

## **BOROUGH OF TUNKHANNOCK ORDINANCE NO. 1995-6**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TIJNKHANNOCK BOROUGH SECTION 8-2002 BY ADDING A NEW ORDINANCE NO. 1995-6, TO BE ENTITLED DOG ORDINANCE, WHICH ORDINANCE PROVIDES FOR DEFINITONS, THE OWNER'S RESPONSIBILITY OF REMOVAL OF EXCREMENT, RESTRAINING OF DOGS, BARKING DOGS, AND PENALTIES FOR THE VIOLATION THEREOF.

It is hereby ordained and enacted by the Council of the Borough of Tunkhannock in regular session assembled this 6th day of July, 1995, as follows:

### **SECTION 1:** Definitions:

"Borough" shall mean the Borough of Tunkhannock, Wyoming County, Pennsylvania.

"Dog" is any member of the animal species, Canis Familiaris, whether male or female, neutered or spayed, 6 months or more in age.

"Owner" is any person having the right of property in any dog; who keeps a dog, who owns a dog in his care or custody; or who willingly permits a dog in or about a premises occupied by him.

"Person" is any individual, male or female, firm, corporation, partnership, association, trust, estate, or other legal entity.

"Police" means any full time- or part time member of the Police Department of the Borough of Tunkhannock, or any officer of the Pennsylvania State Police or any Pennsylvania Dog Enforcement Officer.

### **SECTION 2:** Removal of Excrement

No person shall appear with an animal upon the public way, within public places or upon property of another, absent that person's consent, without some means for the removal of excrement; nor, shall any person fail to remove any excrement deposited by such animal. This section shall not apply to a blind person while walking his or her guide dog.

### **SECTION 3:** Restraining

No person shall permit a dog to be unattended within the Borough and shall require said dog to be restrained by a leash or other appropriate device of control so that it cannot stray beyond the premises on which it is secured, or under reasonable control of some person.

### **SECTION 4:** Barking Dogs

(A) It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls, or yelps 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 sensibilities. Such dogs are hereby" declared to be a public nuisance.

(B) Petitions complaining of barking dogs.

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

(2) If the warning given to the person alleged to be keeping a dog as set fourth in (1) above is ineffective, then a verified complaint of at least two citizens not from the same family may be presented to the police department, alleging that a dog which habitually barks, howls or yelps is being kept by any person in the Borough. The police department

shall inform the owner of such dog that said petition has been received and shall cite the owner of the dog for the violation of this section.

**SECTION 5:** Validity

If any section, provision, sentence, clause or part of this ordinance shall for any reason be held" unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining sections, provisions, or clauses or parts of this ordinance.

**SECTION 6:** Penalty

Any person or persons convicted of violating this ordinance shall be subject to a fine of not more than three hundred dollars (\$300.00) and costs.