. CARMODY, WEST PITTSBURGH, PENNSA.

Amendment
to Dog Ordinance

AVOCA BOROUGH
LUZERNE COUNTY, PENNSYLVANIA

ORDINANCE NO. 6 OF 2014

AN ORDINANCE OF THE BOROUGH OF AVOCA, LUZERNE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 3 OF 1987, AN ORDINANCE REGULATING THE KEEPING OF DOGS IN THE BOROUGH OF AVOCA 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.

Enacted On:

Effective On:

Copies of this Ordinance are on file in the Office of the Secretary of the Borough of Avoca, being marked and designated as the "ORDINANCE TO AMEND ORDINANCE NO. 3 OF 1987.

NOW, THEREFORE, be it ENACTED AND ORDAINED and it is hereby ENACTED AND ORDAINED by the Council of the Borough of Avoca that Ordinance No. 3 of 1987, is amended as follows:

I. Paragraph 4. INJURY TO HUMANS shall be amended to read as follows:

Paragraph 4. INJURY TO HUMAN BEINGS OR ANY OTHER DOMESTIC ANIMAL, i.e. DOG, CAT

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

II. Paragraph 6. NUMBER OF ANIMALS ON PREMISES shall be amended to read as follows:

It shall be unlawful to keep more than three (3) dogs, nine (9) 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.).

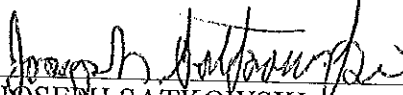
III. Paragraph 7. VIOLATIONS AND PENALTIES shall be amended to read as follows:

Any person who shall be convicted of violating or failing to comply with the provisions of the chapter before any District magistrate shall be punishable by a fine of not more than One Thousand (\$1,000.00) Dollars, together with costs or prosecution, and in default of payment of such fine and costs, any 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.

IV. All Ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of the inconsistency.

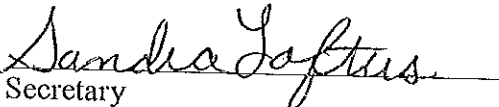
V. If any clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other clause, provision or portion of this Ordinance.

ENACTED AND ORDAINED by the Borough Council of Avoca Borough this 10th
day of July, 2014.



JOSEPH SATKOWSKI
President of Council

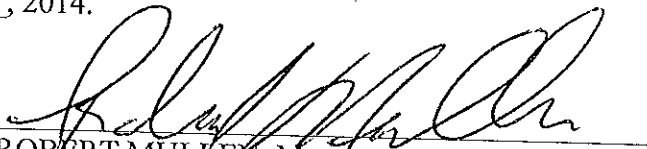
ATTEST:



Secretary

(SEAL)

THE FOREGOING ORDINANCE is hereby approved by the Mayor of the Borough of
Avoca, this 10th day of July, 2014.



ROBERT MULLEN, Mayor